

PCB PBC 08-02

ORIGINAL

2008

1 A bill to be entitled
2 An act implementing the 2008-2009 General Appropriations
3 Act; providing legislative intent; amending s. 1001.451,
4 F.S.; revising the incentive grant amounts for regional
5 consortium service organizations; amending s. 1012.225,
6 F.S.; revising the dates when Merit Award Program plans
7 must be submitted; amending s. 394.908, F.S.; requiring
8 that funds appropriated for forensic mental health
9 treatment services be allocated to the areas of the state
10 having the greatest demand for services and treatment
11 capacity; providing allocation requirements for specified
12 funds appropriated for mental health services; providing
13 for a health care collaborative action network and
14 discount health care pilot program in Miami-Dade County;
15 authorizing the Executive Office of the Governor to
16 approve the increase in nonoperating transfer budget
17 authority for trust funds in the Department of Children
18 and Family Services; authorizing the Department of
19 Corrections and the Department of Juvenile Justice to make
20 certain expenditures to defray costs incurred by a
21 municipality or county as a result of opening or operating
22 a facility under authority of the respective department;
23 amending s. 216.262, F.S.; providing for additional
24 positions to operate additional prison bed capacity under
25 certain circumstances; amending s. 216.292, F.S.;
26 authorizing certain transfers of appropriations for
27 operations from general revenue between budget categories
28 and entities of the criminal conflict and civil regional

29 | counsels and the budget category for child dependency and
 30 | civil conflict cases within the Justice Administrative
 31 | Commission; providing for future expiration of such
 32 | provisions; authorizing the Department of Legal Affairs to
 33 | expend appropriated funds on programs funded in the
 34 | preceding fiscal year; authorizing the Department of Legal
 35 | Affairs to transfer certain funds to pay salaries and
 36 | benefits; amending s. 112.24, F.S.; providing
 37 | circumstances under which a receiving party is not
 38 | required to pay certain reimbursement costs for a state
 39 | employee pursuant to an intergovernmental interchange;
 40 | authorizing the Executive Office of the Governor to
 41 | transfer funds between departments for purposes of
 42 | aligning amounts paid for risk management premiums and for
 43 | purposes of aligning amounts paid for human resource
 44 | management services; amending s. 110.123, F.S.; providing
 45 | for the state's monthly contribution for employees under
 46 | the state group insurance program; authorizing the
 47 | Department of Financial Services to expend certain funds
 48 | for salaries and related expenses; amending s. 215.5595,
 49 | F.S.; revising legislative findings; providing for
 50 | appropriation of state funds in exchange for surplus notes
 51 | issued by residential property insurers under the program;
 52 | revising the conditions and requirements for providing
 53 | funds to insurers under the program; requiring a
 54 | commitment by the insurer to meet minimum premium-to-
 55 | surplus writing ratios for residential property insurance
 56 | and for taking policies out of Citizens Property Insurance

57 Corporation; authorizing the State Board of Administration
 58 to charge a fee for late payments; providing that
 59 amendments made by the act do not affect the terms of
 60 surplus notes approved prior to a specified date;
 61 authorizing the State Board of Administration and an
 62 insurer to renegotiate such terms consistent with such
 63 amendments; requiring Citizens Property Insurance
 64 Corporation to transfer funds to the General Revenue Fund
 65 for appropriation by the Legislature for program purposes;
 66 amending s. 252.373, F.S.; requiring the Division of
 67 Emergency Management to provide emergency power generators
 68 to special-needs hurricane evacuation shelters from the
 69 Emergency Management, Preparedness, and Assistance Trust
 70 Fund; amending s. 215.559, F.S.; requiring the Division of
 71 Emergency Management to provide emergency power generators
 72 to special-needs hurricane evacuation shelters from the
 73 Grants and Donations Trust Fund; amending s. 288.1088,
 74 F.S.; requiring the availability of incentives to
 75 stimulate economic growth in certain rural areas; amending
 76 s. 553.75, F.S.; authorizing the use of communication
 77 media technology at certain meetings of the Florida
 78 Building Commission; amending s. 259.032, F.S.; authorizes
 79 the transfer of funds from the Conservation and Recreation
 80 Lands Trust Fund for certain cleanup and beach restoration
 81 activities; providing for reversion of certain provisions;
 82 providing for the effect of a veto of one or more specific
 83 appropriations or proviso to which implementing language
 84 refers; providing for the continued operation of certain

85 | provisions notwithstanding a future repeal or expiration
 86 | provided by the act; providing for severability; providing
 87 | effective dates.

88 |

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

90 |

91 | Section 1. It is the intent of the Legislature that the
 92 | implementing and administering provisions of this act apply to
 93 | the General Appropriations Act for the 2008-2009 fiscal year.

94 | Section 2. In order to implement Specific Appropriation
 95 | 101 of the 2008-2009 General Appropriations Act, paragraph (a)
 96 | of subsection (2) of section 1001.451, Florida Statutes, is
 97 | amended to read:

98 | 1001.451 Regional consortium service organizations.--In
 99 | order to provide a full range of programs to larger numbers of
 100 | students, minimize duplication of services, and encourage the
 101 | development of new programs and services:

102 | (2)(a)1. Each regional consortium service organization
 103 | that consists of four or more school districts is eligible to
 104 | receive, through the Department of Education, an incentive grant
 105 | of \$50,000 per school district and eligible member to be used
 106 | for the delivery of services within the participating school
 107 | districts. The determination of services and use of such funds
 108 | shall be established by the board of directors of the regional
 109 | consortium service organization. The funds shall be distributed
 110 | to each regional consortium service organization no later than
 111 | 30 days following the release of the funds to the department.

112 | 2. For the 2008-2009 fiscal year only, the amount of the

113 incentive grant authorized under subparagraph 1. is reduced by 4
 114 percent to \$48,000 per school district and eligible member. This
 115 subparagraph expires July 1, 2009.

116 Section 3. In order to implement Specific Appropriation 81
 117 of the 2008-2009 General Appropriations Act, subsection (5) of
 118 section 1012.225, Florida Statutes, is amended to read:

119 1012.225 Merit Award Program for Instructional Personnel
 120 and School-Based Administrators.--

121 (5) REVIEW OF PERFORMANCE-BASED PAY PLANS.--

122 (a) Each participating district school board must submit
 123 its Merit Award Program plan for the 2008-2009 fiscal year to
 124 the Commissioner of Education for review by October 1, 2008 ~~of~~
 125 ~~each year~~. The plan must include the negotiated, district-
 126 adopted plan or charter school adopted plan if the district does
 127 not submit a plan intended for use in the following year. The
 128 commissioner shall complete a review of each plan submitted and
 129 determine compliance with the requirements of this section by
 130 November 15 of each year. If a submitted plan fails to meet the
 131 requirements of this section, the commissioner must identify in
 132 writing the specific revisions that are required. Revised plans
 133 must be finalized and resubmitted by a school district, or by a
 134 charter school if the district does not submit a plan, for the
 135 commissioner's review by January 31 of each year. The
 136 commissioner shall certify those school district or charter
 137 school plans that do not comply with this section to the
 138 Governor, the President of the Senate, and the Speaker of the
 139 House of Representatives by February 15 of each year.

140 (b) Any charter school that does not follow the school

141 district's salary schedule may adopt its own performance-based
 142 plan in accordance with this section. Charter school proposals
 143 shall be included with the school district plans or may be
 144 submitted independently if the district does not submit a plan.

145 (c) Each district school board shall establish a procedure
 146 to annually review both the assessment and compensation
 147 components of its plan in order to determine compliance with
 148 this section. After this review and by October 1 of each year,
 149 the district school board shall submit a report to the
 150 Commissioner of Education, along with supporting documentation
 151 that will enable the commissioner to verify the district's
 152 compliance with this section during the prior school year. The
 153 commissioner shall submit a report to the Governor, the
 154 President of the Senate, and the Speaker of the House of
 155 Representatives certifying those school district or charter
 156 school plans that do not comply with this section or whose plans
 157 were not implemented in accordance with this section by December
 158 1 of each year.

159 ~~(d) For purposes of the 2007-2008 school year, the plan~~
 160 ~~submitted as required in paragraph (a) applies to the 2007-2008~~
 161 ~~school year as well as the 2008-2009 school year. Thereafter,~~
 162 ~~all plans submitted and approved within the timelines set forth~~
 163 ~~in paragraph (a) apply to the following school year.~~

164 Section 4. The amendments to s. 1012.225(5), Florida
 165 Statutes, made by this act shall expire July 1, 2009, and the
 166 text of that section shall revert to that in existence on June
 167 30, 2008, except that any amendments to such text enacted other
 168 than by this act shall be preserved and continue to operate to

169 the extent that such amendments are not dependent upon the
 170 portions of such text which expire pursuant to this section.

171 Section 5. In order to implement Specific Appropriations
 172 376 through 415 of the 2008-2009 General Appropriations Act,
 173 subsection (3) of section 394.908, Florida Statutes, is amended
 174 to read:

175 394.908 Substance abuse and mental health funding equity;
 176 distribution of appropriations.--In recognition of the
 177 historical inequity in the funding of substance abuse and mental
 178 health services for the department's districts and regions and
 179 to rectify this inequity and provide for equitable funding in
 180 the future throughout the state, the following funding process
 181 shall be used:

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

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

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

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

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

207 Section 6. Health care collaborative action network and
 208 discount health care pilot program.--

209 (1) In order to implement Specific Appropriation 588 of
 210 the 2008-2009 General Appropriations Act, the Department of
 211 Health shall develop and establish a health care collaborative
 212 action network as a 1-year pilot program in Miami-Dade County.

213 (2) In order to implement the pilot program, the Miami-
 214 Dade County Health Department shall:

215 (a) Establish an alliance of hospitals, federally
 216 qualified health centers, free clinics, physician groups and
 217 other health care providers in Miami-Dade County for the purpose
 218 of increasing access to and coordination of care. Approval of a
 219 certificate of need by the Agency for Health Care Administration
 220 for any provider in Miami-Dade County during the 1-year pilot
 221 program shall be contingent on that provider actively
 222 participating in the alliance. The Department of Health shall
 223 require all contract providers in Miami-Dade County to
 224 participate in the alliance as a condition of the contract and

225 shall impose this requirement on all future contracts entered
 226 into during the 1-year pilot program and amend all existing
 227 contracts to reflect this requirement.

228 (b) Ensure coordination of service delivery, increased
 229 access to health care, enhanced cooperation among participating
 230 network providers, elimination of duplication, and establishment
 231 of a medical home for all patients served by members of the
 232 network.

233 (c) Establish a discount health care card program and
 234 negotiate with provider members of the alliance to establish
 235 discounted charges for services provided to enrollees in the
 236 discount health care card program. Approval of a certificate of
 237 need by the Agency for Health Care Administration for any
 238 provider in Miami-Dade County during the 1-year pilot program
 239 shall be contingent on that provider actively participating in
 240 the discount health care card program. The Department of Health
 241 shall require all contract providers in Miami-Dade County to
 242 participate in the discount health care card program as a
 243 condition of the contract and shall impose this requirement on
 244 all future contracts entered into during the 1-year pilot
 245 program and amend all existing contracts to reflect this
 246 requirement.

247 (d) Ensure that the discount health care card is available
 248 to any uninsured resident of Miami-Dade County with a family
 249 income below 200 percent of the federal poverty level.
 250 Reimbursement or payment for health care services by a
 251 participant's health insurance policy or health plan or other
 252 coverage contract shall be governed by the terms of that

253 contract.

254 (e) Ensure that primary care services, either for free or
 255 at a discount rate, are made available to all uninsured and
 256 underserved populations in Miami-Dade County by the network
 257 members.

258 (f) Encourage participating providers to create and
 259 maintain an electronic medical record for each Miami-Dade County
 260 resident who participates in the pilot program.

261 (3) On January 1, 2009, the department shall submit to the
 262 Governor, the President of the Senate, and the Speaker of the
 263 House of Representatives a report on the success and outcomes
 264 achieved by the pilot program, which must include a
 265 recommendation as to whether the pilot program should be
 266 continued, terminated, or expanded in the next fiscal year.

267 (4) This section expires July 1, 2009.

268 Section 7. In order to implement Specific Appropriations
 269 290 through 469 of the 2008-2009 General Appropriations Act and
 270 notwithstanding the provisions of chapter 216, Florida Statutes,
 271 the Executive Office of the Governor, in consultation with the
 272 Legislature, may approve the increase in nonoperating transfer
 273 budget authority for trust funds in the Department of Children
 274 and Family Services to continue programs authorized by the 2008-
 275 2009 General Appropriations Act. This section expires July 1,
 276 2009.

277 Section 8. In order to fulfill legislative intent
 278 regarding the use of funds contained in Specific Appropriations
 279 721L, 721X, 721AI, and 1146 of the 2008-2009 General
 280 Appropriations Act, the Department of Corrections and the

PCB PBC 08-02

ORIGINAL

2008

281 Department of Juvenile Justice may expend appropriated funds to
 282 assist in defraying the costs of impacts that are incurred by a
 283 municipality or county and associated with opening or operating
 284 a facility under the authority of the respective department
 285 which is located within that municipality or county. The amount
 286 that is to be paid under this section for any facility may not
 287 exceed 1 percent of the facility construction cost, less
 288 building impact fees imposed by the municipality or by the
 289 county if the facility is located in the unincorporated portion
 290 of the county. This section expires July 1, 2009.

291 Section 9. In order to implement Specific Appropriations
 292 721A through 760H and 780 through 806 of the 2008-2009 General
 293 Appropriations Act, subsection (4) of section 216.262, Florida
 294 Statutes, is amended to read:

295 216.262 Authorized positions.--

296 (4) Notwithstanding the provisions of this chapter on
 297 increasing the number of authorized positions, and for the 2008-
 298 2009 ~~2007-2008~~ fiscal year only, if the actual inmate population
 299 of the Department of Corrections exceeds the inmate population
 300 projections of the _____, 2008 ~~February 16, 2007~~, Criminal
 301 Justice Estimating Conference by 1 percent for 2 consecutive
 302 months or 2 percent for any month, the Executive Office of the
 303 Governor, with the approval of the Legislative Budget
 304 Commission, shall immediately notify the Criminal Justice
 305 Estimating Conference, which shall convene as soon as possible
 306 to revise the estimates. The Department of Corrections may then
 307 submit a budget amendment requesting the establishment of
 308 positions in excess of the number authorized by the Legislature

309 and additional appropriations from unallocated general revenue
 310 sufficient to provide for essential staff, fixed capital
 311 improvements, and other resources to provide classification,
 312 security, food services, health services, and other variable
 313 expenses within the institutions to accommodate the estimated
 314 increase in the inmate population. All actions taken pursuant to
 315 the authority granted in this subsection shall be subject to
 316 review and approval by the Legislative Budget Commission. This
 317 subsection expires July 1, 2009 ~~2008~~.

318 Section 10. In order to implement Specific Appropriations
 319 819, 821, and 1048 through 1072 of the 2008-2009 General
 320 Appropriations Act, paragraphs (c), (d), and (e) of subsection
 321 (3) of section 216.292, Florida Statutes, are amended to read:

322 216.292 Appropriations nontransferable; exceptions.--

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

327 (c) The transfer of appropriations for operations from
 328 general revenue between categories of appropriations within each
 329 criminal conflict and civil regional counsel budget entity. This
 330 paragraph expires July 1, 2009 ~~2008~~.

331 (d) The transfer of appropriations for operations from
 332 general revenue between criminal conflict and civil regional
 333 counsel budget entities. This paragraph expires July 1, 2009
 334 ~~2008~~.

335 (e) The transfer of appropriations for operations from
 336 general revenue between criminal conflict and civil regional

337 counsel budget entities and the child dependency and civil
 338 conflict case appropriation category and the criminal conflict
 339 case costs appropriation category within the Justice
 340 Administrative Commission. This paragraph expires July 1, 2009
 341 ~~2008~~.

342 Section 11. In order to implement Specific Appropriations
 343 1301 and 1302 of the 2008-2009 General Appropriations Act, the
 344 Department of Legal Affairs is authorized to expend appropriated
 345 funds in those specific appropriations on the same programs that
 346 were funded by the department pursuant to specific
 347 appropriations made in general appropriations acts in prior
 348 years. This section expires July 1, 2009.

349 Section 12. In order to implement Specific Appropriations
 350 1266, 1286, 1307, and 1317 of the 2008-2009 General
 351 Appropriations Act, the Department of Legal Affairs is
 352 authorized to transfer cash remaining after required
 353 disbursements from Attorney General case numbers L01-6-1004,
 354 L03-6-1002, and L01-6-1009 from FLAIR account 41-74-2-601001-
 355 41100100-00-181076-00 to the Operating Trust fund to pay
 356 salaries and benefits. This section expires July 1, 2009.

357 Section 13. In order to implement Specific Appropriations
 358 for salaries and benefits in the 2008-2009 General
 359 Appropriations Act, paragraph (b) of subsection (3) of section
 360 112.24, Florida Statutes, is amended to read:

361 112.24 Intergovernmental interchange of public
 362 employees.--To encourage economical and effective utilization of
 363 public employees in this state, the temporary assignment of
 364 employees among agencies of government, both state and local,

PCB PBC 08-02

ORIGINAL

2008

365 and including school districts and public institutions of higher
366 education is authorized under terms and conditions set forth in
367 this section. State agencies, municipalities, and political
368 subdivisions are authorized to enter into employee interchange
369 agreements with other state agencies, the Federal Government,
370 another state, a municipality, or a political subdivision
371 including a school district, or with a public institution of
372 higher education. State agencies are also authorized to enter
373 into employee interchange agreements with private institutions
374 of higher education and other nonprofit organizations under the
375 terms and conditions provided in this section. In addition, the
376 Governor or the Governor and Cabinet may enter into employee
377 interchange agreements with a state agency, the Federal
378 Government, another state, a municipality, or a political
379 subdivision including a school district, or with a public
380 institution of higher learning to fill, subject to the
381 requirements of chapter 20, appointive offices which are within
382 the executive branch of government and which are filled by
383 appointment by the Governor or the Governor and Cabinet. Under
384 no circumstances shall employee interchange agreements be
385 utilized for the purpose of assigning individuals to participate
386 in political campaigns. Duties and responsibilities of
387 interchange employees shall be limited to the mission and goals
388 of the agencies of government.

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

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

399 2. For the 2008-2009 fiscal year only, the assignment of
 400 an employee of a state agency as provided in subparagraph 1. may
 401 only be made as authorized in the General Appropriations Act.
 402 This subparagraph expires July 1, 2009.

403 Section 14. In order to implement the appropriation of
 404 funds in Special Categories-Risk Management Insurance of the
 405 2008-2009 General Appropriations Act, and pursuant to the
 406 notice, review, and objection procedures of s. 216.177, Florida
 407 Statutes, the Executive Office of the Governor is authorized to
 408 transfer funds appropriated in the appropriation category
 409 "Special Categories-Risk Management Insurance" of the 2008-2009
 410 General Appropriations Act between departments in order to align
 411 the budget authority granted with the premiums paid by each
 412 department for risk management insurance. This section expires
 413 July 1, 2009.

414 Section 15. In order to implement the appropriation of
 415 funds in Special Categories-Transfer to Department of Management
 416 Services-Human Resources Services Purchased Per Statewide
 417 Contract of the 2008-2009 General Appropriations Act, and
 418 pursuant to the notice, review, and objection procedures of s.
 419 216.177, Florida Statutes, the Executive Office of the Governor
 420 is authorized to transfer funds appropriated in the

421 appropriation category "Special Categories-Transfer to
 422 Department of Management Services-Human Resources Services
 423 Purchased Per Statewide Contract" of the 2008-2009 General
 424 Appropriations Act between departments in order to align the
 425 budget authority granted with the assessments that must be paid
 426 by each agency to the Department of Management Services for
 427 human resource management services. This section expires July 1,
 428 2009.

429 Section 16. In order to implement specific appropriations
 430 for salaries and benefits in the 2008-2009 General
 431 Appropriations Act, paragraph (a) of subsection (12) of section
 432 110.123, Florida Statutes, is amended to read:

433 110.123 State group insurance program.--

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

441 (a)1. A member participating in this health insurance plan
 442 option shall be eligible to receive an employer contribution
 443 into the employee's health savings account from the State
 444 Employees Health Insurance Trust Fund in an amount to be
 445 determined by the Legislature. A member is not eligible for an
 446 employer contribution upon termination of employment. For the
 447 2008-2009 ~~2007-2008~~ fiscal year, the state's monthly
 448 contribution for employees having individual coverage shall be

449 \$41.66 and the monthly contribution for employees having family
 450 coverage shall be \$83.33.

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

454 Section 17. In order to implement Specific Appropriations
 455 2536, 2537, 2538, and 2542 of the 2008-2009 General
 456 Appropriations Act, for the 2008-2009 fiscal year only and
 457 notwithstanding any conflicting requirements of section 4 of
 458 chapter 2006-12, Laws of Florida, the Department of Financial
 459 Services may expend \$998,820 of the funds appropriated by
 460 section 4 of chapter 2006-12, Laws of Florida, for salaries and
 461 related expenses. This section expires July 1, 2009.

462 Section 18. In order to implement section 38 of the 2008-
 463 2009 General Appropriations Act, section 215.5595, Florida
 464 Statutes, is amended to read:

465 215.5595 Insurance Capital Build-Up Incentive Program.--

466 (1) Upon entering the 2008 ~~2006~~ hurricane season, the
 467 Legislature finds that:

468 (a) The losses in this state ~~Florida~~ from eight hurricanes
 469 in 2004 and 2005 have seriously strained the resources of both
 470 the voluntary insurance market and the public sector mechanisms
 471 of Citizens Property Insurance Corporation and the Florida
 472 Hurricane Catastrophe Fund.

473 ~~(b) Private reinsurance is much less available and at a~~
 474 ~~significantly greater cost to residential property insurers as~~
 475 ~~compared to 1 year ago, particularly for amounts below the~~
 476 ~~insurer's retention or retained losses that must be paid before~~

477 ~~reimbursement is provided by the Florida Hurricane Catastrophe~~
 478 ~~Fund.~~

479 ~~(c) The Office of Insurance Regulation has reported that~~
 480 ~~the insolvency of certain insurers may be imminent.~~

481 ~~(d) Hurricane forecast experts predict that the 2006~~
 482 ~~hurricane season will be an active hurricane season and that the~~
 483 ~~Atlantic and Gulf Coast regions face an active hurricane cycle~~
 484 ~~of 10 to 20 years or longer.~~

485 (b)(e) Citizens Property Insurance Corporation has over
 486 1.2 million policies in force and has the largest market share
 487 of any insurer writing residential property insurance in this
 488 state, and faces the threat of a catastrophic loss that ~~The~~
 489 ~~number of cancellations or nonrenewals of residential property~~
 490 ~~insurance policies is expected to increase and the number of new~~
 491 ~~residential policies written in the voluntary market are likely~~
 492 ~~to decrease, causing increased policy growth and exposure to the~~
 493 ~~state insurer of last resort, Citizens Property Insurance~~
 494 ~~Corporation, and threatening to increase the deficit of the~~
 495 ~~corporation, currently estimated to be over \$1.7 billion. This~~
 496 ~~deficit must be funded by assessments against insurers and~~
 497 ~~policyholders, unless otherwise funded by the state. The program~~
 498 has a substantial positive effect on the depopulation efforts of
 499 Citizens Property Insurance Corporation since companies
 500 participating in the program have removed over 199,000 policies
 501 from the corporation. Companies participating in the program
 502 have issued a significant number of new policies thereby keeping
 503 an estimated 480,000 new policies out of the corporation.

504 (c) ~~(f)~~ Policyholders are subject to high ~~increased~~
 505 premiums and assessments that are increasingly making such
 506 coverage unaffordable and that may force policyholders to sell
 507 their homes and even leave the state.

508 (d) ~~(g)~~ The increased risk to the public sector and private
 509 sector continues to pose ~~poses~~ a serious threat to the economy
 510 of this state, particularly the building and financing of
 511 residential structures, and existing mortgages may be placed in
 512 default.

513 ~~(h) The losses from 2004 and 2005, combined with the~~
 514 ~~expectation that the increase in hurricane activity will~~
 515 ~~continue for the foreseeable future, have caused both insurers~~
 516 ~~and reinsurers to limit the capital they are willing to commit~~
 517 ~~to covering the hurricane risk in Florida; attracting new~~
 518 ~~capital to the Florida market is a critical priority; and~~
 519 ~~providing a low cost source of capital would enable insurers to~~
 520 ~~write additional residential property insurance coverage and act~~
 521 ~~to mitigate premium increases.~~

522 (e) ~~(i)~~ Appropriating state funds to be exchanged for ~~used~~
 523 ~~as~~ surplus notes issued by ~~for~~ residential property insurers,
 524 under conditions requiring the insurer to contribute additional
 525 private sector capital and to write a minimum level of premiums
 526 for residential hurricane coverage, is a valid and important
 527 public purpose.

528 (f) Extending the program will provide an incentive for
 529 investors to commit additional capital to the residential
 530 insurance market in this state.

531 (2) The purpose of this section is to provide funds in
 532 exchange for surplus notes to be issued by new or existing
 533 authorized residential property insurers under the Insurance
 534 Capital Build-Up Incentive Program administered by the State
 535 Board of Administration, under the following conditions:

536 (a) The amount of state funds provided in exchange for a
 537 ~~the surplus note to for~~ any insurer or insurer group, other than
 538 an insurer writing only manufactured housing policies, may not
 539 exceed \$25 million or 20 percent of the total amount of funds
 540 appropriated for available under the program, whichever is
 541 greater. The amount of the surplus note for any insurer or
 542 insurer group writing residential property insurance covering
 543 only manufactured housing may not exceed \$7 million.

544 (b) The insurer must contribute an amount of new capital
 545 to its surplus which is at least equal to the amount of the
 546 surplus note and must apply to the board by September 1, 2008
 547 ~~July 1, 2006~~. If an insurer applies after September 1, 2008 ~~July~~
 548 ~~1, 2006~~, but before June 1, 2009 ~~2007~~, the amount of the surplus
 549 note is limited to one-half of the new capital that the insurer
 550 contributes to its surplus, except that an insurer writing only
 551 manufactured housing policies is eligible to receive a surplus
 552 note of up to \$7 million. For purposes of this section, new
 553 capital must be in the form of cash or cash equivalents as
 554 specified in s. 625.012(1).

555 (c) The insurer's surplus, new capital, and the surplus
 556 note must total at least \$50 million, except for insurers
 557 writing residential property insurance covering only
 558 manufactured housing. The insurer's surplus, new capital, and

559 the surplus note must total at least \$14 million for insurers
 560 writing only residential property insurance covering
 561 manufactured housing policies as provided in paragraph (a).

562 (d) The insurer must commit to increase its writings of
 563 residential property insurance, including the peril of wind, and
 564 to meet ~~meeting~~ a minimum writing ratio of net written premium
 565 to surplus of at least 1:1 for the first year after receiving
 566 the state funds, 1.5:1 for the second year, and 2:1 for the
 567 remaining term of the surplus note. Alternatively, the insurer
 568 must meet a minimum writing ratio of gross written premium to
 569 surplus of at least 3:1 for the first year after receiving the
 570 state funds, 4.5:1 for the second year, and 6:1 for the
 571 remaining term of the surplus note. The writing ratios, ~~which~~
 572 shall be determined by the Office of Insurance Regulation and
 573 certified quarterly to the board. For this purpose, the term
 574 "~~net written~~ premium" means net written premium for residential
 575 property insurance in this state Florida, including the peril of
 576 wind, and "surplus" refers to the entire surplus of the insurer.
 577 The insurer must also commit to writing at least 10 percent of
 578 its net or gross written premium for new policies, not including
 579 renewal premiums, for policies taken out of Citizens Property
 580 Insurance Corporation, during each of the first 3 years after
 581 receiving the state funds in exchange for the surplus note,
 582 which shall be determined by the Office of Insurance Regulation
 583 and certified annually to the board. The office may determine
 584 that an insurer meets the requirement for taking policies out of
 585 the corporation, by written notice to the board, upon a finding
 586 that the insurer made offers of coverage to policyholders of the

587 corporation which would have resulted in meeting this
 588 requirement had the policyholders accepted the offer. If the
 589 required ratio or the required writings for policies taken out
 590 of the corporation is not maintained during the term of the
 591 surplus note, the board may increase the interest rate,
 592 accelerate the repayment of interest and principal, or shorten
 593 the term of the surplus note, subject to approval by the
 594 Commissioner of Insurance of payments by the insurer of
 595 principal and interest as provided in paragraph (f).

596 (e) If the requirements of this section are met, the board
 597 may approve an application by an insurer for funds in exchange
 598 for issuance of a surplus note, unless the board determines that
 599 the financial condition of the insurer and its business plan for
 600 writing residential property insurance in Florida places an
 601 unreasonably high level of financial risk to the state of
 602 nonpayment in full of the interest and principal. The board
 603 shall consult with the Office of Insurance Regulation and may
 604 contract with independent financial and insurance consultants in
 605 making this determination.

606 (f) The surplus note must be repayable to the state with a
 607 term of 20 years. The surplus note shall accrue interest on the
 608 unpaid principal balance at a rate equivalent to the 10-year
 609 U.S. Treasury Bond rate, require the payment only of interest
 610 during the first 3 years, and include such other terms as
 611 approved by the board. The board may charge late fees up to 5
 612 percent for late payments or other late remittances. Payment of
 613 principal, ~~or~~ interest, or late fees by the insurer on the
 614 surplus note must be approved by the Commissioner of Insurance,

615 | who shall approve such payment unless the commissioner
 616 | determines that such payment will substantially impair the
 617 | financial condition of the insurer. If such a determination is
 618 | made, the commissioner shall approve such payment that will not
 619 | substantially impair the financial condition of the insurer.

620 | (g) The total amount of funds available for the program is
 621 | limited to the amount appropriated by the Legislature for this
 622 | purpose. If the amount of surplus notes requested by insurers
 623 | exceeds the amount of funds available, the board may prioritize
 624 | insurers that are eligible and approved, with priority for
 625 | funding given to insurers writing only manufactured housing
 626 | policies, regardless of the date of application, based on the
 627 | financial strength of the insurer, the viability of its proposed
 628 | business plan for writing additional residential property
 629 | insurance in the state, and the effect on competition in the
 630 | residential property insurance market. Between insurers writing
 631 | residential property insurance covering manufactured housing,
 632 | priority shall be given to the insurer writing the highest
 633 | percentage of its policies covering manufactured housing.

634 | ~~(h) The board may allocate portions of the funds available~~
 635 | ~~for the program and establish dates for insurers to apply for~~
 636 | ~~surplus notes from such allocation which are earlier than the~~
 637 | ~~dates established in paragraph (b).~~

638 | (h)~~(i)~~ Notwithstanding paragraph (d), a newly formed
 639 | manufactured housing insurer that is eligible for a surplus note
 640 | under this section shall meet the premium to surplus ratio
 641 | provisions of s. 624.4095.

642 (i)~~(j)~~ As used in this section, "an insurer writing only
643 manufactured housing policies" includes:

644 1. A Florida domiciled insurer that begins writing
645 personal lines residential manufactured housing policies in
646 Florida after March 1, 2007, and that removes a minimum of
647 50,000 policies from Citizens Property Insurance Corporation
648 without accepting a bonus, provided at least 25 percent of its
649 policies cover manufactured housing. Such an insurer may count
650 any funds above the minimum capital and surplus requirement that
651 were contributed into the insurer after March 1, 2007, as new
652 capital under this section.

653 2. A Florida domiciled insurer that writes at least 40
654 percent of its policies covering manufactured housing in
655 Florida.

656 (3) As used in this section, the term:

657 (a) "Board" means the State Board of Administration.

658 (b) "Program" means the Insurance Capital Build-Up
659 Incentive Program established by this section.

660 (4) The state funds provided to the insurer in exchange
661 for the ~~A~~ surplus note provided to an insurer pursuant to this
662 section are ~~is~~ considered borrowed surplus ~~an asset~~ of the
663 insurer pursuant to s. 628.401 ~~625.012~~.

664 (5) If an insurer that receives funds in exchange for the
665 issuance of a surplus note pursuant to this section is rendered
666 insolvent, the state is a class 3 creditor pursuant to s.
667 631.271 for the unpaid principal and interest on the surplus
668 note.

669 (6) The board shall adopt rules prescribing the
 670 procedures, administration, and criteria for approving the
 671 applications of insurers to receive funds in exchange for
 672 issuance of surplus notes pursuant to this section, which may be
 673 adopted pursuant to the procedures for emergency rules of
 674 chapter 120. Otherwise, actions and determinations by the board
 675 pursuant to this section are exempt from chapter 120.

676 (7) The board shall invest and reinvest the funds
 677 appropriated for the program in accordance with s. 215.47 and
 678 consistent with board policy.

679 (8) The amendments to this section enacted in 2008 do not
 680 affect the terms or conditions of surplus notes that were
 681 approved prior to January 1, 2008. However, the board may
 682 renegotiate the terms of any surplus note issued by an insurer
 683 prior to January 2008 under this program, upon the agreement of
 684 the insurer and the board, consistent with the requirements of
 685 this section as amended in 2008.

686 (9) Citizens Property Insurance Corporation shall transfer
 687 \$250 million to the General Revenue Fund on or before August 1,
 688 2008, for appropriation by the Legislature to the program.

689 Section 19. The amendments to s. 215.5595, Florida
 690 Statutes, made by this act shall expire July 1, 2009, and the
 691 text of that section shall revert to that in existence on June
 692 30, 2008, except that any amendments to such text enacted other
 693 than by this act shall be preserved and continue to operate to
 694 the extent that such amendments are not dependent upon the
 695 portions of such text which expire pursuant to this section.

696 Section 20. In order to implement Specific Appropriation

PCB PBC 08-02

ORIGINAL

2008

697 1541 of the 2008-2009 General Appropriations Act, subsection (5)
 698 is added to section 252.373, Florida Statutes, to read:

699 252.373 Allocation of funds; rules.--

700 (5) Notwithstanding subsection (1) and for the 2008-2009
 701 fiscal year only, the Division of Emergency Management shall use
 702 funds appropriated from the Emergency Management, Preparedness,
 703 and Assistance Trust Fund to provide emergency power generators
 704 in special-needs hurricane evacuation shelters pursuant to the
 705 provisions of section 1 of chapter 2006-71, Laws of Florida,
 706 except that such funds may not be used for administrative
 707 purposes and the matching fund requirements of Specific
 708 Appropriation 1541 of the 2008-2009 General Appropriations Act
 709 must be met. This subsection expires July 1, 2009.

710 Section 21. In order to implement Specific Appropriation
 711 1541 of the 2008-2009 General Appropriations Act, subsection (8)
 712 of section 215.559, Florida Statutes, is renumbered as
 713 subsection (9), and a new subsection (8) is added to that
 714 section to read:

715 215.559 Hurricane Loss Mitigation Program.--

716 (8) Notwithstanding any other provision of this section
 717 and for the 2008-2009 fiscal year only, the Division of
 718 Emergency Management shall use funds appropriated from the
 719 Grants and Donations Trust Fund to provide emergency power
 720 generators in special-needs hurricane evacuation shelters
 721 pursuant to the provisions of section 1 of chapter 2006-71, Laws
 722 of Florida, except that such funds may not be used for
 723 administrative purposes and the matching fund requirements of
 724 Specific Appropriation 1541 of the 2008-2009 General

725 Appropriations Act must be met. This subsection expires July 1,
 726 2009.

727 Section 22. In order to implement Specific Appropriation
 728 2635 of the 2008-2009 General Appropriations Act, subsection (1)
 729 of section 288.1088, Florida Statutes, is amended to read:

730 288.1088 Quick Action Closing Fund.--

731 (1) (a) The Legislature finds that attracting, retaining,
 732 and providing favorable conditions for the growth of certain
 733 high-impact business facilities, privately developed critical
 734 rural infrastructure, or key facilities in economically
 735 distressed urban or rural communities which provide widespread
 736 economic benefits to the public through high-quality employment
 737 opportunities in such facilities or in related facilities
 738 attracted to the state, through the increased tax base provided
 739 by the high-impact facility and related businesses, through an
 740 enhanced entrepreneurial climate in the state and the resulting
 741 business and employment opportunities, and through the
 742 stimulation and enhancement of the state's universities and
 743 community colleges. In the global economy, there exists serious
 744 and fierce international competition for these facilities, and
 745 in most instances, when all available resources for economic
 746 development have been used, the state continues to encounter
 747 severe competitive disadvantages in vying for these business
 748 facilities. Florida's rural areas must provide a competitive
 749 environment for business in the information age. This often
 750 requires an incentive to make it feasible for private investors
 751 to provide infrastructure in those areas. The state's less
 752 populated regions that seek economic development, that have

753 suitable land and water resources to accommodate growth in an
 754 environmentally acceptable manner, and that have adopted a
 755 conceptual long-term buildout overlay to the comprehensive plan
 756 under s. 163.3184 and a detailed specific area plan that
 757 implements the conceptual long-term buildout overlay to the
 758 comprehensive plan must be provided incentives to actively
 759 pursue high-impact business facilities that will serve as a
 760 catalyst to stimulate economic growth.

761 (b) The Legislature therefore declares that sufficient
 762 resources shall be available to respond to extraordinary
 763 economic opportunities and to compete effectively for these
 764 high-impact business facilities, critical private infrastructure
 765 in rural areas, and key businesses in less populated regions and
 766 economically distressed urban or rural communities.

767 Section 23. The amendments to s. 288.1088(1), Florida
 768 Statutes, made by this act shall expire July 1, 2009, and the
 769 text of that section shall revert to that in existence on June
 770 30, 2008, except that any amendments to such text enacted other
 771 than by this act shall be preserved and continue to operate to
 772 the extent that such amendments are not dependent upon the
 773 portions of such text which expire pursuant to this section.

774 Section 24. In order to implement Specific Appropriation
 775 1591 of the 2008-2009 General Appropriations Act, subsection (3)
 776 of section 553.75, Florida Statutes, is amended to read:

777 553.75 Organization of commission; rules and regulations;
 778 meetings; staff; fiscal affairs.--

779 (3) The department shall be responsible for the provision
 780 of administrative and staff support services relating to the

781 functions of the commission. With respect to matters within the
 782 jurisdiction of the commission, the department shall be
 783 responsible for the implementation and faithful discharge of all
 784 decisions of the commission made pursuant to its authority under
 785 the provisions of this part. The department may use
 786 communications media technology to conduct any meetings of the
 787 commission or meetings held in conjunction with the commission.

788 Section 25. The amendments to s. 553.75(3), Florida
 789 Statutes, made by this act shall expire July 1, 2009, and the
 790 text of that section shall revert to that in existence on June
 791 30, 2008, except that any amendments to such text enacted other
 792 than by this act shall be preserved and continue to operate to
 793 the extent that such amendments are not dependent upon the
 794 portions of such text which expire pursuant to this section.

795 Section 26. In order to implement Specific Appropriations
 796 1748, 1756, and 1770 of the 2008-2009 General Appropriations
 797 Act, paragraphs (c) and (d) are added to subsection (2) of
 798 section 259.032, Florida Statutes, to read:

799 259.032 Conservation and Recreation Lands Trust Fund;
 800 purpose.--

801 (2)

802 (c) Notwithstanding any other provision of this section
 803 and for the 2008-2009 fiscal year only, funds in the
 804 Conservation and Recreation Lands Trust Fund may be transferred
 805 to the Nonmandatory Land Reclamation Trust Fund for activities
 806 associated with the cleanup of the Mulberry and Piney Point
 807 sites and expended as directed by the Legislature in the 2008-
 808 2009 General Appropriations Act. This paragraph expires July 1,

809 2009.

810 (d) Notwithstanding any other provision of this section
 811 and for the 2008-2009 fiscal year only, funds in the
 812 Conservation and Recreation Lands Trust Fund may be transferred
 813 to the Ecosystem Management and Restoration Trust Fund for beach
 814 restoration activities and expended as directed by the
 815 Legislature in the 2008-2009 General Appropriations Act. This
 816 paragraph expires July 1, 2009.

817 Section 27. A section of this act that implements a
 818 specific appropriation or specifically identified proviso
 819 language in the 2008-2009 General Appropriations Act is void if
 820 the specific appropriation or specifically identified proviso
 821 language is vetoed. A section of this act that implements more
 822 than one specific appropriation or more than one portion of
 823 specifically identified proviso language in the 2008-2009
 824 General Appropriations Act is void if all the specific
 825 appropriations or portions of specifically identified proviso
 826 language are vetoed.

827 Section 28. If any other act passed in 2008 contains a
 828 provision that is substantively the same as a provision in this
 829 act, but that removes or is otherwise not subject to the future
 830 repeal applied to such provision by this act, the Legislature
 831 intends that the provision in the other act shall take
 832 precedence and shall continue to operate, notwithstanding the
 833 future repeal provided by this act.

834 Section 29. If any provision of this act or its
 835 application to any person or circumstance is held invalid, the
 836 invalidity does not affect other provisions or applications of

PCB PBC 08-02

ORIGINAL

2008

837 the act which can be given effect without the invalid provision
838 or application, and to this end the provisions of this act are
839 severable.

840 Section 30. Except as otherwise expressly provided in this
841 act, this act shall take effect July 1, 2008; or, if this act
842 fails to become a law until after that date, it shall take
843 effect upon becoming a law and shall operate retroactively to
844 July 1, 2008.