

## Senate Bill No. 2802

An act implementing the 2007-2008 General Appropriations Act; providing legislative intent; providing for use of specified calculations with respect to the Florida Education Finance Program; requiring that funds appropriated for forensic mental health treatment services be allocated to the areas of the state having the greatest demand for services and treatment capacity; requiring the Department of Children and Family Services to ensure that certain information regarding child welfare cases is entered into the Florida Safe Families Network; requiring that the department coordinate with the Office of the State Courts Administrator and the Statewide Guardian Ad Litem Office in order to provide judges, magistrates, and guardians ad litem with access to such information; requiring that the department report its progress on providing such access to the Governor and Legislature; providing for future expiration; amending s. 253.03, F.S.; requiring the Department of Environmental Protection to lease the South Florida Evaluation and Treatment Center to Miami-Dade County for a specified term; requiring Miami-Dade County to sublease the facility to the existing lessee until the new South Florida Evaluation and Treatment Center is completed; authorizing the Department of Corrections and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the respective department; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending s. 216.292, F.S.; authorizing certain transfers of appropriations for operations from general revenue between budget categories and entities of the criminal conflict and civil regional counsels and the budget category for child dependency and civil conflict cases within the Justice Administrative Commission; providing for future expiration of such provisions; authorizing the Department of Legal Affairs to expend appropriated funds on programs funded in the preceding fiscal year; amending s. 932.7055, F.S.; providing for the expenditure of funds in a special law enforcement trust fund established by the governing body of a municipality; amending s. 985.686, F.S.; providing that the responsibility of counties to pay the costs of juvenile detention exclude certain medical and mental health care costs; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; reenacting s. 287.17(3)(a) and (6), F.S.; authorizing the use of state aircraft for commuting; providing for the future expiration of certain amendments to such provisions; amending s. 255.249, F.S.; requiring the Department of Management Services to annually publish and furnish to the Governor and the Legislature a master leasing report; deleting provisions requiring the department to submit a report of leases that are due to expire and amendments and supplements to and waivers of the

terms and conditions of lease agreements; requiring state agencies to provide information concerning space needs to the Department of Management Services; delaying the expiration of provisions requiring that specified clauses, which may not be amended, supplemented, or waived, be included in the terms and conditions of a lease; authorizing the Department of Management Services to contract for services in carrying out the strategic leasing plan; providing for future expiration of such provisions; amending s. 255.25, F.S.; authorizing state agencies to use the services of a tenant broker; authorizing the department to procure a term contract for real estate consulting and brokerage services; providing requirements for such contract; providing for future expiration of such provisions; requiring an annual report to the Legislature and the Governor; amending s. 255.503, F.S.; requiring that the department provide an analysis to the Legislature, the Governor, and the Division of Bond Finance of the State Board of Administration relating to the disposition of a facility within the Florida Facilities Pool; directing the Department of Environmental Protection to make specified awards of grant moneys for pollution-control purposes; amending s. 320.08058, F.S.; revising requirements for distributing the proceeds from the annual use fee for the Florida panther license plate; providing for future expiration of such revision; amending s. 581.031, F.S.; authorizing the Department of Agriculture and Consumer Services to conduct research projects concerning citrus disease; providing for future expiration of such authorization; amending s. 110.1245, F.S.; authorizing state agencies to make cash awards to state employees demonstrating satisfactory service to the agency or the state; providing limits on such awards; requiring a report with respect thereto; amending s. 110.123, F.S.; providing for the state's monthly contribution for employees under the state group insurance program; amending s. 570.20, F.S.; authorizing moneys in the General Inspection Trust Fund to be appropriated for certain programs operated by the Department of Agriculture and Consumer Services; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 339.08, F.S.; providing for administrative expenses from the State Transportation Trust Fund; amending s. 216.292, F.S.; authorizing the Governor to recommend fixed capital outlay projects funded by Federal Emergency Management Agency grants; providing for review by the Legislative Budget Commission; amending s. 339.135, F.S.; requiring the Department of Transportation to transfer funds to the Office of Tourism, Trade, and Economic Development for the purpose of funding economic development transportation projects; requiring the Department of Transportation to provide funds for additional specified projects; creating the Seaport Strategic Planning and Financing Task Force; providing for the purpose, duties, and membership of the task force; requiring the Office of Program Policy Analysis and Government Accountability to staff the task force and provide funding assistance; requiring the Department of Transportation to provide assistance to the task

force; requiring the task force to report its findings and recommendations to the Governor and the Legislature; amending s. 253.034, F.S.; authorizing the deposit of funds from the sale of property located in Palm Beach County into the Highway Safety Operating Trust Fund by the Department of Highway Safety and Motor Vehicles; amending s. 311.22, F.S.; prescribing the required matching funds for dredging projects that meet specified conditions; extending the period for a local government to apply to the Executive Office of the Governor for a waiver of certain requirements governing matching funding for public assistance projects; amending s. 509.302, F.S.; authorizing certain administrative fines to be used to support the Hospitality Education Program and school-to-career transition programs; providing for future expiration of such provisions; amending s. 1013.64, F.S.; providing for funds for comprehensive educational plant needs to be specifically appropriated for distribution; providing for future expiration of such provisions; amending s. 373.459, F.S.; deleting provisions providing for the expenditure of moneys in the Ecosystem Management and Restoration Trust Fund and the Water Protection and Sustainability Trust Fund; providing for future expiration of provisions exempting certain water management districts and local governments from a requirement to provide matching funds; amending s. 253.01, F.S.; authorizing moneys in the Internal Improvement Trust Fund to be used for grants and aids to local governments for water projects; providing for future expiration; amending s. 403.890, F.S.; providing for moneys in the Water Protection and Sustainability Program Trust fund to be used for grants and aids to local governments for water projects; providing for future expiration; amending s. 201.15, F.S.; providing for moneys in the Invasive Plant Control Trust Fund to be used for water projects; providing for future expiration of such provisions; authorizing the transfer of moneys in the Invasive Plant Control Trust Fund to the Ecosystem Management and Restoration Trust Fund for grants and aids to local governments for water projects; requiring the Florida Housing Finance Corporation to establish a Teachers' Down Payment Assistance Pilot Program; providing requirements for the program and conditions for a teacher to receive a specified amount as assistance for a down payment on homestead property; amending s. 322.025, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to distribute safety awareness materials that do not include advertisements; providing that such materials include Official Florida Driver Handbooks; requiring that other governmental entities, including public schools, use the books provided by the department; providing for future expiration; creating s. 570.957, F.S.; establishing the Farm-to-Fuel Grants Program within the Department of Agriculture and Consumer Services; providing definitions; specifying the use of renewable energy grants for projects relating to bioenergy; providing eligibility requirements; authorizing the department to adopt rules; providing criteria for grant award consideration; requiring the department to consult with the Department of Environmental Protection, the Office of Tourism, Trade, and Economic Development, and certain experts when evaluating applications; directing the Florida Building Commission to convene a

workgroup to develop a model residential energy efficiency ordinance; requiring the commission to consult with specified entities to review the cost-effectiveness of energy efficiency measures in the construction of residential, commercial, and government buildings; requiring the commission to consult with specified entities to develop and implement a public awareness campaign; requiring the Department of Environmental Protection to develop a public awareness campaign to promote the effective use of energy in the state and discourage all forms of energy waste; requiring reports to the Legislature; providing for the construction and operation of a research and demonstration cellulosic ethanol plant; providing requirements and procedures therefor; amending s. 377.804, F.S.; deleting certain requirements for the review and approval of grants relating to bi-energy projects for renewable energy technology; providing for the future expiration of such provisions; authorizing the Department of Financial Services to expend certain funds for salaries and related expenses; providing for the effect of a veto of one or more specific appropriations or proviso 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 effective dates.

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

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 2007-2008 fiscal year.

Section 2. In order to implement Specific Appropriations 7, 8, and 86 through 91 of the 2007-2008 General Appropriations Act, the calculations of the Florida Education Finance Program for the 2007-2008 fiscal year in the document entitled "Public School Funding—The Florida Education Finance Program" dated April 30, 2007, and filed with the Secretary of the Senate are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of the Florida Statutes, in making appropriations for the Florida Education Finance Program.

Section 3. In order to implement Specific Appropriation 388 of the 2007-2008 General Appropriations Act, and notwithstanding s. 394.908(3)(a) and (b), Florida Statutes, funds appropriated for forensic mental health treatment services in Specific Appropriation 388 shall be allocated to the areas of the state having the greatest demand for services and treatment capacity. This section expires July 1, 2008.

Section 4. In order to implement Specific Appropriations 311 and 321 of the 2007-2008 General Appropriations Act, the Department of Children and Family Services shall ensure that all public and private agencies and institutions participating in child welfare cases enter information specified by rule of the department into the Florida Safe Families Network in order to maintain the accuracy and usefulness of the system. The Florida Safe Families Network is intended to be the department's automated child welfare

case-management system designed to provide child welfare workers with a mechanism for managing child welfare cases more efficiently and tracking children and families more effectively. The department shall coordinate with the Office of the State Courts Administrator and the Statewide Guardian Ad Litem Office for the purpose of providing any judge or magistrate and any guardian ad litem assigned to a dependency court case with access to information in the Florida Safe Families Network relating to a child welfare case which is required to be filed with the court pursuant to chapter 39, Florida Statutes, by the date of the network's release during the 2007-2008 fiscal year. The department shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2008, with respect to progress on providing access to the Florida Safe Families Network as provided in this section. This section expires July 1, 2008.

Section 5. In order to implement Specific Appropriation 467 of the 2007-2008 General Appropriations Act, subsection (17) is added to section 253.03, Florida Statutes, to read:

253.03 Board of trustees to administer state lands; lands enumerated.—

(17) Notwithstanding subsections (1)-(16), for the 2007-2008 fiscal year only, and upon approval of the Board of Trustees of the Internal Improvement Trust Fund if necessary, the Division of State Lands of the Department of Environmental Protection shall lease the existing South Florida Evaluation and Treatment Center complex in Miami-Dade County, currently under lease to the Department of Children and Family Services, to Miami-Dade County for the amount of \$1 per year for 99 years to be used by the county for its expanded jail diversion program. The lease of the property shall take place in the 2007-2008 fiscal year, and Miami-Dade County shall sublease the facility to the existing lessee for \$1 per year until the new South Florida Evaluation and Treatment Center is completed on or about April 2008. This subsection expires July 1, 2008.

Section 6. In order to fulfill legislative intent regarding the use of funds contained in Specific Appropriations 741, 755, 766, and 1232 of the 2007-2008 General Appropriations Act, the Department of Corrections and the Department of Juvenile Justice may expend appropriated funds to assist in defraying the costs of impacts that are incurred by a municipality or county and associated with opening or operating a facility under the authority of the respective department which is located within that municipality or county. The amount that is to be paid under this section for any facility may not exceed 1 percent of the facility construction cost, less building impact fees imposed by the municipality or by the county if the facility is located in the unincorporated portion of the county. This section expires July 1, 2008.

Section 7. In order to implement Specific Appropriations 730 through 830 and 868 through 899 of the 2007-2008 General Appropriations Act, subsection (4) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.—

(4) Notwithstanding the provisions of this chapter on increasing the number of authorized positions, and for the ~~2007-2008~~ ~~2006-2007~~ fiscal year only, if the actual inmate population of the Department of Corrections exceeds the inmate population projections of the February 16, 2007 ~~March 21, 2006~~, Criminal Justice Estimating Conference by 1 percent for 2 consecutive months or 2 percent for any month, the Executive Office of the Governor, with the approval of the Legislative Budget Commission, shall immediately notify the Criminal Justice Estimating Conference, which shall convene as soon as possible to revise the estimates. The Department of Corrections may then submit a budget amendment requesting the establishment of positions in excess of the number authorized by the Legislature and additional appropriations from unallocated general revenue sufficient to provide for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population. All actions taken pursuant to the authority granted in this subsection shall be subject to review and approval by the Legislative Budget Commission. This subsection expires July 1, 2008 ~~2007~~.

Section 8. In order to implement Specific Appropriations 913, 915, and 1161A through 1161AI of the 2007-2008 General Appropriations Act, paragraphs (c), (d), and (e) are added to subsection (3) of section 216.292, Florida Statutes, to read:

216.292 Appropriations nontransferable; exceptions.—

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

(c) The transfer of appropriations for operations from general revenue between categories of appropriations within each criminal conflict and civil regional counsel budget entity. This paragraph expires July 1, 2008.

(d) The transfer of appropriations for operations from general revenue between criminal conflict and civil regional counsel budget entities. This paragraph expires July 1, 2008.

(e) The transfer of appropriations for operations from general revenue between criminal conflict and civil regional counsel budget entities and the child dependency and civil conflict case appropriation category and the criminal conflict case costs appropriation category within the Justice Administrative Commission. This paragraph expires July 1, 2008.

Section 9. In order to implement Specific Appropriations 1388 and 1389 of the 2007-2008 General Appropriations Act, the Department of Legal Affairs is authorized to expend appropriated funds in Specific Appropriations 1388 and 1389 on the same programs that were funded by the department pursuant to specific appropriations made in general appropriations acts in prior years.

Section 10. In order to implement Specific Appropriation 1297 of the 2007-2008 General Appropriations Act, paragraph (d) of subsection (4) of section 932.7055, Florida Statutes, is amended to read:

932.7055 Disposition of liens and forfeited property.—

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

(d) Notwithstanding any other provision of this subsection, and for the ~~2007-2008~~ 2006-2007 fiscal year only, the funds in a special law enforcement trust fund established by the governing body of a municipality may be expended to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001. This paragraph expires July 1, ~~2008~~ 2007.

Section 11. In order to implement Specific Appropriation 1169 of the 2007-2008 General Appropriations Act, subsection (3) of section 985.686, Florida Statutes, is amended to read:

985.686 Shared county and state responsibility for juvenile detention.—

(3) Each county shall pay the costs of providing detention care, exclusive of the costs of any preadjudicatory nonmedical educational or therapeutic services and \$2.5 million provided for additional medical and mental health care at the detention centers, for juveniles for the period of time prior to final court disposition. The department shall develop an accounts payable system to allocate costs that are payable by the counties.

Section 12. In order to implement the appropriation of funds in Special Categories-Risk Management Insurance of the 2007-2008 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category “Special Categories-Risk Management Insurance” of the 2007-2008 General Appropriations Act between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance. This section expires July 1, 2008.

Section 13. In order to implement the appropriation of funds in Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract of the 2007-2008 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category “Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract” of the 2007-2008 General Appropriations Act between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resource management services. This section expires July 1, 2008.

Section 14. In order to implement Specific Appropriations 2942 through 2950 of the 2007-2008 General Appropriations Act, paragraph (a) of subsec-

tion (3) and subsection (6) of section 287.17, Florida Statutes, are reenacted to read:

287.17 Limitation on use of motor vehicles and aircraft.—

(3)

(a) The term “official state business” may not be construed to permit the use of a motor vehicle for commuting purposes, unless special assignment of a motor vehicle is authorized as a perquisite by the Department of Management Services, required by an employee after normal duty hours to perform duties of the position to which assigned, or authorized for an employee whose home is the official base of operation.

(6) It is the intention of the Legislature that persons traveling on state aircraft for purposes consistent with, but not necessarily constituting, official state business may travel only when accompanying persons who are traveling on official state business and that such persons shall pay the state for all costs associated with such travel. Notwithstanding paragraph (3)(a), a person traveling on state aircraft for purposes other than official state business shall pay for any trip not exclusively for state business by paying a prorated share of all fixed and variable expenses related to the ownership, operation, and use of such aircraft.

Section 15. The amendment of s. 287.17, Florida Statutes, as carried forward by this act from chapters 2005-71 and 2006-26, Laws of Florida, shall expire July 1, 2008, and the text of that section shall revert to that in existence on June 30, 2005, except that any amendments to such text enacted other than by chapters 2005-71 and 2006-26, Laws of Florida, shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this section.

Section 16. In order to implement Specific Appropriations 2286A and 2915 through 2928 of the 2007-2008 General Appropriations Act, subsections (3) and (4) of section 255.249, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

255.249 Department of Management Services; responsibility; department rules.—

(3)(a) The department shall, to the extent feasible, coordinate the vacation of privately owned leased space with the expiration of the lease on that space and, when a lease is terminated before expiration of its base term, will make a reasonable effort to place another state agency in the space vacated. Any state agency may lease the space in any building that was subject to a lease terminated by a state agency for a period of time equal to the remainder of the base term without the requirement of competitive bidding.

(b) The department shall annually publish a master leasing report that lists, by agency, all leases that are due to expire within 24 months. The annual report must include the following information for each lease: location; size of leased space; current cost per leased square foot; lease expiration



~~date; and a determination of whether sufficient state-owned office space will be available at the expiration of the lease to house affected employees. The report must also include a list of amendments and supplements to and waivers of terms and conditions in lease agreements that have been approved pursuant to s. 255.25(2)(a) during the previous 12 months and an associated comprehensive analysis, including financial implications, showing that any amendment, supplement, or waiver is in the state's long-term best interest. The department shall furnish the master leasing this report to the Executive Office of the Governor and the Legislature by September 15 of each year which provides the following information: This paragraph expires July 1, 2007.~~

1. A list, by agency and by geographic market, of all leases that are due to expire within 24 months.

2. Details of each lease, including location, size, cost per leased square foot, lease-expiration date, and a determination of whether sufficient state-owned office space will be available at the expiration of the lease to accommodate affected employees.

3. A list of amendments and supplements to and waivers of terms and conditions in lease agreements that have been approved pursuant to s. 255.25(2)(a) during the previous 12 months and an associated comprehensive analysis, including financial implications, showing that any amendment, supplement, or waiver is in the state's long-term best interest.

4. Financial impacts to the pool rental rate due to the sale, removal, acquisition, or construction of pool facilities.

5. Changes in occupancy rate, maintenance costs, and efficiency costs of leases in the state portfolio. Changes to occupancy costs in leased space by market and changes to space consumption by agency and by market.

6. An analysis of portfolio supply and demand.

7. Cost-benefit analyses of acquisition, build, and consolidation opportunities, recommendations for strategic consolidation, and strategic recommendations for disposition, acquisition, and building.

8. The updated plan required by s. 255.25(4)(c).

(c) By June 30 of each year, each state agency shall annually provide to the department all information regarding agency programs affecting the need for or use of space by that agency, reviews of lease-expiration schedules for each geographic area, active and planned full-time equivalent data, business case analyses related to consolidation plans by an agency, and current occupancy and relocation costs, inclusive of furnishings, fixtures and equipment, data, and communications.

(4) The department shall ~~adopt~~ promulgate rules pursuant to chapter 120 providing:

(a) Methods for accomplishing the duties outlined in subsection (1).

(b) Procedures for soliciting and accepting competitive proposals for leased space of 5,000 square feet or more in privately owned buildings, for evaluating the proposals received, for exemption from competitive bidding requirements of any lease the purpose of which is the provision of care and living space for persons or emergency space needs as provided in s. 255.25(10), and for the securing of at least three documented quotes for a lease that is not required to be competitively bid.

(c) A standard method for determining square footage or any other measurement used as the basis for lease payments or other charges.

(d) Methods of allocating space in both state-owned office buildings and privately owned buildings leased by the state based on use, personnel, and office equipment.

(e)1. Acceptable terms and conditions for inclusion in lease agreements.

2. Such terms and conditions shall include, at a minimum, the following clauses, which may not be amended, supplemented, or waived:

a. As provided in s. 255.2502, "The State of Florida's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature."

b. "The Lessee shall have the right to terminate, without penalty, this lease in the event a State-owned building becomes available to the Lessee for occupancy in the County of ~~.....~~, Florida, during the term of said lease for the purposes for which this space is being leased upon giving 6 months' advance written notice to the Lessor by Certified Mail, Return Receipt Requested."

This subparagraph expires July 1, 2008 ~~2007~~.

(f) Maximum rental rates, by geographic areas or by county, for leasing privately owned space.

(g) A standard method for the assessment of rent to state agencies and other authorized occupants of state-owned office space, notwithstanding the source of funds.

(h) For full disclosure of the names and the extent of interest of the owners holding a 4-percent or more interest in any privately owned property leased to the state or in the entity holding title to the property, for exemption from such disclosure of any beneficial interest which is represented by stock in any corporation registered with the Securities and Exchange Commission or registered pursuant to chapter 517, which stock is for sale to the general public, and for exemption from such disclosure of any leasehold interest in property located outside the territorial boundaries of the United States.

(i) For full disclosure of the names of all public officials, agents, or employees holding any interest in any privately owned property leased to the state or in the entity holding title to the property, and the nature and extent of their interest, for exemption from such disclosure of any beneficial interest which is represented by stock in any corporation registered with the

Securities and Exchange Commission or registered pursuant to chapter 517, which stock is for sale to the general public, and for exemption from such disclosure of any leasehold interest in property located outside the territorial boundaries of the United States.

(j) A method for reporting leases for nominal or no consideration.

(k) For a lease of less than 5,000 square feet, a method for certification by the agency head or the agency head's designated representative that all criteria for leasing have been fully complied with and for the filing of a copy of such lease and all supporting documents with the department for its review and approval as to technical sufficiency.

(6) The department may contract for real estate consulting or tenant brokerage services in order to carry out its duties relating to the strategic leasing plan. The contract shall be procured pursuant to s. 287.057. The vendor that is awarded the contract shall be compensated by the department, subject to the provisions of the contract, and such compensation is subject to appropriation by the Legislature. The real estate consultant or tenant broker may not receive compensation directly from a lessor for services that are rendered pursuant to the contract. Moneys paid to the real estate consultant or tenant broker are exempt from any charge imposed under s. 287.1345. Moneys paid by a lessor to the department under a facility-leasing arrangement are not subject to the charges imposed under s. 215.20.

Section 17. The amendments to s. 255.249, Florida Statutes, made by this act shall expire July 1, 2008, and the text of that section shall revert to that in existence on June 30, 2007, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this section.

Section 18. In order to implement Specific Appropriations 2286A and 2915 through 2928 of the 2007-2008 General Appropriations Act, paragraph (d) of subsection (2) and paragraph (c) of subsection (4) of section 255.25, Florida Statutes, are amended, and paragraphs (f) and (g) are added to subsection (3) of that section, to read:

255.25 Approval required prior to construction or lease of buildings.—

(2)

(d) Notwithstanding paragraph (a) and except as provided in ss. 255.249 and 255.2501, a state agency may not lease a building or any part thereof unless prior approval of the lease terms and conditions and of the need therefor is first obtained from the Department of Management Services. The department may not approve any term or condition in a lease agreement which has been amended, supplemented, or waived unless a comprehensive analysis, including financial implications, demonstrates that such amendment, supplement, or waiver is in the state's long-term best interest. Any approved lease may include an option to purchase or an option to renew the lease, or both, upon such terms and conditions as are established by the

department subject to final approval by the head of the Department of Management Services and the provisions of s. 255.2502. This paragraph expires July 1, ~~2008~~ 2007.

(3)

(f) Notwithstanding s. 287.056(1), a state agency may, at the sole discretion of the agency head or his or her designee, use the services of a tenant broker to assist with a competitive solicitation undertaken by the agency. In making its determination whether to use a tenant broker, a state agency shall consult with the department. A state agency may not use the services of a tenant broker unless the tenant broker is under a term contract with the state which complies with paragraph (g). If a state agency uses the services of a tenant broker with respect to a transaction, the agency may not enter into a lease with any landlord to which the tenant broker is providing brokerage services for that transaction.

(g) The Department of Management Services may, pursuant to s. 287.042(2)(a), procure a term contract for real estate consulting and brokerage services. A state agency may not purchase services from the contract unless the contract has been procured under s. 287.057(1), (2), or (3) after March 1, 2007, and contains the following provisions or requirements:

1. Awarded brokers must maintain an office or presence in the market served. In awarding the contract, preference must be given to brokers that are licensed in this state under chapter 475 and that have 3 or more years of experience in the market served. The contract may be made with up to three tenant brokers in order to serve the marketplace in the north, central, and south areas of the state.

2. Each contracted tenant broker shall work under the direction, supervision, and authority of the state agency, subject to the rules governing lease procurements.

3. The department shall provide training for the awarded tenant brokers concerning the rules governing the procurement of leases.

4. Tenant brokers must comply with all applicable provisions of s. 475.278.

5. Real estate consultants and tenant brokers shall be compensated by the state agency, subject to the provisions of the term contract, and such compensation is subject to appropriation by the Legislature. A real estate consultant or tenant broker may not receive compensation directly from a lessor for services that are rendered under the term contract. Moneys paid to a real estate consultant or tenant broker are exempt from any charge imposed under s. 287.1345. Moneys paid by a lessor to the state agency under a facility leasing arrangement are not subject to the charges imposed under s. 215.20. All terms relating to the compensation of the real estate consultant or tenant broker shall be specified in the term contract and may not be supplemented or modified by the state agency using the contract.

6. The department shall conduct periodic customer-satisfaction surveys.

7. Each state agency shall report the following information to the department:

a. The number of leases that adhere to the goal of the workspace-management initiative of 180 square feet per FTE.

b. The quality of space leased and the adequacy of tenant-improvement funds.

c. The timeliness of lease procurement, measured from the date of the agency's request to the finalization of the lease.

d. Whether cost-benefit analyses were performed before execution of the lease in order to ensure that the lease is in the best interest of the state.

e. The lease costs compared to market rates for similar types and classifications of space according to the official classifications of the Building Owners and Managers Association.

(4)

(c) Because the state has a substantial financial investment in state-owned buildings, it is legislative policy and intent that when state-owned buildings meet the needs of state agencies, agencies must fully use such buildings before leasing privately owned buildings. By September 15, 2006, the Department of Management Services shall create a 5-year plan for implementing this policy. The department shall update this plan annually, detailing proposed departmental actions to meet the plan's goals and shall furnish this plan annually as part of the master leasing report. The department shall furnish this plan to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor by September 15 of each year. This paragraph expires July 1, 2008 2007.

Section 19. The amendments to s. 255.25, Florida Statutes, made by this act shall expire July 1, 2008, and the text of that section shall revert to that in existence on June 30, 2007, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this section.

Section 20. In order to implement Specific Appropriations 2915 through 2928 of the 2007-2008 General Appropriations Act, subsection (7) of section 255.503, Florida Statutes, is amended to read:

255.503 Powers of the Department of Management Services.—The Department of Management Services shall have all the authority necessary to carry out and effectuate the purposes and provisions of this act, including, but not limited to, the authority to:

(7)(a) Sell, lease, release, or otherwise dispose of facilities in the pool in accordance with applicable law.

(b) No later than the date upon which the department recommends to the Division of State Lands of the Department of Environmental Protection the

disposition of any facility within the Florida Facilities Pool, the department shall provide to the President of the Senate, the Speaker of the House of Representatives, the Executive Office of the Governor, and the Division of Bond Finance of the State Board of Administration an analysis that includes:

1. The cost benefit of the proposed facility disposition, including the facility's current operating expenses, condition, and market value, and viable alternatives for work space for impacted state employees.
2. The effect of the proposed facility disposition on the financial status of the Florida Facilities Pool, including the effect on rental rates and coverage requirement for the bonds.

This paragraph expires July 1, ~~2008~~ 2007.

Section 21. Notwithstanding s. 403.7095, Florida Statutes, in order to implement Specific Appropriation 1907 of the 2007-2008 General Appropriations Act, the Department of Environmental Protection shall award:

(1) \$9,428,773 in grants equally to counties having populations of fewer than 100,000 for waste tire, litter prevention, recycling and education, and general solid waste programs.

(2) \$2,941,932 to be used for Innovative Grants.

This section expires July 1, 2008.

Section 22. In order to implement Specific Appropriations 2057 through 2082 of the 2007-2008 General Appropriations Act, subsection (5) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(5) FLORIDA PANTHER LICENSE PLATES.—

(a) The department shall develop a Florida panther license plate as provided in this section. Florida panther license plates must bear the design of a Florida panther and the colors that department approves. In small letters, the word "Florida" must appear at the bottom of the plate.

(b) The department shall distribute the Florida panther license plate annual use fee to ~~in the following manner:~~

~~1. Eighty-five percent must be deposited in the Florida Panther Research and Management Trust Fund in the Fish and Wildlife Conservation Commission to be used for education and programs to protect the endangered Florida panther.~~

~~2. Fifteen percent, but no less than \$300,000, must be deposited in the Florida Communities Trust Fund to be used pursuant to the Florida Communities Trust Act.~~

(c) A person or corporation that purchases 10,000 or more panther license plates shall pay an annual use fee of \$5 per plate and an annual processing fee of \$2 per plate, in addition to the applicable license tax required under s. 320.08.

Section 23. The amendments to s. 320.08058, Florida Statutes, made by this act shall expire July 1, 2008, and the text of that section shall revert to that in existence on June 30, 2007, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of the text which expire pursuant to this section.

Section 24. In order to implement Specific Appropriation 1553A of the 2007-2008 General Appropriations Act, subsection (32) is added to section 581.031, Florida Statutes, to read:

581.031 Department; powers and duties.—The department has the following powers and duties:

(32) To conduct or cause to be conducted those research projects on citrus disease, including, but not limited to, citrus canker and citrus greening, which are recommended by the Florida Citrus Production Research Advisory Council, within the limits of appropriations made specifically for such purpose. This subsection expires July 1, 2008.

Section 25. In order to implement specific appropriations for salaries and benefits in the 2007-2008 General Appropriations Act, subsection (4) of section 110.1245, Florida Statutes, is amended to read:

110.1245 Savings sharing program; bonus payments; other awards.—

(4)(a) Each department head is authorized to incur expenditures to award suitable framed certificates, pins, or other tokens of recognition to state employees who demonstrate satisfactory service in the agency or to the state, in appreciation and recognition of such service. Such awards may not cost in excess of \$100 each plus applicable taxes.

(b) Notwithstanding paragraph (a), and for the 2007-2008 fiscal year only, agencies may additionally use funds for cash awards to state employees who demonstrate satisfactory service in the agency or to the state, in appreciation and recognition of such service. Awards may not exceed \$100 to any employee and shall be allocated from an agency's existing budget. An employee may not receive awards pursuant to this paragraph in excess of \$100 total during the fiscal year. By March 1, 2008, agencies that elect to make cash awards shall report to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives the dollar value and number of such awards given. If available, any additional information concerning employee satisfaction and feedback should be provided. This paragraph expires July 1, 2008.

Section 26. In order to implement specific appropriations for salaries and benefits in the 2007-2008 General Appropriations Act, paragraph (a) of subsection (12) of section 110.123, Florida Statutes, is amended to read:

110.123 State group insurance program.—

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

(a)1. A member participating in this health insurance plan option shall be eligible to receive an employer contribution into the employee's health savings account from the State Employees Health Insurance Trust Fund in an amount to be determined by the Legislature. A member is not eligible for an employer contribution upon termination of employment. For the 2007-2008 ~~2006-2007~~ fiscal year, the state's monthly contribution for employees having individual coverage shall be \$41.66 and the monthly contribution for employees having family coverage shall be \$83.33.

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

Section 27. In order to implement Specific Appropriations 1426 through 1602 of the 2007-2008 General Appropriations Act, section 570.20, Florida Statutes, is amended to read:

570.20 General Inspection Trust Fund.—

(1) All donations and all inspection fees and other funds authorized and received from whatever source in the enforcement of the inspection laws administered by the department shall be paid into the General Inspection Trust Fund of Florida, which is created in the office of the Chief Financial Officer. All expenses incurred in carrying out the provisions of the inspection laws shall be paid from this fund as other funds are paid from the State Treasury. A percentage of all revenue deposited in this fund, including transfers from any subsidiary accounts, shall be deposited in the General Revenue Fund pursuant to chapter 215, except that funds collected for marketing orders shall pay at the rate of 3 percent.

(2) For the 2007-2008 fiscal year only and notwithstanding any other provision of law to the contrary, in addition to the spending authorized in subsection (1), moneys in the General Inspection Trust Fund may be appropriated for programs operated by the department which are related to the programs authorized by this chapter. This subsection expires July 1, 2008.

Section 28. In order to implement Specific Appropriation 2761 of the 2007-2008 General Appropriations Act, paragraph (b) of subsection (9) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

(b) The license plate annual use fees are to be annually distributed as follows:



1. Fifty-five percent of the proceeds from the Florida Professional Sports Team plate must be deposited into the Professional Sports Development Trust Fund within the Office of Tourism, Trade, and Economic Development. These funds must be used solely to attract and support major sports events in this state. As used in this subparagraph, the term “major sports events” means, but is not limited to, championship or all-star contests of Major League Baseball, the National Basketball Association, the National Football League, the National Hockey League, the men’s and women’s National Collegiate Athletic Association Final Four basketball championship, or a horseracing or dogracing Breeders’ Cup. All funds must be used to support and promote major sporting events, and the uses must be approved by the Florida Sports Foundation.

2. The remaining proceeds of the Florida Professional Sports Team license plate must be allocated to the Florida Sports Foundation, a direct-support organization of the Office of Tourism, Trade, and Economic Development. These funds must be deposited into the Professional Sports Development Trust Fund within the Office of Tourism, Trade, and Economic Development. These funds must be used by the Florida Sports Foundation to promote the economic development of the sports industry; to distribute licensing and royalty fees to participating professional sports teams; to promote education programs in Florida schools that provide an awareness of the benefits of physical activity and nutrition standards; to partner with the Department of Education and the Department of Health to develop a program that recognizes schools whose students demonstrate excellent physical fitness or fitness improvement; to institute a grant program for communities bidding on minor sporting events that create an economic impact for the state; to distribute funds to Florida-based charities designated by the Florida Sports Foundation and the participating professional sports teams; and to fulfill the sports promotion responsibilities of the Office of Tourism, Trade, and Economic Development.

3. The Florida Sports Foundation shall provide an annual financial audit in accordance with s. 215.981 of its financial accounts and records by an independent certified public accountant pursuant to the contract established by the Office of Tourism, Trade, and Economic Development as specified in s. 288.1229(5). The auditor shall submit the audit report to the Office of Tourism, Trade, and Economic Development for review and approval. If the audit report is approved, the office shall certify the audit report to the Auditor General for review.

4. For the ~~2007-2008~~ 2006-2007 fiscal year only and notwithstanding the provisions of subparagraphs 1. and 2., proceeds from the Professional Sports Development Trust Fund may also be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games. This subparagraph expires July 1, ~~2008~~ 2007.

Section 29. In order to implement Specific Appropriation 2266 of the 2007-2008 General Appropriations Act, subsection (1) of section 339.08, Florida Statutes, is amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

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

(a) To pay administrative expenses of the department, including administrative expenses incurred by the several state transportation districts, but excluding administrative expenses of commuter rail authorities that do not operate rail service.

(b) To pay the cost of construction of the State Highway System.

(c) To pay the cost of maintaining the State Highway System.

(d) To pay the cost of public transportation projects in accordance with chapter 341 and ss. 332.003-332.007.

(e) To reimburse counties or municipalities for expenditures made on projects in the State Highway System as authorized by s. 339.12(4) upon legislative approval.

(f) To pay the cost of economic development transportation projects in accordance with s. 288.063.

(g) To lend or pay a portion of the operating, maintenance, and capital costs of a revenue-producing transportation project that is located on the State Highway System or that is demonstrated to relieve traffic congestion on the State Highway System.

(h) To match any federal-aid funds allocated for any other transportation purpose, including funds allocated to projects not located in the State Highway System.

(i) To pay the cost of county road projects selected in accordance with the Small County Road Assistance Program created in s. 339.2816.

(j) To pay the cost of county or municipal road projects selected in accordance with the County Incentive Grant Program created in s. 339.2817 and the Small County Outreach Program created in s. 339.2818.

(k) To provide loans and credit enhancements for use in constructing and improving highway transportation facilities selected in accordance with the state-funded infrastructure bank created in s. 339.55.

(l) To pay the cost of projects on the Florida Strategic Intermodal System created in s. 339.61.

(m) To pay the cost of transportation projects selected in accordance with the Transportation Regional Incentive Program created in s. 339.2819.

(n) To pay administrative expenses incurred in accordance with applicable laws for a multicounty transportation or expressway authority created under chapter 343 or chapter 348, where jurisdiction for the authority includes a portion of the State Highway System and the administrative expenses are in furtherance of the duties and responsibilities of the authority

in the development of improvements to the State Highway System. This paragraph expires July 1, 2008.

~~(o)~~(n) To pay other lawful expenditures of the department.

Section 30. In order to implement Specific Appropriations 1621AB, 1621AD, 1621AR, and 1621AS of the 2007-2008 General Appropriations Act, subsection (5) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(5)(a) A transfer of funds may not result in the initiation of a fixed capital outlay project that has not received a specific legislative appropriation, except that federal funds for fixed capital outlay projects for the Department of Military Affairs, which do not carry a continuing commitment on future appropriations by the Legislature, may be approved by the Executive Office of the Governor for the purpose received, subject to the notice and objection procedures set forth in s. 216.177.

(b) Notwithstanding paragraph (a), and for the ~~2007-2008~~ 2006-2007 fiscal year only, the Governor may recommend the initiation of fixed capital outlay projects funded by grants awarded by the Federal Emergency Management Agency for FEMA Disaster Declarations 1539-DR-FL, 1545-DR-FL, 1551-DR-FL, 1561-DR-FL, 1595-DR-FL, 1602-DR-FL, ~~1609-DR-FL~~, and EM3259-FL. All actions taken pursuant to the authority granted in this paragraph are subject to review and approval by the Legislative Budget Commission. This paragraph expires July 1, ~~2008~~ 2007.

Section 31. In order to implement Specific Appropriation 2231 of the 2007-2008 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)(a) **ADOPTION OF THE WORK PROGRAM.**—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 transportation project of the department which is identified

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

(b) Notwithstanding paragraph (a), and for the 2007-2008 fiscal year only, the Department of Transportation shall transfer funds to the Office of Tourism, Trade, and Economic Development in an amount equal to \$25,400,000 for the purpose of funding economic development transportation projects. This transfer shall not reduce, delete, or defer any existing projects funded, as of July 1, 2007, in the Department of Transportation's 5-year work program. This paragraph expires July 1, 2008.

(c) Notwithstanding paragraph (a), and for the 2007-2008 fiscal year only, the Department of Transportation shall provide funds for the Seaport Strategic Planning and Financing Task Force in an amount not to exceed \$75,000; the preliminary engineering and environmental plans and activities for the construction of an interchange on Suncoast Parkway and Lutz Fern Road in an amount not to exceed \$975,000; the Rehabilitation of Local Bridges in an amount not to exceed \$300,000; and the East Winterberry Bridge Replacement in an amount not to exceed \$500,000. To fund these specific appropriations, the Department of Transportation shall not reduce, delete, or defer any existing projects funded as of July 1, 2007, in the 5-year work program. This paragraph expires July 1, 2008.

Section 32. (1) In order to implement Specific Appropriation 2188 of the 2007-2008 General Appropriations Act, there is created the Seaport Strategic Planning and Financing Task Force. The purpose of the task force is to develop a strategic plan for Florida's seaports which will be used to guide future policy development and financial investments to enhance the state's economic competitiveness with other states and internationally in the global economy.

(2) The Seaport Strategic Planning and Financing Task Force shall specifically address the need for greater integration of the seaport program authorized in chapter 311, Florida Statutes, into the state's intermodal transportation system and the need to make the seaport project selection process and project funding structure more responsive to market forces. In its deliberations, the task force shall consider the findings and recommendations of the final report prepared by the Department of Transportation dated July 2006, entitled "Evaluate Florida's 14 Deepwater Seaports' Economic Performance and the Return on Investment of State Funds" (contract number C8A91).

(3) The Seaport Strategic Planning and Financing Task Force shall be comprised of three members appointed by the President of the Senate and three members appointed by the Speaker of the House of Representatives, none of whom shall be registered lobbyists. The Secretary of Transportation and the director of the Governor's Office of Tourism, Trade, and Economic Development shall also serve as voting members of the task force. The

President of the Senate and the Speaker of the House of Representatives shall jointly appoint the chair from among the membership.

(4) The task force members shall serve without compensation. The task force shall be staffed by the Office of Program Policy Analysis and Government Accountability (OPPAGA). The Department of Transportation shall provide assistance to the task force as requested, including providing expert advice and funding assistance for OPPAGA to bring in national and international consultants as deemed necessary to meet the intent of this section.

(5) The task force shall report its findings and recommendations, including any proposed statutory amendments or recommended policy changes, to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 1, 2008.

Section 33. In order to implement Section 36 of the 2007-2008 General Appropriations Act, subsection (13) of section 253.034, Florida Statutes, is amended to read:

253.034 State-owned lands; uses.—

(13) Notwithstanding the provisions of this section, funds from the sale of property by the Department of Highway Safety and Motor Vehicles located in Palm Beach County are authorized to be deposited into the Highway Safety Operating Trust Fund to facilitate the exchange as provided in the General Appropriations Act, provided that at the conclusion of both exchanges the values are equalized. This subsection expires July 1, 2008 2007.

Section 34. In order to implement Specific Appropriation 2188A of the 2007-2008 General Appropriations Act, subsection (3) of section 311.22, Florida Statutes, is amended to read:

311.22 Additional authorization for funding certain dredging projects.—

(3) For the ~~2007-2008~~ 2006-2007 fiscal year only and notwithstanding the matching basis specified in subsection (1), funding for projects in subsection (1) shall require a minimum 25 percent match of funds received pursuant to this section. This subsection expires July 1, 2008 2007.

Section 35. In order to implement Specific Appropriation 1621AD of the 2007-2008 General Appropriations Act and notwithstanding s. 252.37(5)(b), Florida Statutes, local governments that failed to apply for a waiver under s. 252.37, Florida Statutes, within the first 18 months following the declaration of a disaster resulting from Hurricanes Charley, Frances, Ivan, and Jeanne may submit applications for consideration by the Executive Office of the Governor until September 1, 2007. The Executive Office of the Governor may approve a waiver, subject to the requirement for legislative notice and review under s. 216.177, Florida Statutes, of all or a portion of the required match for public assistance projects for local governments if the Executive Office of the Governor determines that such a match requirement cannot be provided, or that doing so would impose a documented hardship on the local government, and if the local government applies for the waiver by the date specified in this section.

Section 36. In order to implement Specific Appropriation 2467 of the 2007-2008 General Appropriations Act, subsections (8) and (9) are added to section 509.302, Florida Statutes, to read:

509.302 Director of education; personnel; employment duties; compensation.—

(8) Revenue from administrative fines may be used to support this section. This subsection expires July 1, 2008.

(9) Notwithstanding subsection (7), up to \$250,000 may be designated to support the school-to-career transition programs available through statewide organizations in the hospitality services field. This subsection expires July 1, 2008.

Section 37. In order to implement Specific Appropriation 35B of the 2007-2008 General Appropriations Act, paragraph (d) of subsection (3) of section 1013.64, Florida Statutes, is amended to read:

1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(3)

(d) Funds specifically appropriated for distribution pursuant to this subsection distributed to the district school boards shall be allocated solely based on the provisions of paragraphs (1)(a) and (2)(a) and paragraph (a) of this subsection. No individual school district projects shall be funded off the top of funds allocated to district school boards.

Section 38. The amendments to s. 1013.64, Florida Statutes, made by this act shall expire July 1, 2008, and the text of that section shall revert to that in existence on June 30, 2007, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of the text which expire pursuant to this section.

Section 39. In order to implement Specific Appropriation 1858 of the 2007-2008 General Appropriations Act, subsection (6) of section 373.459, Florida Statutes, is amended to read:

373.459 Funds for surface water improvement and management.—

(6)(a) The match requirement of subsection (2) shall not apply to the Suwannee River Water Management District, the Northwest Florida Water Management District, or a financially disadvantaged small local government as defined in s. 403.885(5).

~~(b) Notwithstanding the requirements of subsection (3), the Ecosystem Management and Restoration Trust Fund and the Water Protection and Sustainability Trust Fund shall be used for the deposit of funds appropriated by the Legislature for the purposes of ss. 373.451-373.4595. The depart-~~

ment shall administer all funds appropriated to or received for surface water improvement and management activities. Expenditure of the moneys shall be limited to the costs of details planning and plan and program implementation for priority surface water bodies. Moneys from the funds shall not be expended for planning for, or construction or expansion of, treatment facilities for domestic or industrial waste disposal.

(c) ~~Notwithstanding the requirements of subsection (4), the department shall authorize the release of money from the funds in accordance with the provisions of s. 373.501(2) and procedures in s. 373.59(4) and (5).~~

(d) ~~Notwithstanding the requirements of subsection (5), moneys in the Ecosystem Restoration and Management Trust Fund that are not needed to meet current obligations incurred under this section shall be transferred to the State Board of Administration, to the credit of the trust fund, to be invested in the manner provided by law. Interest received on such investments shall be credited to the trust fund.~~

(e) This subsection expires July 1, 2008 2007.

Section 40. In order to implement Specific Appropriations 1852A and 1859 of the 2007-2008 General Appropriations Act, subsection (3) is added to section 253.01, Florida Statutes, to read:

253.01 Internal Improvement Trust Fund established.—

(3) In addition to the uses allowed in subsection (2) for the 2007-2008 fiscal year, moneys in the Internal Improvement Trust Fund are authorized to be transferred to the Ecosystem Management and Restoration Trust Fund for grants and aids to local governments for water projects as provided in the General Appropriations Act. This subsection expires July 1, 2008.

Section 41. In order to implement Specific Appropriations 1852A and 1859 of the 2007-2008 General Appropriations Act, subsection (3) is added to section 403.890, Florida Statutes, to read:

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

(3) In addition to the uses allowed in subsection (1) for the 2007-2008 fiscal year, interest earnings accumulated in the Water Protection and Sustainability Program Trust Fund shall be transferred to the Ecosystem Management and Restoration Trust Fund for grants and aids to local governments for water projects as provided in the General Appropriations Act. This subsection expires July 1, 2008.

Section 42. In order to implement Specific Appropriations 1852A and 1859 of the 2007-2008 General Appropriations Act, subsection (6) of section 201.15, Florida Statutes, as amended by chapters 2005-92, 2006-1, 2006-185, and 2006-231, Laws of Florida, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter shall be distributed as follows and shall be subject to the service

charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(6) The lesser of two and twenty-eight hundredths percent of the remaining taxes collected under this chapter or \$36.1 million in each fiscal year shall be paid into the State Treasury to the credit of the Invasive Plant Control Trust Fund to carry out the purposes set forth in ss. 369.22 and 369.252 and for water projects as provided in the General Appropriations Act.

Section 43. The amendments to s. 201.15, Florida Statutes, made by this act shall expire July 1, 2008, and the text of that section shall revert to that in existence on June 30, 2007, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of the text which expire pursuant to this section.

Section 44. In order to implement Specific Appropriations 1852A and 1859 of the 2007-2008 General Appropriations Act, moneys in the Invasive Plant Control Trust Fund are authorized to be transferred to the Ecosystem Management and Restoration Trust Fund for grants and aids to local governments for water projects as provided in the General Appropriations Act. This section expires July 1, 2008.

Section 45. (1) In order to implement Specific Appropriation 1695 in the 2007-2008 General Appropriations Act, notwithstanding s. 420.9073, Florida Statutes, the Florida Housing Finance Corporation is directed to establish a Teachers' Down Payment Assistance Pilot Program. By rule, the corporation shall set forth criteria for project selection and funding.

(2) In order to assist in the recruitment and retention of teachers, eligibility shall be limited to those local governments whose local housing assistance plans include the following:

(a) Down payment assistance shall be provided to eligible persons who meet the following criteria, in addition to other requirements of the plan, the person shall:

1. Be employed full time as a K-12 classroom teacher in this state;
2. Be state-certified in a critical need area of exceptional student education, mathematics, or science;
3. Declare his or her homestead and maintain residency at his or her homestead;
4. Be employed in a full-time, permanent capacity; and
5. Demonstrate a 5-year minimum commitment to continued employment as a K-12 classroom teacher in a public school within the county of current employment.



(b) Compliance with the eligibility criteria shall be verified on application and during the life of the loan by the school district in which the teacher is employed.

(c) The program shall provide \$4,000 as down payment assistance if the municipality, county, or appropriate governmental subdivision or agency within which an eligible recipient resides waives all impact fees that occur incidental to the recipient's home purchase.

(d) Any lien on the recipient's property securing the assistance provided under this program shall be released if the recipient fulfills the 5-year commitment.

(3) Any undistributed funds remaining on June 1, 2008, shall be distributed along with other State Housing Initiative Partnership funds, as provided in s. 420.9073, Florida Statutes.

Section 46. In order to implement Specific Appropriation 2814 of the 2007-2008 General Appropriations Act, section 322.025, Florida Statutes, is amended to read:

322.025 Driver improvement.—

(1) The department may implement programs to improve the driving ability of the drivers of this state. Such programs may include, but shall not be limited to, safety awareness campaigns, driver training, and licensing improvement. Motorcycle driver improvement programs implemented pursuant to this section or s. 322.0255 shall be funded by the motorcycle safety education fee collected pursuant to s. 320.08(1)(c), which shall be deposited in the Highway Safety Operating Trust Fund of the department and appropriated for that purpose.

(2) Notwithstanding the provisions of s. 283.58, when funds have been appropriated by the Legislature for the purpose of providing safety awareness materials, the department shall distribute to the public only materials that do not include advertisements. Safety materials shall include, but need not be limited to, Official Florida Driver Handbooks provided by the department to the motoring public for the purpose of education. The Official Florida Driver Handbook may be distributed by the Department of Highway Safety and Motor Vehicles only in accordance with this paragraph. Other governmental entities, including secondary public schools, wishing to obtain the Official Florida Driver Handbook must use those books provided by the department. This subsection expires July 1, 2008.

Section 47. In order to implement Section 51 of the 2007-2008 General Appropriations Act, section 570.957, Florida Statutes, is created to read:

570.957 Farm-to-Fuel Grants Program.—

(1) As used in this section, the term:

(a) "Bioenergy" means useful, renewable energy produced from organic matter through the conversion of the complex carbohydrates in organic

matter to energy. Organic matter may either be used directly as a fuel, processed into liquids and gases, or be a residue of processing and conversion.

(b) "Department" means the Department of Agriculture and Consumer Services.

(c) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, or any other public or private entity.

(d) "Renewable energy" means electrical, mechanical, or thermal energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen, biomass, solar energy, geothermal energy, wind energy, ocean energy, waste heat, or hydroelectric power.

(2) The Farm-to-Fuel Grants Program is established within the department to provide renewable energy matching grants for demonstration, commercialization, research, and development projects relating to bioenergy projects.

(a) Matching grants for bioenergy demonstration, commercialization, research, and development projects may be made to any of the following:

1. Municipalities and county governments.
2. Established for-profit companies licensed to do business in the state.
3. Universities and colleges in the state.
4. Utilities located and operating within the state.
5. Not-for-profit organizations.
6. Other qualified persons, as determined by the Department of Agriculture and Consumer Services.

(b) The department may adopt rules to provide for allocation of grant funds by project type, application requirements, ranking of applications, and awarding of grants under this program.

(c) Factors for consideration in awarding grants may include, but are not limited to, the degree to which:

1. The project produces bioenergy from Florida-grown crops or biomass.
2. The project demonstrates efficient use of energy and material resources.
3. Matching funds and in-kind contributions from an applicant are available.
4. The project has a reasonable assurance of enhancing the value of agricultural products or will expand agribusiness in the state.

5. Preliminary market and feasibility research has been conducted by the applicant or others and shows there is a reasonable assurance of a potential market.

6. The project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for bioenergy.

7. The project incorporates an innovative new technology or an innovative application of an existing technology.

(d) In evaluating and awarding grants under this section, the department shall consult with and solicit input from the Department of Environmental Protection.

(e) In determining the technical feasibility of grant applications, the department shall coordinate and actively consult with persons having expertise in renewable energy technologies.

(f) In determining the economic feasibility of bioenergy grant applications, the department shall consult with the Office of Tourism, Trade, and Economic Development.

(3) This section expires July 1, 2008.

Section 48. In order to implement Sections 52, 53, and 54 of the 2007-2008 General Appropriations Act:

(1) The Florida Building Commission shall convene a workgroup comprised of representatives from the Florida Energy Commission, the Department of Community Affairs, the Building Officials Association of Florida, the Florida Energy Office, the Florida Home Builders Association, the Association of Counties, the League of Cities, and other stakeholders to develop a model residential energy efficiency ordinance that provides incentives to meet energy efficiency standards. The commission must report back to the Legislature with a developed ordinance by March 1, 2008.

(2) The Florida Building Commission shall, in consultation with the Florida Energy Commission, the Building Officials Association of Florida, the Florida Energy Office, the Florida Home Builders Association, the Association of Counties, the League of Cities, and other stakeholders, review the Florida Energy Code for Building Construction. Specifically, the commission shall revisit the analysis of cost-effectiveness that serves as the basis for energy efficiency levels for residential buildings, identify cost-effective means to improve energy efficiency in commercial buildings, and compare the code to the International Energy Conservation Code and the American Society of Heating Air-Conditioning and Refrigeration Engineers Standards 90.1 and 90.2. The commission shall provide a report with a standard to the Legislature by March 1, 2008, that may be adopted for the construction of all new residential, commercial, and government buildings.

(3) The Florida Building Commission, in consultation with the Florida Solar Energy Center, the Florida Energy Commission, the Florida Energy

Office, the United States Department of Energy, and the Florida Home Builders Association, shall develop and implement a public awareness campaign that promotes energy efficiency and the benefits of building green by January 1, 2008. The campaign shall include enhancement of an existing web site from which all citizens can obtain information pertaining to green building practices, calculate anticipated savings from use of those options, as well as learn about energy efficiency strategies that may be used in their existing home or when building a home. The campaign shall focus on the benefits of promoting energy efficiency to the purchasers of new homes, the various green building ratings available, and the promotion of various energy-efficient products through existing trade shows. The campaign shall also include strategies for utilizing print advertising, press releases, and television advertising to promote voluntary utilization of green building practices.

(4) The Department of Environmental Protection shall develop a public awareness campaign that promotes the effective use of energy in the state and discourages all forms of energy waste. The campaign shall also include strategies for utilizing print advertising, press releases, and television advertising to promote energy education and the public dissemination of information on energy and its environmental, economic, and social impact.

(5) This section expires July 1, 2008.

Section 49. In order to implement Section 48 of of the 2007-2008 General Appropriations Act:

(1) Research and demonstration cellulosic ethanol plant.—There shall be constructed a multifaceted research and demonstration cellulosic ethanol plant designed to conduct research and to demonstrate and advance the commercialization of cellulose-to-ethanol technology, including technology licensed from the University of Florida, and to facilitate further research and testing of multiple cellulosic feedstocks in the state.

(2) The University of Florida shall act as the owner and proprietor of the facility, which shall include a permanent research and development laboratory operated as a satellite facility of the Institute of Food and Agricultural Sciences at the University of Florida. This facility shall be used to convert the initially treated material to the final ethanol product.

(3) The facility shall be located near an industrial site with infrastructure already developed to avoid or reduce significant capital costs for waste treatment and roads, shall be served by a range of suppliers and transportation companies, and shall be in good proximity to gasoline and ethanol blending facilities on either coast of the state. The industrial site shall have the capacity to provide steam and electric power, waste treatment, and a steady stream of feedstocks, including, but not limited to, bagasse, woody biomass, and cane field residues, to allow a commercial scale plant to operate year around.

(4) The facility shall be located near preexisting onsite technical support staff and other resources for electrical, mechanical, and instrumentation services. In addition, the facility shall have access to preexisting onsite laboratory facilities and scientific personnel and shall include the critical

aspects of connecting to existing facilities and meeting construction codes and permit requirements.

(5) There shall be a scientific and technical advisory panel to advise on the technology to be applied.

(6) Subject to the rights of any third parties arising under any licenses granted by the university or its affiliates prior to the effective date of this act, ownership of all patents, copyrights, trademarks, licenses, and rights or interests shall vest in the university on behalf of the state. The university, pursuant to s. 1004.23, Florida Statutes, shall have the right to use and the right to retain derived revenues subject to the continuing approval of the Legislature.

(7) The Senior Vice President for the Institute of Food and Agricultural Sciences at the University of Florida shall ensure that applicable, nonproprietary research results and technologies from the plant authorized under this initiative are adapted, made available, and disseminated through its respective services, as appropriate.

(8) Within 2 years after enactment of this act, the Senior Vice President for the Institute of Food and Agricultural Sciences at the University of Florida shall submit to the President of the Senate and the Speaker of the House of Representatives a report on the activities conducted under this section.

(9) This section expires on July 1, 2008.

Section 50. In order to implement Section 49 of the 2007-2008 General Appropriations Act, subsection (6) of section 377.804, Florida Statutes, is amended to read:

377.804 Renewable Energy Technologies Grants Program.—

~~(6) The department shall coordinate and actively consult with the Department of Agriculture and Consumer Services during the review and approval process of grants relating to bioenergy projects for renewable energy technology, and the departments shall jointly determine the grant awards to these bioenergy projects. No grant funding shall be awarded to any bioenergy project without such joint approval. Factors for consideration in awarding grants may include, but are not limited to, the degree to which:~~

~~(a) The project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for bioenergy.~~

~~(b) The project produces bioenergy from Florida-grown crops or biomass.~~

~~(c) The project demonstrates efficient use of energy and material resources.~~

~~(d) The project fosters overall understanding and appreciation of bioenergy technologies.~~

~~(e) Matching funds and in-kind contributions from an applicant are available.~~

~~(f) The project duration and the timeline for expenditures are acceptable.~~

~~(g) The project has a reasonable assurance of enhancing the value of agricultural products or will expand agribusiness in the state.~~

~~(h) Preliminary market and feasibility research has been conducted by the applicant or others and shows there is a reasonable assurance of a potential market.~~

Section 51. In order to implement Specific Appropriations 2659, 2661, 2662, and 2665 of the 2007-2008 General Appropriations Act, for the 2007-2008 fiscal year only and notwithstanding any conflicting requirements of section 4 of chapter 2006-12, Laws of Florida, the Department of Financial Services may expend \$846,021 of the funds appropriated by section 4 of chapter 2006-12, Laws of Florida, for salaries and related expenses.

Section 52. The amendments to s. 377.804, Florida Statutes, made by this act shall expire July 1, 2008, and the text of that section shall revert to that in existence on June 30, 2007, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this section.

Section 53. A section of this act that implements a specific appropriation or specifically identified proviso language in the 2007-2008 General Appropriations Act is void if the specific appropriation or specifically identified proviso language is vetoed. A section of this act that implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 2007-2008 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.

Section 54. If any other act passed in 2007 contains a provision that is substantively the same as a provision in this act, but that removes or is otherwise not subject to the future repeal applied to such provision by this act, the Legislature intends that the provision in the other act shall take precedence and shall continue to operate, notwithstanding the future repeal provided by this act.

Section 55. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 56. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2007; or, if this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2007.

Approved by the Governor May 24, 2007.

Filed in Office Secretary of State May 24, 2007.