

1                                   A bill to be entitled  
 2           An act relating to implementing the 2008-2009 Special  
 3           Appropriations Act; providing legislative intent;  
 4           reenacting s. 215.32(2)(b), F.S., relating to the source  
 5           and use of certain trust funds in order to implement the  
 6           transfer of moneys to the General Revenue Fund from trust  
 7           funds in the 2008-2009 Special Appropriations Act;  
 8           amending s. 320.08, F.S.; revising uses of certain  
 9           motorcycle and moped license tax fees; amending s. 339.08,  
 10          F.S.; authorizing the transfer of specified moneys from  
 11          the State Transportation Trust Fund to the General Revenue  
 12          Fund; reducing the amount transferred from certain  
 13          transportation calculation requirements; amending ss.  
 14          420.0005 and 420.9079, F.S.; providing for the return of  
 15          certain unexpended funds held by the Florida Housing  
 16          Finance Corporation to the state as directed by law;  
 17          providing for reversion of certain provisions; providing  
 18          for the effect of a veto of one or more specific  
 19          appropriations or proviso to which implementing language  
 20          refers; providing for the continued operation of certain  
 21          provisions notwithstanding a future repeal or expiration  
 22          provided by this act; providing for severability;  
 23          providing an effective date.

24  
 25   Be It Enacted by the Legislature of the State of Florida:  
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27           Section 1. It is the intent of the Legislature that the  
 28 implementing and administering provisions of this act apply to  
 29 the Special Appropriations Act for the 2008-2009 fiscal year.

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

34           215.32 State funds; segregation.--

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

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

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

53           a. Operations or operating trust fund, for use as a  
 54 depository for funds to be used for program operations funded by

55 program revenues, with the exception of administrative  
 56 activities when the operations or operating trust fund is a  
 57 proprietary fund.

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

60 c. Administrative trust fund, for use as a depository for  
 61 funds to be used for management activities that are departmental  
 62 in nature and funded by indirect cost earnings and assessments  
 63 against trust funds. Proprietary funds are excluded from the  
 64 requirement of using an administrative trust fund.

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

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

71 f. Clearing funds trust fund, for use as a depository for  
 72 funds to account for collections pending distribution to lawful  
 73 recipients.

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

77  
 78 To the extent possible, each agency must adjust its internal  
 79 accounting to use existing trust funds consistent with the  
 80 requirements of this subparagraph. If an agency does not have  
 81 trust funds listed in this subparagraph and cannot make such  
 82 adjustment, the agency must recommend the creation of the

83 necessary trust funds to the Legislature no later than the next  
 84 scheduled review of the agency's trust funds pursuant to s.  
 85 215.3206.

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

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

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

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

116 Section 3. In order to implement section 20 of the 2008-  
 117 2009 Special Appropriations Act, paragraph (c) of subsection (1)  
 118 of section 320.08, Florida Statutes, is amended to read:

119 320.08 License taxes.--Except as otherwise provided  
 120 herein, there are hereby levied and imposed annual license taxes  
 121 for the operation of motor vehicles, mopeds, motorized bicycles  
 122 as defined in s. 316.003(2), and mobile homes, as defined in s.  
 123 320.01, which shall be paid to and collected by the department  
 124 or its agent upon the registration or renewal of registration of  
 125 the following:

126 (1) MOTORCYCLES AND MOPEDS.--

127 (c) Upon registration of any motorcycle, motor-driven  
 128 cycle, or moped there shall be paid in addition to the license  
 129 taxes specified in this subsection a nonrefundable motorcycle  
 130 safety education fee in the amount of \$2.50. The proceeds of  
 131 such additional fee shall be deposited in the Highway Safety  
 132 Operating Trust Fund ~~and be used exclusively~~ to fund a  
 133 motorcycle driver improvement program implemented pursuant to s.  
 134 322.025, ~~or~~ the Florida Motorcycle Safety Education Program  
 135 established in s. 322.0255, or the general operations of the  
 136 department.

137 Section 4. The amendments to s. 320.08, Florida Statutes,  
 138 made by this act shall expire July 1, 2009, and the text of that

139 section shall revert to that in existence on the day before the  
 140 effective date of this act, except that any amendments to such  
 141 text enacted other than by this act shall be preserved and  
 142 continue to operate to the extent that such amendments are not  
 143 dependent upon the portions of such text that expire pursuant to  
 144 this section.

145 Section 5. In order to implement section 20 of the 2008-  
 146 2009 Special Appropriations Act, subsection (4) is added to  
 147 section 339.08, Florida Statutes, to read:

148 339.08 Use of moneys in State Transportation Trust Fund.--

149 (4) For the 2008-2009 fiscal year only and notwithstanding  
 150 the provisions of this section and ss. 339.09(1) and  
 151 215.32(2)(b)4., \$200 million may be transferred from the State  
 152 Transportation Trust Fund to the General Revenue Fund.  
 153 Notwithstanding ss. 206.46(3) and 206.606(2), the total amount  
 154 transferred shall be reduced from total state revenues deposited  
 155 into the State Transportation Trust Fund for the calculation  
 156 requirements of ss. 206.46(3) and 206.606(2). This subsection  
 157 expires July 1, 2009.

158 Section 6. In order to implement section 9 of the 2008-  
 159 2009 Special Appropriations Act, section 420.0005, Florida  
 160 Statutes, is amended to read:

161 420.0005 State Housing Trust Fund; State Housing Fund.--

162 (1) There is hereby established in the State Treasury a  
 163 separate trust fund to be named the "State Housing Trust Fund."  
 164 There shall be deposited in the fund all moneys appropriated by  
 165 the Legislature, or moneys received from any other source, for  
 166 the purpose of this chapter, and all proceeds derived from the

167 use of such moneys. The fund shall be administered by the  
 168 Florida Housing Finance Corporation on behalf of the department,  
 169 as specified in this chapter. Money deposited to the fund and  
 170 appropriated by the Legislature must, notwithstanding the  
 171 provisions of chapter 216 or s. 420.504(3), be transferred  
 172 quarterly in advance, to the extent available, or, if not so  
 173 available, as soon as received into the State Housing Trust  
 174 Fund, and subject to the provisions of s. 420.5092(6)(a) and (b)  
 175 by the Chief Financial Officer to the corporation upon  
 176 certification by the Secretary of Community Affairs that the  
 177 corporation is in compliance with the requirements of s.  
 178 420.0006. The certification made by the secretary shall also  
 179 include the split of funds among programs administered by the  
 180 corporation and the department as specified in chapter 92-317,  
 181 Laws of Florida, as amended. Moneys advanced by the Chief  
 182 Financial Officer must be deposited by the corporation into a  
 183 separate fund established with a qualified public depository  
 184 meeting the requirements of chapter 280 to be named the "State  
 185 Housing Fund" and used for the purposes of this chapter.  
 186 Administrative and personnel costs incurred in implementing this  
 187 chapter may be paid from the State Housing Fund, but such costs  
 188 may not exceed 5 percent of the moneys deposited into such fund.  
 189 To the State Housing Fund shall be credited all loan repayments,  
 190 penalties, and other fees and charges accruing to such fund  
 191 under this chapter. It is the intent of this chapter that all  
 192 loan repayments, penalties, and other fees and charges collected  
 193 be credited in full to the program account from which the loan  
 194 originated. Moneys in the State Housing Fund which are not

195 currently needed for the purposes of this chapter shall be  
 196 invested in such manner as is provided for by statute. The  
 197 interest received on any such investment shall be credited to  
 198 the State Housing Fund.

199 (2) Notwithstanding any provision of this section to the  
 200 contrary and for the 2008-2009 fiscal year only, the corporation  
 201 shall return unexpended funds held by the corporation pursuant  
 202 to this section to the state as directed by law. This subsection  
 203 expires June 30, 2009.

204 Section 7. In order to implement section 9 of the 2008-  
 205 2009 Special Appropriations Act, section 420.9079, Florida  
 206 Statutes, is amended to read:

207 420.9079 Local Government Housing Trust Fund.--

208 (1) There is created in the State Treasury the Local  
 209 Government Housing Trust Fund, which shall be administered by  
 210 the corporation on behalf of the department according to the  
 211 provisions of ss. 420.907-420.9078 and this section. There shall  
 212 be deposited into the fund a portion of the documentary stamp  
 213 tax revenues as provided in s. 201.15, moneys received from any  
 214 other source for the purposes of ss. 420.907-420.9078 and this  
 215 section, and all proceeds derived from the investment of such  
 216 moneys. Moneys in the fund that are not currently needed for the  
 217 purposes of the programs administered pursuant to ss. 420.907-  
 218 420.9078 and this section shall be deposited to the credit of  
 219 the fund and may be invested as provided by law. The interest  
 220 received on any such investment shall be credited to the fund.

221 (2) The corporation shall administer the fund exclusively  
 222 for the purpose of implementing the programs described in ss.



223 420.907-420.9078 and this section. With the exception of  
 224 monitoring the activities of counties and eligible  
 225 municipalities to determine local compliance with program  
 226 requirements, the corporation shall not receive appropriations  
 227 from the fund for administrative or personnel costs. For the  
 228 purpose of implementing the compliance monitoring provisions of  
 229 s. 420.9075(9), the corporation may request a maximum of one-  
 230 quarter of 1 percent of the annual appropriation per state  
 231 fiscal year. When such funding is appropriated, the corporation  
 232 shall deduct the amount appropriated prior to calculating the  
 233 local housing distribution pursuant to ss. 420.9072 and  
 234 420.9073.

235 (3) Notwithstanding any provision of this section to the  
 236 contrary and for the 2008-2009 fiscal year only, the corporation  
 237 shall return unexpended funds held by the corporation pursuant  
 238 to this section to the state as directed by law. This subsection  
 239 expires June 30, 2009.

240 Section 8. A section of this act that implements a  
 241 specific appropriation or specifically identified proviso  
 242 language in the 2008-2009 Special Appropriations Act is void if  
 243 the specific appropriation or specifically identified proviso  
 244 language is vetoed. A section of this act that implements more  
 245 than one specific appropriation or more than one portion of  
 246 specifically identified proviso language in the 2008-2009  
 247 Special Appropriations Act is void if all the specific  
 248 appropriations or portions of specifically identified proviso  
 249 language are vetoed.

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250           Section 9. If any other act passed in 2009 contains a  
251 provision that is substantively the same as a provision in this  
252 act but that removes or is otherwise not subject to the future  
253 repeal applied to such provision by this act, the Legislature  
254 intends that the provision in the other act shall take  
255 precedence and shall continue to operate notwithstanding the  
256 future repeal provided by this act.

257           Section 10. If any provision of this act or its  
258 application to any person or circumstance is held invalid, the  
259 invalidity does not affect other provisions or applications of  
260 the act which can be given effect without the invalid provision  
261 or application, and to this end the provisions of this act are  
262 severable.

263           Section 11. This act shall take effect upon becoming a  
264 law.