

1 A bill to be entitled
2 An act relating to implementing the 2010-2011 General
3 Appropriations Act; providing legislative intent;
4 incorporating by reference certain calculations of the
5 Florida Education Finance Program for the 2010-2011 fiscal
6 year; amending s. 216.292, F.S.; authorizing the transfer
7 of funds, upon certain approval, for fixed capital outlay
8 from the Survey Recommended Needs-Public Schools
9 appropriation category to the Maintenance, Repair,
10 Renovation and Remodeling appropriation category;
11 authorizing the Department of Corrections and the
12 Department of Juvenile Justice to make certain
13 expenditures to defray costs incurred by a municipality or
14 county as a result of opening or operating a facility
15 under authority of the respective department; amending s.
16 216.262, F.S.; providing for additional positions to
17 operate additional prison bed capacity under certain
18 circumstances; authorizing the Department of Legal Affairs
19 to transfer certain funds to pay salaries and benefits;
20 amending s. 932.7055, F.S.; delaying the expiration of
21 provisions authorizing a municipality to expend funds from
22 its special law enforcement trust fund to reimburse the
23 municipality's general fund; amending s. 394.908, F.S.;
24 providing allocation requirements for specified funds
25 appropriated for forensic mental health services;
26 requiring that funds appropriated through the Community-
27 Based Medicaid Administrative Claiming Program be
28 allocated proportionately to contributed provider

HB 5003

2010

29 earnings; amending s. 215.5602, F.S.; suspending for the
30 2010-2011 fiscal year the reservation of a portion of
31 certain funds in the Health Care Trust Fund for certain
32 research purposes; extending the expiration date of the
33 James and Esther King Biomedical Research Program;
34 amending s. 381.992, F.S.; deleting an obsolete
35 authorization of funding for the William G. "Bill"
36 Bankhead, Jr., and David Coley Cancer Research Program;
37 extending the expiration date of the program; prohibiting
38 any state agency from adopting or implementing a rule or
39 policy mandating or establishing new nitrogen-reduction
40 limits under certain circumstances; requiring the Florida
41 Catastrophic Storm Risk Management Center at Florida State
42 University to conduct an analysis; amending s. 218.12,
43 F.S.; requiring that the value of assessments reduced
44 pursuant to s. 4(d)(8)a. of Art. VII of the State
45 Constitution include only the reduction in taxable value
46 for homesteads established in the preceding year;
47 reenacting s. 255.518(1)(b), F.S., relating to payment of
48 obligations during the construction of any facility
49 financed by such obligations; amending s. 255.503, F.S.;
50 delaying the expiration of provisions relating to the
51 Florida Facilities Pool; amending s. 253.034, F.S.;
52 authorizing the deposit of funds derived from the sale of
53 property by the Department of Citrus into the Citrus
54 Advertising Trust Fund; amending s. 375.041, F.S.;
55 authorizing transfer of moneys in the Land Acquisition
56 Trust Fund to the Water Quality Assurance Trust Fund for

57 | the Total Maximum Daily Loads Program, the Drinking Water
58 | Facility Construction-State Revolving Loan Fund, and the
59 | Wastewater Facility Treatment Construction-State Revolving
60 | Loan Fund as provided in the General Appropriations Act;
61 | amending s. 373.59, F.S.; providing for the allocation of
62 | moneys from the Water Management Lands Trust Fund for
63 | certain purposes; amending s. 376.3071, F.S.; delaying the
64 | repeal of provisions relating to funding from the Inland
65 | Protection Trust Fund for site restoration; amending s.
66 | 570.20, F.S.; delaying the expiration of provisions
67 | authorizing moneys in the General Inspection Trust Fund to
68 | be appropriated for certain programs operated by the
69 | Department of Agriculture and Consumer Services; amending
70 | s. 403.7095, F.S.; requiring that the Department of
71 | Environmental Protection award a specified amount in
72 | grants equally to certain counties for waste tire and
73 | litter prevention, recycling education, and general solid
74 | waste programs; authorizing the Department of Agriculture
75 | and Consumer Services to extend, revise, and renew current
76 | contracts or agreements created or entered into for the
77 | purpose of promotion of agriculture; amending s. 339.135,
78 | F.S.; providing for use of transportation revenues;
79 | requiring that the Department of Transportation transfer
80 | funds to the Office of Tourism, Trade, and Economic
81 | Development for the purpose of funding transportation-
82 | related needs of economic development projects; providing
83 | that funds appropriated from the Economic Development
84 | Transportation Trust Fund may be used to attract new space

HB 5003

2010

85 business to the state and for other specified needs for
86 the development of aviation and aerospace operations;
87 amending s. 216.292, F.S.; permitting the Legislative
88 Budget Commission to review and approve recommendations by
89 the Governor for fixed capital outlay projects funded by
90 grants awarded from the American Recovery and Reinvestment
91 Act of 2009 or by any other federal economic stimulus
92 grant funding received; authorizing the Executive Office
93 of the Governor to transfer funds appropriated for the
94 American Recovery and Reinvestment Act of 2009 in
95 traditional appropriation categories in the General
96 Appropriations Act to appropriation categories established
97 for the specific purpose of tracking funds appropriated
98 for the act; reenacting s. 288.1254(4)(c) and (d), F.S.,
99 relating to the entertainment industry financial incentive
100 program, to continue the amount of incentive funding to be
101 appropriated in any fiscal year for the independent
102 Florida filmmaker queue and the digital media projects
103 queue; amending s. 339.08, F.S.; delaying the expiration
104 of provisions relating to the use of moneys in the State
105 Transportation Trust Fund for certain administrative
106 expenses; authorizing the transfer of funds from the State
107 Transportation Trust Fund to the General Revenue Fund
108 under certain circumstances; amending s. 445.009, F.S.;
109 providing that a participant in an adult or youth work
110 experience activity under ch. 445, F.S., is an employee of
111 the state for purposes of workers' compensation coverage;
112 authorizing the Executive Office of the Governor to

113 transfer funds between departments for purposes of
114 aligning amounts paid for risk management premiums and for
115 purposes of aligning amounts paid for human resource
116 management services; authorizing the Executive Office of
117 the Governor to transfer funds between departments for
118 purposes of aligning the budget authority granted to each
119 agency with the reductions in employee compensation;
120 authorizing the heads of agencies to terminate staff and
121 make personnel and salary adjustments and reductions to
122 maximize efficiency of agency operations; amending s.
123 110.123, F.S.; providing for the state's monthly
124 contribution for employees under the state group insurance
125 program; amending s. 112.24, F.S.; providing conditions on
126 the assignment of an employee of a state agency without
127 reimbursement from the receiving agency; reenacting s.
128 215.32(2)(b), F.S., relating to the source and use of
129 certain trust funds in order to implement the transfer of
130 moneys in the General Revenue Fund from trust funds in the
131 2010-2011 General Appropriations Act; providing for the
132 authorization and issuance of new debt; limiting the use
133 of travel funds to activities that are critical to an
134 agency's mission; providing exceptions; providing for
135 future expiration of various provisions; providing for
136 reversion of statutory text of certain provisions;
137 providing for the effect of a veto of one or more specific
138 appropriations or proviso to which implementing language
139 refers; providing for the continued operation of certain
140 provisions notwithstanding a future repeal or expiration

HB 5003

2010

141 provided by the act; providing for severability; providing
 142 effective dates.

143

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

145

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

149 Section 2. In order to implement Specific Appropriations
 150 6, 7, 8, 78, and 79 of the 2010-2011 General Appropriations Act,
 151 the calculations of the Florida Education Finance Program for
 152 the 2010-2011 fiscal year in the document entitled "Public
 153 School Funding-The Florida Education Finance Program," dated
 154 April X, 2010, and filed with the Clerk of the House of
 155 Representatives, are incorporated by reference for the purpose
 156 of displaying the calculations used by the Legislature,
 157 consistent with the requirements of the Florida Statutes, in
 158 making appropriations for the Florida Education Finance Program.

159 Section 3. In order to implement Specific Appropriations
 160 17 and 18 of the 2010-2011 General Appropriations Act, paragraph
 161 (c) is added to subsection (3) of section 216.292, Florida
 162 Statutes, to read:

163 216.292 Appropriations nontransferable; exceptions.—

164 (3) The following transfers are authorized with the
 165 approval of the Executive Office of the Governor for the
 166 executive branch or the Chief Justice for the judicial branch,
 167 subject to the notice and objection provisions of s. 216.177:

168 (c) The transfer of appropriations for fixed capital

HB 5003

2010

169 outlay from the Survey Recommended Needs-Public Schools
170 appropriation category to the Maintenance, Repair, Renovation
171 and Remodeling appropriation category. The allocation of
172 transferred funds shall be in accordance with s. 1013.64(1).
173 This paragraph expires July 1, 2011.

174 Section 4. In order to fulfill legislative intent
175 regarding the use of funds contained in Specific Appropriations
176 639, 651, 663, and 1188 of the 2010-2011 General Appropriations
177 Act, the Department of Corrections and the Department of
178 Juvenile Justice may expend appropriated funds to assist in
179 defraying the costs of impacts that are incurred by a
180 municipality or county and that are associated with opening or
181 operating a facility under the authority of the department. The
182 amount paid for any facility may not exceed 1 percent of the
183 cost to construct the facility, less building impact fees
184 imposed by the municipality or county. This section expires July
185 1, 2011.

186 Section 5. In order to implement Specific Appropriations
187 629 through 727 and 747 through 781 of the 2010-2011 General
188 Appropriations Act, subsection (4) of section 216.262, Florida
189 Statutes, is amended to read:

190 216.262 Authorized positions.—

191 (4) Notwithstanding the provisions of this chapter on
192 increasing the number of authorized positions, and for the 2010-
193 2011 ~~2009-2010~~ fiscal year only, if the actual inmate population
194 of the Department of Corrections exceeds the inmate population
195 projections of the February 19, 2010 ~~April 30, 2009~~, Criminal
196 Justice Estimating Conference by 1 percent for 2 consecutive

HB 5003

2010

197 months or 2 percent for any month, the Executive Office of the
 198 Governor, with the approval of the Legislative Budget
 199 Commission, shall immediately notify the Criminal Justice
 200 Estimating Conference, which shall convene as soon as possible
 201 to revise the estimates. The Department of Corrections may then
 202 submit a budget amendment requesting the establishment of
 203 positions in excess of the number authorized by the Legislature
 204 and additional appropriations from unallocated general revenue
 205 sufficient to provide for essential staff, fixed capital
 206 improvements, and other resources to provide classification,
 207 security, food services, health services, and other variable
 208 expenses within the institutions to accommodate the estimated
 209 increase in the inmate population. All actions taken pursuant to
 210 the authority granted in this subsection shall be subject to
 211 review and approval by the Legislative Budget Commission. This
 212 subsection expires July 1, 2011 ~~2010~~.

213 Section 6. In order to implement Specific Appropriations
 214 1306, 1322, 1329, 1349, and 1359 of the 2010-2011 General
 215 Appropriations Act, the Department of Legal Affairs is
 216 authorized to transfer cash remaining after required
 217 disbursements for Attorney General case numbers 16-2008-CA-01-
 218 3142CV-C and CACE08022328 from FLAIR account 41-71-2-601001-
 219 41100100-00-181076-00 to the Operating Trust Fund to pay
 220 salaries and benefits. This section expires July 1, 2011.

221 Section 7. In order to implement Specific Appropriations
 222 1245 and 1251 of the 2010-2011 General Appropriations Act,
 223 paragraph (d) of subsection (4) of section 932.7055, Florida
 224 Statutes, is amended to read:

HB 5003

2010

225 | 932.7055 Disposition of liens and forfeited property.—

226 | (4) The proceeds from the sale of forfeited property shall
 227 | be disbursed in the following priority:

228 | (d) Notwithstanding any other provision of this
 229 | subsection, and for the 2010-2011 ~~2009-2010~~ fiscal year only,
 230 | the funds in a special law enforcement trust fund established by
 231 | the governing body of a municipality may be expended to
 232 | reimburse the general fund of the municipality for moneys
 233 | advanced from the general fund to the special law enforcement
 234 | trust fund prior to October 1, 2001. This paragraph expires July
 235 | 1, 2011 ~~2010~~.

236 | Section 8. In order to implement Specific Appropriations
 237 | 324 through 355 of the 2010-2011 General Appropriations Act,
 238 | paragraphs (b) and (c) of subsection (3) of section 394.908,
 239 | Florida Statutes, are amended to read:

240 | 394.908 Substance abuse and mental health funding equity;
 241 | distribution of appropriations.—In recognition of the historical
 242 | inequity in the funding of substance abuse and mental health
 243 | services for the department's districts and regions and to
 244 | rectify this inequity and provide for equitable funding in the
 245 | future throughout the state, the following funding process shall
 246 | be used:

247 | (3)

248 | (b) Notwithstanding paragraph (a) and for the 2010-2011
 249 | ~~2009-2010~~ fiscal year only, funds appropriated for forensic
 250 | mental health treatment services shall be allocated to the areas
 251 | of the state having the greatest demand for services and
 252 | treatment capacity. This paragraph expires July 1, 2011 ~~2010~~.

253 (c) Notwithstanding paragraph (a) and for the 2010-2011
 254 ~~2009-2010~~ fiscal year only, additional funds appropriated for
 255 substance abuse and mental health services from funds available
 256 through the Community-Based Medicaid Administrative Claiming
 257 Program shall be allocated as provided in the 2010-2011 ~~2009-~~
 258 ~~2010~~ General Appropriations Act and in proportion to contributed
 259 provider earnings. This paragraph expires July 1, 2011 ~~2010~~.

260 Section 9. In order to implement Specific Appropriation
 261 518 of the 2010-2011 General Appropriations Act, subsections
 262 (12) through (15) of section 215.5602, Florida Statutes, are
 263 amended to read:

264 215.5602 James and Esther King Biomedical Research
 265 Program.—

266 (12) (a) From funds appropriated to accomplish the goals of
 267 this section, up to \$250,000 shall be available for the
 268 operating costs of the Florida Center for Universal Research to
 269 Eradicate Disease.

270 ~~(b)-(a)~~ Beginning in the 2009-2010 fiscal year and
 271 thereafter, 5 percent of the revenue deposited into the Health
 272 Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7) shall
 273 be reserved for research of tobacco-related or cancer-related
 274 illnesses; however, the sum of the revenue reserved pursuant to
 275 ss. 210.011(9) and 210.276(7) may not exceed \$50 million in any
 276 fiscal year. This paragraph is suspended for the 2010-2011
 277 fiscal year.

278 ~~(b) In the 2009-2010 fiscal year, 2.5 percent, not to~~
 279 ~~exceed \$25 million, of the revenue deposited into the Health~~
 280 ~~Care Trust Fund pursuant to this subsection shall be transferred~~

HB 5003

2010

281 ~~to the Biomedical Research Trust Fund within the Department of~~
 282 ~~Health for the James and Esther King Biomedical Research~~
 283 ~~Program.~~

284 ~~(13) By June 1, 2009, the Division of Statutory Revision~~
 285 ~~of the Office of Legislative Services shall certify to the~~
 286 ~~President of the Senate and the Speaker of the House of~~
 287 ~~Representatives the language and statutory citation of this~~
 288 ~~section, which is scheduled to expire January 1, 2011.~~

289 ~~(14) The Legislature shall review the performance, the~~
 290 ~~outcomes, and the financial management of the James and Esther~~
 291 ~~King Biomedical Research Program during the 2010 Regular Session~~
 292 ~~of the Legislature and shall determine the most appropriate~~
 293 ~~funding source and means of funding the program based on its~~
 294 ~~review.~~

295 ~~(13)~~(15) This section expires July ~~January~~ 1, 2011, unless
 296 reviewed and reenacted by the Legislature before that date.

297 Section 10. In order to implement Specific Appropriations
 298 508 through 526 of the 2010-2011 General Appropriations Act,
 299 subsections (5) through (8) of section 381.922, Florida
 300 Statutes, are amended to read:

301 381.922 William G. "Bill" Bankhead, Jr., and David Coley
 302 Cancer Research Program.—

303 (5) Funds appropriated for the William G. "Bill" Bankhead,
 304 Jr., and David Coley Cancer Research Program shall be
 305 distributed pursuant to this section to provide grants to
 306 researchers seeking cures for cancer and cancer-related
 307 illnesses, with emphasis given to the goals enumerated in s.
 308 381.921. From the total funds appropriated, an amount of up to

HB 5003

2010

309 | 10 percent may be used for administrative expenses. ~~In the 2009-~~
 310 | ~~2010 fiscal year, 2.5 percent, not to exceed \$25 million, of the~~
 311 | ~~revenue deposited into the Health Care Trust Fund pursuant to s.~~
 312 | ~~215.5602(12) (a) shall be transferred to the Biomedical Research~~
 313 | ~~Trust Fund within the Department of Health for the William G.~~
 314 | ~~"Bill" Bankhead, Jr., and David Coley Cancer Research Program.~~

315 | ~~(6) By June 1, 2009, the Division of Statutory Revision of~~
 316 | ~~the Office of Legislative Services shall certify to the~~
 317 | ~~President of the Senate and the Speaker of the House of~~
 318 | ~~Representatives the language and statutory citation of this~~
 319 | ~~section, which is scheduled to expire January 1, 2011.~~

320 | ~~(7) The Legislature shall review the performance, the~~
 321 | ~~outcomes, and the financial management of the William G. "Bill"~~
 322 | ~~Bankhead, Jr., and David Coley Cancer Research Program during~~
 323 | ~~the 2010 Regular Session of the Legislature and shall determine~~
 324 | ~~the most appropriate funding source and means of funding the~~
 325 | ~~program based on its review.~~

326 | ~~(6)-(8)~~ This section expires July ~~January~~ 1, 2011, unless
 327 | reviewed and reenacted by the Legislature before that date.

328 | Section 11. (1) In order to implement proviso following
 329 | Specific Appropriation 486 of the 2010-2011 General
 330 | Appropriations Act, and for the 2010-2011 fiscal year only,
 331 | notwithstanding any law to the contrary, a state agency may not
 332 | adopt or implement a rule or policy that:

333 | (a) Mandates or establishes new nitrogen-reduction limits
 334 | that apply to existing or new onsite sewage treatment systems;

335 | (b) Has the effect of requiring the use of performance-
 336 | based treatment systems; or

HB 5003

2010

337 (c) Increases the cost of treatment for nitrogen reduction
338 from onsite systems,
339
340 before the study and report required in proviso following
341 Specific Appropriation 486 is completed.

342 (2) This section expires July 1, 2011.
343 Section 12. In order to implement section 77 of the 2010-
344 2011 General Appropriations Act, the Florida Catastrophic Storm
345 Risk Management Center at Florida State University shall conduct
346 the analysis as originally required in section 164 of chapter
347 2004-390, Laws of Florida. Notwithstanding section 164 of
348 chapter 2004-390, Laws of Florida, the Florida Catastrophic
349 Storm Risk Management Center at Florida State University is
350 directed to use the most recent and available premium data for
351 personal lines property and casualty insurance in completing the
352 analysis.

353 Section 13. In order to implement Specific Appropriation
354 30550, subsection (3) of section 218.12, Florida Statutes, is
355 amended to read:

356 218.12 Appropriations to offset reductions in ad valorem
357 tax revenue in fiscally constrained counties.—

358 (3) In determining the reductions in ad valorem tax
359 revenues occurring as a result of the implementation of the
360 revisions to Art. VII of the State Constitution approved in the
361 special election held on January 29, 2008, the value of
362 assessments reduced pursuant to s. 4(d)(8)a., Art. VII of the
363 State Constitution shall include only the reduction in taxable
364 value for homesteads established January 1, 2010 ~~2009~~.

365 Section 14. The amendment to s. 218.12(3), Florida
 366 Statutes, by this act shall expire July 1, 2011, and the text of
 367 that subsection shall revert to that in existence on June 30,
 368 2009, except that any amendments to such text enacted other than
 369 by this act shall be preserved and continue to operate to the
 370 extent that such amendments are not dependent upon the portions
 371 of such text which expire pursuant to this section.

372 Section 15. In order to implement Specific Appropriation
 373 2838 of the 2010-2011 General Appropriations Act, paragraph (b)
 374 of subsection (1) of section 255.518, Florida Statutes, is
 375 reenacted to read:

376 255.518 Obligations; purpose, terms, approval,
 377 limitations.-

378 (1)

379 (b) Payment of debt service charges on obligations during
 380 the construction of any facility financed by such obligations
 381 shall be made from funds other than proceeds of obligations.

382 Section 16. The amendment to s. 255.518(1)(b), Florida
 383 Statutes, as carried forward by this act from chapters 2008-153
 384 and 2009-82, Laws of Florida, shall expire July 1, 2011, and the
 385 text of that paragraph shall revert to that in existence on June
 386 30, 2008, except that any amendments to such text enacted other
 387 than by this act shall be preserved and continue to operate to
 388 the extent that such amendments are not dependent upon the
 389 portions of such text which expire pursuant to this section.

390 Section 17. In order to implement Specific Appropriations
 391 2821 through 2835 of the 2010-2011 General Appropriations Act,
 392 paragraph (b) of subsection (7) of section 255.503, Florida

HB 5003

2010

393 Statutes, is amended to read:

394 255.503 Powers of the Department of Management Services.—

395 The Department of Management Services shall have all the
 396 authority necessary to carry out and effectuate the purposes and
 397 provisions of this act, including, but not limited to, the
 398 authority to:

399 (7)

400 (b) No later than the date upon which the department
 401 recommends to the Division of State Lands of the Department of
 402 Environmental Protection the disposition of any facility within
 403 the Florida Facilities Pool, the department shall provide to the
 404 President of the Senate, the Speaker of the House of
 405 Representatives, the Executive Office of the Governor, and the
 406 Division of Bond Finance of the State Board of Administration an
 407 analysis that includes:

408 1. The cost benefit of the proposed facility disposition,
 409 including the facility's current operating expenses, condition,
 410 and market value, and viable alternatives for work space for
 411 impacted state employees.

412 2. The effect of the proposed facility disposition on the
 413 financial status of the Florida Facilities Pool, including the
 414 effect on rental rates and coverage requirement for the bonds.

415
 416 This paragraph expires July 1, 2011 ~~2010~~.

417 Section 18. In order to implement Specific Appropriations
 418 2379 through 2401 of the 2010-2011 General Appropriations Act,
 419 subsection (14) of section 253.034, Florida Statutes, is amended
 420 to read:

HB 5003

2010

421 253.034 State-owned lands; uses.—

422 (14) Notwithstanding the provisions of this section, funds
 423 derived from the sale of ~~property by~~ the Department of Citrus'
 424 property ~~Citrus~~ located in Lakeland, Florida, are authorized to
 425 be deposited into the Citrus Advertising Trust Fund. This
 426 subsection expires July 1, 2011 ~~2010~~.

427 Section 19. In order to implement Specific Appropriations
 428 1763, 1775A, 1789, and 1790, paragraph (b) of subsection (3) of
 429 section 375.041, Florida Statutes, is amended to read:

430 375.041 Land Acquisition Trust Fund.—

431 (3)

432 (b) In addition to the uses allowed in paragraph (a), for
 433 the 2010-2011 ~~2008-2009~~ fiscal year, moneys in the Land
 434 Acquisition Trust Fund are authorized for transfer to the Water
 435 Quality Assurance Trust Fund for the Total Maximum Daily Loads
 436 Program, the Drinking Water Facility Construction-State
 437 Revolving Loan Fund, the Wastewater Facility Treatment
 438 Construction-State Revolving Loan Fund, and the Florida Onsite
 439 Sewage Reduction Strategies Study ~~Ecosystem Management and~~
 440 ~~Restoration Trust Fund for grants and aids to local governments~~
 441 ~~for water projects~~ as provided in the General Appropriations
 442 Act. This paragraph expires July 1, 2011 ~~2009~~.

443 Section 20. In order to implement Specific Appropriation
 444 1692 of the 2010-2011 General Appropriations Act, subsection
 445 (12) of section 373.59, Florida Statutes, is amended to read:

446 373.59 Water Management Lands Trust Fund.—

447 (12) Notwithstanding the provisions of subsection (8) and
 448 for the 2010-2011 ~~2009-2010~~ fiscal year only, the moneys from

449 the Water Management Lands Trust Fund shall be allocated as
 450 follows:

451 (a) An amount necessary to pay debt service on bonds
 452 issued before February 1, 2009, by the South Florida Water
 453 Management District and the St. Johns River Water Management
 454 District, which are secured by revenues provided pursuant to
 455 this section, or to fund debt service reserve funds, rebate
 456 obligations, or other amounts payable with respect to such
 457 bonds;

458 (b) Eight million dollars to be transferred to the General
 459 Revenue Fund; and

460 (c) The remaining funds to be distributed equally between
 461 the Suwannee River Water Management District and the Northwest
 462 Florida Water Management District.

463
 464 This subsection expires July 1, 2011 ~~2010~~.

465 Section 21. In order to implement Specific Appropriation
 466 1804 of the 2010-2011 General Appropriations Act, paragraph (c)
 467 of subsection (5) of section 376.3071, Florida Statutes, is
 468 amended to read:

469 376.3071 Inland Protection Trust Fund; creation; purposes;
 470 funding.—

471 (5) SITE SELECTION AND CLEANUP CRITERIA.—

472 (c) The department shall require source removal, if
 473 warranted and cost-effective, at each site eligible for
 474 restoration funding from the Inland Protection Trust Fund.

475 1. Funding for free product recovery may be provided in
 476 advance of the order established by the priority ranking system

HB 5003

2010

477 | under paragraph (a) for site cleanup activities. However, a
478 | separate prioritization for free product recovery shall be
479 | established consistent with paragraph (a). No more than \$5
480 | million shall be encumbered from the Inland Protection Trust
481 | Fund in any fiscal year for free product recovery conducted in
482 | advance of the priority order under paragraph (a) established
483 | for site cleanup activities.

484 | 2. Funding for limited interim soil-source removals for
485 | sites that will become inaccessible for future remediation due
486 | to road infrastructure and right-of-way restrictions resulting
487 | from a pending Department of Transportation road construction
488 | project or for secondary containment upgrading of underground
489 | storage tanks required under chapter 62-761, Florida
490 | Administrative Code, may be provided in advance of the order
491 | established by the priority ranking system under paragraph (a)
492 | for site cleanup activities. The department shall provide
493 | written guidance on the limited source removal information and
494 | technical evaluation necessary to justify a request for a
495 | limited source removal in advance of the priority order pursuant
496 | to paragraph (a) established for site cleanup activities.
497 | Prioritization for limited source removal projects associated
498 | with a secondary containment upgrade in any fiscal year shall be
499 | determined on a first-come, first-served basis according to the
500 | approval date issued under s. 376.30711 for the limited source
501 | removal. Funding for limited source removals associated with
502 | secondary containment upgrades shall be limited to 10 sites in
503 | each fiscal year for each facility owner and any related person.
504 | The limited source removal for secondary containment upgrades

HB 5003

2010

505 shall be completed no later than 6 months after the department
506 issues its approval of the project, and the approval
507 automatically expires at the end of the 6 months. Funding for
508 Department of Transportation and secondary containment upgrade
509 source removals may not exceed \$50,000 for a single facility
510 unless the department makes a determination that it is cost-
511 effective and environmentally beneficial to exceed this amount,
512 but in no event shall the department authorize costs in excess
513 of \$100,000 for a single facility. Department funding for
514 limited interim soil-source removals associated with Department
515 of Transportation projects and secondary containment upgrades
516 shall be limited to supplemental soil assessment, soil
517 screening, soil removal, backfill material, treatment or
518 disposal of the contaminated soil, dewatering related to the
519 contaminated soil removal in an amount of up to 10 percent of
520 the total interim soil-source removal project costs, treatment,
521 and disposal of the contaminated groundwater and preparation of
522 the source removal report. No other costs associated with the
523 facility upgrade may be paid with department funds. No more than
524 \$1 million for Department of Transportation limited source
525 removal projects and \$10 million for secondary containment
526 upgrade limited source removal projects conducted in advance of
527 the priority order established under paragraph (a) for site
528 cleanup activities shall be encumbered from the Inland
529 Protection Trust Fund in any fiscal year. This subparagraph is
530 repealed effective June 30, 2011 ~~2010~~.

531 3. Once free product removal and other source removal
532 identified in this paragraph are completed at a site, and

HB 5003

2010

533 notwithstanding the order established by the priority ranking
534 system under paragraph (a) for site cleanup activities, the
535 department may reevaluate the site to determine the degree of
536 active cleanup needed to continue site rehabilitation. Further,
537 the department shall determine if the reevaluated site qualifies
538 for natural attenuation monitoring or no further action. If
539 additional site rehabilitation is necessary to reach no further
540 action status, the site rehabilitation shall be conducted in the
541 order established by the priority ranking system under paragraph
542 (a) and the department is encouraged to utilize natural
543 attenuation and monitoring where site conditions warrant.

544 Section 22. In order to implement Specific Appropriations
545 1378 through 1538 of the 2010-2011 General Appropriations Act,
546 subsection (2) of section 570.20, Florida Statutes, is amended
547 to read:

548 570.20 General Inspection Trust Fund.—

549 (2) For the 2010-2011 ~~2009-2010~~ fiscal year only and
550 notwithstanding any other provision of law to the contrary, in
551 addition to the spending authorized in subsection (1), moneys in
552 the General Inspection Trust Fund may be appropriated for
553 programs operated by the department which are related to the
554 programs authorized by this chapter. This subsection expires
555 July 1, 2011 ~~2010~~.

556 Section 23. In order to implement Specific Appropriation
557 1833 of the 2010-2011 General Appropriations Act, subsection (7)
558 of section 403.7095, Florida Statutes, is amended to read:

559 403.7095 Solid waste management grant program.—

560 (7) Notwithstanding any provision of this section to the

HB 5003

2010

561 | contrary, and for the 2010-2011 ~~2009-2010~~ fiscal year only, the
562 | Department of Environmental Protection shall award the sum of
563 | \$2,600,000 in grants equally to counties having populations of
564 | fewer than 100,000 for waste tire and litter prevention,
565 | recycling education, and general solid waste programs. This
566 | subsection expires July 1, 2011 ~~2010~~.

567 | Section 24. In order to implement Specific Appropriation
568 | 1490 of the 2010-2011 General Appropriations Act and to provide
569 | consistency and continuity in the promotion of agriculture
570 | throughout the state, notwithstanding s. 287.057, Florida
571 | Statutes, the Department of Agriculture and Consumer Services,
572 | at its discretion, may extend, revise, and renew current
573 | contracts or agreements created or entered into pursuant to
574 | chapter 2006-25, Laws of Florida. This section expires July 1,
575 | 2011.

576 | Section 25. In order to implement Specific Appropriation
577 | 2125 of the 2010-2011 General Appropriations Act, subsection (5)
578 | of section 339.135, Florida Statutes, is amended to read:

579 | 339.135 Work program; legislative budget request;
580 | definitions; preparation, adoption, execution, and amendment.—

581 | (5) ADOPTION OF THE WORK PROGRAM.—

582 | (a) The original approved budget for operational and fixed
583 | capital expenditures for the department shall be the Governor's
584 | budget recommendation and the first year of the tentative work
585 | program, as both are amended by the General Appropriations Act
586 | and any other act containing appropriations. In accordance with
587 | the appropriations act, the department shall, prior to the
588 | beginning of the fiscal year, adopt a final work program which

HB 5003

2010

589 shall only include the original approved budget for the
590 department for the ensuing fiscal year together with any roll
591 forwards approved pursuant to paragraph (6)(c) and the portion
592 of the tentative work program for the following 4 fiscal years
593 revised in accordance with the original approved budget for the
594 department for the ensuing fiscal year together with said roll
595 forwards. The adopted work program may include only those
596 projects submitted as part of the tentative work program
597 developed under the provisions of subsection (4) plus any
598 projects which are separately identified by specific
599 appropriation in the General Appropriations Act and any roll
600 forwards approved pursuant to paragraph (6)(c). However, any
601 transportation project of the department which is identified by
602 specific appropriation in the General Appropriations Act shall
603 be deducted from the funds annually distributed to the
604 respective district pursuant to paragraph (4)(a). In addition,
605 the department shall not in any year include any project or
606 allocate funds to a program in the adopted work program that is
607 contrary to existing law for that particular year. Projects
608 shall not be undertaken unless they are listed in the adopted
609 work program.

610 (b) Notwithstanding paragraph (a), and for the 2010-2011
611 ~~2009-2010~~ fiscal year only, the Department of Transportation
612 shall transfer funds to the Office of Tourism, Trade, and
613 Economic Development in an amount equal to \$20,300,000 for the
614 purpose of funding transportation-related needs of economic
615 development projects. This transfer shall not reduce, delete, or
616 defer any existing projects funded, as of July 1, 2009, in the

HB 5003

2010

617 Department of Transportation's 5-year work program. This
618 paragraph expires July 1, 2011 ~~2010~~.

619 Section 26. In order to implement Specific Appropriation
620 2672 and section 56 of the 2010-2011 General Appropriations Act,
621 funds appropriated out of the Economic Development
622 Transportation Trust Fund may be used for economic development
623 infrastructure projects and other economic development projects;
624 for improvements to other launch complexes and space
625 transportation facilities in order to attract new space vehicle
626 testing and launch business to the state; for addressing
627 intermodal requirements and impacts of the launch ranges,
628 spaceports, and other space transportation facilities; for
629 advancing aerospace technology to meet the current and future
630 needs of the United States commercial space transportation
631 industry; and for assisting in the development of joint-use
632 facilities and technology that support aviation and aerospace
633 operations, including high altitude and suborbital flights and
634 range technology development.

635 Section 27. In order to implement sections 2 through 7 of
636 the 2010-2011 General Appropriations Act, subsection (5) of
637 section 216.292, Florida Statutes, is amended to read:

638 216.292 Appropriations nontransferable; exceptions.—

639 (5) (a) A transfer of funds may not result in the
640 initiation of a fixed capital outlay project that has not
641 received a specific legislative appropriation.

642 (b) Notwithstanding paragraph (a), and for the 2010-2011
643 ~~2009-2010~~ fiscal year only, the Governor may recommend the
644 initiation of fixed capital outlay projects funded by grants

HB 5003

2010

645 awarded by the Federal Government through the American Recovery
646 and Reinvestment Act of 2009 or by any other federal economic
647 stimulus grant funding received. All actions taken pursuant to
648 the authority granted in the paragraph are subject to review and
649 approval by the Legislative Budget Commission. This paragraph
650 expires July 1, 2011 ~~2010~~.

651 Section 28. In order to implement sections 2 through 7 of
652 the 2010-2011 General Appropriations Act, the Executive Office
653 of the Governor is authorized to transfer funds appropriated for
654 the American Recovery and Reinvestment Act of 2009 (ARRA) in
655 traditional appropriation categories in the 2010-2011 General
656 Appropriations Act to appropriation categories established for
657 the specific purpose of tracking funds appropriated for the
658 ARRA.

659 Section 29. In order to implement Specific Appropriation
660 2665 of the 2010-2011 General Appropriations Act, paragraphs (c)
661 and (d) of subsection (4) of section 288.1254, Florida Statutes,
662 are reenacted to read:

663 288.1254 Entertainment industry financial incentive
664 program.—

665 (4) PRIORITY FOR INCENTIVE FUNDING; WITHDRAWAL OF
666 ELIGIBILITY; QUEUES.—

667 (c) Independent Florida filmmaker queue.—Ten percent of
668 incentive funding appropriated in any state fiscal year must be
669 dedicated to the independent Florida filmmaker queue. If there
670 are no qualified applications in the queue, any funding in the
671 queue shall be made available to a qualified project in the
672 digital media projects queue. A production certified under this

673 | queue is eligible for a reimbursement equal to 15 percent of its
 674 | actual qualified expenditures. An independent Florida film that
 675 | meets the criteria of this queue and demonstrates a minimum of
 676 | \$100,000, but not more than \$625,000, in total qualified
 677 | expenditures is eligible for incentive funding. To qualify for
 678 | this queue, a qualified production must:

679 | 1. Be planned as a feature film or documentary of no less
 680 | than 70 minutes in length.

681 | 2. Provide evidence of 50 percent of the financing for its
 682 | total budget in an escrow account or other form dedicated to the
 683 | production.

684 | 3. Do all major postproduction in this state.

685 | 4. Employ Florida workers in at least six of the following
 686 | key positions: writer, director, producer, director of
 687 | photography, star or one of the lead actors, unit production
 688 | manager, editor, or production designer. As used in this
 689 | subparagraph, the term "Florida worker" means a person who has
 690 | been a resident of this state for at least 1 year before a
 691 | production's application under subsection (3) was submitted or a
 692 | person who graduated from a film school, college, university, or
 693 | community college in this state no more than 5 years before such
 694 | submittal or who is enrolled full-time in such a school,
 695 | college, or university.

696 | (d) Digital media projects queue.—Five percent of
 697 | incentive funding appropriated in any state fiscal year shall be
 698 | dedicated to the digital media projects queue. A production
 699 | certified under this queue is eligible for a reimbursement equal
 700 | to 10 percent of its actual qualified expenditures. A qualified

HB 5003

2010

701 production that is a digital media project that demonstrates a
702 minimum of \$300,000 in total qualified expenditures is eligible
703 for a maximum of \$1 million in incentive funding. As used in
704 this paragraph, the term "qualified expenditures" means the
705 wages or salaries paid to a resident of this state for working
706 on a single qualified digital media project, up to a maximum of
707 \$200,000 in wages or salaries paid per resident. A qualified
708 production company producing digital media projects may not
709 qualify for more than three projects in any 1 fiscal year.
710 Projects that extend beyond a fiscal year must reapply each
711 fiscal year in order to be eligible for incentive funding for
712 that year.

713 Section 30. The amendment to s. 288.1254(4)(c) and (d),
714 Florida Statutes, as carried forward by this act from chapter
715 2009-82, Laws of Florida, shall expire July 1, 2011, and the
716 text of those paragraphs shall revert to that in existence on
717 June 30, 2009, except that any amendments to such text enacted
718 other than by this act shall be preserved and continue to
719 operate to the extent that such amendments are not dependent
720 upon the portions of such text which expire pursuant to this
721 section.

722 Section 31. In order to implement section 59 of the 2010-
723 2011 General Appropriations Act, paragraph (n) of subsection (1)
724 of section 339.08, Florida Statutes, is amended to read:

725 339.08 Use of moneys in State Transportation Trust Fund.—

726 (1) The department shall expend moneys in the State
727 Transportation Trust Fund accruing to the department, in
728 accordance with its annual budget. The use of such moneys shall

729 be restricted to the following purposes:

730 (n) To pay administrative expenses incurred in accordance
 731 with applicable laws for a multicounty transportation or
 732 expressway authority created under chapter 343 or chapter 348,
 733 where jurisdiction for the authority includes a portion of the
 734 State Highway System and the administrative expenses are in
 735 furtherance of the duties and responsibilities of the authority
 736 in the development of improvements to the State Highway System.
 737 This paragraph expires July 1, 2011 ~~2010~~.

738 Section 32. In order to implement section 83 of the 2010-
 739 2011 General Appropriations Act, subsection (4) of section
 740 339.08, Florida Statutes, is amended to read:

741 339.08 Use of moneys in State Transportation Trust Fund.—

742 (4) For the 2010-2011 ~~2009-2010~~ fiscal year only and
 743 notwithstanding the provisions of this section and ss. 339.09(1)
 744 and 215.32(2)(b)4., funds may be transferred from the State
 745 Transportation Trust Fund to the General Revenue Fund as
 746 specified in the General Appropriations Act. Notwithstanding ss.
 747 206.46(3) and 206.606(2), the total amount transferred shall be
 748 reduced from total state revenues deposited into the State
 749 Transportation Trust Fund for the calculation requirements of
 750 ss. 206.46(3) and 206.606(2). This subsection expires July 1,
 751 2011 ~~2010~~.

752 Section 33. In order to implement section 46 of the 2010-
 753 2011 General Appropriations Act, subsection (11) of section
 754 445.009, Florida Statutes is amended to read:

755 445.009 One-stop delivery system.—

756 (11) (a) A participant in an adult or youth work experience

757 activity administered under this chapter shall be deemed an
 758 employee of the state for purposes of workers' compensation
 759 coverage. In determining the average weekly wage, all
 760 remuneration received from the employer shall be considered a
 761 gratuity, and the participant shall not be entitled to any
 762 benefits otherwise payable under s. 440.15, regardless of
 763 whether the participant may be receiving wages and remuneration
 764 from other employment with another employer and regardless of
 765 his or her future wage-earning capacity.

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

767 Section 34. In order to implement the appropriation of
 768 funds in Special Categories-Risk Management Insurance of the
 769 2010-2011 General Appropriations Act, and pursuant to the
 770 notice, review, and objection procedures of s. 216.177, Florida
 771 Statutes, the Executive Office of the Governor is authorized to
 772 transfer funds appropriated in the appropriation category
 773 "Special Categories-Risk Management Insurance" of the 2010-2011
 774 General Appropriations Act between departments in order to align
 775 the budget authority granted with the premiums paid by each
 776 department for risk management insurance. This section expires
 777 July 1, 2011.

778 Section 35. In order to implement the appropriation of
 779 funds in Special Categories-Transfer to Department of Management
 780 Services-Human Resources Services Purchased Per Statewide
 781 Contract of the 2010-2011 General Appropriations Act, and
 782 pursuant to the notice, review, and objection procedures of s.
 783 216.177, Florida Statutes, the Executive Office of the Governor
 784 is authorized to transfer funds appropriated in the

HB 5003

2010

785 appropriation category "Special Categories-Transfer to
786 Department of Management Services-Human Resources Services
787 Purchased Per Statewide Contract" of the 2010-2011 General
788 Appropriations Act between departments in order to align the
789 budget authority granted with the assessments that must be paid
790 by each agency to the Department of Management Services for
791 human resource management services. This section expires July 1,
792 2011.

793 Section 36. In order to implement the reduction in each
794 agency's salary and benefit appropriation in the 2010-2011
795 General Appropriations Act, and pursuant to the notice, review,
796 and objection procedures of s. 216.177, Florida Statutes, the
797 Executive Office of the Governor may transfer funds appropriated
798 in the appropriation category "Salaries and Benefits" of the
799 2010-2011 General Appropriations Act between departments in
800 order to align the budget authority granted to each agency with
801 the reductions that must be made by each agency pursuant to the
802 2010-2011 General Appropriations Act. All actions taken pursuant
803 to the authority granted in this section are subject to the
804 review and approval of the Legislative Budget Commission. This
805 section expires July 1, 2011.

806 Section 37. In order to implement specific appropriations
807 for salaries and benefits in the 2010-2011 General
808 Appropriations Act, the intent of the Legislature is to provide
809 flexibility to agency heads over personnel management to
810 maximize the efficiency and effectiveness of agency operations.
811 The Legislature recognizes that the state is facing a critical
812 fiscal situation unprecedented in the last quarter century.

HB 5003

2010

813 During this time of budgetary shortfall, it is in the best
814 interest of the state to ensure that the state's resources be
815 used in the most efficient and prudent manner, while maintaining
816 the critical missions of the state. Further, the Legislature
817 recognizes that the agency heads are uniquely positioned to
818 determine how to best manage their agency's human resources
819 given the constraints associated with a reduction in the salary
820 and benefit appropriation. Notwithstanding specific provisions
821 of chapters 110, 112, 216, and 447, Florida Statutes, to the
822 contrary, and for the fiscal year 2010-2011 only, agency heads
823 are authorized to terminate or layoff staff, reduce salaries of
824 individual or groups of employees, reclassify positions, and
825 provide retention adjustments or bonuses to high-performing
826 staff. For the purpose of the authority granted by this section,
827 the term "agency head" shall include the term as defined in s.
828 20.055(1)(b), Florida Statutes, and shall also include the Chief
829 Justice of the Supreme Court, the board of trustees of each
830 university, the Board of Trustees of the Florida School for the
831 Deaf and Blind, the executive director of the Justice
832 Administrative Commission, the executive director of the
833 Statewide Guardian Ad Litem Office, each state attorney, each
834 public defender, each capital collateral regional counsel, and
835 each regional counsel. This section expires July 1, 2011.

836 Section 38. In order to implement specific appropriations
837 for salaries and benefits in the 2010-2011 General
838 Appropriations Act, paragraph (a) of subsection (12) of section
839 110.123, Florida Statutes, is amended to read:

840 110.123 State group insurance program.—

HB 5003

2010

841 (12) HEALTH SAVINGS ACCOUNTS.—The department is authorized
842 to establish health savings accounts for full-time and part-time
843 state employees in association with a health insurance plan
844 option authorized by the Legislature and conforming to the
845 requirements and limitations of federal provisions relating to
846 the Medicare Prescription Drug, Improvement, and Modernization
847 Act of 2003.

848 (a)1. A member participating in this health insurance plan
849 option shall be eligible to receive an employer contribution
850 into the employee's health savings account from the State
851 Employees Health Insurance Trust Fund in an amount to be
852 determined by the Legislature. A member is not eligible for an
853 employer contribution upon termination of employment. For the
854 2010-2011 ~~2009-2010~~ fiscal year, the state's monthly
855 contribution for employees having individual coverage shall be
856 \$41.66 and the monthly contribution for employees having family
857 coverage shall be \$83.33.

858 2. A member participating in this health insurance plan
859 option shall be eligible to deposit the member's own funds into
860 a health savings account.

861 Section 39. In order to implement specific appropriations
862 for salaries and benefits in the 2010-2011 General
863 Appropriations Act, paragraph (b) of subsection (3) of section
864 112.24, Florida Statutes, is amended to read:

865 112.24 Intergovernmental interchange of public employees.—
866 To encourage economical and effective utilization of public
867 employees in this state, the temporary assignment of employees
868 among agencies of government, both state and local, and

HB 5003

2010

869 including school districts and public institutions of higher
870 education is authorized under terms and conditions set forth in
871 this section. State agencies, municipalities, and political
872 subdivisions are authorized to enter into employee interchange
873 agreements with other state agencies, the Federal Government,
874 another state, a municipality, or a political subdivision
875 including a school district, or with a public institution of
876 higher education. State agencies are also authorized to enter
877 into employee interchange agreements with private institutions
878 of higher education and other nonprofit organizations under the
879 terms and conditions provided in this section. In addition, the
880 Governor or the Governor and Cabinet may enter into employee
881 interchange agreements with a state agency, the Federal
882 Government, another state, a municipality, or a political
883 subdivision including a school district, or with a public
884 institution of higher learning to fill, subject to the
885 requirements of chapter 20, appointive offices which are within
886 the executive branch of government and which are filled by
887 appointment by the Governor or the Governor and Cabinet. Under
888 no circumstances shall employee interchange agreements be
889 utilized for the purpose of assigning individuals to participate
890 in political campaigns. Duties and responsibilities of
891 interchange employees shall be limited to the mission and goals
892 of the agencies of government.

893 (3) Salary, leave, travel and transportation, and
894 reimbursements for an employee of a sending party that is
895 participating in an interchange program shall be handled as
896 follows:

897 (b)1. The assignment of an employee of a state agency
 898 either on detail or on leave of absence may be made without
 899 reimbursement by the receiving party for the travel and
 900 transportation expenses to or from the place of the assignment
 901 or for the pay and benefits, or a part thereof, of the employee
 902 during the assignment.

903 2. For the 2010-2011 ~~2009-2010~~ fiscal year only, the
 904 assignment of an employee of a state agency as provided in
 905 subparagraph 1. may be made if recommended by the Governor or
 906 Chief Justice, as appropriate, and approved by the chairs of the
 907 Senate Policy and Steering Committee on Ways and Means and the
 908 House Full Appropriations Council on Education and Economic
 909 Development ~~General Government and Health Care~~. Such actions
 910 shall be deemed approved if neither chair provides written
 911 notice of objection within 14 days after the chair's receiving
 912 notice of the action pursuant to s. 216.177. This subparagraph
 913 expires July 1, 2011 ~~2010~~.

914 Section 40. In order to implement the transfer of moneys
 915 to the General Revenue Fund from trust funds in the 2010-2011
 916 General Appropriations Act, paragraph (b) of subsection (2) of
 917 section 215.32, Florida Statutes, is reenacted to read:

918 215.32 State funds; segregation.—

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

921 (b)1. The trust funds shall consist of moneys received by
 922 the state which under law or under trust agreement are
 923 segregated for a purpose authorized by law. The state agency or
 924 branch of state government receiving or collecting such moneys

HB 5003

2010

925 shall be responsible for their proper expenditure as provided by
926 law. Upon the request of the state agency or branch of state
927 government responsible for the administration of the trust fund,
928 the Chief Financial Officer may establish accounts within the
929 trust fund at a level considered necessary for proper
930 accountability. Once an account is established within a trust
931 fund, the Chief Financial Officer may authorize payment from
932 that account only upon determining that there is sufficient cash
933 and releases at the level of the account.

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

937 a. Operations or operating trust fund, for use as a
938 depository for funds to be used for program operations funded by
939 program revenues, with the exception of administrative
940 activities when the operations or operating trust fund is a
941 proprietary fund.

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

944 c. Administrative trust fund, for use as a depository for
945 funds to be used for management activities that are departmental
946 in nature and funded by indirect cost earnings and assessments
947 against trust funds. Proprietary funds are excluded from the
948 requirement of using an administrative trust fund.

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

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

955 f. Clearing funds trust fund, for use as a depository for
 956 funds to account for collections pending distribution to lawful
 957 recipients.

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

961
 962 To the extent possible, each agency must adjust its internal
 963 accounting to use existing trust funds consistent with the
 964 requirements of this subparagraph. If an agency does not have
 965 trust funds listed in this subparagraph and cannot make such
 966 adjustment, the agency must recommend the creation of the
 967 necessary trust funds to the Legislature no later than the next
 968 scheduled review of the agency's trust funds pursuant to s.
 969 215.3206.

970 3. All such moneys are hereby appropriated to be expended
 971 in accordance with the law or trust agreement under which they
 972 were received, subject always to the provisions of chapter 216
 973 relating to the appropriation of funds and to the applicable
 974 laws relating to the deposit or expenditure of moneys in the
 975 State Treasury.

976 4.a. Notwithstanding any provision of law restricting the
 977 use of trust funds to specific purposes, unappropriated cash
 978 balances from selected trust funds may be authorized by the
 979 Legislature for transfer to the Budget Stabilization Fund and
 980 General Revenue Fund in the General Appropriations Act.

HB 5003

2010

981 b. This subparagraph does not apply to trust funds
982 required by federal programs or mandates; trust funds
983 established for bond covenants, indentures, or resolutions whose
984 revenues are legally pledged by the state or public body to meet
985 debt service or other financial requirements of any debt
986 obligations of the state or any public body; the State
987 Transportation Trust Fund; the trust fund containing the net
988 annual proceeds from the Florida Education Lotteries; the
989 Florida Retirement System Trust Fund; trust funds under the
990 management of the State Board of Education or the Board of
991 Governors of the State University System, where such trust funds
992 are for auxiliary enterprises, self-insurance, and contracts,
993 grants, and donations, as those terms are defined by general
994 law; trust funds that serve as clearing funds or accounts for
995 the Chief Financial Officer or state agencies; trust funds that
996 account for assets held by the state in a trustee capacity as an
997 agent or fiduciary for individuals, private organizations, or
998 other governmental units; and other trust funds authorized by
999 the State Constitution.

1000 Section 41. In order to implement the issuance of new debt
1001 authorized in the 2010-2011 General Appropriations Act, and
1002 pursuant to the requirements of s. 215.98, Florida Statutes, the
1003 Legislature determines that the authorization and issuance of
1004 debt for the 2010-2011 fiscal year should be implemented and is
1005 in the best interest of the state and necessary to address a
1006 critical state emergency.

1007 Section 42. In order to implement the funds appropriated
1008 in the 2010-2011 General Appropriations Act for state employee

HB 5003

2010

1009 travel, the funds appropriated to each state agency, which may
1010 be used for travel by state employees, shall be limited during
1011 the 2010-2011 fiscal year to travel for activities that are
1012 critical to each state agency's mission. Funds may not be used
1013 to pay for travel by state employees to foreign countries, other
1014 states, conferences, staff-training activities, or other
1015 administrative functions unless the agency head has approved in
1016 writing that such activities are critical to the agency's
1017 mission. The agency head must consider the use of
1018 teleconferencing and other forms of electronic communication to
1019 meet the needs of the proposed activity before approving
1020 mission-critical travel. This section does not apply to travel
1021 for law enforcement purposes, military purposes, emergency
1022 management activities, or public health activities. This section
1023 expires July 1, 2011.

1024 Section 43. A section of this act that implements a
1025 specific appropriation or specifically identified proviso
1026 language in the 2010-2011 General Appropriations Act is void if
1027 the specific appropriation or specifically identified proviso
1028 language is vetoed. A section of this act that implements more
1029 than one specific appropriation or more than one portion of
1030 specifically identified proviso language in the 2010-2011
1031 General Appropriations Act is void if all the specific
1032 appropriations or portions of specifically identified proviso
1033 language are vetoed.

1034 Section 44. If any other act passed during the 2010
1035 Regular Session contains a provision that is substantively the
1036 same as a provision in this act, but that removes or is

HB 5003

2010

1037 otherwise not subject to the future repeal applied to such
1038 provision by this act, the Legislature intends that the
1039 provision in the other act takes precedence and continues to
1040 operate, notwithstanding the future repeal provided by this act.

1041 Section 45. If any provision of this act or its
1042 application to any person or circumstance is held invalid, the
1043 invalidity does not affect other provisions or applications of
1044 the act which can be given effect without the invalid provision
1045 or application, and to this end the provisions of this act are
1046 severable.

1047 Section 46. Except as otherwise expressly provided in this
1048 act and except for this section, which shall take effect June
1049 29, 2010, this act shall take effect July 1, 2010; or, if this
1050 act fails to become a law until after that date, it shall take
1051 effect upon becoming a law and shall operate retroactively to
1052 July 1, 2010.