

FOR CONSIDERATION By the Committee on Policy and Steering
Committee on Ways and Means

576-00084D-09A

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1 A bill to be entitled
2 An act implementing the 2008-2009 Special
3 Appropriations Act; providing legislative intent;
4 reenacting s. 215.32(2)(b), F.S., relating to the
5 source and use of certain trust funds, in order to
6 implement the transfer of moneys to the General
7 Revenue Fund from trust funds as provided in the 2008-
8 2009 Special Appropriations Act; amending s. 215.5601,
9 F.S.; authorizing the transfer of funds from the
10 Lawton Chiles Endowment Fund to the General Revenue
11 Fund for the 2008-2009 fiscal year; providing
12 legislative intent with respect to the repayment of
13 moneys to the Lawton Chiles Endowment Fund; amending
14 s. 259.105, F.S.; providing for the proceeds of
15 certain bonds issued under the Florida Forever program
16 to be deposited into the Florida Forever Trust Fund;
17 providing for the distribution of funds to the
18 Department of Environmental Protection, the Department
19 of Agriculture and Consumer Services, the Fish and
20 Wildlife Conservation Commission, and the Department
21 of Community Affairs to be used for the acquisition of
22 lands, capital project expenditures, and other
23 purposes; requiring that certain approved or pending
24 acquisitions, contracts, or other instruments be
25 allowed to lapse; requiring the reassessment of
26 certain acquisitions; amending ss. 420.0005 and
27 420.9079, F.S.; requiring that the Florida Housing
28 Finance Corporation return to the State Treasury for
29 the 2008-2009 fiscal year only certain unexpended

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30 funds held by the corporation; providing for the
31 effect of a veto of one or more specific
32 appropriations or proviso provisions to which
33 implementing language refers; providing for
34 severability; providing an effective date.
35

36 Be It Enacted by the Legislature of the State of Florida:
37

38 Section 1. It is the intent of the Legislature that the
39 implementing and administering provisions of this act apply to
40 Senate Bill 2-A, the act making appropriations and reductions in
41 appropriations for the 2008-2009 fiscal year.

42 Section 2. In order to implement the transfer of moneys to
43 the General Revenue Fund from trust funds as provided in Senate
44 Bill 2-A, an act making appropriations and reductions in
45 appropriations for the 2008-2009 fiscal year, paragraph (b) of
46 subsection (2) of section 215.32, Florida Statutes, is reenacted
47 to read:

48 215.32 State funds; segregation.-

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

51 (b)

52 1. The trust funds shall consist of moneys received by the
53 state which under law or under trust agreement are segregated
54 for a purpose authorized by law. The state agency or branch of
55 state government receiving or collecting such moneys shall be
56 responsible for their proper expenditure as provided by law.
57 Upon the request of the state agency or branch of state
58 government responsible for the administration of the trust fund,

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59 the Chief Financial Officer may establish accounts within the
60 trust fund at a level considered necessary for proper
61 accountability. Once an account is established within a trust
62 fund, the Chief Financial Officer may authorize payment from
63 that account only upon determining that there is sufficient cash
64 and releases at the level of the account.

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

68 a. Operations or operating trust fund, for use as a
69 depository for funds to be used for program operations funded by
70 program revenues, with the exception of administrative
71 activities when the operations or operating trust fund is a
72 proprietary fund.

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

75 c. Administrative trust fund, for use as a depository for
76 funds to be used for management activities that are departmental
77 in nature and funded by indirect cost earnings and assessments
78 against trust funds. Proprietary funds are excluded from the
79 requirement of using an administrative trust fund.

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

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

86 f. Clearing funds trust fund, for use as a depository for
87 funds to account for collections pending distribution to lawful

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88 recipients.

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

92

93 To the extent possible, each agency must adjust its internal
94 accounting to use existing trust funds consistent with the
95 requirements of this subparagraph. If an agency does not have
96 trust funds listed in this subparagraph and cannot make such
97 adjustment, the agency must recommend the creation of the
98 necessary trust funds to the Legislature no later than the next
99 scheduled review of the agency's trust funds pursuant to s.
100 215.3206.

101 3. All such moneys are hereby appropriated to be expended
102 in accordance with the law or trust agreement under which they
103 were received, subject always to the provisions of chapter 216
104 relating to the appropriation of funds and to the applicable
105 laws relating to the deposit or expenditure of moneys in the
106 State Treasury.

107 4.a. Notwithstanding any provision of law restricting the
108 use of trust funds to specific purposes, unappropriated cash
109 balances from selected trust funds may be authorized by the
110 Legislature for transfer to the Budget Stabilization Fund and
111 General Revenue Fund in the General Appropriations Act.

112 b. This subparagraph does not apply to trust funds required
113 by federal programs or mandates; trust funds established for
114 bond covenants, indentures, or resolutions whose revenues are
115 legally pledged by the state or public body to meet debt service
116 or other financial requirements of any debt obligations of the

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117 state or any public body; the State Transportation Trust Fund;
118 the trust fund containing the net annual proceeds from the
119 Florida Education Lotteries; the Florida Retirement System Trust
120 Fund; trust funds under the management of the State Board of
121 Education or the Board of Governors of the State University
122 System, where such trust funds are for auxiliary enterprises,
123 self-insurance, and contracts, grants, and donations, as those
124 terms are defined by general law; trust funds that serve as
125 clearing funds or accounts for the Chief Financial Officer or
126 state agencies; trust funds that account for assets held by the
127 state in a trustee capacity as an agent or fiduciary for
128 individuals, private organizations, or other governmental units;
129 and other trust funds authorized by the State Constitution.

130 Section 3. In order to implement section 50 of Senate Bill
131 2-A, paragraph (f) is added to subsection (5) of section
132 215.5601, Florida Statutes, to read:

133 215.5601 Lawton Chiles Endowment Fund.—

134 (5) AVAILABILITY OF FUNDS; USES.—

135 (f) Notwithstanding any provision of this section to the
136 contrary, during the 2008-2009 fiscal year, up to \$700 million
137 may be transferred from the endowment to the General Revenue
138 Fund. This paragraph expires June 30, 2009.

139 Section 4. It is the intent of the Legislature that the
140 repayment of the distribution from the Lawton Chiles Endowment
141 Fund will begin in the first year that recurring General Revenue
142 Fund receipts are estimated to exceed the prior year's recurring
143 General Revenue Fund receipts by 5 percent. In addition, it is
144 the intent of the Legislature that, from the growth in general
145 revenue receipts, up to \$150 million may be used to repay the

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146 fund in each year.

147 Section 5. In order to implement Specific Appropriations
148 620A, 684A, 689A, 689B, and 690 of Senate Bill 2-A, subsections
149 (21) and (22) are added to section 259.105, Florida Statutes, to
150 read:

151 259.105 The Florida Forever Act.—

152 (21) Notwithstanding the provisions of subsection (3),
153 proceeds from the issuance of bonds issued pursuant to this
154 section as authorized pursuant to Specific Appropriation 1656 of
155 chapter 2008-152, Laws of Florida, shall be deposited into the
156 Florida Forever Trust Fund created by s. 259.1051. The first
157 \$31.5 million of these proceeds shall be distributed by the
158 Department of Environmental Protection in the following manner:

159 (a) Nineteen and five hundredths percent to the Department
160 of Environmental Protection for grants pursuant to s. 375.075.

161 (b) Fourteen and twenty-nine hundredths percent to the
162 Department of Environmental Protection for the purchase of
163 inholdings and additions to state parks and for capital project
164 expenditures as described in this section.

165 (c) Fourteen and twenty-nine hundredths percent to the
166 Division of Forestry of the Department of Agriculture and
167 Consumer Services to fund the acquisition of state forest
168 inholdings and additions pursuant to s. 589.07, to fund the
169 implementation of reforestation plans or sustainable forestry
170 management practices, and for capital project expenditures as
171 described in this section.

172 (d) Fourteen and twenty-nine hundredths percent to the Fish
173 and Wildlife Conservation Commission to fund the acquisition of
174 inholdings and additions to lands managed by the commission

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175 which are important to the conservation of fish and wildlife and
176 for capital project expenditures as described in this section.

177 (e) Fourteen and twenty-nine hundredths percent to the
178 Department of Environmental Protection for the Florida Greenways
179 and Trails Program to acquire greenways and trails or greenways
180 and trail systems pursuant to chapter 260, including, but not
181 limited to, abandoned railroad rights-of-way and the Florida
182 National Scenic Trail and for capital project expenditures as
183 described in this section.

184 (f) Twenty-three and eighty-one hundredths percent to the
185 Department of Community Affairs for the acquisition of land and
186 capital project expenditures necessary to implement the Stan
187 Mayfield Working Waterfronts Program within the Florida
188 Communities Trust pursuant to s. 380.5105.

189 (22) (a) Of the money remaining in the Florida Forever Trust
190 Fund, the distribution formula shall be as it existed when the
191 appropriation was made.

192 (b) For those programs receiving funds, any approved or
193 pending acquisitions, contracts, options, or other instruments
194 used to indicate an intent to purchase shall be allowed to
195 lapse.

196 (c) All acquisitions effected by paragraph (b) shall be
197 reassessed to determine if the proposed purchase price exceeds
198 the current value of the property or easement.

199 (d) Once the requirements of paragraph (c) have been met,
200 funds may be expended as provided in subsection (21) and
201 paragraph (a).

202 Section 6. In order to implement sections 45 through 48 of
203 Senate Bill 2-A, section 420.0005, Florida Statutes, is amended

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204 to read:

205 420.0005 State Housing Trust Fund; State Housing Fund.—

206 (1) There is hereby established in the State Treasury a
207 separate trust fund to be named the "State Housing Trust Fund."
208 There shall be deposited in the fund all moneys appropriated by
209 the Legislature, or moneys received from any other source, for
210 the purpose of this chapter, and all proceeds derived from the
211 use of such moneys. The fund shall be administered by the
212 Florida Housing Finance Corporation on behalf of the department,
213 as specified in this chapter. Money deposited to the fund and
214 appropriated by the Legislature must, notwithstanding the
215 provisions of chapter 216 or s. 420.504(3), be transferred
216 quarterly in advance, to the extent available, or, if not so
217 available, as soon as received into the State Housing Trust
218 Fund, and subject to the provisions of s. 420.5092(6)(a) and (b)
219 by the Chief Financial Officer to the corporation upon
220 certification by the Secretary of Community Affairs that the
221 corporation is in compliance with the requirements of s.
222 420.0006. The certification made by the secretary shall also
223 include the split of funds among programs administered by the
224 corporation and the department as specified in chapter 92-317,
225 Laws of Florida, as amended. Moneys advanced by the Chief
226 Financial Officer must be deposited by the corporation into a
227 separate fund established with a qualified public depository
228 meeting the requirements of chapter 280 to be named the "State
229 Housing Fund" and used for the purposes of this chapter.
230 Administrative and personnel costs incurred in implementing this
231 chapter may be paid from the State Housing Fund, but such costs
232 may not exceed 5 percent of the moneys deposited into such fund.

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233 To the State Housing Fund shall be credited all loan repayments,
234 penalties, and other fees and charges accruing to such fund
235 under this chapter. It is the intent of this chapter that all
236 loan repayments, penalties, and other fees and charges collected
237 be credited in full to the program account from which the loan
238 originated. Moneys in the State Housing Fund which are not
239 currently needed for the purposes of this chapter shall be
240 invested in such manner as is provided for by statute. The
241 interest received on any such investment shall be credited to
242 the State Housing Fund.

243 (2) Notwithstanding any provision of this section to the
244 contrary and for the 2008-2009 fiscal year only, the corporation
245 shall return unexpended funds held by the corporation pursuant
246 to this section to the State Treasury as directed by law. This
247 subsection expires June 30, 2009.

248 Section 7. In order to implement sections 45 through 48 of
249 Senate Bill 2-A, section 420.9079, Florida Statutes, is amended
250 to read:

251 420.9079 Local Government Housing Trust Fund.—

252 (1) There is created in the State Treasury the Local
253 Government Housing Trust Fund, which shall be administered by
254 the corporation on behalf of the department according to the
255 provisions of ss. 420.907-420.9078 and this section. There shall
256 be deposited into the fund a portion of the documentary stamp
257 tax revenues as provided in s. 201.15, moneys received from any
258 other source for the purposes of ss. 420.907-420.9078 and this
259 section, and all proceeds derived from the investment of such
260 moneys. Moneys in the fund that are not currently needed for the
261 purposes of the programs administered pursuant to ss. 420.907-

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262 420.9078 and this section shall be deposited to the credit of
263 the fund and may be invested as provided by law. The interest
264 received on any such investment shall be credited to the fund.

265 (2) The corporation shall administer the fund exclusively
266 for the purpose of implementing the programs described in ss.
267 420.907-420.9078 and this section. With the exception of
268 monitoring the activities of counties and eligible
269 municipalities to determine local compliance with program
270 requirements, the corporation shall not receive appropriations
271 from the fund for administrative or personnel costs. For the
272 purpose of implementing the compliance monitoring provisions of
273 s. 420.9075(9), the corporation may request a maximum of one-
274 quarter of 1 percent of the annual appropriation per state
275 fiscal year. When such funding is appropriated, the corporation
276 shall deduct the amount appropriated prior to calculating the
277 local housing distribution pursuant to ss. 420.9072 and
278 420.9073.

279 (3) Notwithstanding any provision of this section to the
280 contrary and for the 2008-2009 fiscal year only, the corporation
281 shall return unexpended funds held by the corporation pursuant
282 to this section to the State Treasury as directed by law. This
283 subsection expires June 30, 2009.

284 Section 8. Any section of this act which implements a
285 specific appropriation or specifically identified proviso
286 language in the act making appropriations and reductions in
287 appropriations for the 2008-2009 fiscal year is void if the
288 specific appropriation or specifically identified proviso
289 language is vetoed. Any section of this act which implements
290 more than one specific appropriation or more than one portion of

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291 specifically identified proviso language in the act making
292 appropriations and reductions in appropriations for the 2008-
293 2009 fiscal year is void if all the specific appropriations or
294 portions of specifically identified proviso language are vetoed.

295 Section 9. If any provision of this act or its application
296 to any person or circumstance is held invalid, the invalidity
297 does not affect other provisions or applications of the act
298 which can be given effect without the invalid provision or
299 application, and to this end the provisions of this act are
300 severable.

301 Section 10. This act shall take effect upon becoming a law.