

By the Policy and Steering Committee on Ways and Means

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1 A bill to be entitled
2 An act implementing the 2009-2010 General
3 Appropriations Act; providing legislative intent;
4 authorizing the Department of Corrections to use
5 certain appropriated funds to assist in defraying the
6 costs incurred by a county or a municipality to open
7 or operate certain facilities; limiting the amount of
8 such assistance; providing for the expiration of the
9 authority to provide the assistance; amending s.
10 216.262, F.S.; delaying the expiration of provisions
11 directing the Department of Corrections to seek a
12 budget amendment for additional positions and
13 appropriations if the inmate population exceeds a
14 certain estimate under certain circumstances;
15 providing for the expiration of the authority to seek
16 a budget amendment; authorizing the Department of
17 Legal Affairs to spend certain appropriated funds on
18 programs that were funded by the department from
19 specific appropriations in general appropriations acts
20 in prior years; providing for the expiration of the
21 authority to spend those appropriations; creating s.
22 945.6041, F.S.; defining terms; limiting the
23 compensation of health care providers that do not have
24 contracts to provide inmate medical services with the
25 Department of Corrections or private correctional
26 facilities; limiting compensation to entities that
27 provide emergency medical transportation services for
28 inmates if those entities do not have a contract with
29 the department or certain private correctional

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30 facilities; providing an expiration date for the
31 limits on compensation; authorizing the Department of
32 Legal Affairs to transfer certain funds from certain
33 cases to the Operating Trust Fund to pay salaries and
34 benefits; providing an expiration date for the
35 transfer of funds; amending s. 287.057, F.S.; delaying
36 the expiration of provisions authorizing the
37 Department of Health to enter into an agreement with a
38 specified private contractor to finance, design, and
39 construct a hospital for the treatment of patients
40 with active tuberculosis; amending s. 394.908, F.S.;
41 delaying the expiration of provisions requiring that
42 funds appropriated for forensic mental health
43 treatment services be allocated to the areas of the
44 state having the greatest demand for services and
45 treatment capacity; providing allocation requirements
46 for specified funds appropriated for mental health
47 services; requiring the Department of Children and
48 Family Services to ensure that information is entered
49 into the Florida Safe Families Network; requiring
50 coordination between the department and the Office of
51 the State Courts Administrator to provide information
52 relating to child welfare cases; requiring a report to
53 the Governor and Legislature; authorizing the
54 Executive Office of the Governor to transfer funds
55 between departments for purposes of aligning amounts
56 paid for risk management premiums and for purposes of
57 aligning amounts paid for human resource management
58 services; authorizing certain moneys to be

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59 appropriated to offset reductions in ad valorem tax
60 revenue experienced by fiscally constrained counties
61 occurring as a direct result of the implementation of
62 revisions of Art. VII of the State Constitution
63 approved in the special election held on January 29,
64 2008; amending s. 218.12, F.S.; requiring that the
65 value of assessments reduced pursuant to s. 4(d)(8)a.
66 of Art. VII of the State Constitution include only the
67 reduction in taxable value for homesteads established
68 in the preceding year; amending s. 253.034, F.S.;
69 authorizing the deposit of funds derived from the sale
70 of property by the Department of Citrus into the
71 Citrus Advertising Trust Fund; providing for the
72 expiration of such authorization; amending s. 253.01,
73 F.S.; delaying the expiration of provisions relating
74 to grants and aids from the Internal Improvement Trust
75 Fund for the drinking water facility construction
76 state revolving loan program and the clean water state
77 revolving loan program; reenacting s. 255.518(1)(b),
78 F.S., relating to the payment of obligations during
79 the construction of a facility financed by such
80 obligations; repealing s. 27 of chapter 2008-153, Laws
81 of Florida; abrogating the future repeal of an
82 amendment made by that chapter to s. 255.518(1)(b),
83 F.S., and abrogating the revision of the text of that
84 paragraph to that in existence on June 30, 2008, with
85 specified exceptions; amending s. 255.503, F.S.;
86 delaying the expiration of provisions relating to the
87 Florida Facilities Pool; amending s. 373.59, F.S.;

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88 providing for the allocation of moneys from the Water
89 Management Lands Trust Fund for certain purposes;
90 providing an expiration date; amending s. 376.3071,
91 F.S.; delaying the repeal of provisions relating to
92 funding from the Inland Protection Trust Fund for site
93 restoration; amending s. 403.1651, F.S.; providing
94 that funds from the Ecosystem Management and
95 Restoration Trust Fund be used for the purpose of
96 funding activities to preserve and repair the state's
97 beaches; providing for reversion of statutory text of
98 certain provisions; amending s. 570.20, F.S.; delaying
99 the expiration of provisions authorizing the
100 Department of Agriculture and Consumer Services to use
101 funds from the General Inspection Trust Fund for
102 certain programs; amending s. 253.034, F.S.; delaying
103 the expiration of provisions authorizing the deposit
104 of funds from the sale of property located in Palm
105 Beach County by the Department of Highway Safety and
106 Motor Vehicles into the Highway Safety Operating Trust
107 Fund; amending s. 332.007, F.S.; authorizing the
108 Department of Transportation to fund operational and
109 maintenance assistance security projects at publicly
110 owned public-use airports; providing for the future
111 expiration of such authority and the reversion of
112 statutory text; amending s. 339.08, F.S.; delaying the
113 expiration of provisions relating to the use of funds
114 from the State Transportation Trust Fund; amending s.
115 339.135, F.S.; delaying the expiration of provisions
116 relating to the transfer of funds from the Department

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117 of Transportation to the Office of Tourism, Trade, and
118 Economic Development for the purpose of funding the
119 transportation-related needs of certain projects;
120 revising the amount of such transfer; deleting
121 obsolete provisions; creating the Florida Homebuyer
122 Opportunity Program within the Florida Housing Finance
123 Corporation; providing legislative intent; defining
124 the term "anticipated federal assistance"; providing
125 duties for the corporation to implement and administer
126 the program; providing certain requirements for the
127 program; requiring that the administration of the
128 program be consistent with certain Federal Housing
129 Administration requirements; requiring that the
130 corporation negotiate with private lenders to borrow
131 additional funds to support the program; providing for
132 future expiration of the program; providing that the
133 annual salary of the members of the Legislature be
134 reduced by 6 percent; providing for future expiration;
135 requiring that each agency develop a wireless device
136 assignment plan limiting the use of cellular
137 telephones, personal digital assistants, and other
138 devices; requiring that each agency review such use
139 and submit a report to the Legislature by a specified
140 date; providing that the report contain certain
141 information; reenacting s. 215.32(2)(b), F.S.,
142 relating to the transfer of moneys from trust funds to
143 the General Revenue Fund; reenacting s.
144 215.5601(4)(b), F.S., relating to the administration
145 of the Lawton Chiles Endowment Fund; repealing s. 49

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146 of chapter 2008-153, Laws of Florida; abrogating the
147 future repeal of an amendment made by that chapter to
148 s. 215.5601(4), F.S., and abrogating the revision of
149 the text of that subsection to that in existence on
150 June 30, 2009, with specified exceptions; providing a
151 statement of public interest with respect to the
152 issuance of new debt to address a critical state
153 emergency; providing for future expiration; limiting
154 the use of state funds for travel by state employees
155 to activities that are critical to each state agency's
156 mission; requiring that each agency head approve such
157 travel in writing; providing exceptions; providing for
158 the effect of a veto of one or more specific
159 appropriations or proviso to which implementing
160 language refers; providing for other acts passed
161 during the 2009 Regular Session which contain
162 provisions that are substantively the same as the
163 provisions of this act to take precedence under
164 certain circumstances; providing for severability;
165 providing effective dates.

166
167 Be It Enacted by the Legislature of the State of Florida:

168
169 Section 1. It is the intent of the Legislature that the
170 implementing and administering provisions of this act apply to
171 the General Appropriations Act for the 2009-2010 fiscal year.

172 Section 2. In order to fulfill legislative intent regarding
173 the use of funds contained in Specific Appropriations 617, 631,
174 and 644 of the 2009-2010 General Appropriations Act, the

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175 Department of Corrections may expend appropriated funds to
176 assist in defraying the costs of impacts that are incurred by a
177 municipality or county and that are associated with opening or
178 operating a facility under the authority of the department. The
179 amount paid for any facility may not exceed 1 percent of the
180 cost to construct the facility, less building impact fees
181 imposed by the municipality or county. This section expires July
182 1, 2010.

183 Section 3. In order to implement Specific Appropriations
184 607 through 707 and 738 through 773 of the 2009-2010 General
185 Appropriations Act, subsection (4) of section 216.262, Florida
186 Statutes, is amended to read:

187 216.262 Authorized positions.—

188 (4) Notwithstanding the provisions of this chapter on
189 increasing the number of authorized positions, and for the 2009-
190 2010 ~~2008-2009~~ fiscal year only, if the actual inmate population
191 of the Department of Corrections exceeds the inmate population
192 projections of the February 16, 2009 ~~February 15, 2008~~, Criminal
193 Justice Estimating Conference by 1 percent for 2 consecutive
194 months or 2 percent for any month, the Executive Office of the
195 Governor, with the approval of the Legislative Budget
196 Commission, shall immediately notify the Criminal Justice
197 Estimating Conference, which shall convene as soon as possible
198 to revise the estimates. The Department of Corrections may then
199 submit a budget amendment requesting the establishment of
200 positions in excess of the number authorized by the Legislature
201 and additional appropriations from unallocated general revenue
202 sufficient to provide for essential staff, fixed capital
203 improvements, and other resources to provide classification,

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204 security, food services, health services, and other variable
205 expenses within the institutions to accommodate the estimated
206 increase in the inmate population. All actions taken pursuant to
207 the authority granted in this subsection shall be subject to
208 review and approval by the Legislative Budget Commission. This
209 subsection expires July 1, 2010 ~~July 1, 2009~~.

210 Section 4. In order to implement Specific Appropriations
211 1266 and 1267 of the 2009-2010 General Appropriations Act, the
212 Department of Legal Affairs is authorized to expend appropriated
213 funds in those specific appropriations on the same programs that
214 were funded by the department pursuant to specific
215 appropriations made in general appropriations acts in prior
216 years. This section expires July 1, 2010.

217 Section 5. In order to implement Specific Appropriations
218 738 through 754 of the 2009-2010 General Appropriations Act,
219 section 945.6041, Florida Statutes, is created to read:

220 945.6041 Inmate medical services.-

221 (1) As used in this section, the term:

222 (a) "Emergency medical transportation services" includes,
223 but is not limited to, services rendered by ambulances,
224 emergency medical services vehicles, and air ambulances as those
225 terms are defined in s. 401.23.

226 (b) "Health care provider" has the same meaning as provided
227 in s. 766.105.

228 (2) (a) Compensation to a health care provider to provide
229 inmate medical services may not exceed 110 percent of the
230 Medicare allowable rate if the health care provider does not
231 have a contract to provide services with the department or the
232 private correctional facility, as defined in s. 944.710, which

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233 houses the inmate.

234 (b) Notwithstanding paragraph (a), compensation to a health
235 care provider to provide inmate medical services may not exceed
236 125 percent of the Medicare allowable rate if:

237 1. The health care provider does not have a contract to
238 provide services with the department or the private correctional
239 facility, as defined in s. 944.710, which houses the inmate; and

240 2. The health care provider reported a negative operating
241 margin for the previous year to the Agency for Health Care
242 Administration through hospital-audited financial data.

243 (3) Compensation to an entity to provide emergency medical
244 transportation services for inmates may not exceed 110 percent
245 of the Medicare allowable rate if the entity does not have a
246 contract with the department or a private correctional facility,
247 as defined in s. 944.710, to provide the services.

248 (4) This section does not apply to charges for medical
249 services provided at a hospital operated by the department.

250 (5) This section expires July 1, 2010.

251 Section 6. In order to implement Specific Appropriations
252 1231, 1251, 1272, and 1282 of the 2009-2010 General
253 Appropriations Act, the Department of Legal Affairs is
254 authorized to transfer cash remaining after required
255 disbursements for Attorney General case number 16-2008-CA-01-
256 3142CV-C from FLAIR account 41-74-2-601001-41100100-00-181076-00
257 to the Operating Trust Fund to pay salaries and benefits. This
258 section expires July 1, 2010.

259 Section 7. In order to implement Specific Appropriations
260 448, 450, 456, 458, and 459 of the 2009-2010 General
261 Appropriations Act, paragraph (b) of subsection (14) of section

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262 287.057, Florida Statutes, is amended to read:

263 287.057 Procurement of commodities or contractual
264 services.—

265 (14)

266 (b) The Department of Health shall enter into an agreement,
267 not to exceed 20 years, with a private contractor to finance,
268 design, and construct a hospital, of no more than 50 beds, for
269 the treatment of patients with active tuberculosis and to
270 operate all aspects of daily operations within the facility. The
271 contractor may sponsor the issuance of tax-exempt certificates
272 of participation or other securities to finance the project, and
273 the state may enter into a lease-purchase agreement for the
274 facility. The department shall begin the implementation of this
275 initiative by July 1, 2008. This paragraph expires July 1, 2010
276 ~~2009~~.

277 Section 8. In order to implement Specific Appropriations
278 316 through 347 of the 2009-2010 General Appropriations Act,
279 subsection (3) of section 394.908, Florida Statutes, is amended
280 to read:

281 394.908 Substance abuse and mental health funding equity;
282 distribution of appropriations.—In recognition of the historical
283 inequity in the funding of substance abuse and mental health
284 services for the department's districts and regions and to
285 rectify this inequity and provide for equitable funding in the
286 future throughout the state, the following funding process shall
287 be used:

288 (3)

289 (a) Any additional funding beyond the 2005-2006 fiscal year
290 base appropriation for alcohol, drug abuse, and mental health

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291 services shall be allocated to districts for substance abuse and
292 mental health services based on:

293 1. Epidemiological estimates of disabilities that apply to
294 the respective target populations.

295 2. A pro rata share distribution that ensures districts
296 below the statewide average funding level per person in each
297 target population of "persons in need" receive funding necessary
298 to achieve equity.

299 (b) Notwithstanding paragraph (a) and for ~~the 2008-2009~~
300 fiscal year 2009-2010 only, funds appropriated for forensic
301 mental health treatment services shall be allocated to the areas
302 of the state having the greatest demand for services and
303 treatment capacity. This paragraph expires July 1, 2010 ~~2009~~.

304 (c) Notwithstanding paragraph (a) and for ~~the 2008-2009~~
305 fiscal year 2009-2010 only, additional funds appropriated for
306 mental health services from funds available through the
307 Community-Based Medicaid Administrative Claiming Program shall
308 be allocated as provided in the 2009-2010 ~~2008-2009~~ General
309 Appropriations Act and in proportion to contributed provider
310 earnings. ~~Where these mental health funds are used in lieu of~~
311 ~~funds from the General Revenue Fund, the allocation of funds~~
312 ~~shall be unchanged from the allocation for those funds for the~~
313 ~~2007-2008 fiscal year.~~ This paragraph expires July 1, 2010 ~~2009~~.

314 Section 9. In order to implement Specific Appropriation 279
315 of the 2009-2010 General Appropriations Act, the Department of
316 Children and Family Services must ensure that all public and
317 private agencies and institutions participating in child welfare
318 cases enter information, specified by department rule, into the
319 Florida Safe Families Network in order to maintain the accuracy

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320 and usefulness of the system. The network is intended to be the
321 department's automated child welfare case-management system
322 designed to provide child welfare workers with a mechanism for
323 managing child welfare cases more efficiently and tracking
324 children and families more effectively. The department shall
325 coordinate with the Office of the State Courts Administrator to
326 provide any judge or magistrate with access to information in
327 the network relating to a child welfare case which is required
328 to be filed with the court pursuant to chapter 39, Florida
329 Statutes, by the date of the network's release during fiscal
330 year 2009-2010. The department shall report to the Governor, the
331 President of the Senate, and the Speaker of the House of
332 Representatives by February 1, 2010, with respect to progress on
333 providing access to the Florida Safe Families Network as
334 provided in this section. This section expires July 1, 2010.

335 Section 10. In order to implement the appropriation of
336 funds in Special Categories-Risk Management Insurance of the
337 2009-2010 General Appropriations Act, and pursuant to the
338 notice, review, and objection procedures of s. 216.177, Florida
339 Statutes, the Executive Office of the Governor is authorized to
340 transfer funds appropriated in the appropriation category
341 "Special Categories-Risk Management Insurance" of the 2009-2010
342 General Appropriations Act between departments in order to align
343 the budget authority granted with the premiums paid by each
344 department for risk management insurance. This section expires
345 July 1, 2010.

346 Section 11. In order to implement the appropriation of
347 funds in Special Categories-Transfer to Department of Management
348 Services-Human Resources Services Purchased Per Statewide

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349 Contract of the 2009-2010 General Appropriations Act, and
350 pursuant to the notice, review, and objection procedures of s.
351 216.177, Florida Statutes, the Executive Office of the Governor
352 is authorized to transfer funds appropriated in the
353 appropriation category "Special Categories-Transfer to
354 Department of Management Services-Human Resources Services
355 Purchased Per Statewide Contract" of the 2009-2010 General
356 Appropriations Act between departments in order to align the
357 budget authority granted with the assessments that must be paid
358 by each agency to the Department of Management Services for
359 human resource management services. This section expires July 1,
360 2010.

361 Section 12. In order to implement section 48 of the 2009-
362 2010 General Appropriations Act and notwithstanding the
363 provisions of section 16 of chapter 2008-173, Laws of Florida,
364 the moneys provided in section 44 are appropriated to offset the
365 reductions in ad valorem tax revenues experienced by fiscally
366 constrained counties, as defined in s. 218.67(1), Florida
367 Statutes, which occur as a direct result of the implementation
368 of revisions to Article VII of the State Constitution approved
369 in the special election held on January 29, 2008. The moneys
370 appropriated for this purpose shall be distributed by October 1,
371 2009, among the fiscally constrained counties based on each
372 county's proportion of the total reduction in ad valorem tax
373 revenue resulting from the implementation of the revision.
374 Distributions shall be based on the documentation required to be
375 submitted to the Department of Revenue by November 1, 2008,
376 pursuant to s. 218.12, Florida Statutes.

377 Section 13. In order to implement Specific Appropriation

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378 2971, section 218.12, Florida Statutes, is amended to read:

379 218.12 Appropriations to offset reductions in ad valorem
380 tax revenue in fiscally constrained counties.—

381 (1) Beginning in fiscal year 2008-2009, the Legislature
382 shall appropriate moneys to offset the reductions in ad valorem
383 tax revenue experienced by fiscally constrained counties, as
384 defined in s. 218.67(1), which occur as a direct result of the
385 implementation of revisions of Art. VII of the State
386 Constitution approved in the special election held on January
387 29, 2008. The moneys appropriated for this purpose shall be
388 distributed in January of each fiscal year among the fiscally
389 constrained counties based on each county's proportion of the
390 total reduction in ad valorem tax revenue resulting from the
391 implementation of the revision.

392 (2) On or before November 15 of each year, beginning in
393 2008, each fiscally constrained county shall apply to the
394 Department of Revenue to participate in the distribution of the
395 appropriation and provide documentation supporting the county's
396 estimated reduction in ad valorem tax revenue in the form and
397 manner prescribed by the Department of Revenue. The
398 documentation must include an estimate of the reduction in
399 taxable value directly attributable to revisions of Art. VII of
400 the State Constitution for all county taxing jurisdictions
401 within the county and shall be prepared by the property
402 appraiser in each fiscally constrained county. The documentation
403 must also include the county millage rates applicable in all
404 such jurisdictions for both the current year and the prior year;
405 rolled-back rates, determined as provided in s. 200.065, for
406 each county taxing jurisdiction; and maximum millage rates that

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407 could have been levied by majority vote pursuant to s. 200.185.
408 For purposes of this section, each fiscally constrained county's
409 reduction in ad valorem tax revenue shall be calculated as 95
410 percent of the estimated reduction in taxable value times the
411 lesser of the 2007 applicable millage rate or the applicable
412 millage rate for each county taxing jurisdiction in the prior
413 year.

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

421 Section 14. In order to implement Specific Appropriations
422 2299 through 2320 of the 2009-2010 General Appropriations Act,
423 present subsection (14) of section 253.034, Florida Statutes, is
424 redesignated as subsection (15), and a new subsection (14) is
425 added to that section, to read:

426 253.034 State-owned lands; uses.-

427 (14) Notwithstanding the provisions of this section, funds
428 derived from the sale of property by the Department of Citrus
429 located in Lakeland, Florida, are authorized to be deposited
430 into the Citrus Advertising Trust Fund. This subsection expires
431 July 1, 2010.

432 Section 15. In order to implement Specific Appropriation
433 1717 of the 2009-2010 General Appropriations Act, subsection (3)
434 of section 253.01, Florida Statutes, is amended to read:

435 253.01 Internal Improvement Trust Fund established.-

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436 (3) In addition to the uses allowed in subsection (2) for
437 the 2009-2010 ~~2008-2009~~ fiscal year, moneys in the Internal
438 Improvement Trust Fund are authorized for grants and aids to
439 local governments, as provided in the General Appropriations
440 Act, for the drinking water facility construction state
441 revolving loan program described in s. 403.8532 and the clean
442 water state revolving loan program described in s. 403.1835, ~~as~~
443 ~~provided in the General Appropriations Act.~~ This subsection
444 expires July 1, 2010 ~~2009~~.

445 Section 16. In order to implement Specific Appropriation
446 2741 of the 2009-2010 General Appropriations Act, paragraph (b)
447 of subsection (1) of section 255.518, Florida Statutes, is
448 reenacted to read:

449 255.518 Obligations; purpose, terms, approval,
450 limitations.-

451 (1)

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

455 Section 17. Section 27 of chapter 2008-153, Laws of
456 Florida, is repealed.

457 Section 18. In order to implement Specific Appropriations
458 2725 through 2738 of the 2009-2010 General Appropriations Act,
459 subsection (7) of section 255.503, Florida Statutes, is amended
460 to read:

461 255.503 Powers of the Department of Management Services.-
462 The Department of Management Services shall have all the
463 authority necessary to carry out and effectuate the purposes and
464 provisions of this act, including, but not limited to, the

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465 authority to:

466 (7) (a) Sell, lease, release, or otherwise dispose of
467 facilities in the pool in accordance with applicable law.

468 (b) No later than the date upon which the department
469 recommends to the Division of State Lands of the Department of
470 Environmental Protection the disposition of any facility within
471 the Florida Facilities Pool, the department shall provide to the
472 President of the Senate, the Speaker of the House of
473 Representatives, the Executive Office of the Governor, and the
474 Division of Bond Finance of the State Board of Administration an
475 analysis that includes:

476 1. The cost benefit of the proposed facility disposition,
477 including the facility's current operating expenses, condition,
478 and market value, and viable alternatives for work space for
479 impacted state employees.

480 2. The effect of the proposed facility disposition on the
481 financial status of the Florida Facilities Pool, including the
482 effect on rental rates and coverage requirement for the bonds.

483

484 This paragraph expires July 1, 2010 ~~2009~~.

485 Section 19. In order to implement Specific Appropriation
486 1619, subsection (12) is added to section 373.59, Florida
487 Statutes, to read:

488 373.59 Water Management Lands Trust Fund.—

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

492 (a) An amount necessary to pay debt service on bonds issued
493 before February 1, 2009, by the South Florida Water Management

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494 District and the St. Johns River Water Management District,
495 which are secured by revenues provided pursuant to this section,
496 or to fund debt service reserve funds, rebate obligations, or
497 other amounts payable with respect to such bonds;

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

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

503 (d) This subsection expires July 1, 2010.

504 Section 20. In order to implement Specific Appropriation
505 1741A of the 2009-2010 General Appropriations Act, paragraph (c)
506 of subsection (5) of section 376.3071, Florida Statutes, is
507 amended to read:

508 376.3071 Inland Protection Trust Fund; creation; purposes;
509 funding.—

510 (5) SITE SELECTION AND CLEANUP CRITERIA.—

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

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

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523 2. Funding for limited interim soil-source removals for
524 sites that will become inaccessible for future remediation due
525 to road infrastructure and right-of-way restrictions resulting
526 from a pending Department of Transportation road construction
527 project or for secondary containment upgrading of underground
528 storage tanks required under chapter 62-761, Florida
529 Administrative Code, may be provided in advance of the order
530 established by the priority ranking system under paragraph (a)
531 for site cleanup activities. The department shall provide
532 written guidance on the limited source removal information and
533 technical evaluation necessary to justify a request for a
534 limited source removal in advance of the priority order pursuant
535 to paragraph (a) established for site cleanup activities.
536 Prioritization for limited source removal projects associated
537 with a secondary containment upgrade in any fiscal year shall be
538 determined on a first-come, first-served basis according to the
539 approval date issued under s. 376.30711 for the limited source
540 removal. Funding for limited source removals associated with
541 secondary containment upgrades shall be limited to 10 sites in
542 each fiscal year for each facility owner and any related person.
543 The limited source removal for secondary containment upgrades
544 shall be completed no later than 6 months after the department
545 issues its approval of the project, and the approval
546 automatically expires at the end of the 6 months. Funding for
547 Department of Transportation and secondary containment upgrade
548 source removals may not exceed \$50,000 for a single facility
549 unless the department makes a determination that it is cost-
550 effective and environmentally beneficial to exceed this amount,
551 but in no event shall the department authorize costs in excess

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552 of \$100,000 for a single facility. Department funding for
553 limited interim soil-source removals associated with Department
554 of Transportation projects and secondary containment upgrades
555 shall be limited to supplemental soil assessment, soil
556 screening, soil removal, backfill material, treatment or
557 disposal of the contaminated soil, dewatering related to the
558 contaminated soil removal in an amount of up to 10 percent of
559 the total interim soil-source removal project costs, treatment,
560 and disposal of the contaminated groundwater and preparation of
561 the source removal report. No other costs associated with the
562 facility upgrade may be paid with department funds. No more than
563 \$1 million for Department of Transportation limited source
564 removal projects and \$10 million for secondary containment
565 upgrade limited source removal projects conducted in advance of
566 the priority order established under paragraph (a) for site
567 cleanup activities shall be encumbered from the Inland
568 Protection Trust Fund in any fiscal year. This subparagraph is
569 repealed effective June 30, 2010 ~~2009~~.

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

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581 (a) and the department is encouraged to utilize natural
582 attenuation and monitoring where site conditions warrant.

583 Section 21. In order to implement Specific Appropriations
584 1690, 1691, 1692, 1694, and 1695, subsection (1) of section
585 403.1651, Florida Statutes, is amended to read:

586 403.1651 Ecosystem Management and Restoration Trust Fund.—

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

590 (a) Funding the detailed planning for and implementation of
591 programs for the management and restoration of ecosystems.

592 (b) Funding the development and implementation of surface
593 water improvement and management plans and programs under ss.
594 373.451-373.4595.

595 (c) Funding activities to restore polluted areas of the
596 state, as defined by the department, to their condition before
597 pollution occurred or to otherwise enhance pollution control
598 activities.

599 (d) Funding activities to restore or rehabilitate injured
600 or destroyed coral reefs.

601 (e) Funding activities by the department to recover moneys
602 as a result of actions against any person for a violation of
603 chapter 373.

604 (f) Funding activities authorized for the implementation of
605 the Leah Schad Memorial Ocean Outfall Program implemented in s.
606 403.086(9).

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

609 Section 22. The amendment to s. 403.1651(1), Florida

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610 Statutes, made by this act shall expire July 1, 2010, and the
611 text of that subsection shall revert to that in existence on
612 June 30, 2009, except that any amendments to such text enacted
613 other than by this act shall be preserved and continue to
614 operate to the extent that such amendments are not dependent
615 upon the portions of such text which expire pursuant to this
616 section.

617 Section 23. In order to implement Specific Appropriations
618 1294 through 1454 of the 2009-2010 General Appropriations Act,
619 section 570.20, Florida Statutes, is amended to read:

620 570.20 General Inspection Trust Fund.—

621 (1) All donations and all inspection fees and other funds
622 authorized and received from whatever source in the enforcement
623 of the inspection laws administered by the department shall be
624 paid into the General Inspection Trust Fund of Florida, which is
625 created in the office of the Chief Financial Officer. All
626 expenses incurred in carrying out the provisions of the
627 inspection laws shall be paid from this fund as other funds are
628 paid from the State Treasury. A percentage of all revenue
629 deposited in this fund, including transfers from any subsidiary
630 accounts, shall be deposited in the General Revenue Fund
631 pursuant to chapter 215, except that funds collected for
632 marketing orders shall pay at the rate of 3 percent.

633 (2) For the 2009-2010 ~~2008-2009~~ fiscal year only and
634 notwithstanding any other provision of law to the contrary, in
635 addition to the spending authorized in subsection (1), moneys in
636 the General Inspection Trust Fund may be appropriated for
637 programs operated by the department which are related to the
638 programs authorized by this chapter. This subsection expires

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639 July 1, 2010 ~~2009~~.

640 Section 24. In order to implement section 54 of the 2009-
641 2010 General Appropriations Act, subsection (13) of section
642 253.034, Florida Statutes, is amended to read:

643 253.034 State-owned lands; uses.-

644 (13) Notwithstanding the provisions of this section, funds
645 from the sale of property by the Department of Highway Safety
646 and Motor Vehicles located in Palm Beach County are authorized
647 to be deposited into the Highway Safety Operating Trust Fund to
648 facilitate the exchange as provided in the General
649 Appropriations Act, provided that at the conclusion of both
650 exchanges the values are equalized. This subsection expires July
651 1, 2010 ~~2009~~.

652 Section 25. In order to implement Specific Appropriation
653 1998 of the 2009-2010 General Appropriations Act, subsection (8)
654 of section 332.007, Florida Statutes, is amended to read:

655 332.007 Administration and financing of aviation and
656 airport programs and projects; state plan.-

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

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668 Section 26. The amendment to s. 332.007(8), Florida
669 Statutes, made by this act shall expire July 1, 2010, and the
670 text of that subsection shall revert to that in existence on
671 June 30, 2009, except that any amendments to such text enacted
672 other than by this act shall be preserved and continue to
673 operate to the extent that such amendments are not dependent
674 upon the portions of such text which expire pursuant to this
675 section.

676 Section 27. In order to implement section 53 of the 2009-
677 2010 General Appropriations Act, paragraph (n) of subsection (1)
678 of section 339.08, Florida Statutes, is amended to read:

679 339.08 Use of moneys in State Transportation Trust Fund.—

680 (1) The department shall expend moneys in the State
681 Transportation Trust Fund accruing to the department, in
682 accordance with its annual budget. The use of such moneys shall
683 be restricted to the following purposes:

684 (n) To pay administrative expenses incurred in accordance
685 with applicable laws for a multicounty transportation or
686 expressway authority created under chapter 343 or chapter 348,
687 where jurisdiction for the authority includes a portion of the
688 State Highway System and the administrative expenses are in
689 furtherance of the duties and responsibilities of the authority
690 in the development of improvements to the State Highway System.
691 This paragraph expires July 1, 2010 ~~2009~~.

692 Section 28. In order to implement Specific Appropriation
693 2042 of the 2009-2010 General Appropriations Act, subsection (5)
694 of section 339.135, Florida Statutes, is amended to read:

695 339.135 Work program; legislative budget request;
696 definitions; preparation, adoption, execution, and amendment.—

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697 (5)

698 (a) ADOPTION OF THE WORK PROGRAM.—The original approved

699 budget for operational and fixed capital expenditures for the

700 department shall be the Governor's budget recommendation and the

701 first year of the tentative work program, as both are amended by

702 the General Appropriations Act and any other act containing

703 appropriations. In accordance with the appropriations act, the

704 department shall, prior to the beginning of the fiscal year,

705 adopt a final work program which shall only include the original

706 approved budget for the department for the ensuing fiscal year

707 together with any roll forwards approved pursuant to paragraph

708 (6) (c) and the portion of the tentative work program for the

709 following 4 fiscal years revised in accordance with the original

710 approved budget for the department for the ensuing fiscal year

711 together with said roll forwards. The adopted work program may

712 include only those projects submitted as part of the tentative

713 work program developed under the provisions of subsection (4)

714 plus any projects which are separately identified by specific

715 appropriation in the General Appropriations Act and any roll

716 forwards approved pursuant to paragraph (6) (c). However, any

717 transportation project of the department which is identified by

718 specific appropriation in the General Appropriations Act shall

719 be deducted from the funds annually distributed to the

720 respective district pursuant to paragraph (4) (a). In addition,

721 the department shall not in any year include any project or

722 allocate funds to a program in the adopted work program that is

723 contrary to existing law for that particular year. Projects

724 shall not be undertaken unless they are listed in the adopted

725 work program.

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726 (b) Notwithstanding paragraph (a), and for the 2009-2010
727 ~~2008-2009~~ fiscal year only, the Department of Transportation
728 shall transfer funds to the Office of Tourism, Trade, and
729 Economic Development in an amount equal to \$20 million
730 ~~\$36,750,000~~ for the purpose of funding transportation-related
731 needs of economic development projects, space and aerospace
732 infrastructure, and other economic development projects. This
733 transfer shall not reduce, delete, or defer any existing
734 projects funded, as of July 1, 2009 ~~2008~~, in the Department of
735 Transportation's 5-year work program. This paragraph expires
736 July 1, 2010 ~~2009~~.

737 ~~(c) Notwithstanding paragraph (a) or subparagraph (4)(a)1.,~~
738 ~~and for the 2008-2009 fiscal year only, the Department of~~
739 ~~Transportation shall fund projects in Specific Appropriations~~
740 ~~2063, 2071, 2077, 2079, 2102, 2106, 2109, and 2116 of the 2008-~~
741 ~~2009 General Appropriations Act. Funding for these specific~~
742 ~~appropriations shall be from projects or phases thereof within~~
743 ~~the department's fiscal year 2008-2009 work program not~~
744 ~~programmed for contract letting as identified with a work~~
745 ~~program contract class code 8 and the box code RV. This funding~~
746 ~~shall not negatively impact safety, preservation, maintenance,~~
747 ~~or project contingency levels as of July 1, 2008. This paragraph~~
748 ~~expires July 1, 2009.~~

749 Section 29. In order to implement Specific Appropriation
750 1570A of the 2009-2010 General Appropriations Act:

751 (1) The Florida Homebuyer Opportunity Program is created
752 within the Florida Housing Finance Corporation. The intent of
753 the Legislature is to ensure that the state derives the maximum
754 possible economic benefit from all federal homebuyer assistance

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755 programs by providing loans to homebuyers in an amount equal to
756 a homebuyer's anticipated federal assistance. For purposes of
757 this section, the term "anticipated federal assistance" means
758 the income tax refund or other federal assistance that a
759 homebuyer has qualified for but has not yet received.

760 (2) In order to implement and administer the program, the
761 corporation shall provide loans to prospective homebuyers, the
762 amount of which shall be equal to the prospective homebuyer's
763 anticipated federal assistance. As a condition of obtaining a
764 loan under the program, the prospective homebuyer must assign to
765 the corporation his or her right to receive an income tax refund
766 or other federal assistance in connection with the purchase of a
767 primary residence.

768 (3) The program shall provide loans at market rates of
769 interest, with payments beginning 18 months after the date of
770 the closing of the loan. If the program receives the assigned
771 federal assistance within 18 months after the closing date of
772 the loan, or if the homebuyer pays off the loan within such
773 period, the program shall waive all interest charges. All
774 homebuyer opportunity program loans shall be subject to a
775 service charge established by the corporation in an amount
776 calculated to cover the administrative costs of the program.

777 (4) Administration of the program shall be consistent with
778 the Federal Housing Administration requirements set forth in
779 Handbook 4155.1, chapter 1, paragraph 1-13A.

780 (5) In order to limit the state's exposure and enhance the
781 effectiveness of the program, the corporation shall negotiate
782 with private lenders to borrow additional funds to support the
783 program and shall pledge the appropriate portion of payments

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784 received from borrowers under the program as repayment of such
785 loans from private lenders.

786 (6) This section expires July 1, 2010.

787 Section 30. In order to implement Specific Appropriations
788 2677 and 2678 of the 2009-2010 General Appropriations Act:

789 (1) Notwithstanding the provisions of s. 11.13(1), Florida
790 Statutes, and section 52 of chapter 2008-53, Laws of Florida,
791 relating to the annual adjustment of salaries for members of the
792 Legislature, to the contrary, for the 2009-2010 fiscal year
793 only, the authorized salaries of members of the Legislature in
794 effect on June 30, 2009, shall be reduced by 6 percent.

795 (2) Effective June 30, 2010, the annual salaries of members
796 of the Legislature shall be set at the amounts authorized and in
797 effect on June 30, 2009, pursuant to subsection (2) of section
798 52 of chapter 2008-153, Laws of Florida.

799 (3) This section expires July 1, 2010.

800 Section 31. In order to implement the appropriations
801 provided in the 2009-2010 General Appropriations Act to each
802 agency for cellular phone equipment and services, and to ensure
803 the cost-effective acquisition and use of wireless devices:

804 (1) Each agency shall develop a wireless device assignment
805 plan that limits use of cellular telephones, personal digital
806 assistants (PDAs), and other devices to only those employees
807 who, as part of their official assigned duties, must routinely
808 be immediately available to citizens, supervisors, or
809 subordinates; be available to respond to emergency situations;
810 be available to calls outside of regular working hours; have
811 access to the technology in order to productively perform job
812 duties in the field; or have limited or no access to a standard

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813 phone, or have no ability to use a personal cell phone, if
814 needed. The plan shall result in reducing the number of wireless
815 devices used in each agency.

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

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

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

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

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

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

839 Section 32. In order to implement the transfer of moneys to
840 the General Revenue Fund from trust funds in the 2009-2010
841 General Appropriations Act, paragraph (b) of subsection (2) of

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842 section 215.32, Florida Statutes, is reenacted to read:

843 215.32 State funds; segregation.—

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

846 (b)

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

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

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

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

870 c. Administrative trust fund, for use as a depository for

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871 funds to be used for management activities that are departmental
872 in nature and funded by indirect cost earnings and assessments
873 against trust funds. Proprietary funds are excluded from the
874 requirement of using an administrative trust fund.

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

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

881 f. Clearing funds trust fund, for use as a depository for
882 funds to account for collections pending distribution to lawful
883 recipients.

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

887
888 To the extent possible, each agency must adjust its internal
889 accounting to use existing trust funds consistent with the
890 requirements of this subparagraph. If an agency does not have
891 trust funds listed in this subparagraph and cannot make such
892 adjustment, the agency must recommend the creation of the
893 necessary trust funds to the Legislature no later than the next
894 scheduled review of the agency's trust funds pursuant to s.
895 215.3206.

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

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900 laws relating to the deposit or expenditure of moneys in the
901 State Treasury.

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

907 b. This subparagraph does not apply to trust funds required
908 by federal programs or mandates; trust funds established for
909 bond covenants, indentures, or resolutions whose revenues are
910 legally pledged by the state or public body to meet debt service
911 or other financial requirements of any debt obligations of the
912 state or any public body; the State Transportation Trust Fund;
913 the trust fund containing the net annual proceeds from the
914 Florida Education Lotteries; the Florida Retirement System Trust
915 Fund; trust funds under the management of the State Board of
916 Education or the Board of Governors of the State University
917 System, where such trust funds are for auxiliary enterprises,
918 self-insurance, and contracts, grants, and donations, as those
919 terms are defined by general law; trust funds that serve as
920 clearing funds or accounts for the Chief Financial Officer or
921 state agencies; trust funds that account for assets held by the
922 state in a trustee capacity as an agent or fiduciary for
923 individuals, private organizations, or other governmental units;
924 and other trust funds authorized by the State Constitution.

925 Section 33. Paragraph (b) of subsection (4) of section
926 215.5601, Florida Statutes, is reenacted to read:

927 215.5601 Lawton Chiles Endowment Fund.—

928 (4) ADMINISTRATION.—

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

946 Section 34. Section 49 of chapter 2008-153, Laws of
947 Florida, is repealed.

948 Section 35. In order to implement the issuance of new debt
949 authorized in the 2009-2010 General Appropriations Act, and
950 pursuant to the requirements of s. 215.98, Florida Statutes, the
951 Legislature determines that the authorization and issuance of
952 debt for the 2009-2010 fiscal year should be implemented and is
953 in the best interest of the state and necessary to address a
954 critical state emergency. This section expires July 1, 2010.

955 Section 36. In order to implement the funds appropriated in
956 the 2009-2010 General Appropriations Act for state employee
957 travel, the funds appropriated to each state agency, which may

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958 be used for travel by state employees, shall be limited during
959 the 2009-2010 fiscal year to travel for activities that are
960 critical to each state agency's mission. Funds may not be used
961 to pay for travel by state employees to foreign countries, other
962 states, conferences, staff-training activities, or other
963 administrative functions unless the agency head has approved in
964 writing that such activities are critical to the agency's
965 mission. The agency head must consider the use of
966 teleconferencing and other forms of electronic communication to
967 meet the needs of the proposed activity before approving
968 mission-critical travel. This section does not apply to travel
969 for law enforcement purposes, military purposes, emergency
970 management activities, or public health activities.

971 Section 37. A section of this act that implements a
972 specific appropriation or specifically identified proviso
973 language in the 2009-2010 General Appropriations Act is void if
974 the specific appropriation or specifically identified proviso
975 language is vetoed. A section of this act which implements more
976 than one specific appropriation or more than one portion of
977 specifically identified proviso language in the 2009-2010
978 General Appropriations Act is void if all the specific
979 appropriations or portions of specifically identified proviso
980 language are vetoed.

981 Section 38. If any other act passed during the 2009 Regular
982 Session contains a provision that is substantively the same as a
983 provision in this act, but that removes or is otherwise not
984 subject to the future repeal applied to such provision by this
985 act, the Legislature intends that the provision in the other act
986 takes precedence and continues to operate, notwithstanding the

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987 future repeal provided by this act.

988 Section 39. If any provision of this act or its application
989 to any person or circumstance is held invalid, the invalidity
990 does not affect other provisions or applications of the act
991 which can be given effect without the invalid provision or
992 application, and to this end the provisions of this act are
993 severable.

994 Section 40. This act shall take effect July 1, 2009; or, if
995 this act fails to become a law until after that date, it shall
996 take effect upon becoming a law and shall operate retroactively
997 to July 1, 2009.