

SB 426 by Gaetz; Building Fee Trust Fund/State University System

649748 D S RCS AP, Gaetz Delete everything after 02/12 08:54 AM

SB 428 by Hays; Trust Funds Administered by the Department of Environmental Protection

836368 A S RCS AP, Hays Delete L.77 - 120. 02/12 08:55 AM

SB 430 by Latvala; Central Florida Beltway Trust Fund/Department of Transportation

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS
Senator Lee, Chair
Senator Benacquisto, Vice Chair

MEETING DATE: Wednesday, February 11, 2015

TIME: 10:00 a.m.—12:00 noon

PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Lee, Chair; Senator Benacquisto, Vice Chair; Senators Altman, Flores, Gaetz, Galvano, Garcia, Grimsley, Hays, Hukill, Joyner, Latvala, Margolis, Montford, Negron, Richter, Ring, Simmons, and Smith

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|--------------------------|--|-----------------------------|
| 1 | SB 426 Gaetz | Building Fee Trust Fund/State University System; Terminating the Building Fee Trust Fund within the Board of Governors of the State University System; providing for the disposition of balances in and revenues of the trust fund; prescribing procedures for the termination of the trust fund, etc. AP 02/11/2015 Fav/CS | Fav/CS Yeas 18 Nays 0 |
| 2 | SB 428 Hays | Trust Funds Administered by the Department of Environmental Protection; Codifying the Administrative Trust Fund, Environmental Laboratory Trust Fund, and Working Capital Trust Fund; requiring the department to administer such trust funds; codifying provisions relating to the Minerals Trust Fund and the Air Pollution Control Trust Fund; increasing the amount of funding for mosquito control, etc. AP 02/11/2015 Fav/CS | Fav/CS Yeas 18 Nays 0 |
| 3 | SB 430 Latvala | Central Florida Beltway Trust Fund/Department of Transportation; Terminating the Central Florida Beltway Trust Fund; providing for the transfer of any balances or revenues in the terminated trust fund; requiring that the department pay outstanding debts or obligations of the terminated trust fund; requiring that the Chief Financial Officer close out and remove the terminated trust fund from the state accounting systems, etc. AP 02/11/2015 Favorable | Favorable Yeas 18 Nays 0 |

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 426

INTRODUCER: Appropriations Committee and Senator Gaetz

SUBJECT: Building Fee Trust Fund/State University System

DATE: February 13, 2015

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----------|----------------|-----------|--------|
| 1. Sikes | Kynoch | AP | Fav/CS |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 426 terminates five obsolete trust funds within the Department of Education or Board of Governors of the State University System: the Building Fee Trust Fund, the Replacement Trust Fund, the University Concurrency Trust Fund, the Law Enforcement Trust Fund, and the Uniform Payroll Trust Fund. The bill also clarifies the administration of the Capital Improvement Fee Trust Fund by statutorily placing it under the Board of Governors, where it currently resides in practice, and directs state universities to deposit proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act into the appropriate local account.

The bill is effective July 1, 2015, and has no fiscal impact on state or local funds.

II. Present Situation:

Section 215.3208, F.S., requires legislative review of each trust fund at least once every four years. The review schedule is included in the legislative budget instructions developed in accordance with s. 216.023, F.S. The legislative budget instructions for legislative budget requests for Fiscal Year 2015-2016 included the State University System's trust funds.

The review indicated that several trust funds were obsolete. The Building Fee Trust Fund is obsolete because the building fee was repealed by section 22 of Chapter 2012-134, L.O.F. The University Concurrency Trust Fund is obsolete because the statutory authority for the fund was repealed by section 25 of Chapter 2011-177, L.O.F. The Replacement Trust Fund, Law Enforcement Trust Fund, and Uniform Payroll Trust Fund are obsolete because of the devolution

of the state university system from the State Treasury and dissolution of trust funds in accordance with s.1011.4106, F.S.

In addition, the Capital Improvement Fee Trust Fund is inappropriately placed under the administration of the State Board of Education, which has no authority over state universities, rather than the Board of Governors, which has authority over the State University System. The proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act are currently directed into each state university's law enforcement trust fund.

The Building Fee Trust Fund was originally used for debt service payments, reserve requirements, child development educational research centers, and projects appropriated by the Legislature. The University Concurrency Trust Fund was used for funding university offsite improvements required to meet concurrency standards. The Replacement Trust Fund was used for the deposit of casualty insurance claim proceeds from the Department of Insurance. The Uniform Payroll Trust Fund was a facilitator account for all budget functions related to university payroll processing. These trust funds have no cash balances and no future receipts are anticipated.

The Capital Improvement Fee Trust Fund was created in s. 1010.86, F.S., and is used for debt service payments, reserve requirements, child development educational research centers, and projects appropriated by the Legislature. Revenue sources for The Capital Improvement Trust Fund consist of receipts from capital improvement student fee assessments, interest earnings, and subsidy grants.

III. Effect of Proposed Changes:

The Building Fee Trust Fund, Replacement Trust Fund, University Concurrency Trust Fund, Law Enforcement Trust Fund, and Uniform Payroll Trust Fund, within the Department of Education or Board of Governors of the State University System are terminated.

Additionally, the bill amends s. 1010.86, F.S., to place the administration of the Capital Improvement Fee Trust Fund under the Board of Governors, where the trust fund currently resides in practice since the Board of Governors has authority over the State University System. The bill also amends s.932.7055 (6)(g), F.S., to direct the deposit of proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act into the state university's appropriate local account, rather than the university's law enforcement trust fund.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill has no fiscal impact on state agencies or state funds, on local governments as a whole, or on the private sector. It simply terminates existing state trust funds that are currently inactive.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 932.7055 and 1010.86.

IX. Additional Information:

- A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Appropriations on February 11, 2015:

The committee substitute:

- Terminates the following trust funds:
 - o Replacement Trust Fund;
 - o University Concurrency Trust Fund;
 - o Law Enforcement Trust Fund; and
 - o Uniform Payroll Trust Fund.
- Amends s. 932.7055 (6)(g), F.S., to direct state universities to deposit proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act into the appropriate local account.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



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LEGISLATIVE ACTION

| Senate | . | House |
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The Committee on Appropriations (Gaetz) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. (1) The following trust funds within the
Department of Education or Board of Governors of the State
University System are terminated:

(a) The Building Fee Trust Fund, FLAIR numbers 48-2-064 and
4890-2-064. All current balances remaining in, and all revenues
of, the Building Fee Trust Fund terminated by this act shall be



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transferred to the Capital Improvement Fee Trust Fund.

(b) The Replacement Trust Fund, FLAIR numbers 48-2-580 and 4890-2-580. All current balances remaining in, and all revenues of, the Replacement Trust fund terminated by this act shall be transferred to each university's local account.

(c) The State University System Concurrency Trust Fund, FLAIR numbers 48-2-682 and 4890-2-682.

(d) The State University Law Enforcement Trust Fund, FLAIR numbers 48-2-434 and 4890-2-434.

(e) The Uniform Payroll Trust Fund, FLAIR numbers 48-2-766 and 4890-2-766.

(2) Unless otherwise provided, all current balances remaining in, and all revenues of, the trust funds terminated by this act shall be transferred to the General Revenue Fund.

(3) For each trust fund terminated by this section, the Department of Education or Board of Governors of the State University System shall pay any outstanding debts and obligations of the terminated funds as soon as practicable, and the Chief Financial Officer shall close out and remove the terminated funds from various state accounting systems using generally accepted accounting principles concerning warrants outstanding, assets, and liabilities.

Section 2. Paragraph (g) of subsection (6) of section 932.7055, Florida Statutes, is amended to read:

932.7055 Disposition of liens and forfeited property.—

(6) If the seizing agency is a state agency, all remaining proceeds shall be deposited into the General Revenue Fund.

However, if the seizing agency is:

(g) One of the State University System police departments



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acting within the jurisdiction of its employing state university, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into that state university's appropriate local account ~~special law enforcement trust fund~~.

Section 3. Section 1010.86, Florida Statutes, is amended to read:

1010.86 Administration of the capital improvement fee ~~and building fees~~ trust fund ~~funds~~.—The Board of Governors of the State University System ~~State Board of Education~~ shall administer the Capital Improvement Fee Trust Fund, ~~and the Building Fee Trust Fund~~ which includes ~~include~~ receipts from capital improvement ~~and building~~ student fee assessments, interest earnings, and subsidy grants. All funds, except those to be used for debt service payments, reserve requirements, and educational research centers for child development, pursuant to s. 1011.48, shall be used to fund projects appropriated by the Legislature. Projects funded pursuant to this section may be expanded by the use of supplemental funds such as grants, auxiliary enterprises, private donations, and other nonstate sources.

Section 4. This act shall take effect July 1, 2015.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to trust funds of the Department of



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Education and the Board of Governors of the State University System; terminating the Building Fee Trust Fund, the Replacement Trust Fund, the State University System Concurrency Trust Fund, the State University System Law Enforcement Trust Fund, and the Uniform Payroll Trust Fund within the Department of Education and the Board of Governors of the State University System; providing for the disposition of balances in and revenues of such trust funds; amending s. 932.7055, F.S.; requiring certain proceeds to be deposited into a state university's appropriate local account instead of the special law enforcement trust fund; amending s 1010.86, F.S; conforming provisions to changes made by this act; providing an effective date.

By Senator Gaetz

1-00439A-15

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A bill to be entitled

An act relating to trust funds; terminating the Building Fee Trust Fund within the Board of Governors of the State University System; providing for the disposition of balances in and revenues of the trust fund; prescribing procedures for the termination of the trust fund; amending s. 1010.86, F.S.; conforming provisions to changes made by this act; providing an effective date.

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

Section 1. (1) The Building Fee Trust Fund, FLAIR number 48-2-064, within the Board of Governors of the State University System, is terminated.

(2) All current balances remaining and all revenues of the Building Fee Trust Fund shall be transferred to the Capital Improvement Fee Trust Fund, FLAIR number 48-2-071, within the Board of Governors of the State University System.

(3) The Board of Governors of the State University System shall pay any outstanding debts or obligations of the terminated trust fund as soon as practicable. After the payment of all such outstanding debts and obligations, the Chief Financial Officer shall close out and remove the terminated trust fund from various state accounting systems using generally accepted accounting principles concerning warrants outstanding, assets, and liabilities.

Section 2. Section 1010.86, Florida Statutes, is amended to read:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1-00439A-15

2015426__

1010.86 Administration of the capital improvement fee and building fees trust fund funds.—The Board of Governors of the State University System ~~State Board of Education~~ shall administer the Capital Improvement Fee Trust Fund, ~~and the Building Fee Trust Fund~~ which ~~includes~~ include receipts from capital improvement ~~and building~~ student fee assessments, interest earnings, and subsidy grants. All funds, except those to be used for debt service payments, reserve requirements, and educational research centers for child development, pursuant to s. 1011.48, shall be used to fund projects appropriated by the Legislature. Projects funded pursuant to this section may be expanded by the use of supplemental funds such as grants, auxiliary enterprises, private donations, and other nonstate sources.

Section 3. This act shall take effect July 1, 2015.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 428

INTRODUCER: Appropriations Committee and Senator Hays

SUBJECT: Department of Environmental Protection Trust Funds

DATE: February 13, 2015

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|-----------|----------------|-----------|--------|
| 1. Howard | Kynoch | AP | Fav/CS |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 428: (1) codifies in chapters 20, 376, and 403, Florida Statutes, the Administrative Trust Fund, the Environmental Laboratory Trust Fund, the Working Capital Trust Fund, the Air Pollution Control Trust Fund, and the Minerals Trust Fund within the Department of Environmental Protection (department); (2) directs federal grant revenue be deposited into Federal Grants Trust Fund instead of the Grants and Donations Trust Fund; and (3) changes the percentage distribution of revenue from the Solid Waste Management Trust Fund for solid waste management and mosquito control programs.

II. Present Situation:

Section 215.3208, F.S., requires legislative review of each trust fund at least once every four years. The review schedule is included in the legislative budget instructions developed in accordance with s. 216.023, F.S. The legislative budget instructions for legislative budget requests for Fiscal Year 2015-2016 included a review of the department's trust funds.

The review determined that five trust funds within the department previously re-created as required by s. 19(f), Art. III of the State Constitution were never codified in the Florida Statutes. These five trust funds are the Administrative Trust Fund, the Environmental Laboratory Trust Fund, the Working Capital Trust Fund, the Air Pollution Control Trust Fund and the Minerals Trust Fund.

The department's other trust funds are established in chapters 20, 253, 258, 259, 373, 375, 376, 378, 380, and 403, F.S.

The Administrative Trust Fund was re-created effective November 4, 2004, in ch. 2003-225, L.O.F., as a depository for funds used for management activities that are departmental in nature. Revenue sources consist of indirect cost earnings and assessments against trust funds. For Fiscal Year 2014-2015, the Legislature appropriated \$25,754,718 from the trust fund.

The Environmental Laboratory Trust Fund was re-created effective November 4, 2004, in ch. 2003-227, L.O.F., for the purpose of funding the department's laboratory functions and operating expenses. Revenue sources consist of contracts with water management districts and transfers from other department trust funds. For Fiscal Year 2014-2015, the Legislature appropriated \$8,012,901 from the trust fund.

The Working Capital Trust Fund was re-created effective November 4, 2004, in ch. 2003-233, L.O.F., to provide sufficient funds for the operation of the department's data processing center. This trust fund is supported by transfers from other department trust funds. For Fiscal Year 2014-2015, the Legislature appropriated \$13,890,897 from the trust fund.

The Air Pollution Control Trust Fund was re-created effective November 4, 2004, in ch. 2004-101, L.O.F., to be used for air pollution monitoring and control programs. This trust fund is supported by fees collected from asbestos removal permits, air emissions operating permits, and motor vehicle licenses. For Fiscal Year 2014-2015, the Legislature appropriated \$24,694,134 from the trust fund.

The Minerals Trust Fund was re-created effective November 4, 2004, in ch. 2003-230, L.O.F., to fund the operations of the Florida Geological Survey program and the regulation of oil and gas exploration. The primary sources of revenue to support these activities include severance taxes on phosphate, solid minerals, and oil and gas. For Fiscal Year 2014-2015, the Legislature appropriated \$2,645,175 from the trust fund.

The Federal Grants Trust Fund within the department was re-created effective July 1, 2012, in s. 20.25501, F.S., and established as a depository for allowable grant activities funded by restricted program revenues from federal sources. For Fiscal Year 2014-2015, the Legislature appropriated \$88,910,449 from the Federal Grants Trust Fund.

The Grants and Donations Trust Fund within the department was re-created effective November 4, 2004, in s. 403.1832, F.S., as a broad based fund for environmental and natural program purposes for which state funds were intended. This trust fund is supported by various grants and donations. For Fiscal Year 2014-2015, the Legislature appropriated \$4,771,699 from the trust fund.

The Solid Waste Management Trust Fund within the department was re-created effective November 4, 2004, in s. 403.709, F.S., to fund solid waste management activities. This trust fund is supported by waste tire fees, recycling or collector registration fees, and proceeds from oil transports. The annual revenues deposited into the Solid Waste Management Trust Fund from the waste tire fees are distributed as follows: up to 40 percent for solid waste activities; up to 4.5 percent to fund research and training programs relating to solid waste management; up to 11 percent for the Department of Agriculture and Consumer Services to fund the mosquito control

program; up to 4.5 percent to the Department of Transportation for litter prevention and control programs; and a minimum of 40 percent for the solid waste management grant program in department. For Fiscal Year 2014-2015, the Legislature appropriated \$15,638,067 from the trust fund.

III. Effect of Proposed Changes:

To be consistent with the other trust funds within the department, the bill codifies in s. 20.25501, F.S., the Administrative Trust Fund, the Environmental Laboratory Trust Fund, and the Working Capital Trust Fund. To organize these funds within the statutes, the bill retitles s. 20.25501, F.S., from the Federal Grants Trust Fund to the Department of Environmental Protection trust funds. The bill also codifies the Minerals Trust Fund in s. 376.41, F.S., and the Air Pollution Control Trust Fund in s. 403.0874, F.S.

The bill amends s. 403.1832, F.S., to provide that funds deposited into the Grants and Donations Trust Fund within the department be used for allowable grants or donor agreement activities funded by restricted revenue from private and public nonfederal sources. It eliminates language allowing for the use of federal funds in the trust fund, and directs the department to transfer all outstanding appropriations supported by federal grants to the department's Federal Grants Trust Fund. Separation of grants and donations and federal grants reflects current statewide accounting and budgeting practices.

Finally, the bill amends s. 403.709, F.S., and changes the distribution percentages of revenues within the Solid Waste Management Trust Fund for solid waste management grants and mosquito control programs. The bill provides that up to 37 percent of the revenues in the Solid Waste Management Trust Fund may be used for funding solid waste management grants, and up to 14 percent may be used for mosquito control. These changes more accurately reflect the funding levels for these purposes provided in the General Appropriations Acts and Implementing Bills over the last ten years.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The impact of the bill upon government relates to the Solid Waste Management Trust Fund. While the bill changes the distributions percentages from the trust fund for solid waste management and mosquito control, there is no change to the existing distributions from the trust fund. The bill revises the distribution of revenues from the trust fund to reflect the distributions under the Fiscal Year 2015-2016 General Appropriations Act and the Implementing Bill.

Over the last ten fiscal years, Implementing Bill provisions have been included to change the amount of the distributions for solid waste management grants. Over the last five years, approximately \$3 million for each fiscal year has been provided for solid waste management grants, about 15 percent of the revenues of the trust fund. The existing statute requires that a minimum of 40 percent of the trust fund's revenues, or \$8.1 million, be expended for those grants. The bill revises the percentage that may be spent for this purpose to up to 37 percent of the trust fund's revenues.

The bill also changes the percentage distributions from the trust fund to the Department of Agriculture and Consumer Services' Mosquito Control program, from up to 11 percent of the revenues in the trust fund, or \$2.2 million, to up to 14 percent of the trust fund's revenues, or \$2.9 million. Over the last two years, the legislature has increased funding to support this program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends the following sections of the Florida Statutes: 20.25501, 403.1832, and 403.709.

The bill creates the following sections of the Florida Statutes: 376.41 and 403.0874.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Appropriations on February 11, 2015:

The CS removes clarifying language, along with related reenactments related to the Internal Improvement Trust Fund.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

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The Committee on Appropriations (Hays) recommended the following:

Senate Amendment (with title amendment)

Delete lines 77 - 120.

Delete lines 216 - 266.

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

And the title is amended as follows:

Delete lines 8 - 26

and insert:

of such trust funds; creating s. 376.41, F.S.;



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11 codifying provisions relating to the Minerals Trust
12 Fund; creating s. 403.0874, F.S.; codifying provisions
13 relating to the Air Pollution Control Trust Fund;
14 amending s. 403.1832, F.S.; removing provisions
15 relating to federal aid; authorizing the department to
16 transfer all outstanding appropriations supported by
17 federal grants to the Federal Grants Trust Fund;
18 providing for expiration; amending s. 403.709, F.S.;
19 increasing the amount of funding for mosquito control;
20 limiting the amount of the funding that may be used
21 for a solid waste management grant program; deleting
22 obsolete provisions; reenacting s.

By Senator Hays

11-00692A-15

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A bill to be entitled

An act relating to trust funds administered by the Department of Environmental Protection; amending s. 20.25501, F.S.; codifying the Administrative Trust Fund, Environmental Laboratory Trust Fund, and Working Capital Trust Fund; requiring the department to administer such trust funds; providing for the funding of such trust funds; amending s. 253.01, F.S.; clarifying that the land granted to this state for internal improvement purposes includes nonconservation lands; amending s. 270.22, F.S.; conforming provisions to changes made by the act; creating s. 376.41, F.S.; codifying provisions relating to the Minerals Trust Fund; creating s. 403.0874, F.S.; codifying provisions relating to the Air Pollution Control Trust Fund; amending s. 403.1832, F.S.; removing provisions relating to federal aid; authorizing the department to transfer all outstanding appropriations supported by federal grants to the Federal Grants Trust Fund; providing for expiration; amending s. 403.709, F.S.; increasing the amount of funding for mosquito control; limiting the amount of the funding that may be used for a solid waste management grant program; deleting obsolete provisions; reenacting ss. 253.02(1) and 253.05, F.S., to incorporate the amendment made to s. 253.01, F.S., in references thereto; reenacting s. 403.7095(3), F.S., to incorporate the amendment made to s. 403.709, F.S., in a reference thereto; providing an effective date.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

Section 1. Section 20.25501, Florida Statutes, is amended to read:

20.25501 ~~Federal Grants Trust Fund~~, Department of Environmental Protection; trust funds. ~~The following trust funds shall be administered by the Department of Environmental Protection:~~

(1) The Federal Grants Trust Fund ~~is created within the Department of Environmental Protection.~~

(a) ~~(2)~~ The trust fund is established for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources. Moneys to be credited to the trust fund shall consist of grants and funding from the Federal Government, interest earnings, and cash advances from other trust funds.

(b) Funds shall be expended only pursuant to legislative appropriation or an approved amendment to the department's operating budget pursuant to the provisions of chapter 216.

(2) The Administrative Trust Fund.

(a) The trust fund is established for use as a depository for funds to be used for management activities that are departmental in nature and is funded by assessments against trust funds.

(b) Notwithstanding s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of a fiscal year shall remain in the trust fund and shall be available for carrying out the purpose of the trust fund.

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(3) The Environmental Laboratory Trust Fund.

(a) The trust fund is established for use as a depository for funds to be used for the operation of the department's environmental laboratory program and is funded by program revenues and assessments against trust funds.

(b) Notwithstanding s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of a fiscal year shall remain in the trust fund and shall be available for carrying out the purpose of the trust fund.

(4) The Working Capital Trust Fund.

(a) The trust fund is established for use as a depository for funds to be used for the operation of the department's information technology services and is funded by assessments against trust funds.

(b) Notwithstanding s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of a fiscal year shall remain in the trust fund and shall be available for carrying out the purpose of the trust fund.

Section 2. Paragraphs (a) and (b) of subsection (1) of section 253.01, Florida Statutes, are amended to read:

253.01 Internal Improvement Trust Fund established.—

(1) (a) So much of the 500,000 acres of land granted to this state for internal improvement purposes by an Act of Congress passed March 3, ~~A.—D.~~ 1845, as remains unsold, and the proceeds of the sales of such lands heretofore sold as now remain on hand and unappropriated, and all proceeds that may hereafter accrue from the sales of such nonconservation lands and the sales of all other nonconservation lands; and all the swampland or lands subject to overflow granted this state by an Act of Congress

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approved September 28, ~~A.—D.~~ 1850, together with all the proceeds that have accrued or may hereafter accrue to the state from the sale of such lands, are set apart, and declared a separate and distinct fund called the Internal Improvement Trust Fund ~~of the state~~, and are to be strictly applied according to ~~the provisions of~~ this chapter.

(b) All revenues received from application fees charged by the Division of State Lands for the use in any manner, lease, conveyance, or release of any interest in or for the sale of state-owned nonconservation state lands, except revenues from such fees charged by the Department of Agriculture and Consumer Services for aquaculture leases under ss. 253.71(2) and 597.010, shall ~~must~~ be deposited into the Internal Improvement Trust Fund. The fees charged by the division for reproduction of records relating to state lands shall ~~must~~ also be placed into the fund. Revenues received by the Department of Agriculture and Consumer Services for aquaculture leases under ss. 253.71(2) and 597.010 shall be deposited into ~~in~~ the General Inspection Trust Fund of the Department of Agriculture and Consumer Services.

Section 3. Subsection (1) of section 270.22, Florida Statutes, is amended to read:

270.22 Proceeds of state lands to go into Internal Improvement Trust Fund; exception.—

(1) Except as provided in subsection (2), the proceeds of state nonconservation land, whether from the sale, lease, or rental of, or the sale, lease, or rental of products in, on, or under such land, the title to which has been or may be vested in the Board of Trustees of the Internal Improvement Trust Fund by the Legislature ~~of this state~~, or of land which has been or may

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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be received by the board of trustees from other sources, shall be paid into the Internal Improvement Trust Fund to become a part of that fund, subject to disposition as is provided by the laws of this state relating thereto.

Section 4. Section 376.41, Florida Statutes, is created to read:

376.41 Minerals Trust Fund.—

(1) The Minerals Trust Fund is established in and administered by the Department of Environmental Protection.

(2) Funds to be credited to and uses of the trust fund shall be administered in accordance with ss. 211.06, 211.31, 211.3103, 376.11, 376.40, 377.24, 377.2408, 377.2425, 377.247, and 377.41.

(3) Notwithstanding s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of a fiscal year shall remain in the trust fund and shall be available for carrying out the purposes of the trust fund.

Section 5. Section 403.0874, Florida Statutes, is created to read:

403.0874 Air Pollution Control Trust Fund.—

(1) The Air Pollution Control Trust Fund is established in and administered by the Department of Environmental Protection.

(2) Funds to be credited to and uses of the trust fund shall be administered in accordance with ss. 320.03, 376.60, 403.0872, and 403.0873.

(3) Notwithstanding s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of a fiscal year shall remain in the trust fund and shall be available for carrying out the purposes of the trust fund.

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Section 6. Section 403.1832, Florida Statutes, is amended to read:

403.1832 ~~Department to accept federal aid;~~ Grants and Donations Trust Fund.—

~~(1) The department is designated as the administrative agency of the state to apply for and accept any funds or other aid and to cooperate and enter into contracts and agreements with the Federal Government relating to the planning, design, construction, operation, maintenance, and enforcement activities of the program to provide clean air and water and pollution abatement of the air and waters of the state, including solid waste management, hazardous waste management, and ecosystem management and restoration, or to any other related environmental purposes authorized by the Congress of the United States. The department may, in the name of the state, make such applications, sign such documents, give such assurances, and do such other things as are necessary to obtain such aid from or cooperate with the United States Government or any agency thereof. The department may consent to enter into contracts and agreements and cooperate with any other state agency, local governmental agency, person, or other state when it is necessary to carry out the provisions of this section.~~

(1)(2) The Grants and Donations Trust Fund is to be administered by the Department of Environmental Protection. The fund is intended to serve as the depository for federal grants and funds to be used for allowable grant or donor agreement activities funded by restricted contractual revenue from private and public nonfederal sources received by the department and to assist in tracking and monitoring the use of federal funds that

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are not otherwise deposited directly into a separate trust fund.
 The Grants and Donations Trust Fund is intended to be a broad-based fund from which moneys can be used for various environmental and natural resource program purposes for which the federal funds were intended. Funds may be expended for purposes including, but not limited to:

- (a) Water quality improvement.
- (b) Management of solid and hazardous wastes.
- (c) Stormwater management.
- (d) Air quality improvement and management.
- (e) Wetland protection and management.
- (f) Marine research.
- (g) Marine habitat restoration and management.
- (h) Aquatic weed control.
- (i) Environmental regulatory compliance and enforcement.
- (j) Local or state recreational projects.

(2) The department may transfer all outstanding appropriations supported by federal grants to the Federal Grants Trust Fund. This subsection expires July 1, 2016.

Section 7. Paragraphs (c), (e), and (f) of subsection (1) of section 403.709, Florida Statutes, are amended to read:

403.709 Solid Waste Management Trust Fund; use of waste tire fees.—There is created the Solid Waste Management Trust Fund, to be administered by the department.

(1) From the annual revenues deposited in the trust fund, unless otherwise specified in the General Appropriations Act:

(c) Up to 14 ~~11~~ percent shall be used for funding to supplement any other funds provided to the Department of Agriculture and Consumer Services for mosquito control. This

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distribution shall be annually transferred to the General Inspection Trust Fund in the Department of Agriculture and Consumer Services to be used for mosquito control, especially control of West Nile Virus.

(e) Up to 37 ~~A minimum of 40~~ percent shall be used for funding a solid waste management grant program pursuant to s. 403.7095 for activities relating to recycling and waste reduction, including waste tires requiring final disposal.

~~(f) For the 2013-2014 fiscal year only, moneys in the Solid Waste Management Trust Fund may be transferred to the Save Our Everglades Trust Fund for Everglades restoration pursuant to s. 216.181(12). This paragraph expires July 1, 2014.~~

Section 8. For the purpose of incorporating the amendment made by this act to section 253.01, Florida Statutes, in a reference thereto, subsection (1) of section 253.02, Florida Statutes, is reenacted to read:

253.02 Board of trustees; powers and duties.—

(1) For the purpose of assuring the proper application of the Internal Improvement Trust Fund and the Land Acquisition Trust Fund for the purposes of this chapter, the land provided for in ss. 253.01 and 253.03, and all the funds arising from the sale thereof, after paying the necessary expense of selection, management, and sale, are irrevocably vested in a board of four trustees, to wit: The Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture and their successors in office, to hold the same in trust for the uses and purposes provided in this chapter, with the power to sell and transfer said lands to the purchasers and receive the power to sell and transfer said lands to the purchasers and receive

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233 payment for the same, and invest the surplus moneys arising
 234 therefrom, from time to time, in stocks of the United States,
 235 stocks of the several states, or the internal improvement bonds
 236 issued under the provisions of law; also, the surplus interest
 237 accruing from such investments. Said board of trustees has all
 238 the rights, powers, property, claims, remedies, actions, suits,
 239 and things whatsoever belonging to them, or appertaining before
 240 and at the time of the enactment hereof, and they shall remain
 241 subject to and pay, fulfill, perform, and discharge all debts,
 242 duties, and obligations of their trust, existing at the time of
 243 the enactment hereof or provided in this chapter.

244 Section 9. For the purpose of incorporating the amendment
 245 made by this act to section 253.01, Florida Statutes, in a
 246 reference thereto, section 253.05, Florida Statutes, is
 247 reenacted to read:

248 253.05 Prosecuting officers to assist in protecting state
 249 lands.—State attorneys, other prosecuting officers of the state
 250 or county, wildlife officers of the Fish and Wildlife
 251 Conservation Commission, conservation officers, together with
 252 the Secretary of Environmental Protection, and county sheriffs
 253 and their deputies shall see that the lands owned by the state,
 254 as described in ss. 253.01 and 253.03, shall not be the object
 255 of damage, trespass, depredation, or unlawful use by any person.
 256 The said officers and their deputies shall, upon information
 257 that unlawful use is being made of state lands, report the same,
 258 together with the information in their possession relating
 259 thereto, to the Board of Trustees of the Internal Improvement
 260 Trust Fund and shall cooperate with the said board in carrying
 261 out the purposes of ss. 253.01-253.04 and this section. State

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262 attorneys and other prosecuting officers of the state or any
 263 county, upon request of the Governor or Board of Trustees of the
 264 Internal Improvement Trust Fund, shall institute and maintain
 265 such legal proceedings as may be necessary to carry out the
 266 purpose of said sections.

267 Section 10. For the purpose of incorporating the amendment
 268 made by this act to section 403.709, Florida Statutes, in a
 269 reference thereto, subsection (3) of section 403.7095, Florida
 270 Statutes, is reenacted to read:

271 403.7095 Solid waste management grant program.—

272 (3) From the funds made available pursuant to s.

273 403.709(1)(e) for the grant program created by this section, the
 274 following distributions shall be made:

275 (a) Up to 50 percent for the program described in
 276 subsection (1); and

277 (b) Up to 50 percent for the program described in
 278 subsection (2).

279 Section 11. This act shall take effect July 1, 2015.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 430

INTRODUCER: Senator Latvala

SUBJECT: Central Florida Beltway Trust Fund/Department of Transportation

DATE: February 12, 2015 REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----------|----------------|-----------|------------------|
| 1. Sneed | Kynoch | AP | Favorable |

I. Summary:

SB 430 terminates the Central Florida Beltway Mitigation Trust Fund within the Department of Transportation (department). The bill is effective July 1, 2015, and has no fiscal impact on state or local funds.

II. Present Situation:

Section 215.3208, F.S., requires legislative review of each trust fund at least once every four years unless exempted from termination pursuant to section 19(f), Article III of the State Constitution. The review schedule is included in the legislative budget instructions developed pursuant to s. 216.023, F.S. The legislative budget instructions for legislative budget requests for Fiscal Year 2015-2016 include a review of the department's trust funds.

Subsection (2)(a) of section 2 of ch. 2004-235, L.O.F., provides a legislative finding that the Central Florida Beltway Mitigation Trust Fund within the department is exempt from termination under the State Constitution. A legislative staff review indicated the Central Florida Beltway Mitigation Trust Fund within the department is inactive and no longer needed as the construction of the Central Florida Beltway is complete and the payment of all outstanding debt has been made.

The Central Florida Beltway Trust Fund within the department was originally used to support the environmental mitigation efforts for projects the department was authorized to construct as part of the Central Florida Beltway and was funded with bond proceeds in accordance with s. 338.250(2)(a). The trust fund has no funds and no future receipts are anticipated.

III. Effect of Proposed Changes:

The Central Florida Beltway Trust Fund is terminated. Section 338.250, F.S., and section 2(2)(a) of ch. 2004-235, L.O.F., are repealed.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill has no fiscal impact on state agencies or state funds, on local governments as a whole, or on the private sector. It simply terminates an existing state trust fund that is currently inactive within the department.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill repeals section 338.250 of the Florida Statutes. The bill repeals section 2(2)(a) of chapter 2004-235, Laws of Florida.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Latvala

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A bill to be entitled

An act relating to the termination of a trust fund within the Department of Transportation; terminating the Central Florida Beltway Trust Fund; providing for the transfer of any balances or revenues in the terminated trust fund; requiring that the department pay outstanding debts or obligations of the terminated trust fund; requiring that the Chief Financial Officer close out and remove the terminated trust fund from the state accounting systems; repealing s. 338.250, F.S., relating to Central Florida Beltway mitigation; repealing s. 2(2)(a) of chapter 2004-235, Laws of Florida, relating to an exemption of the Central Florida Beltway Trust Fund from termination; providing an effective date.

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

Section 1. (1) The Central Florida Beltway Trust Fund, FLAIR number 55-2-074, within the Department of Transportation, is terminated.

(2)(a) All current balances remaining in, and all revenues of, the trust fund terminated by subsection (1) shall be transferred to the State Transportation Fund.

(b) The Department of Transportation shall pay any outstanding debts and obligations of the terminated trust fund as soon as practicable, and the Chief Financial Officer shall close out and remove the terminated trust fund from the various state accounting systems using generally accepted accounting

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principles concerning outstanding warrants, assets, and liabilities.

Section 2. Section 338.250, Florida Statutes, is repealed.

Section 3. Paragraph (a) of subsection (2) of section 2 of chapter 2004-235, Laws of Florida, is repealed.

Section 4. This act shall take effect July 1, 2015.

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Subcommittee on Health
and Human Services, *Vice Chair*
Appropriations
Banking and Insurance
Environmental Preservation and Conservation
Ethics and Elections

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight,
Alternating Chair

SENATOR CHRISTOPHER L. SMITH

31st District

February 9, 2015

The Honorable Tom Lee, Chair
Committee on Appropriations
201 Capitol
Tallahassee, Florida 32399

Dear Senator Lee:

Please excuse me from the February 11, 2015, 10:00 AM Committee on Appropriations meeting. I had a pressing community issue in the district that required my immediate attention and due to my return flight being delayed I, was not able to attend the scheduled meeting.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to be "Chris Smith", written over a large, stylized flourish.

Senator Chris Smith, District 31

A handwritten signature in black ink, appearing to be "Tom Lee", written in a cursive style.

REPLY TO:

- ☐ 2151 NW 6th Street, Fort Lauderdale, Florida 33311 (954) 321-2705 FAX: (954) 321-2707
- ☐ 202 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5031

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

CourtSmart Tag Report

Room: KN 412

Case:

Type:

Caption: Senate Appropriations Committee

Judge:

Started: 2/11/2015 10:05:04 AM

Ends: 2/11/2015 10:14:34 AM

Length: 00:09:31

| | |
|-------------|------------------|
| 10:05:07 AM | Sen. Lee (Chair) |
| 10:06:10 AM | S 426 |
| 10:06:17 AM | Sen. Gaetz |
| 10:06:44 AM | Sen. Lee |
| 10:06:47 AM | Sen. Gaetz |
| 10:06:50 AM | Am. 649748 |
| 10:07:11 AM | Sen. Lee |
| 10:07:25 AM | S 426 (cont.) |
| 10:07:40 AM | Sen. Joyner |
| 10:08:00 AM | Sen. Lee |
| 10:08:03 AM | Sen. Gaetz |
| 10:08:26 AM | Sen. Lee |
| 10:08:27 AM | Sen. Joyner |
| 10:08:35 AM | Sen. Lee |
| 10:09:14 AM | Sen. Lee |
| 10:09:22 AM | S 428 |
| 10:09:35 AM | Sen. Hays |
| 10:10:47 AM | Am. 836368 |
| 10:10:55 AM | Sen. Lee |
| 10:11:02 AM | Sen. Gaetz |
| 10:11:05 AM | Sen. Hays |
| 10:11:25 AM | Sen. Lee |
| 10:11:35 AM | S 428 (cont.) |
| 10:12:28 AM | Sen. Lee |
| 10:12:33 AM | S 430 |
| 10:12:37 AM | Sen. Latvala |
| 10:13:30 AM | Sen. Lee |
| 10:13:32 AM | Sen. Latvala |
| 10:13:34 AM | Sen. Lee |