

1 A bill to be entitled
2 An act relating to implementing the 2009-2010 General
3 Appropriations Act; providing legislative intent; amending
4 ss. 1009.534, 1009.535, and 1009.536, F.S.; providing that
5 Florida Academic Scholars, Florida Medallion Scholars, and
6 Florida Gold Seal Vocational Scholars are eligible for
7 awards equal to the amount specified in the 2009-2010
8 General Appropriations Act; amending s. 215.559, F.S.;
9 providing for allocation of funds appropriated to the
10 Hurricane Loss Mitigation Program for specified purposes;
11 amending s. 339.135, F.S.; providing for use of
12 transportation revenues; providing for revised funding
13 levels for Department of Transportation projects;
14 requiring the Department of Transportation to transfer
15 funds to the Office of Tourism, Trade, and Economic
16 Development for the purpose of funding transportation-
17 related needs of economic development; removing an
18 obsolete provision; amending s. 337.025, F.S.; authorizing
19 the Department of Transportation to utilize innovative
20 contracting methods for projects funded under the American
21 Recovery Reinvestment Act of 2009; reenacting s.
22 215.32(2)(b), F.S., relating to the source and use of
23 certain trust funds in order to implement the transfer of
24 moneys to the General Revenue Fund from trust funds in the
25 2009-2010 General Appropriations Act; amending s. 216.181,
26 F.S.; permitting the Legislative Budget Commission to
27 approve changes appropriated for fixed capital outlay
28 projects when a state agency request is filed with the

29 Executive Office of the Governor and funding is derived
 30 from the American Recovery and Reinvestment Act of 2009;
 31 amending s. 339.08, F.S.; authorizing the transfer of
 32 specified moneys from the State Transportation Trust Fund
 33 to the General Revenue Fund; reducing the amount
 34 transferred from certain transportation calculation
 35 requirements; providing for future expiration of various
 36 provisions; providing for the effect of a veto of one or
 37 more specific appropriations or proviso to which
 38 implementing language refers; providing for the continued
 39 operation of certain provisions notwithstanding a future
 40 repeal or expiration provided by this act; providing for
 41 severability; providing an effective date.

42

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

44

45 Section 1. It is the intent of the Legislature that the
 46 implementing and administering provisions of this act apply to
 47 the General Appropriations Act for the 2009-2010 fiscal year.

48 Section 2. In order to implement Specific Appropriation 3
 49 of the 2009-2010 General Appropriations Act, subsection (5) is
 50 added to section 1009.534, Florida Statutes, to read:

51 1009.534 Florida Academic Scholars award.--

52 (5) Notwithstanding subsections (2) and (4), a Florida
 53 Academic Scholar is eligible for an award equal to the amount
 54 specified in the General Appropriations Act for the 2009-2010
 55 academic year. This subsection expires July 1, 2010.

56 Section 3. In order to implement Specific Appropriation 3
 57 of the 2009-2010 General Appropriations Act, subsection (4) is
 58 added to section 1009.535, Florida Statutes, to read:

59 1009.535 Florida Medallion Scholars award.--

60 (4) Notwithstanding subsection (2), a Florida Medallion
 61 Scholar is eligible for an award equal to the amount specified
 62 in the General Appropriations Act for the 2009-2010 academic
 63 year. This subsection expires July 1, 2010.

64 Section 4. In order to implement Specific Appropriation 3
 65 of the 2009-2010 General Appropriations Act, subsection (5) is
 66 added to section 1009.536, Florida Statutes, to read:

67 1009.536 Florida Gold Seal Vocational Scholars award.--The
 68 Florida Gold Seal Vocational Scholars award is created within
 69 the Florida Bright Futures Scholarship Program to recognize and
 70 reward academic achievement and career preparation by high
 71 school students who wish to continue their education.

72 (5) Notwithstanding subsection (2), a Florida Gold Seal
 73 Vocational Scholar is eligible for an award equal to the amount
 74 specified in the General Appropriations Act for the 2009-2010
 75 academic year. This subsection expires July 1, 2010.

76 Section 5. In order to implement Specific Appropriation
 77 1541 of the 2009-2010 General Appropriations Act, subsection (8)
 78 of section 215.559, Florida Statutes, is amended, and a new
 79 subsection (8) is added to that section, to read:

80 215.559 Hurricane Loss Mitigation Program.--

81 (8) (a) Notwithstanding any other provision of this section
 82 and for the 2009-2010 fiscal year only, the \$7 million
 83 appropriation provided for in paragraph (2) (a) shall be

84 allocated as follows:

85 1. The sum of \$3.5 million shall be transferred to the
 86 Department of Financial Services for the My Safe Florida Home
 87 Program as provided for in s. 215.5586.

88 2. The sum of \$3,421,764 shall be used for programs to
 89 improve the wind resistance of residences and mobile homes,
 90 including loans, subsidies, grants, demonstration projects, and
 91 direct assistance; educating persons concerning the Florida
 92 Building Code cooperative programs with local governments and
 93 the Federal Government; and other efforts to prevent or reduce
 94 losses or reduce the cost of rebuilding after a disaster.

95 3. The sum of \$78,236 shall be allocated for operational
 96 purposes of the department as specified in the 2009-2010 General
 97 Appropriations Act.

98 (b) This subsection expires July 1, 2010.

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

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

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

109 ~~3. The sum of \$6,421,764 shall be used to install~~
 110 ~~emergency power generators in special-needs hurricane evacuation~~
 111 ~~shelters as provided in s. 1, ch. 2006-71, Laws of Florida,~~

112 ~~except that such funds may not be used for administrative~~
 113 ~~purposes.~~

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

117 ~~(b) This subsection expires July 1, 2009.~~

118 Section 6. In order to implement section 18 of the 2009-
 119 2010 General Appropriations Act, paragraph (a) of subsection (4)
 120 and subsection (5) of section 339.135, Florida Statutes, are
 121 amended to read:

122 339.135 Work program; legislative budget request;
 123 definitions; preparation, adoption, execution, and amendment.--

124 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--

125 (a)1. To assure that no district or county is penalized
 126 for local efforts to improve the State Highway System, the
 127 department shall, for the purpose of developing a tentative work
 128 program, allocate funds for new construction to the districts,
 129 except for the turnpike enterprise, based on equal parts of
 130 population and motor fuel tax collections. Funds for
 131 resurfacing, bridge repair and rehabilitation, bridge fender
 132 system construction or repair, public transit projects except
 133 public transit block grants as provided in s. 341.052, and other
 134 programs with quantitative needs assessments shall be allocated
 135 based on the results of these assessments. The department may
 136 not transfer any funds allocated to a district under this
 137 paragraph to any other district except as provided in subsection
 138 (7). Funds for public transit block grants shall be allocated to
 139 the districts pursuant to s. 341.052. Funds for the intercity

140 bus program provided for under s. 5311(f) of the federal
 141 nonurbanized area formula program shall be administered and
 142 allocated directly to eligible bus carriers as defined in s.
 143 341.031(12) at the state level rather than the district. In
 144 order to provide state funding to support the intercity bus
 145 program provided for under provisions of the federal 5311(f)
 146 program, the department shall allocate an amount equal to the
 147 federal share of the 5311(f) program from amounts calculated
 148 pursuant to s. 206.46(3).

149 2. Notwithstanding the provisions of subparagraph 1., the
 150 department shall allocate at least 50 percent of any new
 151 discretionary highway capacity funds to the Florida Strategic
 152 Intermodal System created pursuant to s. 339.61. Any remaining
 153 new discretionary highway capacity funds shall be allocated to
 154 the districts for new construction as provided in subparagraph
 155 1. For the purposes of this subparagraph, the term "new
 156 discretionary highway capacity funds" means any funds available
 157 to the department above the prior year funding level for
 158 capacity improvements, which the department has the discretion
 159 to allocate to highway projects.

160 3. Notwithstanding subparagraph 1. and ss. 206.46(3),
 161 334.044(26), and 339.2819(3), and for the fiscal year 2009-2010
 162 only, the department shall reduce work program levels to balance
 163 the finance plan to the revised funding levels resulting from
 164 any reduction in the 2009-2010 General Appropriations Act. This
 165 subparagraph expires July 1, 2010.

166 4. For the fiscal year 2009-2010 only, prior to any
 167 project or phase thereof being deferred, the reductions in

168 subparagraph 3. shall be made to financial projects not
 169 programmed for contract letting as identified with a work
 170 program contract class code 8 and the box code RV, excluding
 171 reserves for public transit project development. These
 172 reductions shall not negatively impact safety, preservation,
 173 maintenance, or project contingency levels as of July 1, 2009.
 174 This subparagraph expires July 1, 2010.

175 (5) ~~(a)~~ ADOPTION OF THE WORK PROGRAM.--

176 (a) The original approved budget for operational and fixed
 177 capital expenditures for the department shall be the Governor's
 178 budget recommendation and the first year of the tentative work
 179 program, as both are amended by the General Appropriations Act
 180 and any other act containing appropriations. In accordance with
 181 the appropriations act, the department shall, prior to the
 182 beginning of the fiscal year, adopt a final work program which
 183 shall only include the original approved budget for the
 184 department for the ensuing fiscal year together with any roll
 185 forwards approved pursuant to paragraph (6) (c) and the portion
 186 of the tentative work program for the following 4 fiscal years
 187 revised in accordance with the original approved budget for the
 188 department for the ensuing fiscal year together with said roll
 189 forwards. The adopted work program may include only those
 190 projects submitted as part of the tentative work program
 191 developed under the provisions of subsection (4) plus any
 192 projects which are separately identified by specific
 193 appropriation in the General Appropriations Act and any roll
 194 forwards approved pursuant to paragraph (6) (c). However, any
 195 transportation project of the department which is identified by

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

204 (b) Notwithstanding paragraph (a), and for the 2009-2010
 205 ~~2008-2009~~ fiscal year only, the Department of Transportation
 206 shall transfer funds to the Office of Tourism, Trade, and
 207 Economic Development in an amount equal to \$20,300,000
 208 ~~\$36,750,000~~ for the purpose of funding transportation-related
 209 needs of economic development projects, ~~space and aerospace~~
 210 ~~infrastructure, and other economic development projects~~. This
 211 transfer shall not reduce, delete, or defer any existing
 212 projects funded, as of July 1, 2009 ~~2008~~, in the Department of
 213 Transportation's 5-year work program. This paragraph expires
 214 July 1, 2010 ~~2009~~.

215 ~~(c) Notwithstanding paragraph (a) or subparagraph~~
 216 ~~(4) (a)1., and for the 2008-2009 fiscal year only, the Department~~
 217 ~~of Transportation shall fund projects in Specific Appropriations~~
 218 ~~2063, 2071, 2077, 2079, 2102, 2106, 2109, and 2116 of the 2008-~~
 219 ~~2009 General Appropriations Act. Funding for these specific~~
 220 ~~appropriations shall be from projects or phases thereof within~~
 221 ~~the department's fiscal year 2008-2009 work program not~~
 222 ~~programmed for contract letting as identified with a work~~
 223 ~~program contract class code 8 and the box code RV. This funding~~

224 ~~shall not negatively impact safety, preservation, maintenance,~~
 225 ~~or project contingency levels as of July 1, 2008. This paragraph~~
 226 ~~expires July 1, 2009.~~

227 Section 7. In order to implement Specific Appropriations
 228 1986 through 2095 of the 2009-2010 General Appropriations Act,
 229 section 337.025, Florida Statutes, is amended to read:

230 337.025 Innovative highway projects; department to
 231 establish program.--

232 (1) The department is authorized to establish a program
 233 for highway projects demonstrating innovative techniques of
 234 highway construction, maintenance, and finance which have the
 235 intended effect of controlling time and cost increases on
 236 construction projects. Such techniques may include, but are not
 237 limited to, state-of-the-art technology for pavement, safety,
 238 and other aspects of highway construction and maintenance;
 239 innovative bidding and financing techniques; accelerated
 240 construction procedures; and those techniques that have the
 241 potential to reduce project life cycle costs. To the maximum
 242 extent practical, the department must use the existing process
 243 to award and administer construction and maintenance contracts.
 244 When specific innovative techniques are to be used, the
 245 department is not required to adhere to those provisions of law
 246 that would prevent, preclude, or in any way prohibit the
 247 department from using the innovative technique. However, prior
 248 to using an innovative technique that is inconsistent with
 249 another provision of law, the department must document in
 250 writing the need for the exception and identify what benefits
 251 the traveling public and the affected community are anticipated

252 to receive. The department may enter into no more than \$120
 253 million in contracts annually for the purposes authorized by
 254 this section. However, the annual cap on contracts provided in
 255 this section shall not apply to turnpike enterprise projects nor
 256 shall turnpike enterprise projects be counted toward the
 257 department's annual cap.

258 (2) For the 2009-2010 fiscal year only, the annual cap
 259 provided in subsection (1) shall not apply to transportation
 260 projects funded by the American Recovery and Reinvestment Act of
 261 2009. This subsection expires July 1, 2010.

262 Section 8. In order to implement the transfer of moneys to
 263 the General Revenue Fund from trust funds in the 2009-2010
 264 General Appropriations Act, paragraph (b) of subsection (2) of
 265 section 215.32, Florida Statutes, is reenacted to read:

266 215.32 State funds; segregation.--

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

269 (b)1. The trust funds shall consist of moneys received by
 270 the state which under law or under trust agreement are
 271 segregated for a purpose authorized by law. The state agency or
 272 branch of state government receiving or collecting such moneys
 273 shall be responsible for their proper expenditure as provided by
 274 law. Upon the request of the state agency or branch of state
 275 government responsible for the administration of the trust fund,
 276 the Chief Financial Officer may establish accounts within the
 277 trust fund at a level considered necessary for proper
 278 accountability. Once an account is established within a trust
 279 fund, the Chief Financial Officer may authorize payment from

280 that account only upon determining that there is sufficient cash
 281 and releases at the level of the account.

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

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

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

292 c. Administrative trust fund, for use as a depository for
 293 funds to be used for management activities that are departmental
 294 in nature and funded by indirect cost earnings and assessments
 295 against trust funds. Proprietary funds are excluded from the
 296 requirement of using an administrative trust fund.

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

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

303 f. Clearing funds trust fund, for use as a depository for
 304 funds to account for collections pending distribution to lawful
 305 recipients.

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

309
 310 To the extent possible, each agency must adjust its internal
 311 accounting to use existing trust funds consistent with the
 312 requirements of this subparagraph. If an agency does not have
 313 trust funds listed in this subparagraph and cannot make such
 314 adjustment, the agency must recommend the creation of the
 315 necessary trust funds to the Legislature no later than the next
 316 scheduled review of the agency's trust funds pursuant to s.
 317 215.3206.

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

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

329 b. This subparagraph does not apply to trust funds
 330 required by federal programs or mandates; trust funds
 331 established for bond covenants, indentures, or resolutions whose
 332 revenues are legally pledged by the state or public body to meet
 333 debt service or other financial requirements of any debt

334 obligations of the state or any public body; the State
 335 Transportation Trust Fund; the trust fund containing the net
 336 annual proceeds from the Florida Education Lotteries; the
 337 Florida Retirement System Trust Fund; trust funds under the
 338 management of the State Board of Education or the Board of
 339 Governors of the State University System, where such trust funds
 340 are for auxiliary enterprises, self-insurance, and contracts,
 341 grants, and donations, as those terms are defined by general
 342 law; trust funds that serve as clearing funds or accounts for
 343 the Chief Financial Officer or state agencies; trust funds that
 344 account for assets held by the state in a trustee capacity as an
 345 agent or fiduciary for individuals, private organizations, or
 346 other governmental units; and other trust funds authorized by
 347 the State Constitution.

348 Section 9. Paragraph (d) is added to subsection (11) of
 349 section 216.181, Florida Statutes, to read:

350 216.181 Approved budgets for operations and fixed capital
 351 outlay.--

352 (11)

353 (d) For the fiscal year 2009-2010 only, changes in the
 354 amounts appropriated for fixed capital outlay projects may be
 355 approved by the Legislative Budget Commission pursuant to the
 356 request of a state agency filed with the Executive Office of the
 357 Governor if the project's funding is derived from the American
 358 Recovery and Reinvestment Act of 2009. This paragraph expires
 359 July 1, 2010.

360

361 The provisions of this subsection are subject to the notice and
 362 objection procedures set forth in s. 216.177.

363 Section 10. In order to implement section 18 of the 2009-
 364 2010 General Appropriations Act, subsection (4) is added to
 365 section 339.08, Florida Statutes, to read:

366 339.08 Use of moneys in State Transportation Trust Fund.--

367 (4) For the 2009-2010 fiscal year only and notwithstanding
 368 the provisions of this section and ss. 339.09(1) and
 369 215.32(2)(b)4., funds may be transferred from the State
 370 Transportation Trust Fund to the General Revenue Fund as
 371 specified in the General Appropriations Act. Notwithstanding ss.
 372 206.46(3) and 206.606(2), the total amount transferred shall be
 373 reduced from total state revenues deposited into the State
 374 Transportation Trust Fund for the calculation requirements of
 375 ss. 206.46(3) and 206.606(2). This subsection expires July 1,
 376 2010.

377 Section 11. A section of this act that implements a
 378 specific appropriation or specifically identified proviso
 379 language in the 2009-2010 General Appropriations Act is void if
 380 the specific appropriation or specifically identified proviso
 381 language is vetoed. A section of this act that implements more
 382 than one specific appropriation or more than one portion of
 383 specifically identified proviso language in the 2009-2010
 384 General Appropriations Act is void if all the specific
 385 appropriations or portions of specifically identified proviso
 386 language are vetoed.

387 Section 12. If any other act passed in 2009 contains a
 388 provision that is substantively the same as a provision in this

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389 act, but that removes or is otherwise not subject to the future
390 repeal applied to such provision by this act, the Legislature
391 intends that the provision in the other act shall take
392 precedence and shall continue to operate, notwithstanding the
393 future repeal provided by this act.

394 Section 13. If any provision of this act or its
395 application to any person or circumstance is held invalid, the
396 invalidity does not affect other provisions or applications of
397 the act which can be given effect without the invalid provision
398 or application, and to this end the provisions of this act are
399 severable.

400 Section 14. This act shall take effect July 1, 2009.