Representatives Rivera and Llorente offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. It is the intent of the Legislature that the implementing and administering provisions of this act apply to the Special Appropriations Act for the 2008-2009 fiscal year.

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

215.32 State funds; segregation.--
(2) The source and use of each of these funds shall be as follows:
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(b)1. The trust funds shall consist of moneys received by
the state which under law or under trust agreement are
segregated for a purpose authorized by law. The state agency or
branch of state government receiving or collecting such moneys
shall be responsible for their proper expenditure as provided by
law. Upon the request of the state agency or branch of state
government responsible for the administration of the trust fund,
the Chief Financial Officer may establish accounts within the
trust fund at a level considered necessary for proper
accountability. Once an account is established within a trust
fund, the Chief Financial Officer may authorize payment from
that account only upon determining that there is sufficient cash
and releases at the level of the account.

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

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

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

   c. Administrative trust fund, for use as a depository for funds to be used for management activities that are departmental
in nature and funded by indirect cost earnings and assessments
against trust funds. Proprietary funds are excluded from the
requirement of using an administrative trust fund.
d. Grants and donations trust fund, for use as a 
depository for funds to be used for allowable grant or donor 
agreement activities funded by restricted contractual revenue 
from private and public nonfederal sources.

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

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

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

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

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

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

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

Section 3. In order to implement section 20 of the 2008-2009 Special Appropriations Act, paragraph (c) of subsection (1) of section 320.08, Florida Statutes, is amended to read:
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320.08 License taxes.--Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(2), and mobile homes, as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(1) MOTORCYCLES AND MOPEDS.--

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

Section 4. The amendments to s. 320.08, Florida Statutes, made by this act shall expire July 1, 2009, and the text of that section shall revert to that in existence on the day before the effective date of this act, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text that expire pursuant to this section.
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Section 5. In order to implement section 20 of the 2008-2009 Special Appropriations Act, subsection (4) is added to section 339.08, Florida Statutes, to read:

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

Section 6. In order to implement section 20 of the 2008-2009 Special Appropriations Act, paragraph (a) of subsection (4) of section 339.135, Florida Statutes, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.--
(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--
(a)1. To assure that no district or county is penalized for local efforts to improve the State Highway System, the department shall, for the purpose of developing a tentative work program, allocate funds for new construction to the districts, except for the turnpike enterprise, based on equal parts of population and motor fuel tax collections. Funds for resurfacing, bridge repair and rehabilitation, bridge fender system construction or repair, public transit projects except public transit block grants as provided in s. 341.052, and other 584793
programs with quantitative needs assessments shall be allocated based on the results of these assessments. The department may not transfer any funds allocated to a district under this paragraph to any other district except as provided in subsection (7). Funds for public transit block grants shall be allocated to the districts pursuant to s. 341.052. Funds for the intercity bus program provided for under s. 5311(f) of the federal nonurbanized area formula program shall be administered and allocated directly to eligible bus carriers as defined in s. 341.031(12) at the state level rather than the district. In order to provide state funding to support the intercity bus program provided for under provisions of the federal 5311(f) program, the department shall allocate an amount equal to the federal share of the 5311(f) program from amounts calculated pursuant to s. 206.46(3).

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

3. Notwithstanding subparagraph 1. and ss. 206.46(3), 334.044(26), and 339.2819(3) in fiscal year 2008-2009, the
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department shall reduce work program levels to balance the finance plan to the revised funding levels resulting from any reduction in the 2008-2009 Special Appropriations Act. This subparagraph expires July 1, 2009.

4. Prior to any project or phase thereof being deferred, such reductions shall be made to financial projects not programmed for contract letting as identified with a work program contract class code 8 and the box code RV, excluding reserves for rail corridor development. These reductions shall not negatively impact safety, preservation, maintenance, or project contingency levels as of July 1, 2008. This subparagraph expires July 1, 2009.

Section 7. In order to implement section 9 of the 2008-2009 Special Appropriations Act, section 420.0005, Florida Statutes, is amended to read:

420.0005 State Housing Trust Fund; State Housing Fund.--
(1) There is hereby established in the State Treasury a separate trust fund to be named the "State Housing Trust Fund." There shall be deposited in the fund all moneys appropriated by the Legislature, or moneys received from any other source, for the purpose of this chapter, and all proceeds derived from the use of such moneys. The fund shall be administered by the Florida Housing Finance Corporation on behalf of the department, as specified in this chapter. Money deposited to the fund and appropriated by the Legislature must, notwithstanding the provisions of chapter 216 or s. 420.504(3), be transferred quarterly in advance, to the extent available, or, if not so available, as soon as received into the State Housing Trust Fund.
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Fund, and subject to the provisions of s. 420.5092(6)(a) and (b) by the Chief Financial Officer to the corporation upon certification by the Secretary of Community Affairs that the corporation is in compliance with the requirements of s. 420.0006. The certification made by the secretary shall also include the split of funds among programs administered by the corporation and the department as specified in chapter 92-317, Laws of Florida, as amended. Moneys advanced by the Chief Financial Officer must be deposited by the corporation into a separate fund established with a qualified public depository meeting the requirements of chapter 280 to be named the "State Housing Fund" and used for the purposes of this chapter. Administrative and personnel costs incurred in implementing this chapter may be paid from the State Housing Fund, but such costs may not exceed 5 percent of the moneys deposited into such fund. To the State Housing Fund shall be credited all loan repayments, penalties, and other fees and charges accruing to such fund under this chapter. It is the intent of this chapter that all loan repayments, penalties, and other fees and charges collected be credited in full to the program account from which the loan originated. Moneys in the State Housing Fund which are not currently needed for the purposes of this chapter shall be invested in such manner as is provided for by statute. The interest received on any such investment shall be credited to the State Housing Fund.

(2) Notwithstanding any provision of this section to the contrary and for the 2008-2009 fiscal year only, the corporation shall return unexpended funds held by the corporation pursuant 584793

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to this section to the state as directed by law. This subsection expires June 30, 2009.

Section 8. In order to implement section 9 of the 2008-2009 Special Appropriations Act, section 420.9079, Florida Statutes, is amended to read:

420.9079 Local Government Housing Trust Fund.--

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

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

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

Section 9. In order to implement section 33 of the 2008-
2009 Special Appropriations Act, paragraph (f) is added to
subsection (5) of section 215.5601, Florida Statutes, to read:

215.5601 Lawton Chiles Endowment Fund.--

(5) AVAILABILITY OF FUNDS; USES.--

(f) Notwithstanding any provision of this section to the
contrary, during the 2008-2009 fiscal year, up to $400 million
may be transferred from the Lawton Chiles Endowment Fund to the
General Revenue Fund and up to $600 million may be transferred
from the Lawton Chiles Endowment Fund to the Budget
Stabilization Fund. This paragraph expires June 30, 2009.

Section 10. Section 47 of chapter 2008-153, Laws of
Florida, is repealed.

Section 11. A section of this act that implements a
specific appropriation or specifically identified proviso
language in the 2008-2009 Special Appropriations Act is void if
the specific appropriation or specifically identified proviso
language is vetoed. A section of this act that implements more
than one specific appropriation or more than one portion of specifically identified proviso language in the 2008-2009 Special Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.

Section 12. If any other act passed in 2009 contains a provision that is substantively the same as a provision in this act but that removes or is otherwise not subject to the future repeal applied to such provision by this act, the Legislature intends that the provision in the other act shall take precedence and shall continue to operate notwithstanding the future repeal provided by this act.

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

Section 14. This act shall take effect upon becoming a law.

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T I T L E  A M E N D M E N T

Remove the entire title and insert:

A bill to be entitled

An act relating to implementing the 2008-2009 Special Appropriations Act; providing legislative intent;
re enacting s. 215.32(2)(b), F.S., relating to the source
and use of certain trust funds in order to implement the
transfer of moneys to the General Revenue Fund from trust
funds in the 2008-2009 Special Appropriations Act;
amending s. 320.08, F.S.; revising uses of certain
motorcycle and moped license tax fees; amending s. 339.08,
F.S.; authorizing the transfer of specified moneys from
the State Transportation Trust Fund to the General Revenue
Fund; reducing the amount transferred from certain
transportation calculation requirements; amending s.
339.135, F.S.; providing for use of transportation
revenues; providing for revised funding levels for
Department of Transportation projects; amending ss.
420.0005 and 420.9079, F.S.; providing for the return of
certain unexpended funds held by the Florida Housing
Finance Corporation to the state as directed by law;
amending s. 215.5601, F.S.; authorizing transfer of
certain funds from the Lawton Chiles Endowment Fund to the
General Revenue Fund and the Budget Stabilization Fund;
repealing s. 47, ch. 2008-153, Laws of Florida, which
authorized and provided conditions for the transfer of
funds from the Budget Stabilization Fund or the Lawton
Chiles Endowment Fund to the General Revenue Fund;
providing for future expiration of various provisions;
providing for reversion of certain provisions; providing
for the effect of a veto of one or more specific
appropriations or proviso to which implementing language
refers; providing for the continued operation of certain
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provisions notwithstanding a future repeal or expiration
provided by this act; providing for severability;
providing an effective date.