

Senate Bill No. 2602

An act implementing the 2009-2010 General Appropriations Act; providing legislative intent; authorizing the Department of Corrections and the Department of Juvenile Justice to use certain appropriated funds to assist in defraying the costs incurred by a county or a municipality to open or operate certain facilities; limiting the amount of such assistance; providing for the expiration of the authority to provide the assistance; amending s. 216.262, F.S.; delaying the expiration of provisions directing the Department of Corrections to seek a budget amendment for additional positions and appropriations if the inmate population exceeds a certain estimate under certain circumstances; providing for the expiration of the authority to seek a budget amendment; authorizing the Department of Legal Affairs to spend certain appropriated funds on programs that were funded by the department from specific appropriations in general appropriations acts in prior years; providing for the expiration of the authority to spend those appropriations; authorizing the Department of Legal Affairs to transfer certain funds from certain cases to the Operating Trust Fund to pay salaries and benefits; providing an expiration date for the transfer of funds; authorizing the Chief Justice of the Supreme Court to request a loan of funds from the General Revenue Fund to be deposited into the State Courts Revenue Trust Fund under certain circumstances; amending s. 932.7055, F.S.; delaying the expiration of provisions authorizing a municipality to expend funds from its special law enforcement trust fund to reimburse the municipality's general fund; amending s. 339.135, F.S.; providing for use of transportation revenues; providing for revised funding levels for Department of Transportation projects; requiring that the Department of Transportation transfer funds to the Office of Tourism, Trade, and Economic Development for the purpose of funding transportation-related needs of economic development; deleting obsolete provisions; amending s. 216.292, F.S.; permitting the Legislative Budget Commission to review and approve recommendations by the Governor for fixed capital outlay projects funded by grants awarded from the American Recovery and Reinvestment Act of 2009; providing for future expiration; authorizing the Executive Office of the Governor to transfer funds appropriated for the American Recovery and Reinvestment Act of 2009 in traditional appropriation categories in the General Appropriations Act to appropriation categories established for the specific purpose of tracking funds appropriated for the act; amending s. 394.908, F.S.; delaying the expiration of provisions 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; amending s. 400.179, F.S.; revising provisions relating to liability for Medicaid underpayments and overpayments; providing that certain provisions relating to the transfer of a facility that has been leased by the transferor do not

apply; providing for future expiration; requiring that the Department of Health issue a request for proposals and enter into a contract for a replacement facility for the A.G. Holley State Hospital and for inpatient services and other operations provided by such hospital; providing requirements for the request for proposals; providing for future expiration; amending Specific Appropriation 208 of s. 3, chapter 2008-152, Laws of Florida, relating to Medicaid low-income pool payments to hospitals provider access systems; providing that funding be distributed in a three-step allocation process; amending s. 1, chapter 2007-174, Laws of Florida; delaying the expiration of provisions authorizing the Department of Children and Family Services to begin the process of reorganization; requiring that the Department of Children and Family Services ensure that information is entered into the Florida Safe Families Network; requiring coordination between the department and the Office of the State Courts Administrator to provide information relating to child welfare cases; requiring a report to the Governor and Legislature; requiring that contracts between the Department of Children and Family Services and community-based care agencies be funded by a grant of general revenue, other state trust funds, and applicable federal funding sources; requiring that community-based care agencies document federal funds earned and return undocumented federal funds earned; authorizing an increase in the amount of the annual contract for a community-based care agency by using excess federal funds; authorizing certain expenditures; providing requirements for fixed-price contracts; providing for future expiration; authorizing the Agency for Health Care Administration to exclude the University of Miami at Cedars Hospital in Miami-Dade County from participating in the hospitalist program; authorizing the agency to continue the physician lock-in program for participating recipients of such program; providing for future expiration; providing an exception to proviso language contained in Specific Appropriation 438 of the 2009-2010 General Appropriations Act; requiring that a maximum of 2.5 percent be spent on direct services per direct client service provider per year; 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; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning the budget authority granted to each agency with the reductions in employee compensation; amending s. 218.12, F.S.; requiring that the value of assessments reduced pursuant to s. 4(d)(8)a. of Art. VII of the State Constitution include only the reduction in taxable value for homesteads established in the preceding year; providing for reversion of statutory text of certain provisions; amending s. 253.034, F.S.; authorizing the deposit of funds derived from the sale of property by the Department of Citrus into the Citrus Advertising Trust Fund; providing for the expiration of such authorization; reenacting s. 255.518(1)(b), F.S., relating to the payment of obligations during the construction of a facility financed by such obligations; providing for

reversion of statutory text of certain provisions; amending s. 255.503, F.S.; delaying the expiration of provisions relating to the Florida Facilities Pool; amending s. 373.59, F.S.; providing for the allocation of moneys from the Water Management Lands Trust Fund for certain purposes; providing an expiration date; amending s. 376.3071, F.S.; delaying the repeal of provisions relating to funding from the Inland Protection Trust Fund for site restoration; amending s. 403.1651, F.S.; providing that funds from the Ecosystem Management and Restoration Trust Fund be used for the purpose of funding activities to preserve and repair the state's beaches; providing for reversion of statutory text of certain provisions; amending s. 570.20, F.S.; delaying the expiration of provisions authorizing the Department of Agriculture and Consumer Services to use funds from the General Inspection Trust Fund for certain programs; amending s. 403.7095, F.S.; requiring that the Department of Environmental Protection award a specified amount in grants equally to certain counties for waste tire and litter prevention, recycling education, and general solid waste programs; providing for future expiration; authorizing the Department of Agriculture and Consumer Services to extend, revise, and renew current contracts or agreements created or entered into for the purpose of promotion agriculture; providing for future expiration; prohibiting any state agency from adopting or implementing a rule or policy mandating or establishing new nitrogen-reduction limits under certain circumstances; providing for the future repeal of such prohibition; amending s. 288.1254, F.S.; revising provisions relating to the entertainment industry financial incentive program; increasing the amount of incentive funding to be appropriated in any state fiscal year for the independent Florida filmmaker queue and the digital media projects queue; providing that funding from such queue be made available to a qualified project in the digital media projects queue under certain circumstances; amending s. 288.95155, F.S.; revising provisions relating to the Florida Small Business Technology Growth Program; requiring that Enterprise Florida, Inc., advance a specified amount from the small business technology growth account within the Florida Technology Research Investment Fund to the Institute for Commercialization of Public Research; providing for future expiration; providing for reversion of statutory text of certain provisions; amending s. 339.08, F.S.; delaying the expiration of provisions relating to the use of moneys in the State Transportation Trust Fund for certain administrative expenses; authorizing the Department of Transportation to use moneys from the State Transportation Trust Fund to pay for county and school district transportation infrastructure improvements; authorizing the transfer of funds from the State Transportation Trust Fund to the General Revenue Fund under certain circumstances; providing for future expiration of such authorization; amending s. 445.009, F.S.; providing that a participant in an adult or youth work experience activity under ch. 445, F.S., is an employee of the state for purposes of workers' compensation coverage; providing for future expiration; amending s. 332.007, F.S.; authorizing the Department of Transpor-

tation to fund operational and maintenance assistance security projects at publicly owned public-use airports; providing for the future expiration of such authority and the reversion of statutory text; creating the Florida Homebuyer Opportunity Program within the Florida Housing Finance Corporation; providing legislative intent; defining the term “anticipated federal assistance”; providing duties for the corporation to implement and administer the program; providing certain requirements for the program; requiring that the administration of the program be consistent with certain Federal Housing Administration requirements; requiring that the corporation negotiate with private lenders to borrow additional funds to support the program; providing for future expiration of the program; providing that the annual salary of the members of the Legislature be reduced by 7 percent; providing for future expiration; amending s. 110.123, F.S.; providing for the state’s monthly contribution for employees under the state group insurance program; amending s. 112.24, F.S.; providing conditions on the assignment of an employee of a state agency without reimbursement from the receiving agency; requiring that each agency develop a wireless device assignment plan limiting the use of cellular telephones, personal digital assistants, and other devices; requiring that each agency review such use and submit a report to the Legislature by a specified date; providing that the report contain certain information; providing for future expiration of such provisions; reenacting s. 215.32(2)(b), F.S., relating to the transfer of moneys from trust funds to the General Revenue Fund; reenacting s. 215.5601(4)(b), F.S., relating to the administration of the Lawton Chiles Endowment Fund; amending s. 377.6015, F.S.; revising provisions relating to initial appointments to the Florida Energy and Climate Commission; providing for retroactive application; repealing s. 49, chapter 2008-153, Laws of Florida; abrogating the future repeal of an amendment made by that chapter to s. 215.5601(4), F.S., and abrogating the revision of the text of that subsection to that in existence on June 30, 2009, with specified exceptions; providing a statement of public interest with respect to the issuance of new debt to address a critical state emergency; limiting the use of state funds for travel by state employees to activities that are critical to each state agency’s mission; requiring that each agency head approve such travel in writing; providing exceptions; providing for future expiration; providing for the effect of a veto of one or more specific appropriations or proviso to which implementing language refers; providing for other acts passed during the 2009 Regular Session which contain provisions that are substantively the same as the provisions of this act to take precedence under certain circumstances; 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 2009-2010 fiscal year.

Section 2. In order to fulfill legislative intent regarding the use of funds contained in Specific Appropriations 617, 631, 644, and 1112 of the 2009-2010 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 that are associated with opening or operating a facility under the authority of the department. The amount paid for any facility may not exceed 1 percent of the cost to construct the facility, less building impact fees imposed by the municipality or county. This section expires July 1, 2010.

Section 3. In order to implement Specific Appropriations 607 through 705 and 738 through 773 of the 2009-2010 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 ~~2009-2010~~ ~~2008-2009~~ fiscal year only, if the actual inmate population of the Department of Corrections exceeds the inmate population projections of the ~~April 30, 2009~~ ~~February 15, 2008~~, 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, 2010~~ ~~July 1, 2009~~.

Section 4. In order to implement Specific Appropriations 1266 and 1267 of the 2009-2010 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, 2010.

Section 5. In order to implement Specific Appropriations 1231, 1244, 1251, 1272, and 1282 of the 2009-2010 General Appropriations Act, the Department of Legal Affairs is authorized to transfer cash remaining after required disbursements for Attorney General case numbers 16-2008-CA-01-3142CV-C and CACE08022328 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, 2010.

Section 6. In order to implement section 7 of the 2009-2010 General Appropriations Act, the Chief Justice of the Supreme Court may request a loan of funds pursuant to s. 215.18, Florida Statutes, notwithstanding the

trust fund's ability to repay the loan by the end of the fiscal year, if, at any time during the 2009-2010 fiscal year, the Revenue Estimating Conference projects that revenue deposited into the State Courts Revenue Trust Fund will be less than 98 percent of the amount appropriated from the trust fund in the General Appropriations Act for the 2009-2010 fiscal year.

Section 7. In order to implement Specific Appropriations 1169 and 1175 of the 2009-2010 General Appropriations Act, paragraph (d) of subsection (4) of section 932.7055, Florida Statutes, is amended to read:

932.7055 Disposition of liens and forfeited property.—

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

(d) Notwithstanding any other provision of this subsection, and for the 2009-2010 ~~2008-2009~~ 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, 2010 ~~2009~~.

Section 8. In order to implement section 59 of the 2009-2010 General Appropriations Act, paragraph (a) of subsection (4) of section 339.135, Florida Statutes, is amended to read:

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

(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

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

2. Notwithstanding the provisions of subparagraph 1., the department shall allocate at least 50 percent of any new discretionary highway capacity

funds to the Florida Strategic Intermodal System created pursuant to s. 339.61. Any remaining new discretionary highway capacity funds shall be allocated to the districts for new construction as provided in subparagraph 1. For the purposes of this subparagraph, the term “new discretionary highway capacity funds” means any funds available to the department above the prior year funding level for capacity improvements, which the department has the discretion to allocate to highway projects.

3. Notwithstanding subparagraph 1. and ss. 206.46(3), 334.044(26), and 339.2819(3), and for the 2009-2010 fiscal year only, the department shall reduce work program levels to balance the finance plan to the revised funding levels resulting from any reduction in the 2009-2010 General Appropriations Act. This subparagraph expires July 1, 2010.

4. For the 2009-2010 fiscal year only, prior to any project or phase thereof being deferred, the department's cash balances shall be as provided in s. 339.135(6)(b), and the reductions in subparagraph 3. shall be made to financial projects not programmed for contract letting as identified with a work program contract class code 8 and the box code RV. These reductions shall not negatively impact safety or maintenance or project contingency percentage levels as of April 21, 2009. This subparagraph expires July 1, 2010.

Section 9. In order to implement Specific Appropriation 2042 of the 2009-2010 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.—

(a) The original approved budget for operational and fixed capital expenditures for the department shall be the Governor's budget recommendation and the first year of the tentative work program, as both are amended by the General Appropriations Act and any other act containing appropriations. In accordance with the appropriations act, the department shall, prior to the beginning of the fiscal year, adopt a final work program which shall only include the original approved budget for the department for the ensuing fiscal year together with any roll forwards approved pursuant to paragraph (6)(c) and the portion of the tentative work program for the following 4 fiscal years revised in accordance with the original approved budget for the department for the ensuing fiscal year together with said roll forwards. The adopted work program may include only those projects submitted as part of the tentative work program developed under the provisions of subsection (4) plus any projects which are separately identified by specific appropriation in the General Appropriations Act and any roll forwards approved pursuant to paragraph (6)(c). However, any 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 2009-2010 2008-2009 fiscal year only, the Department of Transportation shall transfer funds to the Office of Tourism, Trade, and Economic Development in an amount equal to \$20,300,000 \$36,750,000 for the purpose of funding transportation-related needs of economic development 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, 2009 2008, in the Department of Transportation's 5-year work program. This paragraph expires July 1, 2010 2009.~~

(c) ~~Notwithstanding paragraph (a) or subparagraph (4)(a)1., and for the 2008-2009 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. This paragraph expires July 1, 2009.~~

Section 10. In order to implement sections 2 through 7 of the 2009-2010 General Appropriations Act, subsection (5) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

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

~~(b) Notwithstanding paragraph (a), and for the 2009-2010 fiscal year only, the Governor may recommend the initiation of fixed capital outlay projects funded by grants awarded by the Federal Government through the American Recovery and Reinvestment Act of 2009. All actions taken pursuant to the authority granted in the paragraph are subject to review and approval by the Legislative Budget Commission. This paragraph expires July 1, 2010.~~

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

Section 11. In order to implement sections 2 through 7 of the 2009-2010 General Appropriations Act, the Executive Office of the Governor is authorized to transfer funds appropriated for the American Recovery and Reinvest-

ment Act of 2009 (ARRA) in traditional appropriation categories in the 2009-2010 General Appropriations Act to appropriation categories established for the specific purpose of tracking funds appropriated for the ARRA.

Section 12. In order to implement Specific Appropriations 316 through 347 of the 2009-2010 General Appropriations Act, paragraphs (b) and (c) of subsection (3) of section 394.908, Florida Statutes, are 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)

(b) Notwithstanding paragraph (a) and for the 2009-2010 ~~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, 2010 ~~2009~~.

(c) Notwithstanding paragraph (a) and for the 2009-2010 ~~2008-2009~~ fiscal year only, additional funds appropriated for substance abuse and mental health services from funds available through the Community-Based Medicaid Administrative Claiming Program shall be allocated as provided in the 2009-2010 ~~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, 2010 ~~2009~~.

Section 13. In order to implement Specific Appropriation 219 of the 2009-2010 General Appropriations Act, paragraph (e) is added to subsection (2) of section 400.179, Florida Statutes, to read:

400.179 Liability for Medicaid underpayments and overpayments.—

(2) Because any transfer of a nursing facility may expose the fact that Medicaid may have underpaid or overpaid the transferor, and because in most instances, any such underpayment or overpayment can only be determined following a formal field audit, the liabilities for any such underpayments or overpayments shall be as follows:

(e) For the 2009-2010 fiscal year only, the provisions of paragraph (d) shall not apply. This paragraph expires July 1, 2010.

Section 14. In order to implement Specific Appropriations 448, 450, 456, 458, and 459 of the 2009-2010 General Appropriations Act:

(1) The Department of Health shall issue a request for proposals, as defined in s. 287.012, Florida Statutes, and shall enter into a contract no later than March 1, 2010, for a replacement facility for the A.G. Holley State

Hospital and for the provision of inpatient hospital services and other operations currently provided by the A.G. Holley State Hospital.

(2) The request for proposals shall specify that responses may include proposals to design and construct a new hospital, to move the location of the hospital, or to co-locate the hospital with existing state, public, or private facilities. The request for proposals shall specify that any proposals to construct a new hospital on the existing A.G. Holley State Hospital campus shall be limited to using no more than 15 acres of the existing campus. Proposals may not address future uses for the existing campus, other than the portion of the campus which may be used for a replacement facility.

(3) The request for proposals shall specify that qualified respondents shall have experience in the administration of inpatient services and shall document a plan for securing staff having expertise in the treatment of patients who have active tuberculosis. Hospital operations may not include public health functions related to tuberculosis control and prevention. Such functions shall remain the responsibility of the Department of Health. The provision of hospital services shall commence upon the availability of the replacement facility. The request for proposals shall require that the number of beds for the replacement facility be limited to the highest average census for the last 5 fiscal years. A qualified respondent shall submit an application for accreditation to the Joint Commission on Accreditation of Healthcare Organizations within 6 months after commencing the operation of its facility and must receive accreditation within 18 months after commencing the operation of its facility.

(4) The request for proposals shall specify that the treatment and all other hospital operations may not exceed \$9 million annually. Qualifying proposals must identify one or more methods for financing the costs of relocation or new construction, which may include, but are not limited to, sponsoring the issuance of tax-exempt certificates of participation or other securities, or a lease-purchase agreement with the state.

(5) This section expires July 1, 2010.

Section 15. In order to support Specific Appropriation 190 of the 2009-2010 General Appropriations Act, the second paragraph of Specific Appropriation 208 of section 3 of chapter 2008-152, Laws of Florida, is amended to read:

SECTION 3—HUMAN SERVICES

From the funds in Specific Appropriation 208, ~~\$262,640,763~~ ~~\$389,222,032~~ from the Grants and Donations Trust Fund and ~~\$486,477,214~~ ~~\$483,473,107~~ from the Medical Care Trust Fund are provided for Medicaid low-income pool payments to hospitals provider access systems. The funding shall be distributed in a ~~three-step~~ ~~two-step~~ allocation process. The first phase of the allocation process will distribute payments to qualified hospitals based on the amount of local government funding provided for the uninsured and underinsured. Payments to qualified hospitals will be capped at 117.4 percent of the amount of local government funding it would have received for the uninsured and underinsured without the Low Income Pool program. The

second phase of the allocation process is to distribute \$32,634,201 to qualifying hospitals that received a payment in the first phase of the allocation. These funds shall be distributed to the qualifying hospitals proportionally based on the amount that each hospital earned in the first phase of the allocation which was in excess of the local government funding. The third phase of the allocation process shall distribute \$122,814,911 the remaining funds based on a hospital's Medicaid days, charity care days, and 50 percent of bad debt days to the total Medicaid days, charity care days, and 50 percent of bad debt days of all qualifying hospitals. To receive funds in this distribution, the hospital's Medicaid days, charity care days and 50 percent of bad debt days divided by the hospital's total days must equal or exceed 10 percent. Of the funds allocated in the third ~~second~~ phase \$2,419,573 shall be allocated to the rural hospitals and the remaining funds allocated to the remaining hospitals that qualify for a distribution. All hospitals with accepted 2006 FHURS data are eligible for the third ~~second~~ phase of the allocation process.

Section 16. Effective June 29, 2009, in order to implement Specific Appropriation 269 through 365 of the 2009-2010 General Appropriations Act, subsection (3) of section 1 of chapter 2007-174, Laws of Florida, is amended to read:

Section 1. Flexibility for the Department of Children and Family Services.—

(3) This section expires July 1, 2010 ~~June 30, 2008~~.

Section 17. In order to implement Specific Appropriations 278A and 288A of the 2009-2010 General Appropriations Act, the Department of Children and Family Services must ensure that all public and private agencies and institutions participating in child welfare cases enter information, specified by department rule, into the Florida Safe Families Network in order to maintain the accuracy and usefulness of the system. The 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 to provide any judge or magistrate with access to information in the 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 2009-2010 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, 2010, with respect to progress on providing access to the Florida Safe Families Network as provided in this section. This section expires July 1, 2010.

Section 18. In order to implement Specific Appropriation 315 of the 2009-2010 General Appropriations Act:

(1) Any contract between the Department of Children and Family Services and a community-based agency which is authorized in s. 409.1671, Florida Statutes, must be funded by a grant of general revenue, other state

trust funds, and applicable federal funding sources. Community-based agencies must document federal funds earned. Any federal funds earned which are not documented must be returned to the department. Notwithstanding s. 409.1671(8), Florida Statutes, the amount of the annual contract for a community-based agency may be increased by excess federal funds earned in accordance with s. 216.181(11), Florida Statutes. Notwithstanding any other provision of law to the contrary, a community-based agency may make expenditures for staff cellular telephone allowances, contracts requiring deferred payments and maintenance agreements, security deposits for office leases, related professional membership dues, and costs of promotional materials not used for fundraising. The method of payment for a fixed-price contract with a community-based agency shall include provisions for a 2-month advance payment at the beginning of each fiscal year and equal monthly payments thereafter.

(2) This section expires July 1, 2010.

Section 19. In order to implement Specific Appropriation 202 of the 2009-2010 General Appropriations Act and for the 2009-2010 fiscal year only:

(1) In conducting the hospitalist program as required in s. 409.905(5)(d), Florida Statutes, the Agency for Health Care Administration shall exclude the University of Miami at Cedars Hospital in Miami-Dade County from participation in the program. The agency is authorized to modify appropriate contractual arrangements or federal waivers, as necessary, to effect this exclusion.

(2) The Agency for Health Care Administration is authorized to continue the physician lock-in program for recipients who participate in the pharmacy lock-in program.

(3) This section expires July 1, 2010.

Section 20. Notwithstanding the proviso contained in Specific Appropriation 438 of the 2009-2010 General Appropriations Act, no more than a maximum of .25 percent of the funds in that Specific Appropriation shall be spent on contract management per direct client service provider per year; a maximum of 2.5 percent shall be spent on direct services per direct client services provider per year; and a minimum of 85 percent of all moneys spent shall be spent on overall direct client service providers.

Section 21. In order to implement the appropriation of funds in Special Categories-Risk Management Insurance of the 2009-2010 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Risk Management Insurance" of the 2009-2010 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, 2010.

Section 22. In order to implement the appropriation of funds in Special Categories-Transfer to Department of Management Services-Human Re-

sources Services Purchased Per Statewide Contract of the 2009-2010 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 2009-2010 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, 2010.

Section 23. In order to implement the reduction in employee compensation mandated in the 2009-2010 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor may transfer funds appropriated in the appropriation category "Salaries and Benefits" of the 2009-2010 General Appropriations Act between departments in order to align the budget authority granted to each agency with the reductions that must be made by each agency pursuant to the 2009-2010 General Appropriations Act. All actions taken pursuant to the authority granted in this section are subject to the review and approval of the Legislative Budget Commission. This section expires July 1, 2010.

Section 24. In order to implement Specific Appropriation 2971, subsection (3) is added to section 218.12, Florida Statutes, to read:

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

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

Section 25. The amendment to s. 218.12, Florida Statutes, shall expire July 1, 2010, and the text of that section shall revert to that in existence on June 30, 2009, 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 26. In order to implement Specific Appropriations 2299 through 2320 of the 2009-2010 General Appropriations Act, present subsection (14) of section 253.034, Florida Statutes, is redesignated as subsection (15), and a new subsection (14) is added to that section, to read:

253.034 State-owned lands; uses.—

(14) Notwithstanding the provisions of this section, funds derived from the sale of property by the Department of Citrus located in Lakeland, Flor-

ida, are authorized to be deposited into the Citrus Advertising Trust Fund. This subsection expires July 1, 2010.

Section 27. In order to implement Specific Appropriation 2741 of the 2009-2010 General Appropriations Act, paragraph (b) of subsection (1) of section 255.518, Florida Statutes, is reenacted to read:

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

(1)

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

Section 28. The amendment to s. 255.518(1)(b), Florida Statutes, as carried forward by this act from chapter 2008-153, Laws of Florida, shall expire July 1, 2010, 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 29. In order to implement Specific Appropriations 2725 through 2738 of the 2009-2010 General Appropriations Act, paragraph (b) of 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)

(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, ~~2010~~ 2009.

Section 30. In order to implement Specific Appropriation 1619 of the 2009-2010 General Appropriations Act, subsection (12) is added to section 373.59, Florida Statutes, to read:

373.59 Water Management Lands Trust Fund.—

(12) Notwithstanding the provisions of subsection (8) and for the 2009-2010 fiscal year only, the moneys from the Water Management Lands Trust Fund shall be allocated as follows:

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

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

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

This subsection expires July 1, 2010.

Section 31. In order to implement Specific Appropriation 1733 of the 2009-2010 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, 2010 2009.

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 32. In order to implement Specific Appropriations 1690, 1691, 1692, 1694, and 1695, paragraph (g) is added to subsection (1) of section 403.1651, Florida Statutes, to read:

403.1651 Ecosystem Management and Restoration Trust Fund.—

(1) There is created the Ecosystem Management and Restoration Trust Fund to be administered by the Department of Environmental Protection for the purposes of:

(g) Funding activities to preserve and repair the state's beaches as provided in ss. 161.091-161.212.

Section 33. The amendment to s. 403.1651(1), Florida Statutes, made by this act shall expire July 1, 2010, and the text of that subsection shall revert to that in existence on June 30, 2009, 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 34. In order to implement Specific Appropriations 1294 through 1454 of the 2009-2010 General Appropriations Act, subsection (2) of section 570.20, Florida Statutes, is amended to read:

570.20 General Inspection Trust Fund.—

(2) For the 2009-2010 ~~2008-2009~~ 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, 2010 ~~2009~~.

Section 35. In order to implement Specific Appropriation 1760 of the 2009-2010 General Appropriations Act, present subsection (7) of section 403.7095, Florida Statutes, is redesignated as subsection (8), and a new subsection (7) is added to that section, to read:

403.7095 Solid waste management grant program.—

(7) Notwithstanding any provision of this section to the contrary, and for the 2009-2010 fiscal year only, the Department of Environmental Protection shall award the sum of \$2,600,000 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. This subsection expires July 1, 2010.

Section 36. In order to implement Specific Appropriation 1407 of the 2009-2010 General Appropriations Act and to provide consistency and continuity in the promotion of agriculture throughout the state, notwithstanding s. 287.057, Florida Statutes, the Department of Agriculture and Consumer Services, at its discretion, may extend, revise, and renew current contracts or agreements created or entered into pursuant to chapter 2006-25, Laws of Florida. This section expires July 1, 2010.

Section 37. (1) In order to implement proviso following Specific Appropriation 471 of the 2009-2010 General Appropriations Act, and for the 2009-2010 fiscal year only, notwithstanding any law to the contrary, a state agency may not adopt or implement a rule or policy that:

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

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

(c) Increases the cost of treatment for nitrogen reduction from onsite systems,

before the study and report required in proviso following Specific Appropriation 471 is completed.

(2) This section is repealed July 1, 2010.

Section 38. In order to implement Specific Appropriation 2577 of the 2009-2010 General Appropriations Act, paragraphs (c) and (d) of subsection (4) of section 288.1254, Florida Statutes, are amended to read:

288.1254 Entertainment industry financial incentive program.—

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

(c) Independent Florida filmmaker queue.—~~Ten~~ Five percent of incentive funding appropriated in any state fiscal year must be dedicated to the independent Florida filmmaker queue. If there are no qualified applications in the queue, any funding in the queue shall be made available to a qualified project in the digital media projects queue. A production certified under this queue is eligible for a reimbursement equal to 15 percent of its actual qualified expenditures. An independent Florida film that meets the criteria of this queue and demonstrates a minimum of \$100,000, but not more than \$625,000, in total qualified expenditures is eligible for incentive funding. To qualify for this queue, a qualified production must:

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

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

3. Do all major postproduction in this state.

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

(d) Digital media projects queue.—~~Five~~ Ten percent of incentive funding appropriated in any state fiscal year shall be dedicated to the digital media projects queue. A production certified under this queue is eligible for a reimbursement equal to 10 percent of its actual qualified expenditures. A qualified production that is a digital media project that demonstrates a minimum of \$300,000 in total qualified expenditures is eligible for a maximum of \$1 million in incentive funding. As used in this paragraph, the term

“qualified expenditures” means the wages or salaries paid to a resident of this state for working on a single qualified digital media project, up to a maximum of \$200,000 in wages or salaries paid per resident. A qualified production company producing digital media projects may not qualify for more than three projects in any 1 fiscal year. Projects that extend beyond a fiscal year must reapply each fiscal year in order to be eligible for incentive funding for that year.

Section 39. In order to implement section 72 of the 2009-2010 General Appropriations Act, subsections (2) and (3) of section 288.95155, Florida Statutes, are amended to read:

288.95155 Florida Small Business Technology Growth Program.—

(2)(a) Enterprise Florida, Inc., shall establish a separate small business technology growth account in the Florida Technology Research Investment Fund for purposes of this section. Moneys in the account shall consist of appropriations by the Legislature, proceeds of any collateral used to secure such assistance, transfers, fees assessed for providing or processing such financial assistance, grants, interest earnings, and earnings on financial assistance.

(b) For the 2009-2010 fiscal year only, Enterprise Florida, Inc., shall advance up to \$600,000 from the account to the Institute for Commercialization of Public Research for its operations. This paragraph expires July 1, 2010.

(3) Pursuant to s. 216.351, the amount of any moneys appropriated to the account which are unused at the end of the fiscal year shall not be subject to reversion under s. 216.301. All moneys in the account are continuously appropriated to the account and may be used for loan guarantees, letter of credit guarantees, cash reserves for loan and letter of credit guarantees, payments of claims pursuant to contracts for guarantees, subordinated loans, loans with warrants, royalty investments, equity investments, grant of awards to companies under the auspices of the Institute for Commercialization of Public Research, and operations of the program. Any claim against the program shall be paid solely from the account. Neither the credit nor the taxing power of the state shall be pledged to secure the account or moneys in the account, other than from moneys appropriated or assigned to the account, and the state shall not be liable or obligated in any way for any claims against the account or against Enterprise Florida, Inc.

Section 40. The amendment to s. 288.95155(3), Florida Statutes, made by this act shall expire July 1, 2010, and the text of that subsection shall revert to that in existence on June 30, 2009, 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 41. In order to implement section 65 of the 2009-2010 General Appropriations Act, paragraph (n) of 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:

(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, ~~2010~~ 2009.

Section 42. In order to implement Specific Appropriation 2029 of the 2009-2010 General Appropriations Act, paragraph (p) is added to subsection (1) of section 339.08, Florida Statutes, 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:

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

Section 43. In order to implement section 59 of the 2009-2010 General Appropriations Act, subsection (4) is added to section 339.08, Florida Statutes, to read:

339.08 Use of moneys in State Transportation Trust Fund.—

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

Section 44. In order to implement Specific Appropriations 2124A and 2131C of the 2009-2010 General Appropriations Act, subsection (11) is added to section 445.009, Florida Statutes, to read:

445.009 One-stop delivery system.—

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

may be receiving wages and remuneration from other employment with another employer and regardless of his or her future wage-earning capacity.

(b) This subsection expires July 1, 2010.

Section 45. In order to implement Specific Appropriation 1998 of the 2009-2010 General Appropriations Act, subsection (8) of section 332.007, Florida Statutes, is amended to read:

332.007 Administration and financing of aviation and airport programs and projects; state plan.—

(8) Notwithstanding any other provision of law to the contrary, the department is authorized to fund security projects, including operational and maintenance assistance, at publicly owned public-use airports. For projects in the current adopted work program, or projects added using the available budget of the department, airports may request the department change the project purpose in accordance with this provision notwithstanding the provisions of s. 339.135(7). For purposes of this subsection, the department may fund up to 100 percent of eligible project costs that are not funded by the Federal Government. This subsection shall expire on June 30, 2012.

Section 46. The amendment to s. 332.007(8), Florida Statutes, made by this act shall expire July 1, 2010, and the text of that subsection shall revert to that in existence on June 30, 2009, 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 47. In order to implement Specific Appropriation 1570 of the 2009-2010 General Appropriations Act:

(1) The intent of the Legislature is to ensure that residents of the state derive the maximum possible economic benefit from the federal first-time homebuyer tax credit created through The American Recovery and Reinvestment Act of 2009 by providing subordinate down payment assistance loans to first-time homebuyers for owner-occupied primary residences which can be repaid by the income tax refund the homebuyer is entitled to under the First Time Homebuyer Credit. The state program shall be called the "Florida Homebuyer Opportunity Program."

(2) The Florida Housing Finance Corporation shall administer the Florida Homebuyer Opportunity Program to optimize eligibility for conventional, VA, USDA, FHA, and other loan programs through the State Housing Initiatives Partnership program in accordance with ss. 420.907-420.9079, Florida Statutes, and the provisions of this section.

(3) Prior to December 1, 2009, or any later date established by the Internal Revenue Service for such purchases, counties and eligible municipalities receiving funds shall expend the funds appropriated under Specific Appropriation 1570A only to provide subordinate loans to prospective first-time homebuyers under the Florida Homebuyer Opportunity Program pursuant to this section, except that up to 10 percent of such funds may be used to

cover administrative expenses of the counties and eligible municipalities to implement the Florida Homebuyer Opportunity Program, and not more than .25 percent may be used to compensate the Florida Housing Finance Corporation for the expenses associated with compliance monitoring. The funds appropriated under Specific Appropriation 1570A may not be used for any other program currently existing under ss. 420.907-420.9079, Florida Statutes. Thereafter, the funds shall be expended in accordance with ss. 420.907-420.9079, Florida Statutes.

(4) Notwithstanding s. 420.9075, Florida Statutes, for purposes of the Florida Homebuyer Opportunity Program, the following exceptions shall apply:

(a) The maximum income limit shall be an adjusted gross income of \$75,000 for single taxpayer households or \$150,000 for joint-filing taxpayer households, which is equal to that permitted by the American Recovery and Reinvestment Act of 2009;

(b) There is no requirement to reserve 30 percent of the funds for awards to very-low-income persons or 30 percent of the funds for awards to low-income persons;

(c) There is no requirement to expend 75 percent of funds for construction, rehabilitation, or emergency repair; and

(d) The principal balance of the loans provided may not exceed 10 percent of the purchase price or \$8,000, whichever is less.

(5) Funds shall be expended under a newly created strategy in the local housing assistance plan to implement the Florida Homebuyer Opportunity Program.

(6) The homebuyer shall be expected to use their federal income tax refund to fully repay the loan. If the county or eligible municipality receives repayment from the homebuyer within 18 months after the closing date of the loan, the county or eligible municipality shall waive all interest charges. A homebuyer who fails to fully repay the loan within the earlier of 18 months or 10 days after the receipt of their federal income tax refund, shall be subject to repayment terms provided in the local housing assistance plan, including penalties for not using his or her refund for repayment. Penalties may not exceed 10 percent of the loan amount and shall be included in the loan agreement with the homebuyer.

(7) All funds repaid to a county or eligible municipality shall be considered "program income" as defined in s. 420.9071(24), Florida Statutes.

(8) In order to maximize the effect of the funding, the counties and eligible municipalities are encouraged to work with private lenders to provide additional funds to support the initiative. However, in all instances, the counties and eligible municipalities shall make and hold the subordinate loan.

(9) This section expires July 1, 2010.

Section 48. In order to implement Specific Appropriations 2677 and 2678 of the 2009-2010 General Appropriations Act:

(1) Notwithstanding the provisions of s. 11.13(1), Florida Statutes, relating to the annual adjustment of salaries for members of the Legislature, to the contrary, for the 2009-2010 fiscal year only, the authorized salaries of members of the Legislature in effect on June 30, 2009, shall be reduced by 7 percent.

(2) Effective June 30, 2010, the annual salaries of members of the Legislature shall be set at the amounts authorized and in effect on June 30, 2009, pursuant to subsection (2) of section 52 of chapter 2008-153, Laws of Florida.

(3) This section expires July 1, 2010.

Section 49. In order to implement specific appropriations for salaries and benefits in the 2009-2010 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 2009-2010 ~~2008-2009~~ 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 50. In order to implement Specific Appropriations for salaries and benefits in the 2009-2010 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 ~~2009-2010~~ ~~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 Policy and Steering Committee on Ways and Means and the House Full Appropriations Council on General Government and Health Care ~~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, ~~2010~~ ~~2009~~.

Section 51. In order to implement the appropriations provided in the 2009-2010 General Appropriations Act to each agency for cellular phone equipment and services, and to ensure the cost-effective acquisition and use of wireless devices:

(1) Each agency shall develop a wireless device assignment plan that limits use of cellular telephones, personal digital assistants (PDAs), and other devices to only those employees who, as part of their official assigned duties, must routinely be immediately available to citizens, supervisors, or subordinates; be available to respond to emergency situations; be available to calls outside of regular working hours; have access to the technology in order to productively perform job duties in the field; or have limited or no access to a standard phone, or have no ability to use a personal cell phone, if needed. The plan shall result in reducing the number of wireless devices used in each agency.

(2) Each agency must review the use of cellular telephones, PDAs, and other wireless devices by employees and submit a report to the President of the Senate and the Speaker of the House of Representatives by September 1, 2009. The report shall include:

(a) The criteria that the agency has developed to limit assignment of wireless devices;

(b) The results of implementing the wireless device assignment plan, including the reduction in the number of wireless devices used and the cost of such devices;

(c) The number of wireless devices that remain in use by type and expenditures by type of device and total agency expenditures for wireless devices;

(d) The procurement method used to procure wireless devices and the rationale for procuring wireless devices by any mechanism other than statewide term contracts and side-by-side comparison of costs for services purchased through the statewide term contracts and the mechanisms otherwise used by the agency; and

(e) A description of innovative techniques the agency has used to manage wireless devices that have improved efficiency or reduced costs, which may be applicable for implementation by other agencies.

(3) This section expires July 1, 2010.

Section 52. In order to implement the transfer of moneys to the General Revenue Fund from trust funds in the 2009-2010 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 53. Paragraph (b) of subsection (4) of section 215.5601, Florida Statutes, is reenacted to read:

215.5601 Lawton Chiles Endowment Fund.—

(4) ADMINISTRATION.—

(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.

Section 54. In order to implement Specific Appropriations 2558, 2559A, 2559B, 2561A and 2561B, paragraph (a) of subsection (1) of section 377.6015, Florida Statutes, is amended to read:

377.6015 Florida Energy and Climate Commission.—

(1) The Florida Energy and Climate Commission is created within the Executive Office of the Governor. The commission shall be comprised of nine members appointed by the Governor, the Commissioner of Agriculture, and the Chief Financial Officer.

(a) The Governor shall appoint one member from three persons nominated by the Florida Public Service Commission Nominating Council, created in s. 350.031, to each of seven seats on the commission. The Commissioner of Agriculture shall appoint one member from three persons nominated by the council to one seat on the commission. The Chief Financial Officer shall appoint one member from three persons nominated by the council to one seat on the commission.

1. The council shall submit the recommendations to the Governor, the Commissioner of Agriculture, and the Chief Financial Officer by September

1 of those years in which the terms are to begin the following October or within 60 days after a vacancy occurs for any reason other than the expiration of the term. The Governor, the Commissioner of Agriculture, and the Chief Financial Officer may proffer names of persons to be considered for nomination by the council.

2. The Governor, the Commissioner of Agriculture, and the Chief Financial Officer shall fill a vacancy occurring on the commission by appointment of one of the applicants nominated by the council only after a background investigation of such applicant has been conducted by the Department of Law Enforcement.

3. Members shall be appointed to 3-year terms; however, in order to establish staggered terms, for the initial appointments, the Governor shall appoint four members to 3-year terms, two members to 2-year terms, and one member to a 1-year term, and the Commissioner of Agriculture and the Chief Financial Officer shall each appoint one member to a 3-year term and shall appoint a successor when that appointee's term expires in the same manner as the original appointment.

4. The Governor shall select from the membership of the commission one person to serve as chair.

5. A vacancy on the commission shall be filled for the unexpired portion of the term in the same manner as the original appointment.

6. If the Governor, the Commissioner of Agriculture, or the Chief Financial Officer has not made an appointment within 30 consecutive calendar days after the receipt of the recommendations, the council shall initiate, in accordance with this section, the nominating process within 30 days.

7. Each appointment to the commission shall be subject to confirmation by the Senate during the next regular session after the vacancy occurs. If the Senate refuses to confirm or fails to consider the appointment of the Governor, the Commissioner of Agriculture, or the Chief Financial Officer, the council shall initiate, in accordance with this section, the nominating process within 30 days.

8. The Governor or the Governor's successor may recall an appointee.

9. Notwithstanding subparagraph 7. and for the initial appointments to the commission only, each initial appointment to the commission is subject to confirmation by the Senate by the 2010 Regular Session. If the Senate refuses to confirm or fails to consider an appointment made by the Governor, the Commissioner of Agriculture, or the Chief Financial Officer, the council shall initiate, in accordance with this section, the nominating process within 30 days after the Senate's refusal to confirm or failure to consider such appointment. This subparagraph expires July 1, 2010.

Section 55. The amendment to s. 377.6015(1)(a), Florida Statutes, made by this act applies retroactively to May 1, 2009.

Section 56. Section 49 of chapter 2008-153, Laws of Florida, is repealed.

Section 57. In order to implement the issuance of new debt authorized in the 2009-2010 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 2009-2010 fiscal year should be implemented and is in the best interest of the state and necessary to address a critical state emergency.

Section 58. In order to implement the funds appropriated in the 2009-2010 General Appropriations Act for state employee travel, the funds appropriated to each state agency, which may be used for travel by state employees, shall be limited during the 2009-2010 fiscal year to travel for activities that are critical to each state agency's mission. Funds may not be used to pay for travel by state employees to foreign countries, other states, conferences, staff-training activities, or other administrative functions unless the agency head has approved in writing that such activities are critical to the agency's mission. The agency head must consider the use of teleconferencing and other forms of electronic communication to meet the needs of the proposed activity before approving mission-critical travel. This section does not apply to travel for law enforcement purposes, military purposes, emergency management activities, or public health activities. This section expires July 1, 2010.

Section 59. A section of this act which implements a specific appropriation or specifically identified proviso language in the 2009-2010 General Appropriations Act is void if the specific appropriation or specifically identified proviso language is vetoed. A section of this act which implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 2009-2010 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.

Section 60. If any other act passed during the 2009 Regular Session 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 takes precedence and continues to operate, notwithstanding the future repeal provided by this act.

Section 61. 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 62. Except as otherwise expressly provided in this act and except for this section, which shall take effect June 29, 2009, this act shall take effect July 1, 2009; 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, 2009.

Approved by the Governor May 27, 2009.

Filed in Office Secretary of State May 27, 2009.