

## House Bill No. 5003

An act implementing the 2008-2009 General Appropriations Act; providing legislative intent; incorporating by reference certain calculations of the Florida Education Finance Program for the 2008-2009 fiscal year; amending s. 394.908, F.S.; 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; providing allocation requirements for specified funds appropriated for mental health services; requiring the Department of Children and Family Services to ensure information is entered into the Florida Safe Families Network; requiring coordination between the department and the Office of the State Courts Administrator and the Statewide Guardian Ad Litem Office to provide information relating to child welfare cases; requiring a report to the Governor and Legislature; amending s. 287.057, F.S.; authorizing the Department of Health to enter into an agreement with a specified private contractor to finance, design, and construct a hospital for the treatment of patients with active tuberculosis; requiring the Agency for Health Care Administration to study the effects of certain required minimum nursing home staffing ratios and report to the Governor and Legislature; prohibiting the agency from imposing sanctions related to such staffing ratios; 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; authorizing the Department of Legal Affairs to expend appropriated funds on programs funded in the preceding fiscal year; amending s. 932.7055, F.S.; extending the expiration date of provisions authorizing the expenditure of funds in a special law enforcement trust fund established by the governing body of a municipality; specifying certain limitations on reimbursements to a health care provider or hospital by the Department of Corrections; providing an exception for hospitals that reported a negative operating margin for the prior year; requiring that contract rates of the Department of Corrections be based on a percentage of the Medicare allowable rate; authorizing the Department of Legal Affairs to transfer certain funds to pay salaries and benefits; amending s. 112.061, F.S.; providing for certain reimbursement for travel expenses of Supreme Court justices; amending s. 112.24, F.S.; providing conditions on the assignment of an employee of a state agency without reimbursement from the receiving agency; 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; amending s. 110.123, F.S.; providing for the state's monthly contribution for employees under the state group insurance program; amending s. 255.503, F.S.; delaying the

expiration of provisions authorizing the Department of Management Services to sell, lease, or otherwise dispose of facilities within the Florida Facilities Pool and report to the Legislature, the Governor, and the Division of Bond Finance; 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. 61.1824, F.S.; requiring electronic disbursement of certain payments made to the State Disbursement Unit; amending s. 409.2558, F.S.; requiring electronic disbursement of certain payments made to the State Disbursement Unit; authorizing the Department of Revenue to extend the length of a specified contract; offsetting reductions in ad valorem tax revenue experienced by fiscally constrained counties occurring as a direct result of the implementation of revisions of Article VII of the State Constitution approved in the special election held on January 29, 2008; amending s. 255.518, F.S.; revising provisions relating to payment of obligations during the construction of any facility financed by such obligations; authorizing the Department of Financial Services to expend certain funds for salaries and related expenses; amending s. 215.559, F.S.; providing for allocation of funds appropriated to the Hurricane Loss Mitigation Program for specified purposes; amending s. 253.034, F.S.; delaying the expiration of provisions 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. 339.135, F.S.; delaying the expiration of provisions requiring the Department of Transportation to transfer funds to the Office of Tourism, Trade, and Economic Development for the purpose of funding transportation-related needs of economic development transportation projects, space and aerospace infrastructure, and other economic development projects; amending s. 553.721, F.S.; providing for the proceeds from the surcharge collected by the Department of Community Affairs on building additions and renovations to be used to fund regional planning councils, civil legal assistance, and the Front Porch Florida Initiative; amending s. 339.08, F.S.; providing for administrative expenses from the State Transportation Trust Fund; amending s. 253.01, F.S.; providing for moneys in the Internal Improvement Trust Fund to be used for grants and aids to local governments for the drinking water facility construction state revolving loan program; amending ss. 212.08, 220.183, and 624.5105, F.S.; providing allocations and limitations on community contribution tax credits; amending s. 403.7095, F.S.; authorizing the Department of Environmental Protection to award funds under the solid waste management grant program for certain purposes; amending s. 570.20, F.S.; delaying the expiration of provisions authorizing moneys in the General Inspection Trust Fund to be appropriated for certain programs operated by the Department of Agriculture and Consumer Services; providing fund transfer authority relating to the Florida Forever Act; amending s. 373.1961, F.S.; providing that funding for alternative water supply shall be allocated as shown in the General Appropriations Act; amending s. 403.890, F.S.; authorizing transfer of moneys in the Water Protection and Sustainability

Program Trust Fund 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; amending s. 375.041, F.S.; authorizing transfer of moneys in the Land Acquisition Trust Fund 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; amending s. 376.3071, F.S.; extending use of funds in the Inland Protection Trust Fund for certain limited interim soil-source removals; providing for the authorization and issuance of new debt; amending s. 373.472, F.S.; suspending certain uses and purposes of the Save Our Everglades Trust Fund; authorizing the Department of Agriculture and Consumer Services, at its discretion, to extend, revise, and renew certain contracts or agreements in order to provide consistency and continuity in agriculture promotion throughout the state; authorizing and providing conditions for the transfer of funds from the Budget Stabilization Fund or the Lawton Chiles Endowment Fund to the General Revenue Fund; amending s. 215.5601, F.S.; revising the investment objective of the Lawton Chiles Endowment Fund and providing construction with respect thereto; providing intent with respect to the issuance of debt; reenacting s. 215.32(2)(b), F.S., relating to the source and use of certain trust funds in order to implement the transfer of moneys in the General Revenue Fund from trust funds in the 2008-2009 General Appropriations Act; providing for reduction in legislator salaries; providing for future expiration of various provisions; providing for reversion of statutory text of certain provisions; 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 2008-2009 fiscal year.

Section 2. In order to implement Specific Appropriations 6, 7, and 81 through 83 of the 2008-2009 General Appropriations Act, the calculations of the Florida Education Finance Program for the 2008-2009 fiscal year in the document entitled "Public School Funding - The Florida Education Finance Program" dated April 28, 2008, and filed with the Clerk of the House of Representatives 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 Appropriations 376 through 415 of the 2008-2009 General Appropriations Act, subsection (3) of section 394.908, Florida Statutes, is amended to read:

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

(3)(a) Any additional funding beyond the 2005-2006 fiscal year base appropriation for alcohol, drug abuse, and mental health services shall be allocated to districts for substance abuse and mental health services based on:

1.(a) Epidemiological estimates of disabilities that apply to the respective target populations.

2.(b) A pro rata share distribution that ensures districts below the state-wide average funding level per person in each target population of "persons in need" receive funding necessary to achieve equity.

(b) Notwithstanding paragraph (a) and for the 2008-2009 fiscal year only, funds appropriated for forensic mental health treatment services shall be allocated to the areas of the state having the greatest demand for services and treatment capacity. This paragraph expires July 1, 2009.

(c) Notwithstanding paragraph (a) and for the 2008-2009 fiscal year only, additional funds appropriated for mental health services from funds available through the Community-Based Medicaid Administrative Claiming Program shall be allocated as provided in the 2008-2009 General Appropriations Act and in proportion to contributed provider earnings. Where these mental health funds are used in lieu of funds from the General Revenue Fund, the allocation of funds shall be unchanged from the allocation for those funds for the 2007-2008 fiscal year. This paragraph expires July 1, 2009.

Section 4. In order to implement Specific Appropriations 302 and 314 of the 2008-2009 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 2008-2009 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, 2009, with respect to progress on providing access to the Florida Safe

Families Network as provided in this section. This section expires July 1, 2009.

Section 5. Effective upon this act becoming a law, in order to implement Specific Appropriations 552, 554, 560, 562, and 563 of the 2008-2009 General Appropriations Act, paragraph (c) is added to subsection (14) of section 287.057, Florida Statutes, to read:

287.057 Procurement of commodities or contractual services.—

(14)

(c) The Department of Health shall enter into an agreement, not to exceed 20 years, with a private contractor to finance, design, and construct a hospital, of no more than 50 beds, for the treatment of patients with active tuberculosis and to operate all aspects of daily operations within the facility. The contractor may sponsor the issuance of tax-exempt certificates of participation or other securities to finance the project, and the state may enter into a lease-purchase agreement for the facility. The department shall begin the implementation of this initiative by July 1, 2008. This paragraph expires July 1, 2009.

Section 6. In order to implement Specific Appropriation 236 of the 2008-2009 General Appropriations Act, the Agency for Health Care Administration shall study the effects of the minimum nursing home staffing ratios found in s. 400.23(3), Florida Statutes, and the relationship to Medicaid reimbursement and the quality of care provided to residents. The agency shall report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2009. Until July 1, 2009, the agency shall not impose sanctions against a nursing home for failure to meet the staffing ratios in s. 400.23(3), Florida Statutes, or failure to impose a moratorium on new admissions pursuant to s. 400.141(15)(d), Florida Statutes, as long as the certified nursing assistant ratio is not below 2.6 hours per resident per day and the licensed nurse ratio is not below 1.0 hours per resident per day. This section expires July 1, 2009.

Section 7. In order to fulfill legislative intent regarding the use of funds contained in Specific Appropriations 721K, 721Y, 721AJ, and 1146 of the 2008-2009 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, 2009.

Section 8. In order to implement Specific Appropriations 721A through 760H and 780 through 806A of the 2008-2009 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 ~~2008-2009~~ ~~2007-2008~~ fiscal year only, if the actual inmate population of the Department of Corrections exceeds the inmate population projections of the ~~February 15, 2008~~ ~~February 16, 2007~~, 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, ~~2009~~ ~~2008~~.

Section 9. In order to implement Specific Appropriations 1301 and 1302 of the 2008-2009 General Appropriations Act, the Department of Legal Affairs is authorized to expend appropriated funds in those specific appropriations on the same programs that were funded by the department pursuant to specific appropriations made in general appropriations acts in prior years. This section expires July 1, 2009.

Section 10. In order to implement Specific Appropriation 1210 of the 2008-2009 General Appropriations Act, 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:

(a) Payment of the balance due on any lien preserved by the court in the forfeiture proceedings.

(b) Payment of the cost incurred by the seizing agency in connection with the storage, maintenance, security, and forfeiture of such property.

(c) Payment of court costs incurred in the forfeiture proceeding.

(d) Notwithstanding any other provision of this subsection, and for the ~~2008-2009~~ ~~2007-2008~~ 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, ~~2009~~ ~~2008~~.

Section 11. In order to implement Specific Appropriation 786 of the 2008-2009 General Appropriations Act, the Department of Corrections shall comply with the following reimbursement limitations:

(1) If no contract exists between the Department of Corrections and a hospital licensed under chapter 395 or a health care provider providing services at a hospital licensed under chapter 395 regarding services, payments may not exceed 110 percent of the Medicare allowable rate.

(2) If a contract has been executed between the Department of Corrections and a hospital licensed under chapter 395 or a health care provider providing services at a hospital licensed under chapter 395, payments shall continue at the currently contracted rates through the current term of the contract; however, if the contract expires or is subject to renewal during the 2007-2008 fiscal year, the payments may not exceed 110 percent of Medicare allowable rate.

(3) If the Department of Corrections enters into a new contract with a hospital licensed under chapter 395 or a health care provider providing services at a hospital licensed under chapter 395, the payments may not exceed 110 percent of the Medicare allowable rate.

(4) Notwithstanding the limitations of subsections (1), (2), and (3) to the contrary, the Department of Corrections may pay up to 125 percent of the Medicare allowable rate for hospitals licensed under chapter 395 that reported to the Agency for Health Care Administration, through hospital audited financial data, a negative operating margin for the previous year.

(5) This section shall not be applicable to charges for medical services provided at any hospital operated by the Department of Corrections.

The Department of Corrections may not negotiate contracts for medical services at hospitals licensed under chapter 395 for rates other than rates based on a percentage of the Medicare allowable rate. This section expires July 1, 2009.

Section 12. In order to implement Specific Appropriations 1266, 1286, 1307, and 1317 of the 2008-2009 General Appropriations Act, the Department of Legal Affairs is authorized to transfer cash remaining after required disbursements from Attorney General case numbers L01-6-1004, L03-6-1002, and L01-6-1009 from FLAIR account 41-74-2-601001-41100100-00-181076-00 to the Operating Trust fund to pay salaries and benefits. This section expires July 1, 2009.

Section 13. In order to implement Specific Appropriation 3205 of the 2008-2009 General Appropriations Act, subsection (16) is added to section 112.061, Florida Statutes, to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.—

(16) SUPREME COURT JUSTICES.—Notwithstanding any provision of this section to the contrary, the Chief Justice of the Supreme Court is authorized to reimburse justices of the Supreme Court for travel expenses, including travel, per diem, and subsistence allowances, associated with travel to Tallahassee on official business for the state from the county in which the justice resides for no more than 36 trips per justice, provided that

reimbursement may not be made for travel to Tallahassee if the justice resides within 50 miles of the headquarters of the Supreme Court. This subsection expires July 1, 2009.

Section 14. In order to implement Specific Appropriations for salaries and benefits in the 2008-2009 General Appropriations Act, paragraph (b) of subsection (3) of section 112.24, Florida Statutes, is amended to read:

112.24 Intergovernmental interchange of public employees.—To encourage economical and effective utilization of public employees in this state, the temporary assignment of employees among agencies of government, both state and local, and including school districts and public institutions of higher education is authorized under terms and conditions set forth in this section. State agencies, municipalities, and political subdivisions are authorized to enter into employee interchange agreements with other state agencies, the Federal Government, another state, a municipality, or a political subdivision including a school district, or with a public institution of higher education. State agencies are also authorized to enter into employee interchange agreements with private institutions of higher education and other nonprofit organizations under the terms and conditions provided in this section. In addition, the Governor or the Governor and Cabinet may enter into employee interchange agreements with a state agency, the Federal Government, another state, a municipality, or a political subdivision including a school district, or with a public institution of higher learning to fill, subject to the requirements of chapter 20, appointive offices which are within the executive branch of government and which are filled by appointment by the Governor or the Governor and Cabinet. Under no circumstances shall employee interchange agreements be utilized for the purpose of assigning individuals to participate in political campaigns. Duties and responsibilities of interchange employees shall be limited to the mission and goals of the agencies of government.

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

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

2. For the 2008-2009 fiscal year only, the assignment of an employee of a state agency as provided in subparagraph 1. may be made if recommended by the Governor or Chief Justice, as appropriate, and approved by the chairs of the Senate Fiscal Policy and Calendar Committee and the House Policy and Budget Council. Such actions shall be deemed approved if neither chair provides written notice of objection within 14 days after the chair's receiving notice of the action pursuant to s. 216.177. This subparagraph expires July 1, 2009.

Section 15. In order to implement the appropriation of funds in Special Categories-Risk Management Insurance of the 2008-2009 General Appro-



priations 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 2008-2009 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, 2009.

Section 16. 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 2008-2009 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 2008-2009 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, 2009.

Section 17. In order to implement specific appropriations for salaries and benefits in the 2008-2009 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 2008-2009 ~~2007-2008~~ 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 18. In order to implement Specific Appropriations 2801 through 2814 of the 2008-2009 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, 2009 2008.

Section 19. In order to implement Specific Appropriations 2826 through 2835 of the 2008-2009 General Appropriations Act, paragraph (a) of subsection (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 20. The amendment of s. 287.17, Florida Statutes, as carried forward by this act from chapters 2005-71, 2006-26, and 2007-73, Laws of Florida, shall expire July 1, 2009, 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, 2006-26, and 2007-73, 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 21. In order to implement Specific Appropriation 3070 of the 2008-2009 General Appropriations Act, paragraph (d) of subsection (3) of section 61.1824, Florida Statutes, is amended to read:

61.1824 State Disbursement Unit.—

(3) The State Disbursement Unit shall perform the following functions:

(d) To the extent feasible, use automated procedures for the collection and disbursement of support payments, including, but not limited to, having procedures for:

1. Receipt of payments from obligors, employers, other states and jurisdictions, and other entities.

2. Timely disbursement of payments to obligees, the department, and other state Title IV-D agencies.

3. Accurate identification of payment source and amount.

4. Furnishing any parent, upon request, timely information on the current status of support payments under an order requiring payments to be made by or to the parent, except that in cases described in paragraph (1)(b), prior to the date the State Disbursement Unit becomes fully operational, the State Disbursement Unit shall not be required to convert and maintain in automated form records of payments kept pursuant to s. 61.181.

5. Electronic disbursement of support payments to obligees. The State Disbursement Unit shall notify obligees of electronic disbursement options ~~and encourage their use through promotional material.~~ Any payments made to the State Disbursement Unit that are owed to the obligee shall be disbursed electronically. The obligee may designate a personal account for deposit of payments. If the obligee does not designate a personal account, the State Disbursement Unit shall deposit any payments into a stored-value account that can be accessed by the obligee.

Section 22. The amendment of s. 61.1824(3)(d), Florida Statutes, made by this act shall expire July 1, 2009, and the text of that paragraph shall revert to that in existence on June 30, 2008, 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 23. In order to implement Specific Appropriation 3070 of the 2008-2009 General Appropriations Act, subsections (2) through (8) of section 409.2558, Florida Statutes, are renumbered as subsections (3) through (9), respectively, and a new subsection (2) is added to that section, to read:

409.2558 Support distribution and disbursement.—

(2) ELECTRONIC DISBURSEMENT OF PAYMENTS.—Any payments made to the State Disbursement Unit that are owed to the obligee in a Title IV-D case shall be disbursed electronically. The obligee may designate a personal account for deposit of payments. If the obligee does not designate a personal account, the State Disbursement Unit shall deposit any payments into a stored-value account that can be accessed by the obligee. This subsection expires July 1, 2009.

Section 24. In order to implement Specific Appropriation 3070 of the 2008-2009 General Appropriations Act, notwithstanding ss. 61.1826(4)(a) and 287.057, Florida Statutes, relating to contract extensions and renewals, the Department of Revenue shall extend for 66 months contract C3636 entered into pursuant to s. 61.1826, Florida Statutes. This section expires July 1, 2009.

Section 25. (1) In order to implement Specific Appropriation 3056A of the 2008-2009 General Appropriations Act and notwithstanding the provisions of Section 9 of chapter 2007-339, Laws of Florida, the moneys provided in Specific Appropriation 3056A are appropriated to offset the reductions in ad valorem tax revenue experienced by fiscally constrained counties, as defined in s. 218.67(1), Florida Statutes, which occur as a direct result of the implementation of revisions of Article VII of the State Constitution approved in the special election held on January 29, 2008. The moneys appropriated for this purpose shall be distributed in January of 2009 among the fiscally constrained counties based on each county's proportion of the total reduction in ad valorem tax revenue resulting from the implementation of the revision.

(2) On or before November 15, 2008, each fiscally constrained county shall apply to the Department of Revenue to participate in the distribution of the appropriation and provide documentation supporting the county's estimated reduction in ad valorem tax revenue in the form and manner prescribed by the Department of Revenue. The documentation must include an estimate of the reduction in taxable value directly attributable to revisions of Article VII of the State Constitution for all county taxing jurisdictions within the county and shall be prepared by the property appraiser in each fiscally constrained county. The documentation must also include the county millage rates applicable in all such jurisdictions for both the current year and the prior year; rolled-back rates, determined as provided in s. 200.065, Florida Statutes, for each county taxing jurisdiction; and maximum millage rates that could have been levied by majority vote pursuant to s. 200.185, Florida Statutes. For purposes of this section, each fiscally constrained county's reduction in ad valorem tax revenue shall be calculated as 95 percent of the estimated reduction in taxable value times the 2007 applicable millage rate.

(3) This section expires July 1, 2009, and shall be superseded if similar provisions contained in Senate Bill 1588, 2008 Regular Session, become law.

Section 26. In order to implement Specific Appropriation 2819 of the 2008-2009 General Appropriations Act, paragraph (b) of subsection (1) of section 255.518, Florida Statutes, is amended to read:

255.518 Obligations; purpose, terms, approval, limitations.—

(1)

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

Section 27. The amendment to s. 255.518(1)(b), Florida Statutes, by this act shall expire July 1, 2009, and the text of that paragraph shall revert to that in existence on June 30, 2008, 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 28. In order to implement Specific Appropriations 2536, 2537, 2538, and 2542 of the 2008-2009 General Appropriations Act, for the 2008-2009 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 \$998,820 of the funds appropriated by section 4 of chapter 2006-12, Laws of Florida, for salaries and related expenses. This section expires July 1, 2009.

Section 29. In order to implement Specific Appropriation 1541 of the 2008-2009 General Appropriations Act, subsection (8) of section 215.559, Florida Statutes, is renumbered as subsection (9), respectively, and a new subsection (8) is added to that section to read:

215.559 Hurricane Loss Mitigation Program.—

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

1. The sum of \$2.8 million shall be used to inspect and improve tie-downs for mobile homes for the same purpose as specified in paragraph (3)(a).

2. The sum of \$700,000 shall be allocated to the Florida International University for the same purpose as specified in subsection (4).

3. The sum of \$6,421,764 shall be used to install emergency power generators in special-needs hurricane evacuation shelters as provided in section 1 of chapter 2006-71, Laws of Florida, except that such funds may not be used for administrative purposes.

4. The sum of \$78,236 shall be allocated for operational purposes of the department as specified in the 2008-2009 General Appropriations Act.

(b) This subsection expires July 1, 2009.

Section 30. In order to implement Section 61 of the 2008-2009 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, 2009 ~~2008~~.

Section 31. In order to implement Specific Appropriations 2063, 2070 through 2082, 2098, 2099, 2100, 2102 through 2107, 2109 through 2119, and 2159 through 2169 of the 2008-2009 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 2008-2009 ~~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 \$36,750,000 ~~\$25,400,000~~ for the purpose of funding transportation-related needs of economic development transportation projects, space and aerospace infrastructure, and other economic development projects. This transfer shall not reduce, delete, or defer any existing projects funded, as of July 1, 2008 ~~2007~~, in the Department of Transportation's 5-year work program. This paragraph expires July 1, 2009 ~~2008~~.

(c) ~~Notwithstanding paragraph (a) or subparagraph (4)(a)1., and for the 2008-2009 2007-2008 fiscal year only, the Department of Transportation shall fund projects in Specific Appropriations 2063, 2071, 2077, 2079, 2102, 2106, 2109, and 2116 of the 2008-2009 General Appropriations Act. Funding for these specific appropriations shall be from projects or phases thereof within the department's fiscal year 2008-2009 work program not programmed for contract letting as identified with a work program contract class code 8 and the box code RV. This funding shall not negatively impact safety, preservation, maintenance, or project contingency levels as of July 1, 2008 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, 2009 2008.~~

Section 32. In order to implement Specific Appropriations 1511, 1586, and 1606A and section 69 of the 2008-2009 General Appropriations Act, section 553.721, Florida Statutes, is amended to read:

553.721 Surcharge.—

(1) In order for the Department of Community Affairs to administer and carry out the purposes of this part and related activities, there is hereby created a surcharge, to be assessed at the rate of one-half cent per square foot under-roof floor space permitted pursuant to s. 125.56(4) or s. 166.201. However, for additions, alterations, or renovations to existing buildings, the surcharge shall be computed on the basis of the square footage being added, altered, or renovated. The unit of government responsible for collecting a permit fee pursuant to s. 125.56(4) or s. 166.201 shall collect such surcharge and remit the funds collected to the department on a quarterly calendar basis, and such unit of government may retain an amount up to 5 percent of the surcharge collected to cover costs associated with the collection and remittance of such surcharge. All funds remitted to the department pursuant to this subsection shall be deposited in the Operating Trust Fund. Funds collected from such surcharge shall not be used to fund research on techniques for mitigation of radon in existing buildings. Funds used by the department as well as funds to be transferred to the Department of Health shall be as prescribed in the annual General Appropriations Act. The department shall adopt rules governing the collection and remittance of surcharges in accordance with chapter 120.

(2) Notwithstanding subsection (1), and for the 2008-2009 fiscal year only, the amount transferred from the Operating Trust Fund to the Grants and Donations Trust Fund of the Department of Community Affairs pursuant to the General Appropriations Act for the 2008-2009 fiscal year shall be used for the regional planning councils, civil legal assistance, and the Front Porch Florida Initiative.

Section 33. In order to implement Specific Appropriation 2153 of the 2008-2009 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, the Small County Outreach Program created in s. 339.2818, and the Enhanced Bridge Program for Sustainable Transportation created in s. 339.285.

(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, 2009.

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

Section 34. In order to implement Specific Appropriation 1775 of the 2008-2009 General Appropriations Act, subsection (3) of section 253.01, Florida Statutes, is amended to read:

253.01 Internal Improvement Trust Fund established.—

(3) In addition to the uses allowed in subsection (2) for the ~~2008-2009~~ 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 the drinking water facility construction state revolving loan program, water projects as provided in the General Appropriations Act. This subsection expires July 1, 2009 ~~2008~~.

Section 35. In order to implement Specific Appropriation 1615A of the 2008-2009 General Appropriations Act, subsection (1) of section 220.183, Florida Statutes, is amended to read:

220.183 Community contribution tax credit.—

(1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM SPENDING.—

(a) There shall be allowed a credit of 50 percent of a community contribution against any tax due for a taxable year under this chapter.

(b) No business firm shall receive more than \$200,000 in annual tax credits for all approved community contributions made in any one year.

(c) The total amount of tax credit which may be granted for all programs approved under this section, s. 212.08(5)(p), and s. 624.5105 is \$10.5 million annually for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) and \$3.5 million annually for all other projects.

(d) All proposals for the granting of the tax credit shall require the prior approval of the Office of Tourism, Trade, and Economic Development.

(e) If the credit granted pursuant to this section is not fully used in any one year because of insufficient tax liability on the part of the business firm, the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year under

this section after applying the other credits and unused credit carryovers in the order provided in s. 220.02(8).

(f) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.131(1) may be allowed the credit on a consolidated return basis.

(g) A taxpayer who is eligible to receive the credit provided for in s. 624.5105 is not eligible to receive the credit provided by this section.

(h) Notwithstanding paragraph (c), and for the 2008-2009 fiscal year only, the total amount of tax credit which may be granted for all programs approved under this section, s. 212.08(5)(p), and s. 624.5105 is \$13 million annually for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) and \$3.5 million annually for all other projects. This paragraph expires June 30, 2009.

Section 36. In order to implement Specific Appropriation 1615A of the 2008-2009 General Appropriations Act, Section 624.5105, Florida Statutes, is amended to read:

624.5105 Community contribution tax credit; authorization; limitations; eligibility and application requirements; administration; definitions; expiration.—

(1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.—

(a) There shall be allowed a credit of 50 percent of a community contribution against any tax due for a calendar year under s. 624.509 or s. 624.510.

(b) No insurer shall receive more than \$200,000 in annual tax credits for all approved community contributions made in any one year.

(c) The total amount of tax credit which may be granted for all programs approved under this section and ss. 212.08(5)(p) and 220.183 is \$10.5 million annually for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) and \$3.5 million annually for all other projects.

(d) Each proposal for the granting of such tax credit requires the prior approval of the director.

(e) If the credit granted pursuant to this section is not fully used in any one year because of insufficient tax liability on the part of the insurer, the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax imposed by s. 624.509 or s. 624.510 for such year exceeds the credit under this section for such year.

(f) An insurer that claims a credit against premium-tax liability earned by making a community contribution under this section need not pay any additional retaliatory tax levied under s. 624.5091 as a result of claiming such a credit. Section 624.5091 does not limit such a credit in any manner.

## (2) ELIGIBILITY REQUIREMENTS.—

(a) Each community contribution by an insurer must be in a form specified in subsection (5).

(b) Each community contribution must be reserved exclusively for use in a project as defined in s. 220.03(1)(t).

(c) The project must be undertaken by an “eligible sponsor,” as defined in s. 220.183(2)(c). In no event shall a contributing insurer have a financial interest in the eligible sponsor.

(d) The project shall be located in an area designated as an enterprise zone or a Front Porch Community pursuant to s. 20.18(6). Any project designed to construct or rehabilitate housing for low-income or very-low-income households as defined in s. 420.9071(19) and (28) is exempt from the area requirement of this paragraph.

(e)1. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the Office of Tourism, Trade, and Economic Development shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those projects, the office shall grant the tax credits for those applications as follows:

a. If tax credit applications submitted for approved projects of an eligible sponsor do not exceed \$200,000 in total, the credits shall be granted in full if the tax credit applications are approved.

b. If tax credit applications submitted for approved projects of an eligible sponsor exceed \$200,000 in total, the amount of tax credits granted under sub-subparagraph a. shall be subtracted from the amount of available tax credits, and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

2. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the office shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the

annual tax credits available for those projects, the office shall grant the tax credits for those applications on a pro rata basis.

(3) APPLICATION REQUIREMENTS.—

(a) Any eligible sponsor wishing to participate in this program must submit a proposal to the Office of Tourism, Trade, and Economic Development which sets forth the sponsor, the project, the area in which the project is located, and such supporting information as may be prescribed by rule. The proposal shall also contain a resolution from the local governmental unit in which the proposed project is located certifying that the project is consistent with local plans and regulations.

(b)1. Any insurer wishing to participate in this program must submit an application for tax credit to the office which sets forth the sponsor; the project; and the type, value, and purpose of the contribution. The sponsor must verify, in writing, the terms of the application and indicate its willingness to receive the contribution, which verification must accompany the application for tax credit.

2. The insurer must submit a separate application for tax credit for each individual contribution which it proposes to contribute to each individual project.

(4) ADMINISTRATION.—

(a)1. The Office of Tourism, Trade, and Economic Development is authorized to adopt all rules necessary to administer this section, including rules for the approval or disapproval of proposals by insurers.

2. The decision of the director shall be in writing, and, if approved, the proposal shall state the maximum credit allowable to the insurer. A copy of the decision shall be transmitted to the executive director of the Department of Revenue, who shall apply such credit to the tax liability of the insurer.

3. The office shall monitor all projects periodically, in a manner consistent with available resources to ensure that resources are utilized in accordance with this section; however, each project shall be reviewed no less frequently than once every 2 years.

4. The Office of Tourism, Trade, and Economic Development shall, in consultation with the Department of Community Affairs, the Florida Housing Finance Corporation, and the statewide and regional housing and financial intermediaries, market the availability of the community contribution tax credit program to community-based organizations.

(b) The Department of Revenue shall adopt any rules necessary to ensure the orderly implementation and administration of this section.

(5) DEFINITIONS.—For the purpose of this section:

(a) “Community contribution” means the grant by an insurer of any of the following items:

1. Cash or other liquid assets.
2. Real property.
3. Goods or inventory.
4. Other physical resources which are identified by the department.

(b) “Director” means the director of the Office of Tourism, Trade, and Economic Development.

(c) “Local government” means any county or incorporated municipality in the state.

(d) “Office” means the Office of Tourism, Trade, and Economic Development.

(e) “Project” means an activity as defined in s. 220.03(1)(t).

(6) CREDIT ALLOCATIONS.—Notwithstanding paragraph (1)(c), and for the 2008-2009 fiscal year only, the total amount of tax credit which may be granted for all programs approved under this section, s. 212.08(5)(p), and s. 220.183 is \$13 million annually for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) and \$3.5 million annually for all other projects. This subsection expires June 30, 2009.

~~(7)(6)~~ EXPIRATION.—The provisions of this section, except paragraph (1)(e), shall expire and be void on June 30, 2015.

Section 37. In order to implement Specific Appropriation 1615A of the 2008-2009 General Appropriations Act, paragraph (p) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(p) Community contribution tax credit for donations.—

1. Authorization.—Persons who are registered with the department under s. 212.18 to collect or remit sales or use tax and who make donations to eligible sponsors are eligible for tax credits against their state sales and use tax liabilities as provided in this paragraph:

a. The credit shall be computed as 50 percent of the person’s approved annual community contribution.

b. The credit shall be granted as a refund against state sales and use taxes reported on returns and remitted in the 12 months preceding the date

of application to the department for the credit as required in sub-subparagraph 3.c. If the annual credit is not fully used through such refund because of insufficient tax payments during the applicable 12-month period, the unused amount may be included in an application for a refund made pursuant to sub-subparagraph 3.c. in subsequent years against the total tax payments made for such year. Carryover credits may be applied for a 3-year period without regard to any time limitation that would otherwise apply under s. 215.26.

c. A person may not receive more than \$200,000 in annual tax credits for all approved community contributions made in any one year.

d. All proposals for the granting of the tax credit require the prior approval of the Office of Tourism, Trade, and Economic Development.

e. The total amount of tax credits which may be granted for all programs approved under this paragraph, s. 220.183, and s. 624.5105 is \$10.5 million annually for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) and \$3.5 million annually for all other projects.

f. A person who is eligible to receive the credit provided for in this paragraph, s. 220.183, or s. 624.5105 may receive the credit only under the one section of the person's choice.

2. Eligibility requirements.—

a. A community contribution by a person must be in the following form:

(I) Cash or other liquid assets;

(II) Real property;

(III) Goods or inventory; or

(IV) Other physical resources as identified by the Office of Tourism, Trade, and Economic Development.

b. All community contributions must be reserved exclusively for use in a project. As used in this sub-subparagraph, the term "project" means any activity undertaken by an eligible sponsor which is designed to construct, improve, or substantially rehabilitate housing that is affordable to low-income or very-low-income households as defined in s. 420.9071(19) and (28); designed to provide commercial, industrial, or public resources and facilities; or designed to improve entrepreneurial and job-development opportunities for low-income persons. A project may be the investment necessary to increase access to high-speed broadband capability in rural communities with enterprise zones, including projects that result in improvements to communications assets that are owned by a business. A project may include the provision of museum educational programs and materials that are directly related to any project approved between January 1, 1996, and December 31, 1999, and located in an enterprise zone designated pursuant to s. 290.0065. This paragraph does not preclude projects that propose to

construct or rehabilitate housing for low-income or very-low-income households on scattered sites. With respect to housing, contributions may be used to pay the following eligible low-income and very-low-income housing-related activities:

(I) Project development impact and management fees for low-income or very-low-income housing projects;

(II) Down payment and closing costs for eligible persons, as defined in s. 420.9071(19) and (28);

(III) Administrative costs, including housing counseling and marketing fees, not to exceed 10 percent of the community contribution, directly related to low-income or very-low-income projects; and

(IV) Removal of liens recorded against residential property by municipal, county, or special district local governments when satisfaction of the lien is a necessary precedent to the transfer of the property to an eligible person, as defined in s. 420.9071(19) and (28), for the purpose of promoting home ownership. Contributions for lien removal must be received from a non-related third party.

c. The project must be undertaken by an “eligible sponsor,” which includes:

(I) A community action program;

(II) A nonprofit community-based development organization whose mission is the provision of housing for low-income or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;

(III) A neighborhood housing services corporation;

(IV) A local housing authority created under chapter 421;

(V) A community redevelopment agency created under s. 163.356;

(VI) The Florida Industrial Development Corporation;

(VII) A historic preservation district agency or organization;

(VIII) A regional workforce board;

(IX) A direct-support organization as provided in s. 1009.983;

(X) An enterprise zone development agency created under s. 290.0056;

(XI) A community-based organization incorporated under chapter 617 which is recognized as educational, charitable, or scientific pursuant to s. 501(c)(3) of the Internal Revenue Code and whose bylaws and articles of incorporation include affordable housing, economic development, or community development as the primary mission of the corporation;

(XII) Units of local government;

(XIII) Units of state government; or

(XIV) Any other agency that the Office of Tourism, Trade, and Economic Development designates by rule.

In no event may a contributing person have a financial interest in the eligible sponsor.

d. The project must be located in an area designated an enterprise zone or a Front Porch Florida Community pursuant to s. 20.18(6), unless the project increases access to high-speed broadband capability for rural communities with enterprise zones but is physically located outside the designated rural zone boundaries. Any project designed to construct or rehabilitate housing for low-income or very-low-income households as defined in s. 420.9071(19) and (28) is exempt from the area requirement of this subparagraph.

e.(I) If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the Office of Tourism, Trade, and Economic Development shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those projects, the office shall grant the tax credits for those applications as follows:

(A) If tax credit applications submitted for approved projects of an eligible sponsor do not exceed \$200,000 in total, the credits shall be granted in full if the tax credit applications are approved.

(B) If tax credit applications submitted for approved projects of an eligible sponsor exceed \$200,000 in total, the amount of tax credits granted pursuant to sub-sub-sub-subparagraph (A) shall be subtracted from the amount of available tax credits, and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

(II) If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the office shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income



households as defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those projects, the office shall grant the tax credits for those applications on a pro rata basis.

3. Application requirements.—

a. Any eligible sponsor seeking to participate in this program must submit a proposal to the Office of Tourism, Trade, and Economic Development which sets forth the name of the sponsor, a description of the project, and the area in which the project is located, together with such supporting information as is prescribed by rule. The proposal must also contain a resolution from the local governmental unit in which the project is located certifying that the project is consistent with local plans and regulations.

b. Any person seeking to participate in this program must submit an application for tax credit to the office which sets forth the name of the sponsor, a description of the project, and the type, value, and purpose of the contribution. The sponsor shall verify the terms of the application and indicate its receipt of the contribution, which verification must be in writing and accompany the application for tax credit. The person must submit a separate tax credit application to the office for each individual contribution that it makes to each individual project.

c. Any person who has received notification from the office that a tax credit has been approved must apply to the department to receive the refund. Application must be made on the form prescribed for claiming refunds of sales and use taxes and be accompanied by a copy of the notification. A person may submit only one application for refund to the department within any 12-month period.

4. Administration.—

a. The Office of Tourism, Trade, and Economic Development may adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to administer this paragraph, including rules for the approval or disapproval of proposals by a person.

b. The decision of the office must be in writing, and, if approved, the notification shall state the maximum credit allowable to the person. Upon approval, the office shall transmit a copy of the decision to the Department of Revenue.

c. The office shall periodically monitor all projects in a manner consistent with available resources to ensure that resources are used in accordance with this paragraph; however, each project must be reviewed at least once every 2 years.

d. The office shall, in consultation with the Department of Community Affairs and the statewide and regional housing and financial intermediaries, market the availability of the community contribution tax credit program to community-based organizations.

5. Notwithstanding sub-subparagraph 1.e., and for the 2008-2009 fiscal year only, the total amount of tax credit which may be granted for all

programs approved under this section, s. 220.183, and s. 624.5105 is \$13 million annually for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) and \$3.5 million annually for all other projects. This subparagraph expires June 30, 2009.

6.5. Expiration.—This paragraph expires June 30, 2015; however, any accrued credit carryover that is unused on that date may be used until the expiration of the 3-year carryover period for such credit.

Section 38. In order to implement Specific Appropriation 1819 of the 2008-2009 General Appropriations Act, subsection (7) is added to section 403.7095, Florida Statutes, to read:

403.7095 Solid waste management grant program.—

(7)(a) Notwithstanding any provision of this section to the contrary, and for the 2008-2009 fiscal year only, the Department of Environmental Protection shall award:

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

2. The sum of \$2,000,781 to be used for the Innovative Grant Program.

(b) This subsection expires July 1, 2009.

Section 39. In order to implement Specific Appropriation 1336 through 1496 of the 2008-2009 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 2008-2009 ~~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, 2009 ~~2008~~.

Section 40. In order to implement Specific Appropriations relating to the Florida Forever Act and notwithstanding chapter 216, Florida Statutes, the

Executive Office of the Governor is authorized to transfer funds between fixed capital outlay categories and between departments and establish new fixed capital outlay categories contingent upon the distribution formula as specified in CS/CS/SB 542 or similar legislation, if such legislation becomes law. This section expires July 1, 2009.

Section 41. In order to implement Specific Appropriation 1778 of the 2008-2009 General Appropriations Act, subsection (5) is added to section 373.1961, Florida Statutes, to read:

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

(5) FUNDING FOR ALTERNATIVE WATER SUPPLY.—Notwithstanding subsection (3), and for the 2008-2009 fiscal year only, \$5,000,000 provided for alternative water supply shall be allocated as shown in the General Appropriations Act. This subsection expires July 1, 2009.

Section 42. In order to implement Specific Appropriations 1767 and 1772C of the 2008-2009 General Appropriations Act, subsections (3) and (4) of section 403.890, Florida Statutes, are renumbered as subsections (4) and (5), respectively, and a subsection (3) is added to that section to read:

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

(3) In addition to the uses allowed in subsection (1) for the 2008-2009 fiscal year, moneys 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, 2009.

Section 43. In order to implement Specific Appropriations 1767 and 1772C of the 2008-2009 General Appropriations Act, subsection (3) of section 375.041, Florida Statutes, is amended to read:

375.041 Land Acquisition Trust Fund.—

(3)(a) Any moneys in the Land Acquisition Trust Fund which are not pledged for rentals or debt service as provided in subsection (2) may be expended from time to time to acquire land, water areas, and related resources and to construct, improve, enlarge, extend, operate, and maintain capital improvements and facilities in accordance with the plan.

(b) In addition to the uses allowed in paragraph (a), for the 2008-2009 ~~2006-2007~~ fiscal year, moneys in the Land Acquisition Trust Fund are authorized for ~~expenditure or~~ transfer 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 ~~Florida Forever Trust Fund and the Save Our Everglades Trust Fund to support the programs authorized in chapters 259 and 373. This paragraph expires July 1, 2009~~ 2007.

Section 44. In order to implement Specific Appropriation 1799 of the 2008-2009 General Appropriations Act, paragraph (c) of subsection (5) of section 376.3071, Florida Statutes, is amended to read:

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

(5) SITE SELECTION AND CLEANUP CRITERIA.—

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

1. Funding for free product recovery may be provided in advance of the order established by the priority ranking system under paragraph (a) for site cleanup activities. However, a separate prioritization for free product recovery shall be established consistent with paragraph (a). No more than \$5 million shall be encumbered from the Inland Protection Trust Fund in any fiscal year for free product recovery conducted in advance of the priority order under paragraph (a) established for site cleanup activities.

2. Funding for limited interim soil-source removals for sites that will become inaccessible for future remediation due to road infrastructure and right-of-way restrictions resulting from a pending Department of Transportation road construction project or for secondary containment upgrading of underground storage tanks required under chapter 62-761, Florida Administrative Code, may be provided in advance of the order established by the priority ranking system under paragraph (a) for site cleanup activities. The department shall provide written guidance on the limited source removal information and technical evaluation necessary to justify a request for a limited source removal in advance of the priority order pursuant to paragraph (a) established for site cleanup activities. Prioritization for limited source removal projects associated with a secondary containment upgrade in any fiscal year shall be determined on a first-come, first-served basis according to the approval date issued under s. 376.30711 for the limited source removal. Funding for limited source removals associated with secondary containment upgrades shall be limited to 10 sites in each fiscal year for each facility owner and any related person. The limited source removal for secondary containment upgrades shall be completed no later than 6 months after the department issues its approval of the project, and the approval automatically expires at the end of the 6 months. Funding for Department of Transportation and secondary containment upgrade source removals may not exceed \$50,000 for a single facility unless the department makes a determination that it is cost-effective and environmentally beneficial to exceed this amount, but in no event shall the department authorize costs in excess of \$100,000 for a single facility. Department funding for limited interim soil-source removals associated with Department of Transportation projects and secondary containment upgrades shall be limited to supplemental soil assessment, soil screening, soil removal, backfill material, treatment or disposal of the contaminated soil, dewatering related to the contaminated soil removal in an amount of up to 10 percent of the total interim soil-source removal project costs, treatment, and disposal of the contaminated groundwater and preparation of the source removal report. No other costs associated with the facility upgrade may be paid with department funds. No more

than \$1 million for Department of Transportation limited source removal projects and \$10 million for secondary containment upgrade limited source removal projects conducted in advance of the priority order established under paragraph (a) for site cleanup activities shall be encumbered from the Inland Protection Trust Fund in any fiscal year. This subparagraph is repealed effective June 30, 2009 2008.

3. Once free product removal and other source removal identified in this paragraph are completed at a site, and notwithstanding the order established by the priority ranking system under paragraph (a) for site cleanup activities, the department may reevaluate the site to determine the degree of active cleanup needed to continue site rehabilitation. Further, the department shall determine if the reevaluated site qualifies for natural attenuation monitoring or no further action. If additional site rehabilitation is necessary to reach no further action status, the site rehabilitation shall be conducted in the order established by the priority ranking system under paragraph (a) and the department is encouraged to utilize natural attenuation and monitoring where site conditions warrant.

Section 45. In order to implement section 38 of the 2008-2009 General Appropriations Act, subsection (1) of section 373.472, Florida Statutes, is amended to read:

373.472 Save Our Everglades Trust Fund.—

(1)(a) There is created within the Department of Environmental Protection the Save Our Everglades Trust Fund. Funds in the trust fund shall be expended to implement the comprehensive plan defined in s. 373.470(2)(a), the Lake Okeechobee Watershed Protection Plan defined in s. 373.4595(2), the Caloosahatchee River Watershed Protection Plan defined in s. 373.4595(2), and the St. Lucie River Watershed Protection Plan defined in s. 373.4595(2), and to pay debt service for Everglades restoration bonds issued pursuant to s. 215.619. The trust fund shall serve as the repository for state, local, and federal project contributions in accordance with s. 373.470(4).

(b) For the 2008-2009 fiscal year only, the uses and purposes of the trust fund specified in paragraph (a) are not applicable. This paragraph expires July 1, 2009.

Section 46. In order to implement Specific Appropriation 1448 of the 2008-2009 General Appropriations Act, and notwithstanding section 287.057, Florida Statutes, the Department of Agriculture and Consumer Services, at its discretion, is authorized to extend, revise, and renew current contracts or agreements created or entered into, pursuant to chapter 2006-25, Laws of Florida, in order to provide consistency and continuity in agriculture promotion throughout the state. This section expires July 1, 2009.

Section 47. (1) The Governor may recommend to the Legislative Budget Commission, and the Legislative Budget Commission may approve, a budget amendment or amendments to transfer funds from the Budget Stabilization Fund to the General Revenue Fund.

(2) If the transfers from the Budget Stabilization Fund authorized in subsection (1) are insufficient to address deficits in the General Revenue Fund, the Governor may recommend, and the Legislative Budget Commission may approve, a budget amendment or amendments to transfer funds from the Lawton Chiles Endowment Fund to the General Revenue Fund, notwithstanding the provisions of s. 215.5601, Florida Statutes, to the contrary. Any expenditure from the Lawton Chiles Endowment Fund made pursuant to this subsection must be restored by making five equal annual transfers from the General Revenue Fund, beginning in the third fiscal year following that in which the expenditure was made.

(3) This section is intended to implement section 77 of the 2008-2009 General Appropriations Act relating to the use of state funds to offset General Revenue Fund deficits certified pursuant to s. 216.221, Florida Statutes. Actions taken pursuant to this section shall be in lieu of any other actions taken pursuant to ss. 216.221 and 216.222, Florida Statutes, to address such deficits.

(4) This section shall take effect upon becoming a law and shall expire June 30, 2009.

Section 48. Effective upon this act becoming a law, in order to implement Specific Appropriations 640, 656, and 658A of the 2008-2009 General Appropriations Act, subsection (4) of section 215.5601, Florida Statutes, is amended to read:

215.5601 Lawton Chiles Endowment Fund.—

(4) ADMINISTRATION.—

(a) The board may invest and reinvest funds of the endowment in accordance with s. 215.47 and consistent with an investment policy statement developed by the executive director and approved by the board.

(b) The endowment shall be managed as an annuity. The investment objective shall be long-term preservation of the real value of the net contributed principal and a specified regular annual cash outflow for appropriation, as nonrecurring revenue. From the annual cash outflow, a pro rata share shall be used solely for biomedical research activities as provided in paragraph (3)(d), until such time as cures are found for tobacco-related cancer and heart and lung disease. Five percent of the annual cash outflow dedicated to the biomedical research portion of the endowment shall be reinvested and applied to that portion of the endowment's principal, with the remainder to be spent on biomedical research activities consistent with this section. The schedule of annual cash outflow shall be included within the investment plan adopted under paragraph (a). Withdrawals other than specified regular cash outflow shall be considered reductions in contributed principal for the purposes of this subsection.

(c) In accordance with s. 215.44, the board shall include separate sections on the financial status of the endowment in its annual investment report to the Legislature.

(d) Accountability for funds from the endowment which have been appropriated to a state agency and distributed by the board shall reside with the state agency. The board is not responsible for the proper expenditure of or accountability concerning funds from the endowment after distribution to a state agency.

(e) Costs and fees of the board for investment services shall be deducted from the earnings accruing to the endowment. Fees for investment services shall be no greater than fees charged to the Florida Retirement System.

Section 49. The amendment of s. 215.5601(4), Florida Statutes, made by this act shall expire July 1, 2009, and the text of that subsection shall revert to that in existence on June 30, 2008, 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 50. In order to implement the issuance of new debt authorized in the 2008-2009 General Appropriations Act, and pursuant to the requirements of s. 215.98, Florida Statutes, the Legislature determines that the authorization and issuance of debt for the 2008-2009 fiscal year is in the best interest of the state and should be implemented. This section expires July 1, 2009.

Section 51. In order to implement the transfer of moneys to the General Revenue Fund from trust funds in the 2008-2009 General Appropriations Act, paragraph (b) of subsection (2) of section 215.32, Florida Statutes, is reenacted to read:

215.32 State funds; segregation.—

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

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

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

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

- b. Operations and maintenance trust fund, for use as a depository for client services funded by third-party payors.
- c. Administrative trust fund, for use as a depository for funds to be used for management activities that are departmental in nature and funded by indirect cost earnings and assessments against trust funds. Proprietary funds are excluded from the requirement of using an administrative trust fund.
- d. Grants and donations trust fund, for use as a depository for funds to be used for allowable grant or donor agreement activities funded by restricted contractual revenue from private and public nonfederal sources.
- e. Agency working capital trust fund, for use as a depository for funds to be used pursuant to s. 216.272.
- f. Clearing funds trust fund, for use as a depository for funds to account for collections pending distribution to lawful recipients.
- g. Federal grant trust fund, for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources.

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

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

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

b. This subparagraph does not apply to trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the State Transportation Trust Fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida Retirement System Trust Fund; trust funds under the management of the State Board of Education or the Board of Governors of the State University System, where such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing



funds or accounts for the Chief Financial Officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by the State Constitution.

Section 52. In order to implement Specific Appropriations 2751 and 2752 of the 2008-2009 General Appropriations Act:

(1) Notwithstanding the provisions of section 11.13(1), Florida Statutes, relating to the annual adjustment of salaries for members of the Legislature, to the contrary, for the 2008-2009 fiscal year only, the authorized salaries of members of the Legislature in effect on June 30, 2008, shall be reduced by 5 percent.

(2) Effective June 30, 2009, the annual salaries of members of the Legislature shall be set at the amounts authorized and in effect on June 30, 2008.

(3) This section expires July 1, 2009.

Section 53. A section of this act that implements a specific appropriation or specifically identified proviso language in the 2008-2009 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 2008-2009 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 2008 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 and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2008; 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, 2008.

Approved by the Governor June 11, 2008.

Filed in Office Secretary of State June 11, 2008.