

# THE FLORIDA LEGISLATURE



May 6, 2009

The Honorable Jeff Atwater  
President of the Senate

The Honorable Larry Cretul  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2602, same being:

An act implementing the 2009-2010 General  
Appropriations Act

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

**Managers on the part of the Senate**

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*Senator JD Alexander, Chair*

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*Senator Thad Altman, At Large*

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*Senator Carey Baker*

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*Senator Larcenia J. Bullard*

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*Senator Victor D. Crist*

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*Senator Nancy C. Detert*

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*Senator Paula Dockery*

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*Senator Don Gaetz*

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*Senator Andy Gardiner*

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*Senator Mike Haridopolos, At Large*

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*Senator Dennis L. Jones, D.C.*

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*Senator Charlie Justice*

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*Senator Alfred "Al" Lawson, Jr., At Large*

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*Senator Steve Oelrich*

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*Senator Ken Pruitt*

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*Senator Garrett S. Richter*

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*Senator Gary Siplin*

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*Senator Eleanor Sobel*

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*Senator J. Alex Villalobos*

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*Senator Stephen R. Wise*

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*Senator Ted Deutch, Vice Chair*

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*Senator Dave Aronberg*

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*Senator Michael S. "Mike" Bennett*

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*Senator Lee Constantine*

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*Senator Charles S. "Charlie" Dean, Sr.*

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*Senator Alex Diaz de la Portilla*

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*Senator Mike Fasano*

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*Senator Rudy Garcia*

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*Senator Dan Gelber*

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*Senator Anthony C. "Tony" Hill, Sr.*

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*Senator Arthenia L. Joyner*

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*Senator James E. "Jim" King, Jr.*

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*Senator Evelyn J. Lynn*

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*Senator Durell Peaden, Jr.*

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*Senator Nan H. Rich*

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*Senator Jeremy Ring*

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*Senator Christopher L. "Chris" Smith*

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*Senator Ronda Storms*

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*Senator Frederica S. Wilson*

**Managers on the part of the House of Representatives**

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<hr/> <i>Representative Sandra Adams</i> <hr/>	<hr/> <i>Representative Janet H. Adkins</i> <hr/>
<hr/> <i>Representative Kevin C. Ambler</i> <hr/>	<hr/> <i>Representative Thomas Anderson</i> <hr/>
<hr/> <i>Representative Gary Aubuchon</i> <hr/>	<hr/> <i>Representative Leonard L. Bembry</i> <hr/>
<hr/> <i>Representative Ellyn Setnor Bogdanoff, At Large</i> <hr/>	<hr/> <i>Representative Esteban L. Bovo, Jr.</i> <hr/>
<hr/> <i>Representative Debbie Boyd</i> <hr/>	<hr/> <i>Representative Mary Brandenburg</i> <hr/>
<hr/> <i>Representative Oscar Braynon II</i> <hr/>	<hr/> <i>Representative Ronald A. Brisé</i> <hr/>
<hr/> <i>Representative Dwight M. Bullard</i> <hr/>	<hr/> <i>Representative Rachel V. Burgin</i> <hr/>
<hr/> <i>Representative Dean Cannon, At Large</i> <hr/>	<hr/> <i>Representative Jennifer Carroll</i> <hr/>
<hr/> <i>Representative Gwyndolen Clarke-Reed</i> <hr/>	<hr/> <i>Representative Marti Coley</i> <hr/>
<hr/> <i>Representative Steve Crisafulli</i> <hr/>	<hr/> <i>Representative Faye B. Culp</i> <hr/>
<hr/> <i>Representative Carl J. Domino</i> <hr/>	<hr/> <i>Representative Chris Dorworth</i> <hr/>
<hr/> <i>Representative Brad Drake</i> <hr/>	<hr/> <i>Representative Eric Eisnaugle</i> <hr/>
<hr/> <i>Representative Greg Evers</i> <hr/>	<hr/> <i>Representative Adam M. Fetterman</i> <hr/>
<hr/> <i>Representative Keith Fitzgerald</i> <hr/>	<hr/> <i>Representative Anitere Flores</i> <hr/>
<hr/> <i>Representative Clay Ford</i> <hr/>	<hr/> <i>Representative Erik Fresen</i> <hr/>
<hr/> <i>Representative James C. Frishe</i> <hr/>	<hr/> <i>Representative Bill Galvano, At Large</i> <hr/>
<hr/> <i>Representative Joseph A. Gibbons</i> <hr/>	<hr/> <i>Representative Audrey Gibson</i> <hr/>

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*Representative Richard Glorioso*

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*Representative Adam Hasner, At Large*

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*Representative Bill Heller*

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*Representative Ed Homan*

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*Representative Mike Horner*

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*Representative Dorothy L. Hukill*

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*Representative Kurt Kelly*

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*Representative Paige Kreegel*

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*Representative Janet C. Long*

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*Representative Debbie Mayfield*

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*Representative Seth McKeel*

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*Representative Peter Nehr*

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*Representative H. Marlene O'Toole*

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*Representative Jimmy Patronis*

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*Representative Scott Plakon*

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*Representative Ralph Poppell*

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*Representative William L. Proctor*

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*Representative Lake Ray*

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*Representative Betty Reed*

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*Representative Kenneth L. Roberson*

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*Representative Denise Grimsley*

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*Representative D. Alan Hays*

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*Representative Doug Holder*

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*Representative Ed Hooper*

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*Representative Matt Hudson*

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*Representative Mia L. Jones*

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*Representative Martin David Kiar*

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*Representative John Legg*

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*Representative Carlos Lopez-Cantera, At Large*

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*Representative Charles McBurney*

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*Representative Dave Murzin*

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*Representative Bryan Nelson*

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*Representative Mark S. Pafford*

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*Representative Pat Patterson*

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*Representative Juan-Carlos Planas*

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*Representative Stephen L. Precourt*

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*Representative Kevin J. G. Rader*

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*Representative Ron Reagan, At Large*

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*Representative Ronald Renuart*

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*Representative Yolly Roberson*

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*Representative Hazelle P. Rogers*

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*Representative Maria Sachs*

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*Representative Robert C. Schenck*

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*Representative Elaine J. Schwartz*

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*Representative William D. Snyder*

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*Representative Kelli Stargel*

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*Representative Dwayne L. Taylor*

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*Representative Geraldine F. Thompson*

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*Representative Perry E. Thurston, At Large*

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*Representative Baxter G. Troutman*

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*Representative Will W. Weatherford*

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*Representative Alan B. Williams*

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*Representative Juan C. Zapata*

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*Representative Darryl Ervin Rouson*

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*Representative Ron Saunders, At Large*

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*Representative Ron Schultz*

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*Representative Kelly Skidmore, At Large*

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*Representative Darren Soto*

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*Representative Richard L. Steinberg*

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*Representative Priscilla Taylor*

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*Representative Nicholas R. Thompson*

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*Representative John Tobia*

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*Representative Charles E. Van Zant*

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*Representative Michael B. Weinstein*

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*Representative Trudi K. Williams*

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The Conference Committee Amendment for Senate Bill 2602 relating to implementing appropriations provides the following substantive modifications for the 2009-10 fiscal year:

**Section 2** authorizes the Department of Corrections and the Department of Juvenile Justice to make expenditures to defray costs incurred by a municipality or county for facilities operated under the authority of each department. The payment may not exceed one percent of the construction costs, less any building impact fees paid to the local government.

**Section 3** allows the Executive Office of the Governor to request additional positions and other resources, including fixed capital outlay, for the Department of Corrections, if the Criminal Justice Estimating Conference projects a certain increase in the inmate population and the additional positions are approved by the Legislative Budget Commission.

**Section 4** authorizes the Department of Legal Affairs to spend funds from Specific Appropriations 1266 and 1267 on the same programs and in the same method as was done in the 2008-2009 fiscal year.

**Section 5** authorizes the Department of Legal Affairs to transfer cash remaining after required disbursements from certain Attorney General case numbers to the Operating Trust Fund to pay salaries and benefits.

**Section 6** allows the Chief Justice of the Supreme Court to request a loan for the State Courts Revenue Trust Fund if the Revenue Estimating Conference projects that the revenue deposited into the trust fund will be less than 98 percent of the amount appropriated from the trust fund.

**Section 7** allows a municipality to expend funds in a special law enforcement trust fund to reimburse the general fund for moneys advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001.

**Section 8** directs the Department of Transportation to reduce the work program levels to balance the finance plan based on the 2009-2010 General Appropriations Act and prioritizes the types of projects to be deferred.

**Section 9** directs the Department of Transportation to transfer funds to the Office of Tourism, Trade, and Economic Development in an amount equal to \$20,300,000 for the purpose of funding economic development transportation projects. This transfer shall not reduce, delete, or defer any existing projects funded, as of July 1, 2009, in the Department of Transportation's 5-year work program.

**Section 10** grants authority to the Governor to recommend the initiation of fixed capital outlay projects funded by federal grants through the American Recovery and Reinvestment Act of 2009. The recommendations are subject to approval by the Legislative Budget Commission.

**Section 11** grants authority to the Executive Office of the Governor to transfer funds appropriated for the American Recovery and Reinvestment Act of 2009 to specific appropriation categories established to track the expenditure of such funds.

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**Section 12** authorizes the Department of Children and Families to allocate funds appropriated for forensic mental health treatment services to the areas of the state having the greatest demand for services and treatment capacity and to allocate Community-Based Medicaid Administrative Claiming funds in proportion to contributed provider earnings.

**Section 13** suspends the nursing home lease bond requirements for the 2009-2010 fiscal year.

**Section 14** requires the Department of Health to issue a request for proposal for the financing, design and construction for a replacement facility for the A.G. Holley State Hospital and for the provision of hospital services and other operations currently provided by the A.G. Holley State Hospital. Authorizes tax exempt certificates of participation to finance the project and a lease-purchase agreement.

**Section 15** modifies 2008-2009 fiscal year proviso related to the Low Income Pool funding in order to reduce the current year appropriation by roughly \$130 million. This funding is appropriated in the 2009-2010 fiscal year.

**Section 16** extends the authority of the Department of Children and Family Services to reorganize.

**Section 17** implements legislative intent regarding the use of funds in Specific Appropriation 278A and 288A requiring all public and private agencies and institutions participating in child welfare cases to enter certain information into the Florida Safe Families Network (FSFN) in order to maintain the accuracy and usefulness of the automated child welfare case management system; directs the Department of Children and Family Services to work with the Office of the State Courts Administrator to allow a judge or magistrate to access FSFN information concerning cases to which they are assigned, by the date of the network's release during fiscal year 2009-2010; and instructs the department to submit a report on its progress on providing access to the Florida Safe Families Network by February 1, 2010.

**Section 18** requires that contracts between the Department of Children and Family Services and community-based care agencies be funded by a grant of general revenue, other state trust funds, and applicable federal funding sources and authorizes certain expenditures.

**Section 19** allows the Agency for Health Care Administration to exclude certain entities from participating in the hospitalist program and authorizes the Agency to continue the physician lock-in program for certain patients.

**Section 20** makes a technical correction to proviso contained in Specific Appropriation 438 relating to crisis counseling requiring that a maximum of 2.5 percent be spent on direct services per direct client service provider per year.

**Section 21** allows the Executive Office of the Governor to transfer funds appropriated for the payment of risk management insurance premiums between departments. The amendment to the approved operating budget is subject to the notice and objection procedures of s. 216.177, F.S.

**Section 22** allows the Executive Office of the Governor to transfer funds appropriated for the payment of human resource management assessments between departments. The amendment to

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the approved operating budget is subject to the notice and objection procedures of s. 216.177, F.S.

**Section 23** allows the Executive Office of the Governor to transfer funds appropriated for the payment of salary and benefits between departments. The amendment to the approved operating budget is subject to the notice and objection procedures of s. 216.177, F.S.

**Section 24** clarifies the method for calculating impacts on ad valorem tax revenue for fiscally constrained counties resulting from revisions of Article VII of the State Constitution.

**Section 26** authorizes the Department of Citrus to deposit funds derived from the sale of property into the Citrus Advertising Trust Fund.

**Section 27** removes the prohibition of funding reserve funds from bond proceeds.

**Section 29** requires the Department of Management Services to submit an analysis of the disposition of all state-owned facilities and the effect of disposal.

**Section 30** prioritizes the distribution of funds in the Water Management Lands Trust Fund within the Department of Environmental Protection for Fiscal Year 2009-2010 only.

**Section 31** provides site selection and cleanup criteria for the removal of contaminated soil as it relates to the use of the Inland Protection Trust Fund within the Department of Environmental Protection.

**Section 32** expands current funding provisions for the Ecosystem Management and Restoration Trust Fund within the Department of Environmental Protection to allow for the funding of activities which preserve and repair the state's beaches.

**Section 34** authorizes moneys in the General Inspection Trust Fund to be appropriated for certain programs operated by the Department of Agriculture and Consumer Services.

**Section 35** permits the Department of Environmental Protection to award grants equally to certain small counties for solid waste programs.

**Section 36** allows the Department of Agriculture and Consumer Services to extend, revise or renew a contract related to promotion of agriculture.

**Section 37** prohibits a state agency from adopting certain rules or policies related to nitrogen-reduction limits until the final report mandated by Specific Appropriation 471 is completed.

**Section 38** shifts 5 percent of the entertainment industry financial incentive funding from the digital media projects queue to the independent Florida filmmaker queue.

**Section 39** allows Enterprise Florida to advance up to \$600,000 to the Institute for Commercialization of Public Research for its operations.



**Section 41** extends the expiration date of paragraph (n) to allow funds in the State Transportation Trust Fund to be used for administrative expenses of a multicounty transportation or expressway authority created under chapter 343 or chapter 348, Florida Statutes, where jurisdiction for the authority includes a portion of the State Highway System until July 1, 2010.

**Section 42** authorizes funds from the State Transportation Trust Fund to be used to pay for county and school district transportation infrastructure improvements.

**Section 43** permits funds to be transferred from the State Transportation Trust Fund to the General Revenue Fund as specified in the 2009-2010 General Appropriations Act.

**Section 44** allows a participant in an adult or youth work experience activity administered by the Agency for Workforce Innovation to be provided workers' compensation insurance coverage through the state's risk management pool.

**Section 45** allows the Department of Transportation to fund operating and maintenance costs associated with publicly owned airport security projects.

**Section 47** creates the Florida Homebuyer Opportunity Program within the Florida Housing Finance Corporation, and specifies program operation, administration and criteria.

**Section 48** reduces the salaries of members of the Legislature by 7 percent – adjusting the members' June 30, 2009 salaries. This is equivalent to a 2 percent reduction to the salary earned during the 2008-2009 fiscal year.

**Section 49** extends the authorization of payments into the state employee health savings accounts.

**Section 50** extends the authorization to assign an employee from one agency to another agency if recommended by the Governor and approved by the chairs of the respective legislative appropriations committees.

**Section 51** requires each agency to review the use of cellular telephones, PDAs and other wireless devices by employees and submit a report to the President of the Senate and the Speaker of the House of Representatives by September 1, 2009.

**Section 52** reenacts s. 215.32, F.S., to authorize the Legislature to transfer in the General Appropriations Act unencumbered trust fund balances to the General Revenue Fund or the Budget Stabilization Fund.

**Section 53** reenacts s. 215.5601, F.S., to clarify that certain withdrawals from the Chiles Endowment Fund are to be treated as reductions in contributed principal to the Fund.

**Section 54** extends the initial appointments to the Energy and Climate Commission until the 2010 Regular Session. This commission has duties related to the implementation and administration of federal monies received for energy programs.

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**Section 56** repeals section 49 of chapter 2008-153, L.O.F., relating to the provisions of s. 215.5601, F.S., reverting back to the language as it existed on June 30, 2008.

**Section 57** provides a legislative determination that the authorization and issuance of state debt is in the best interest of the state and is necessary to address a critical state emergency.

**Section 58** limits the use of state funds for travel by state employees during the 2009-2010 fiscal year.

**Section 59** specifies that no section will take effect if the appropriations and proviso to which it relates are vetoed.

**Section 60** provides that a permanent change made by another law to any of the same statutes amended by this bill takes precedence over the provision in this bill.