

By the Committee on General Government Appropriations and  
Representative Sembler

1                                   A bill to be entitled  
2           An act relating to terminating specified trust  
3           funds within the Department of Agriculture and  
4           Consumer Services, Department of Environmental  
5           Protection, Department of Insurance, and  
6           Department of Revenue; providing for  
7           disposition of balances in and revenues of such  
8           trust funds; prescribing procedures for the  
9           termination of such trust funds; declaring the  
10          findings of the Legislature that specified  
11          trust funds within the Department of  
12          Agriculture and Consumer Services, Department  
13          of Banking and Finance, Department of  
14          Environmental Protection, Department of  
15          Insurance, and Department of Revenue are exempt  
16          from the termination requirements of s. 19(f),  
17          Art. III of the State Constitution; renaming  
18          specified trust funds within the Department of  
19          Banking and Finance and the Department of  
20          Environmental Protection; repealing s. 3, ch.  
21          95-114, s. 3, ch. 95-115, s. 2, ch. 95-249, and  
22          s. 3, ch. 95-371, Laws of Florida; abrogating  
23          provisions relating to the termination of  
24          certain trust funds that are exempt from  
25          termination; amending s. 11.2423, F.S.;  
26          providing that acts declaring trust funds  
27          exempt from constitutional termination  
28          requirements are not repealed by the adoption  
29          of the Florida Statutes; amending ss. 253.781,  
30          253.7824, 253.7829, and 253.783, F.S.; removing  
31          reference to the Cross Florida Barge Canal

1 Trust Fund; providing for deposit of certain  
2 proceeds in the Land Acquisition Trust Fund;  
3 amending ss. 624.516, 633.445, 633.46, 633.461,  
4 and 633.50, F.S., and repealing s.  
5 633.45(1)(r), F.S., relating to the Fire  
6 College Trust Fund, to abolish the trust fund  
7 and transfer its balance and responsibilities  
8 to the Insurance Commissioner's Regulatory  
9 Trust Fund; repealing s. 697.203, F.S.,  
10 relating to the Home Equity Conversion Mortgage  
11 Guaranty Fund, and amending s. 697.205, F.S.,  
12 to abolish the fund and transfer its balance  
13 and responsibilities to the Treasurer's  
14 Administrative and Investment Trust Fund;  
15 deleting obsolete provisions; repealing s.  
16 61.182, F.S., relating to the Child Support  
17 Depository Trust Fund, to abolish the trust  
18 fund; amending ss. 206.606, 327.28, and  
19 369.252, F.S.; renaming the Aquatic Plant  
20 Control Trust Fund; amending s. 215.551, F.S.;  
21 renaming the National Forest Trust Fund;  
22 amending ss. 403.1835 and 403.1836, F.S.;  
23 renaming the Sewage Treatment Revolving Loan  
24 Fund; providing effective dates.

25  
26 Be It Enacted by the Legislature of the State of Florida:

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28 Section 1. (1) The following trust funds within the  
29 following departments are terminated:

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- 1           (a) Within the Department of Agriculture and Consumer  
2 Services, the Hurricane Andrew Disaster Relief Trust Fund,  
3 FLAIR number 42-2-200.
- 4           (b) Within the Department of Environmental Protection:
- 5               1. The Hurricane Andrew Disaster Relief Trust Fund,  
6 FLAIR number 37-2-200.
- 7               2. The Hurricane Andrew Recovery and Rebuilding Trust  
8 Fund, FLAIR number 37-2-205.
- 9               3. The Youth Conservation Corps Trust Fund, FLAIR  
10 number 37-2-803.
- 11              4. The Cross Florida Barge Canal Trust Fund, FLAIR  
12 number 37-2-888. The remaining balance and revenues in this  
13 fund shall be deposited in the Land Acquisition Trust Fund,  
14 FLAIR number 37-2-423.
- 15           (c) Within the Department of Insurance:
- 16               1. The Fire College Trust Fund, FLAIR number 46-2-288.  
17 The remaining balance and revenues in this fund shall be  
18 deposited in the Insurance Commissioner's Regulatory Trust  
19 Fund, FLAIR number 46-2-393.
- 20               2. The Home Equity Conversion Mortgage Guaranty Fund,  
21 FLAIR number 46-2-369. The remaining balance and revenues in  
22 this fund shall be deposited in the Treasurer's Administrative  
23 and Investment Trust Fund, FLAIR number 46-2-725.
- 24           (d) Within the Department of Revenue:
- 25               1. The Child Support Depository Trust Fund, FLAIR  
26 number 73-2-080.
- 27               2. The Child Support Trust Fund, FLAIR number  
28 73-2-084.
- 29               3. The Minerals Trust Fund, FLAIR number 73-2-484.  
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1           (2) Unless otherwise provided, all current balances  
2 remaining in, and all revenues of, the trust funds terminated  
3 by this act shall be transferred to the General Revenue Fund.

4           (3) For each trust fund terminated by this act, the  
5 agency or branch that administers the trust fund shall pay any  
6 outstanding debts and obligations of the terminated fund as  
7 soon as practicable, and the Comptroller shall close out and  
8 remove the terminated fund from the various state accounting  
9 systems using generally accepted accounting principles  
10 concerning warrants outstanding, assets, and liabilities.

11           Section 2. The Legislature finds that the following  
12 trust funds are exempt from termination pursuant to Section  
13 19(f), Article III of the State Constitution:

14           (1) Within the Department of Agriculture and Consumer  
15 Services, the Florida Preservation 2000 Trust Fund, FLAIR  
16 number 42-2-332.

17           (2) Within the Department of Banking and Finance:

18           (a) The Child Support Clearing Trust Fund, FLAIR  
19 number 44-2-081.

20           (b) The Collections Internal Revenue Clearing Trust  
21 Fund, FLAIR number 44-2-101.

22           (c) The Consolidated Miscellaneous Deductions Clearing  
23 Trust Fund, FLAIR number 44-2-139.

24           (d) The Electronic Funds Transfer Clearing Trust Fund,  
25 FLAIR number 44-2-188.

26           (e) The Employee Refund Clearing Trust Fund, FLAIR  
27 number 44-2-194.

28           (f) The Federal Tax Levy Clearing Trust Fund, FLAIR  
29 number 44-2-274.

30           (g) The Florida Retirement Clearing Trust Fund, FLAIR  
31 number 44-2-323.

- 1        (h) The Hospital Insurance Tax Clearing Trust Fund,  
2 FLAIR number 44-2-370.
- 3        (i) The Social Security Clearing Trust Fund, FLAIR  
4 number 44-2-643.
- 5        (3) Within the Department of Environmental Protection:
- 6        (a) The Florida Preservation 2000 Trust Fund, FLAIR  
7 number 37-2-332.
- 8        (b) The Land Acquisition Trust Fund, FLAIR number  
9 37-2-423.
- 10       (c) The Project Construction Trust Fund, FLAIR number  
11 37-2-549.
- 12       (4) Within the Department of Insurance:
- 13       (a) The Agents and Solicitors County Tax Trust Fund,  
14 FLAIR number 46-2-024.
- 15       (b) The Government Employees Deferred Compensation  
16 Trust Fund, FLAIR number 46-2-155.
- 17       (c) The State Treasurer Escrow Trust Fund, FLAIR  
18 number 46-2-622.
- 19       (d) The Treasury Cash Deposit Trust Fund, FLAIR number  
20 46-2-720.
- 21       (e) The Treasurer Investment Trust Fund, FLAIR number  
22 46-2-728.
- 23       (5) Within the Department of Revenue:
- 24       (a) The Additional Court Costs Clearing Trust Fund,  
25 FLAIR number 73-2-013.
- 26       (b) The Apalachicola Bay Oyster Surcharge Clearing  
27 Trust Fund, FLAIR number 73-2-028.
- 28       (c) The Child Support Clearing Trust Fund, FLAIR  
29 number 73-2-081.
- 30       (d) The Convention Development Tax Clearing Trust  
31 Fund, FLAIR number 73-2-132.

- 1       (e) The Revenue Sharing Trust Fund for Counties, FLAIR  
2 number 73-2-144.
- 3       (f) The Documentary Stamp Tax Clearing Trust Fund,  
4 FLAIR number 73-2-166.
- 5       (g) The Revenue-Fuel Tax Refund Payments Trust Fund,  
6 FLAIR number 73-2-317.
- 7       (h) The Fuel Tax Collection Trust Fund, FLAIR number  
8 73-2-319.
- 9       (i) The Local Option Fuel Tax Trust Fund, FLAIR number  
10 73-2-448.
- 11       (j) The Local Alternative Fuel User Fee Clearing Trust  
12 Fund, FLAIR number 73-2-449.
- 13       (k) The Local Government Half-cent Sales Tax Clearing  
14 Trust Fund, FLAIR number 73-2-455.
- 15       (l) The Discretionary Sales Surtax Clearing Trust  
16 Fund, FLAIR number 73-2-459.
- 17       (m) The Local Option Tourist Development Trust Fund,  
18 FLAIR number 73-2-460.
- 19       (n) The Mail Order Sales Tax Clearing Trust Fund,  
20 FLAIR number 73-2-465.
- 21       (o) The Motor Vehicle Warranty Trust Fund, FLAIR  
22 number 73-2-492.
- 23       (p) The Municipal Financial Assistance Trust Fund,  
24 FLAIR number 73-2-493.
- 25       (q) The Motor Vehicle Rental Surcharge Clearing Trust  
26 Fund, FLAIR number 73-2-494.
- 27       (r) The Revenue Sharing Trust Fund for Municipalities,  
28 FLAIR number 73-2-501.
- 29       (s) The Oil and Gas Tax Trust Fund, FLAIR number  
30 73-2-508.
- 31

- 1           (t) The Pollutant Tax Clearing Trust Fund, FLAIR  
2 number 73-2-544.
- 3           (u) The Railroad and Private Car Tax Collection  
4 Clearing Trust Fund, FLAIR number 73-2-571.
- 5           (v) The Sales Tax Security Deposit Trust Fund, FLAIR  
6 number 73-2-607.
- 7           (w) The Secondhand Dealer and Secondary Metals  
8 Recycler Clearing Trust Fund, FLAIR number 73-2-617.
- 9           (x) The State Alternative Fuel User Fee Clearing Trust  
10 Fund, FLAIR number 73-2-618.
- 11           (y) The Highway Safety-Admin. Div. Security Deposits  
12 Trust Fund, FLAIR number 73-2-625.
- 13           (z) The Severance Tax Solid Mineral Trust Fund, FLAIR  
14 number 73-2-636.
- 15           (aa) The Solid Waste Management Clearing Trust Fund,  
16 FLAIR number 73-2-645.
- 17           (bb) The Department of Revenue Premium Tax Clearing  
18 Trust Fund, FLAIR number 73-2-733.
- 19           (cc) The Ninth-cent Fuel Tax Trust Fund, FLAIR number  
20 73-2-777.
- 21           Section 3. (1) The following trust funds are renamed:
- 22           (a) Within the Department of Banking and Finance:
- 23           1. The Abandoned Property Trust Fund, FLAIR number  
24 44-2-007, is renamed the Unclaimed Property Trust Fund.
- 25           2. The National Forest Trust Fund, FLAIR number  
26 44-2-307, is renamed the Federal Use of State Lands Trust  
27 Fund.
- 28           (b) Within the Department of Environmental Protection:
- 29           1. The Aquatic Plant Control Trust Fund, FLAIR number  
30 37-2-030, is renamed the Invasive Plant Control Trust Fund.
- 31

1           2. The Sewage Treatment Revolving Loan Fund, FLAIR  
2 number 37-2-661, is renamed the Wastewater Treatment and  
3 Stormwater Management Revolving Trust Fund.

4           (2) This section shall take effect July 1, 1999.

5           Section 4. Effective upon this act becoming a law,  
6 section 3 of chapter 95-114, section 3 of chapter 95-115,  
7 section 2 of chapter 95-249, and section 3 of chapter 95-371,  
8 Laws of Florida, are repealed.

9           Section 5. Section 11.2423, Florida Statutes, is  
10 amended to read:

11           11.2423 Laws or statutes not repealed.--

12           (1) No special or local statute, or statute, local,  
13 limited or special in its nature, shall be repealed by the  
14 Florida Statutes, now or hereafter adopted, and, for the  
15 purpose of this saving from repeal any statute of the  
16 following classes shall be taken to be included in such  
17 exception, namely:

18           (a) Any statutes for or concerning only a certain  
19 county or certain designated counties.

20           (b) Any statute for, or concerning or operative in  
21 only a portion of the state.

22           (c) Any statute for or concerning only a certain  
23 municipal corporation.

24           (d) Any statute for or concerning only a designated  
25 individual corporation or corporations.

26           (e) Any statute incorporating a designated individual  
27 corporation, or making a grant thereto.

28           (f) Any statute of such limited or local application  
29 as makes its inclusion in a general statute impracticable or  
30 undesirable.

31           (g) Road designation laws.

1 (h) Severability section in any law.

2 (i) Any act of the Legislature declaring a trust fund  
3 to be exempt from termination pursuant to s. 19(f), Art. III  
4 of the State Constitution.

5 (2) The foregoing enumeration of classes of statutes  
6 not repealed shall not be construed to imply a repeal of other  
7 statutes which are local, limited or special in their nature.

8 Section 6. Subsection (3) of section 253.781, Florida  
9 Statutes, is amended to read:

10 253.781 Retention of state-owned lands along former  
11 Cross Florida Barge Canal route; creation of Cross Florida  
12 Greenways State Recreation and Conservation Area; authorizing  
13 transfer to the Federal Government for inclusion in Ocala  
14 National Forest.--

15 (3) The Board of Trustees of the Internal Improvement  
16 Trust Fund may acquire by purchase, exchange of other state  
17 lands, or the exercise of the power of eminent domain the fee  
18 title to lands acquired in less-than-fee title and to  
19 privately owned lands that break the continuity of publicly  
20 owned lands within the original canal corridor as specified in  
21 the University Planning Team Greenway Management Plan along  
22 the canal route, using canal authority assets transferred to  
23 the department or using state, local, or federal funds  
24 dedicated to acquiring lands for conservation and recreation  
25 ~~or using funds from the Cross Florida Barge Canal Trust Fund.~~  
26 The Legislature finds that such exercise of the power of  
27 eminent domain to accomplish the purposes of this section is  
28 necessary and for a public purpose. Such power of eminent  
29 domain must be exercised pursuant to chapter 73.

30 Section 7. Section 253.7824, Florida Statutes, is  
31 amended to read:

1           253.7824 Sale of products; proceeds.--The department  
2 may authorize the removal and sale of products from the land  
3 where environmentally appropriate, the proceeds from which  
4 shall be deposited in the Land Acquisition ~~Cross Florida Barge~~  
5 ~~Canal~~ Trust Fund.

6           Section 8. Subsection (1) of section 253.7829, Florida  
7 Statutes, is amended to read:

8           253.7829 Management plan for retention or disposition  
9 of former Cross Florida Barge Canal lands; authority to manage  
10 lands until disposition.--

11           (1) It is declared to be in the public interest that  
12 the department shall do and is hereby authorized to do any and  
13 all things and incur and pay from ~~the Cross Florida Barge~~  
14 ~~Canal Trust Fund or from~~ the canal authority assets, for the  
15 public purposes described herein, any and all expenses  
16 necessary, convenient, and proper to:

17           (a) Develop a management plan for the retention or  
18 disposition of lands acquired for the Cross Florida Barge  
19 Canal to be submitted to the Governor and Cabinet no later  
20 than 2 years after the date of enactment of the Cross Florida  
21 Barge Canal deauthorization act, which plan shall reflect a  
22 consideration of alternatives for disposition as provided in  
23 this section of all lands in fee or less than fee owned by the  
24 Board of Trustees of the Internal Improvement Trust Fund,  
25 including those lands previously owned by the canal authority  
26 and the United States Army Corps of Engineers, and lands to be  
27 transferred to the state by the United States Army Corps of  
28 Engineers. The management plan shall establish a plan for  
29 delineating the specific boundaries of the Cross Florida  
30 Greenways State Recreation and Conservation Area. The  
31 Legislature intends that such boundaries include, at a

1 minimum, a 300-yard-wide corridor, except where the original  
2 corridor is a lesser width or except in areas where bridges  
3 and roads cross the canal corridor, on former canal lands  
4 within the original canal corridor extending from the St.  
5 Johns River to the Gulf of Mexico, including all of the  
6 Oklawaha River Valley and Rodman Reservoir, and all canal  
7 works in all areas whether completed and in use or not, but  
8 excluding all parts of Lake Rousseau. Such boundaries may  
9 include other former canal lands according to the following  
10 criteria:

- 11 1. The proximity of the lands to former canal corridor  
12 lands.
- 13 2. The environmental sensitivity or importance of the  
14 lands or its characteristics as a unique or significant  
15 wildlife habitat.
- 16 3. The proximity of the lands to existing state or  
17 federal land which is maintained, at least in part, as natural  
18 wildlife habitat, so that the addition of the parcel would  
19 function as a wildlife corridor, or as additional habitat.
- 20 4. The potential of the lands to be developed as  
21 outdoor recreation lands.

22  
23 Commercially valuable parcels, including those parcels near  
24 road crossings, within the canal corridor which do not meet  
25 the criteria of subparagraphs 1.-4. and other former canal  
26 lands which are not included within the boundaries of the  
27 Cross Florida Greenways State Recreation and Conservation Area  
28 under the criteria of subparagraphs 1.-4., may be disposed of  
29 as surplus lands pursuant to s. 253.783(2)(a)-(d). Such  
30 alternatives for disposition will include retention by the  
31 state or any agency thereof for the specific public purposes

1 outlined in this paragraph or by the counties or adjacent  
2 municipalities for recreational or conservation purposes, and  
3 a declaration of lands not to be retained as surplus lands to  
4 be disposed of pursuant to s. 253.783(2)(a)-(d). The  
5 management plan shall also address any remedial measures  
6 necessary to correct any environmental or economic damage  
7 caused by works constructed as a part of or as a result of the  
8 Cross Florida Barge Canal.

9 (b) Operate and maintain existing lands and interests  
10 in lands, appurtenances, structures, and facilities. Operation  
11 and maintenance of water control structures may be delegated  
12 by the department to the St. Johns River Water Management  
13 District or the Southwest Florida Water Management District,  
14 as necessary. Rights-of-way necessary for the construction and  
15 maintenance of electric transmission lines may be authorized.

16 Section 9. Subsection (2) of section 253.783, Florida  
17 Statutes, is amended to read:

18 253.783 Additional powers and duties of the  
19 department; disposition of surplus lands; payments to  
20 counties.--

21 (2) It is declared to be in the public interest that  
22 the department shall do and is hereby authorized to do any and  
23 all things and incur and pay ~~from the Cross Florida Barge~~  
24 ~~Canal Trust Fund~~, for the public purposes described herein,  
25 any and all expenses necessary, convenient, and proper to:

26 (a) Offer any land declared to be surplus, at current  
27 appraised value, to the counties in which the surplus land  
28 lies, for acquisition for specific public purposes. Any  
29 county, at its option, may elect to acquire any lands so  
30 offered without monetary payment. The fair market value of  
31 any parcels so transferred shall be subtracted from the

1 county's reimbursement under paragraph (e). These offers will  
2 be made within 3 calendar months after the date the management  
3 plan is adopted and will be valid for 180 days after the date  
4 of the offer.

5 (b) Extend the second right of refusal, at current  
6 appraised value, to the original owner from whom the Canal  
7 Authority of the State of Florida or the United States Army  
8 Corps of Engineers acquired the land or the original owner's  
9 heirs. These offers shall be made by public advertisement in  
10 not fewer than three newspapers of general circulation within  
11 the area of the canal route, one of which shall be a newspaper  
12 in the county in which the lands declared to be surplus are  
13 located. The public advertisements shall be run for a period  
14 of 14 days. These offers will be valid for 30 days after the  
15 expiration date of any offers made under paragraph (a), or 30  
16 days after the date publication begins, whichever is later.

17 (c) Extend the third right of refusal, at current  
18 appraised value, to any person having a leasehold interest in  
19 the land from the canal authority. These offers shall be  
20 advertised as provided in paragraph (b) and will be valid for  
21 30 days after the expiration date of the offers made under  
22 paragraph (b), or 30 days after the date publication begins,  
23 whichever is later.

24 (d) Offer surplus lands not purchased or transferred  
25 under paragraphs (a)-(c) to the highest bidder at public sale.  
26 Such surplus lands and the public sale shall be described and  
27 advertised in a newspaper of general circulation within the  
28 county in which the lands are located not less than 14  
29 calendar days prior to the date on which the public sale is to  
30 be held. The current appraised value of such surplus lands  
31 will be the minimum acceptable bid.

1           (e) Refund to the counties of the Cross Florida Canal  
2 Navigation District moneys pursuant to this paragraph ~~from the~~  
3 ~~funds remaining in the Cross Florida Barge Canal Trust Fund~~  
4 from the funds derived from the conveyance of lands of the  
5 project to the Federal Government or any agency thereof,  
6 pursuant to s. 253.781, and from the sales of surplus lands  
7 pursuant to this section. Following federal deauthorization of  
8 the project, such refunds shall consist of the \$9,340,720  
9 principal in ad valorem taxes contributed by the counties and  
10 the interest which had accrued on that amount from the time of  
11 payment to June 30, 1985. In no event shall the counties be  
12 paid less than the aggregate sum of \$32 million in cash or the  
13 appraised values of the surplus lands. Such refunds shall be  
14 in proportion to the ad valorem tax share paid to the Cross  
15 Florida Canal Navigation District by the respective counties.  
16 ~~Should the remaining funds in the Cross Florida Barge Canal~~  
17 ~~Trust Fund and~~ the funds derived from the conveyance of lands  
18 of the project to the Federal Government for payment or from  
19 the sale of surplus land be inadequate to pay the total of the  
20 principal plus interest, first priority shall be given to  
21 repaying the principal and second priority shall be given to  
22 repaying the interest. Interest to be refunded to the counties  
23 shall be compounded annually at the following rates:  
24 1937-1950, 4 percent; 1951-1960, 5 percent; 1961-1970, 6  
25 percent; 1971-1975, 7 percent; 1976-June 30, 1985, 8 percent.  
26 In computing interest, amounts already repaid to the counties  
27 shall not be subject to further assessments of interest. Any  
28 partial repayments provided to the counties under this act  
29 shall be considered as contributing to the total repayment  
30 owed to the counties. Should the funds generated by conveyance  
31 to the Federal Government and sales of surplus lands be more

1 than sufficient to repay said counties in accordance with this  
2 section, such excess funds may be used for the maintenance of  
3 the greenways corridor.

4 (f) Carry out the purposes of this act.

5 Section 10. Section 624.516, Florida Statutes, is  
6 amended to read:

7 624.516 State Fire Marshal regulatory assessment and  
8 surcharge; deposit and use of funds.--

9 (1) The regulatory assessment imposed under s.  
10 624.515(1) and the surcharge imposed under s. 624.515(2) shall  
11 be deposited by the Department of Revenue, when received and  
12 audited, into the Insurance Commissioner's Regulatory Trust  
13 Fund. ~~The surcharge imposed under s. 624.515(2) shall be~~  
14 ~~deposited by the Department of Revenue, when received and~~  
15 ~~audited, into the Fire College Trust Fund.~~

16 (2) The moneys ~~so~~ received and deposited in the funds,  
17 as provided in subsection (1), are ~~hereby~~ appropriated for use  
18 by the State Treasurer as ex officio State Fire Marshal,  
19 hereinafter referred to as "State Fire Marshal," to defray the  
20 expenses of the State Fire Marshal in the discharge of her or  
21 his administrative and regulatory powers and duties as  
22 prescribed by law, including the maintaining of offices and  
23 necessary supplies therefor, essential equipment and other  
24 materials, salaries and expenses of required personnel, and  
25 all other legitimate expenses relating to the discharge of the  
26 administrative and regulatory powers and duties imposed in and  
27 charged to her or him under such laws.

28 (3) If, at the end of any fiscal year, a balance of  
29 funds remains in the Insurance Commissioner's Regulatory Trust  
30 Fund ~~or the Fire College Trust Fund, respectively,~~ such  
31 balance shall not revert to the general fund of the state, but

1 shall be retained in the Insurance Commissioner's Regulatory  
2 Trust Fund ~~or the Fire College Trust Fund~~ to be used for the  
3 purposes for which the moneys are ~~same is~~ appropriated as set  
4 forth in subsection (2) above.

5 Section 11. Subsections (1), (2), (3), (9), and (10)  
6 of section 633.445, Florida Statutes, are amended to read:

7 633.445 State Fire Marshal Scholarship Grant  
8 Program.--

9 (1) All payments, gifts, or grants received pursuant  
10 to this section shall be deposited in the State Treasury to  
11 the credit of the Insurance Commissioner's Regulatory ~~Fire~~  
12 ~~College~~ Trust Fund for the State Fire Marshal Scholarship  
13 Grant Program. Such funds shall provide, from grants to the  
14 state from moneys raised from public and private sources,  
15 scholarships for qualified applicants to the Florida State  
16 Fire College as created by s. 633.43.

17 (2) The Comptroller shall authorize expenditures from  
18 the Insurance Commissioner's Regulatory ~~Fire College~~ Trust  
19 Fund upon receipt of vouchers approved by the State Fire  
20 Marshal. All moneys collected from public and private sources  
21 pursuant to this section shall be deposited into the trust  
22 fund. Any balance in the trust fund at the end of any fiscal  
23 year shall remain therein and shall be available for carrying  
24 out the purposes of the fund in the ensuing year.

25 (3) All funds deposited into the Insurance  
26 Commissioner's Regulatory ~~Fire College~~ Trust Fund shall be  
27 invested pursuant to ~~the provisions of~~ s. 18.125. Interest  
28 income accruing to moneys so invested shall increase the total  
29 funds available for the purposes for which the trust fund is  
30 created.

31

1           (9) After selection and approval of an applicant for a  
2 grant by the council, payment in the applicant's name for  
3 scholarship funds shall be transmitted from the Insurance  
4 Commissioner's Regulatory ~~Fire College~~ Trust Fund by the  
5 Comptroller upon receipt of vouchers authorized by the State  
6 Fire Marshal. If a recipient terminates her or his enrollment  
7 during the course of her or his curriculum at the State Fire  
8 College, unless excused by the council and allowed to resume  
9 training at a later time, any unused portion of the  
10 scholarship funds shall be refunded to the trust fund. A  
11 recipient who terminates her or his enrollment is not liable  
12 for any portion of a scholarship.

13           (10) The council may accept payments, gifts, and  
14 grants of money from any federal agency, private agency,  
15 county, city, town, corporation, partnership, or individual  
16 for deposit in the Insurance Commissioner's Regulatory ~~Fire~~  
17 College Trust Fund to implement this section and for  
18 authorized expenses incurred by the council in performing its  
19 duties.

20           Section 12. Paragraph (r) of subsection (1) of section  
21 633.45, Florida Statutes, is repealed.

22           Section 13. Section 633.46, Florida Statutes, is  
23 amended to read:

24           633.46 Fees.--The division may fix and collect  
25 admission fees and other fees which it deems necessary to be  
26 charged for training given. All fees so collected shall be  
27 deposited in the Insurance Commissioner's Regulatory ~~Fire~~  
28 College Trust Fund.

29           Section 14. Section 633.461, Florida Statutes, is  
30 amended to read:

31

1           633.461 Insurance Commissioner's Regulatory Fire  
2 ~~College~~ Trust Fund.--The funds received from the Insurance  
3 Commissioner's Regulatory Fire ~~College~~ Trust Fund shall be  
4 used ~~utilized~~ by the staff of the Florida State Fire College  
5 to provide all necessary services, training, equipment, and  
6 supplies to carry out the college's responsibilities,  
7 including, but not limited to, the State Fire Marshal  
8 Scholarship Grant Program and the procurement of training  
9 films, videotapes, audiovisual equipment, and other useful  
10 information on fire, firefighting, and fire prevention,  
11 including public fire service information packages.

12           Section 15. Subsection (2) of section 633.50, Florida  
13 Statutes, is amended to read:

14           633.50 Division powers and duties; Florida State Fire  
15 College.--

16           (2) Funds generated by the formula per full-time  
17 equivalent student may not exceed the level of state funding  
18 per full-time equivalent student generated through the Florida  
19 Education Finance Program or the State Community College  
20 Program Fund for students enrolled in comparable education  
21 programs provided by public school districts and community  
22 colleges. Funds appropriated for education and operational  
23 costs shall be deposited in the Insurance Commissioner's  
24 Regulatory Fire ~~College~~ Trust Fund to be used solely for  
25 purposes specified in s. 633.461 and may not be transferred to  
26 any other budget entity for purposes other than education.

27           Section 16. Section 697.203, Florida Statutes, is  
28 repealed.

29           Section 17. Section 697.205, Florida Statutes, is  
30 amended to read:

31           697.205 Recoveries from the trust fund.--

1           (1)(a) Any person is eligible to seek recovery from  
2 the Treasurer's Administrative and Investment Trust Home  
3 ~~Equity Conversion Mortgage Guaranty~~ Fund if:

4           1. Such person was the mortgagee of a home equity  
5 conversion mortgage which was foreclosed upon termination, and  
6 the proceeds from the foreclosure sale were insufficient to  
7 repay the full loan amount due;

8           2. Such person has caused to be issued a writ of  
9 execution upon a decree rendered pursuant to chapter 702, and  
10 the officer executing the writ has made a return showing that  
11 no real or personal property of the judgment debtor can be  
12 found which is liable to be levied upon in satisfaction of the  
13 decree or that the amount realized on the sale of the judgment  
14 debtor's property pursuant to such execution was insufficient  
15 to satisfy the judgment;

16           3. Such person has made all searches and inquiries  
17 which are reasonable to ascertain whether the judgment debtor  
18 possesses real or personal property or other assets subject to  
19 being sold or applied in satisfaction of the judgment, and  
20 such person through her or his search has discovered no  
21 property or assets or has discovered property and assets and  
22 taken all necessary action and proceedings for the application  
23 of such property and assets in satisfaction of the judgment  
24 but the amounts thereby realized were insufficient to satisfy  
25 the judgment;

26           4. Such person has applied any amounts recovered from  
27 the judgment debtor, or from any other source, to the  
28 deficiency decree; or

29           5. The mortgage on which recovery is sought was  
30 insured pursuant to s. 697.204 prior to July 1, 1993.

31

1           (b) Any person who meets all of the conditions  
2 prescribed in subsection (1) may apply to the department for  
3 payment to be made to such person from the Treasurer's  
4 Administrative and Investment Trust Home Equity Conversion  
5 Mortgage Guaranty Fund in an amount equal to the unsatisfied  
6 portion of such person's deficiency decree. ~~In no event shall~~  
7 Such amount may not exceed the difference between the amount  
8 of the proceeds from a foreclosure sale and the loan amount  
9 due, including principal and interest.

10           (c) Upon receipt by the mortgagee of the payment from  
11 the Treasurer's Administrative and Investment Trust Home  
12 Equity Conversion Mortgage Guaranty Fund, the mortgagee shall  
13 assign to the department any additional right, title, and  
14 interest in the judgment, to the extent of such payment.

15           (2)

16           (a) ~~If in the event that~~ a search is made by the  
17 mortgagee to determine all of the debtor's real and personal  
18 property which may be applied towards payment of the debt and  
19 it is determined that foreclosure of the home equity  
20 conversion mortgage would not result in recovering any  
21 significant additional assets of the debtor which may be used  
22 to satisfy the mortgage, the mortgagee may still be able to  
23 recover from the fund without having to foreclose, provided  
24 that such mortgage was insured pursuant to s. 697.204 prior to  
25 July 1, 1993.

26           ~~1. Such recovery shall be provided for by rule~~  
27 ~~promulgated pursuant to s. 697.203; shall be conditioned on~~  
28 ~~the mortgagee acquiring the mortgaged property by deed; and~~  
29 ~~shall be based on a reasonable appraised value of the~~  
30 ~~property. The rules promulgated for such recovery shall~~  
31 ~~include provisions for requiring the mortgagee to determine~~

1 ~~the total assets of the debtor; provisions for determining~~  
2 ~~whether foreclosure would result in recovering any additional~~  
3 ~~assets of the debtor which may be used to satisfy the~~  
4 ~~mortgage; and provisions for determining what constitutes a~~  
5 ~~reasonable appraised value of the property.~~

6 ~~2. The maximum recovery to be allowed by this section~~  
7 ~~shall be the difference between the loan amount due, including~~  
8 ~~principal and interest, and the appraised value of the~~  
9 ~~property.~~

10 (b) Any person who meets all of the conditions set by  
11 rule for recovery under this subsection may apply to the  
12 department for payment to be made to such person from the  
13 Treasurer's Administrative and Investment Trust Home Equity  
14 ~~Conversion Mortgage Guaranty~~ Fund in an amount equal to the  
15 maximum recovery as provided herein.

16 Section 18. Section 61.182, Florida Statutes, is  
17 repealed.

18 Section 19. Effective July 1, 1999, paragraph (a) of  
19 subsection (1) of section 206.606, Florida Statutes, 1998  
20 Supplement, as amended by chapters 98-114, 96-321, 95-417, and  
21 94-146, Laws of Florida, is amended to read:

22 206.606 Distribution of certain proceeds.--

23 (1) Moneys collected pursuant to ss. 206.41(1)(g) and  
24 206.87(1)(e) shall be deposited in the Fuel Tax Collection  
25 Trust Fund. Such moneys, after deducting the service charges  
26 imposed by s. 215.20, the refunds granted pursuant to s.  
27 206.41, and the administrative costs incurred by the  
28 department in collecting, administering, enforcing, and  
29 distributing the tax, which administrative costs may not  
30 exceed 2 percent of collections, shall be distributed monthly  
31 to the State Transportation Trust Fund, except that:

1           (a) \$7.55 million shall be transferred to the  
2 Department of Environmental Protection in each fiscal year.  
3 The transfers must be made in equal monthly amounts beginning  
4 on July 1 of each fiscal year. \$1.25 million of the amount  
5 transferred shall be deposited annually in the Marine  
6 Resources Conservation Trust Fund and must be used by the  
7 department to fund special projects to provide recreational  
8 channel marking, public launching facilities, and other  
9 boating-related activities. The department shall annually  
10 determine where unmet needs exist for boating-related  
11 activities, and may fund such activities in counties where,  
12 due to the number of vessel registrations, insufficient  
13 financial resources are available to meet total water resource  
14 needs. The remaining proceeds of the annual transfer shall be  
15 deposited in the Invasive Aquatic Plant Control Trust Fund and  
16 must be used for aquatic plant management, including  
17 nonchemical control of aquatic weeds, research into  
18 nonchemical controls, and enforcement activities. Beginning  
19 in fiscal year 1993-1994, the department shall allocate at  
20 least \$1 million of such funds to the eradication of  
21 melaleuca.

22           Section 20. Effective July 1, 1999, paragraphs (c) and  
23 (e) of subsection (1) of section 327.28, Florida Statutes, are  
24 amended to read:

25           327.28 Marine Resources Conservation Trust Fund;  
26 vessel registration funds; appropriation and distribution.--

27           (1) Except as otherwise specified and less any  
28 administrative costs, all funds collected from the  
29 registration of vessels through the Department of Highway  
30 Safety and Motor Vehicles and the tax collectors of the state  
31 shall be deposited in the Marine Resources Conservation Trust

1 Fund for recreational channel marking; public launching  
2 facilities; law enforcement and quality control programs;  
3 aquatic weed control; manatee protection, recovery, rescue,  
4 rehabilitation, and release; and marine mammal protection and  
5 recovery. The funds collected pursuant to s. 327.25(1) shall  
6 be transferred as follows:

7 (c) Two dollars from each noncommercial vessel  
8 registration fee, except that for class A-1 vessels, shall be  
9 transferred to the Invasive ~~Aquatic~~ Plant Control Trust Fund  
10 for aquatic weed research and control.

11 (e) Forty percent of the registration fees from  
12 commercial vessels shall be transferred to the Invasive  
13 ~~Aquatic~~ Plant Control Trust Fund for aquatic plant research  
14 and control.

15 Section 21. Effective July 1, 1999, section 369.252,  
16 Florida Statutes, is amended to read:

17 369.252 Invasive exotic plant control on public  
18 lands.--The department shall establish a program to:

19 (1) Achieve eradication or maintenance control of  
20 invasive exotic plants on public lands when the scientific  
21 data indicate that they are detrimental to the state's natural  
22 environment or when the Commissioner of Agriculture finds that  
23 such plants or specific populations thereof are a threat to  
24 the agricultural productivity of the state;

25 (2) Assist state and local government agencies in the  
26 development and implementation of coordinated management plans  
27 for the eradication or maintenance control of invasive exotic  
28 plant species on public lands;

29 (3) Contract, or enter into agreements, with entities  
30 in the State University System or other governmental or  
31 private sector entities for research concerning control

1 agents; production and growth of biological control agents;  
2 and development of workable methods for the eradication or  
3 maintenance control of invasive exotic plants on public lands;  
4 and

5 (4) Use funds in the Invasive Aquatic Plant Control  
6 Trust Fund as authorized by the Legislature for carrying out  
7 activities under this section on public lands.

8 Section 22. Effective July 1, 1999, section 215.551,  
9 Florida Statutes, is amended to read:

10 215.551 Federal Use of State Lands ~~National Forest~~  
11 Trust Fund; county distribution.--

12 (1) The Comptroller may make distribution of the  
13 Federal Use of State Lands ~~National Forest~~ Trust Fund, when so  
14 requested by the counties in interest, of such amounts as may  
15 be accumulated in that fund.

16 (2) The Comptroller shall ascertain, from the records  
17 of the General Land Office or other departments in Washington,  
18 D.C., the number of acres of land situated in the several  
19 counties in which the Apalachicola, Choctawhatchee, Ocala, and  
20 Osceola Forest Reserves are located, the number of acres of  
21 land of such forest reserve embraced in each of the counties  
22 in each of the reserves, and, also, the amount of money  
23 received by the United States Government from each of the  
24 reserves, respectively. The Comptroller shall apportion the  
25 money on hand to each county in each reserve, respectively and  
26 separately; such distribution shall be based upon the number  
27 of acres of land embraced in the Apalachicola Forest,  
28 Choctawhatchee Forest, Ocala Forest, and Osceola Forest,  
29 respectively, in each county and shall be further based upon  
30 the amount collected by the United States from each of such  
31 forests, so that such distribution, when made, will include

1 for each county the amount due each county, based upon the  
2 receipts for the particular forest and the acreage in the  
3 particular county in which such forest is located. The  
4 Comptroller shall issue two warrants on the Treasurer in each  
5 case, the sum of which shall be the amount due each of such  
6 counties from the fund. One warrant shall be payable to the  
7 county for the county general road fund, and one warrant, of  
8 equal amount, shall be payable to such county's district  
9 school board for the district school fund.

10 (3) In the event that actual figures of receipts from  
11 different reserves cannot be obtained by counties, so as to  
12 fully comply with subsections (1) and (2), the Comptroller may  
13 adjust the matter according to the United States statutes, or  
14 as may appear to him or her to be just and fair, and with the  
15 approval of all counties in interest.

16 (4) The moneys that may be received and credited to  
17 the Federal Use of State Lands ~~National Forest~~ Trust Fund are  
18 appropriated for the payment of the warrants of the  
19 Comptroller drawn on the Treasurer in pursuance of this  
20 section.

21 Section 23. Effective July 1, 1999, paragraph (a) of  
22 subsection (9) and subsection (10) of section 403.1835,  
23 Florida Statutes, 1998 Supplement, are amended to read:

24 403.1835 Sewage treatment facilities revolving loan  
25 program.--

26 (9) Funds for the loans and grants authorized under  
27 this section must be managed as follows:

28 (a) A nonlapsing trust fund with revolving loan  
29 provisions to be known as the "Wastewater ~~Sewage~~ Treatment and  
30 Stormwater Management Revolving Loan Trust Fund" is hereby  
31 established in the State Treasury to be used as a revolving

1 fund by the department to carry out the purpose of this  
2 section. Any funds therein which are not needed on an  
3 immediate basis for loans may be invested pursuant to s.  
4 215.49. The cost of administering the program shall be paid  
5 from federal funds, from reasonable service fees that may be  
6 imposed upon loans, and from proceeds from the sale of loans  
7 as permitted by federal law so as to enhance program  
8 perpetuity. Grants awarded by the Federal Government, state  
9 matching funds, and investment earnings thereon shall be  
10 deposited into the fund. Proceeds from the sale of loans must  
11 be deposited into the fund. All moneys available in the fund,  
12 including investment earnings, are hereby designated to carry  
13 out the purpose of this section. The principal and interest  
14 payments of all loans held by the fund shall be deposited into  
15 this fund.

16 (10) Because the Legislature has experienced revenue  
17 shortfalls in recent years and has been unable to provide  
18 enough funds to fully match available federal funds to help  
19 capitalize the Wastewater ~~Sewage~~ Treatment and Stormwater  
20 Management Revolving Loan Trust Fund, it is necessary for  
21 innovative approaches to be considered to help capitalize the  
22 revolving loan fund. The department shall evaluate potential  
23 innovative approaches that can generate funds to match  
24 available federal funds. The department may adopt approaches  
25 that will help ensure the continuing viability of the  
26 Wastewater ~~Sewage~~ Treatment and Stormwater Management  
27 Revolving Loan Trust Fund. The department shall consider,  
28 among other possible alternatives, the option of implementing  
29 by rule a program to allow local governments to offer funds  
30 voluntarily to the state for use as a match to available  
31

1 federal funds to capitalize the Wastewater ~~state sewage~~  
2 Treatment and Stormwater Management Revolving Loan Trust Fund.

3 Section 24. Effective July 1, 1999, section 403.1836,  
4 Florida Statutes, is amended to read:

5 403.1836 Wastewater ~~Sewage~~ Treatment and Stormwater  
6 Management Revolving Loan Trust Fund; stormwater management  
7 system construction.--~~Each~~ ~~Beginning in~~ fiscal year ~~1998-1999~~,  
8 the Department of Environmental Protection shall make  
9 available up to 10 percent of the annual revenue received in  
10 the Wastewater ~~Sewage~~ Treatment and Stormwater Management  
11 Revolving Loan Trust Fund for loans to local governmental  
12 agencies for constructing stormwater management systems  
13 authorized pursuant to s. 403.1835. During this period of  
14 time, if the department does not receive requests for projects  
15 to use the funds available for stormwater management systems,  
16 such funds shall be used for constructing sewage treatment  
17 facilities and other activities authorized by s. 403.1835.

18 Section 25. Except as otherwise provided herein, this  
19 act shall take effect July 1, 2000.

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HOUSE SUMMARY

Terminates specified trust funds within the Department of Agriculture and Consumer Services, Department of Environmental Protection, Department of Insurance, and Department of Revenue.

Declares specified trust funds within the Department of Agriculture and Consumer Services, Department of Banking and Finance, Department of Environmental Protection, Department of Insurance, and Department of Revenue to be exempt from the automatic termination requirements of s. 19(f), Art. III of the State Constitution. Provides that the adoption of the Florida Statutes does not operate to repeal acts declaring trust funds to be exempt from such requirements.

Renames specified trust funds within the Department of Banking and Finance and the Department of Environmental Protection.

Amends or repeals various provisions of law, to conform. See bill for details.