

By the Committee on Education Appropriations and  
Representative Wise

1                                   A bill to be entitled  
2           An act relating to trust funds; terminating  
3           specified trust funds within the Department of  
4           Education; providing for disposition of  
5           balances in and revenues of such trust funds;  
6           prescribing procedures for the termination of  
7           such trust funds; declaring the findings of the  
8           Legislature that specified trust funds within  
9           the Department of Education are exempt from the  
10          termination requirements of s. 19(f), Art. III  
11          of the State Constitution; repealing s. 3, ch.  
12          95-114, Laws of Florida, and s. 3, ch. 95-115,  
13          Laws of Florida, to eliminate future review and  
14          termination or re-creation of the Ancillary  
15          Facilities Construction Trust Fund and the  
16          Education--Contracts, Grants, and Donations  
17          Trust Fund; amending s. 11.2423, F.S.;  
18          providing that acts declaring trust funds  
19          exempt from constitutional termination  
20          requirements are not repealed by the adoption  
21          of the Florida Statutes; amending ss. 28.101,  
22          446.52, 741.01, F.S.; correcting cross  
23          references; repealing ss. 236.1229 and  
24          236.12295, F.S., relating to the Florida School  
25          Improvement and Academic Achievement Trust Fund  
26          and grants from the trust fund; amending ss.  
27          240.235 and 240.243, F.S.; eliminating  
28          reference to the Incidental Trust Fund;  
29          revising provisions relating to deposit of  
30          revenues from the service charge assessed for  
31          payment of university tuition and fees in

1 installments and redefining the term "state  
2 funds" for purposes of provisions relating to  
3 the number of classroom teaching hours required  
4 of university faculty members, to conform;  
5 amending s. 240.36, F.S.; revising funding  
6 provisions of the Dr. Philip Benjamin Academic  
7 Improvement Program; amending s. 240.334, F.S.,  
8 to conform; repealing s. 240.3835, F.S.,  
9 relating to the Community College Capital  
10 Facilities Matching Trust Fund; amending s.  
11 240.383, F.S.; revising funding provisions of  
12 the Community College Capital Facilities  
13 Matching Program, to conform; repealing s.  
14 240.408, F.S., relating to the Challenger  
15 Astronauts Memorial Undergraduate Scholarship  
16 Trust Fund; amending ss. 229.602 and 240.4082,  
17 F.S., relating to the teacher/quest partnership  
18 program and the Teacher/Quest Scholarship  
19 Program, to conform; providing an effective  
20 date.

21  
22 Be It Enacted by the Legislature of the State of Florida:  
23

24 Section 1. (1)(a) The following trust funds within  
25 the Department of Education are terminated:

26 1. The Community College Capital Facilities Matching  
27 Trust Fund, no FLAIR number.

28 2. The Florida School Improvement and Academic  
29 Achievement Trust Fund, no FLAIR number.

30 3. The Challenger Astronauts Memorial Undergraduate  
31 Scholarship Trust Fund, FLAIR number 48-2-082.

- 1           4. The Federal Rehabilitation Trust Fund, FLAIR number  
2 48-2-270.
- 3           5. The Dr. Philip Benjamin Academic Improvement Trust  
4 Fund for Community Colleges, FLAIR number 48-2-297.
- 5           (b) The following trust funds within the Department of  
6 Education, Division of Universities, are terminated:
- 7           1. The University of Florida Institute of Food and  
8 Agricultural Sciences Relocation and Construction Trust Fund,  
9 FLAIR number 49-2-025.
- 10           2. The Hurricane Andrew Disaster Relief Trust Fund,  
11 FLAIR number 49-2-200.
- 12           3. The Hurricane Andrew Recovery and Rebuilding Trust  
13 Fund, FLAIR number 49-2-205.
- 14           4. The University of Florida Institute of Food and  
15 Agricultural Sciences Student Fee Trust Fund, FLAIR number  
16 49-2-407. The current balance remaining in, and all revenues  
17 of, the trust fund shall be transferred to the Education and  
18 General Student and Other Fees Trust Fund.
- 19           5. The University of Florida Health Center Student Fee  
20 Trust Fund, FLAIR number 49-2-409. The current balance  
21 remaining in, and all revenues of, the trust fund shall be  
22 transferred to the Education and General Student and Other  
23 Fees Trust Fund.
- 24           6. The University of Florida Health Center Liability  
25 Insurance Trust Fund, FLAIR number 49-2-444.
- 26           7. The University of South Florida Medical Center  
27 Professional Medical Liability Self-Insurance Trust Fund,  
28 FLAIR number 49-2-477.
- 29           8. The University of Florida Health Center at  
30 Jacksonville Liability Insurance Trust Fund, FLAIR number  
31 49-2-768.

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

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

13           Section 2. The Legislature finds that the following  
14 trust funds are exempt from termination pursuant to Section  
15 19(f), Article III of the State Constitution:

16           (1) Within the Department of Education:

17           (a) The Construction Trust Fund, Florida School for  
18 the Deaf and the Blind, FLAIR number 48-2-137.

19           (b) The Educational Enhancement Trust Fund, FLAIR  
20 number 48-2-178.

21           (c) The State School Trust Fund, FLAIR number  
22 48-2-543.

23           (d) The Public Education Capital Outlay and Debt  
24 Service Trust Fund, FLAIR number 48-2-555.

25           (e) The School District and Community College District  
26 Capital Outlay and Debt Service Trust Fund, FLAIR number  
27 48-2-612.

28           (2) Within the Department of Education, Division of  
29 Universities:

30           (a) The Ancillary Facilities Construction Trust Fund,  
31 FLAIR number 49-2-026.

- 1           (b) The Division of Universities Building Fee Trust  
2 Fund, FLAIR number 49-2-064.
- 3           (c) The Division of Universities Capital Improvement  
4 Fee Trust Fund, FLAIR number 49-2-071.
- 5           (d) The State University System Construction Trust  
6 Fund, FLAIR number 49-2-137.
- 7           (e) The Education--Contracts, Grants, and Donations  
8 Trust Fund, FLAIR number 49-2-153.
- 9           (f) The Educational Enhancement Trust Fund, FLAIR  
10 number 49-2-178.
- 11           (g) The Engineering Industrial Experimental Station  
12 Trust Fund, FLAIR number 49-2-186.
- 13           (h) The Auxiliary General Trust Fund, FLAIR number  
14 49-2-330.
- 15           (i) The State University System Law Enforcement Trust  
16 Fund, FLAIR number 49-2-434.
- 17           (j) The Sponsored Research Trust Fund, FLAIR number  
18 49-2-655.
- 19           (k) The Uniform Payroll Trust Fund, FLAIR number  
20 49-2-766.
- 21           (l) The Developmental Research School Trust Fund,  
22 FLAIR number 49-2-999.
- 23           Section 3. Section 3 of chapter 95-114, Laws of  
24 Florida, and section 3 of chapter 95-115, Laws of Florida, are  
25 repealed.
- 26           Section 4. Section 11.2423, Florida Statutes, is  
27 amended to read:
- 28           11.2423 Laws or statutes not repealed.--
- 29           (1) No special or local statute, or statute, local,  
30 limited or special in its nature, shall be repealed by the  
31 Florida Statutes, now or hereafter adopted, and, for the

1 purpose of this saving from repeal any statute of the  
2 following classes shall be taken to be included in such  
3 exception, namely:

4 (a) Any statutes for or concerning only a certain  
5 county or certain designated counties.

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

8 (c) Any statute for or concerning only a certain  
9 municipal corporation.

10 (d) Any statute for or concerning only a designated  
11 individual corporation or corporations.

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

14 (f) Any statute of such limited or local application  
15 as makes its inclusion in a general statute impracticable or  
16 undesirable.

17 (g) Road designation laws.

18 (h) Severability section in any law.

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

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

25 Section 5. Paragraph (b) of subsection (1) of section  
26 28.101, Florida Statutes, 1998 Supplement, is amended to read:

27 28.101 Petitions and records of dissolution of  
28 marriage; additional charges.--

29 (1) When a party petitions for a dissolution of  
30 marriage, in addition to the filing charges in s. 28.241, the  
31 clerk shall collect and receive:

1           (b) A charge of \$5. On a monthly basis, the clerk  
2 shall transfer the moneys collected pursuant to this paragraph  
3 to the State Treasury for deposit in the Displaced Homemaker  
4 Trust Fund created in s. 446.50 ~~410.30~~. If a petitioner does  
5 not have sufficient funds with which to pay this fee and signs  
6 an affidavit so stating, all or a portion of the fee shall be  
7 waived subject to a subsequent order of the court relative to  
8 the payment of the fee.

9           Section 6. Section 446.52, Florida Statutes, is  
10 amended to read:

11           446.52 Confidentiality of information.--Information  
12 about displaced homemakers who receive services under ss.  
13 446.50 ~~410.30~~ and 446.51 ~~410.30~~ which is received through  
14 files, reports, inspections, or otherwise, by the division or  
15 by authorized employees of the division, by persons who  
16 volunteer services, or by persons who provide services to  
17 displaced homemakers under ss. 446.50 ~~410.30~~ and 446.51  
18 ~~410.30~~ through contracts with the division is confidential  
19 and exempt from the provisions of s. 119.07(1). Such  
20 information may not be disclosed publicly in such a manner as  
21 to identify a displaced homemaker, unless such person or the  
22 person's legal guardian provides written consent.

23           Section 7. Subsection (3) of section 741.01, Florida  
24 Statutes, 1998 Supplement, is amended to read:

25           741.01 County court judge or clerk of the circuit  
26 court to issue marriage license; fee.--

27           (3) Further, the fee charged for each marriage license  
28 issued in the state shall be increased by an additional sum of  
29 \$7.50 to be collected upon receipt of the application for the  
30 issuance of a marriage license. The clerk shall transfer such  
31

1 funds monthly to the State Treasury for deposit in the  
2 Displaced Homemaker Trust Fund created in s. 446.50 ~~410.30~~.

3 Section 8. Section 236.1229, Florida Statutes, 1998  
4 Supplement, and section 236.12295, Florida Statutes, are  
5 repealed.

6 Section 9. Subsection (7) of section 240.235, Florida  
7 Statutes, 1998 Supplement, is amended to read:

8 240.235 Fees.--

9 (7) Each university may assess a service charge for  
10 the payment of tuition and fees in installments. Such service  
11 charge must be approved by the Board of Regents. The revenues  
12 from such service charges shall be deposited into a student  
13 fee trust fund the Legislature has established and assigned to  
14 the university for that purpose ~~the Incidental Trust Fund.~~

15 Section 10. Paragraph (a) of subsection (1) of section  
16 240.243, Florida Statutes, is amended to read:

17 240.243 Required number of classroom teaching hours  
18 for university faculty members.--

19 (1) As used in this section:

20 (a) "State funds" means those funds appropriated  
21 annually in the General Appropriations Act ~~from the General~~  
22 ~~Revenue Fund and Incidental Trust Fund for institutional and~~  
23 ~~research functions and, in the case of a health center, those~~  
24 ~~funds appropriated from the General Revenue Fund and~~  
25 ~~Operations and Maintenance Trust Fund for the same purposes.~~

26 Section 11. Section 240.36, Florida Statutes, 1998  
27 Supplement, is amended to read:

28 240.36 Dr. Philip Benjamin Academic Improvement  
29 Program Trust Fund for Community Colleges.--

30 (1) There is created the Dr. Philip Benjamin Academic  
31 Improvement Program Trust Fund for Community Colleges to be



1 administered according to rules of the State Board of  
2 Community Colleges. This program ~~trust fund~~ shall be used to  
3 encourage private support in enhancing public community  
4 colleges by providing the community college system with the  
5 opportunity to receive and match challenge grants.

6 ~~(2) Funds appropriated shall be deposited in the trust~~  
7 ~~fund and shall be invested pursuant to s. 18.125.~~

8 ~~Notwithstanding the provisions of s. 216.301 and pursuant to~~  
9 ~~s. 216.351, any undisbursed balance remaining in the trust~~  
10 ~~fund and interest income accruing to that portion of the trust~~  
11 ~~fund not matched shall remain in the trust fund and shall~~  
12 ~~increase the total funds available for challenge grants. At~~  
13 ~~the end of a fiscal year, any unexpended balance of an~~  
14 ~~appropriation in the trust fund will not revert to the fund~~  
15 ~~from which appropriated, but will remain in the trust fund~~  
16 ~~until used for the purposes specified in this section.~~

17 ~~(2)(3)~~ For every year in which there is a legislative  
18 appropriation to the program ~~trust fund~~, no less than \$25,000  
19 must be reserved to permit each community college and the  
20 State Board of Community Colleges, which shall be an eligible  
21 community college entity for the purposes of this section, an  
22 opportunity to match challenge grants. The balance of the  
23 funds shall be available for matching by any eligible  
24 community college entity. ~~Trust~~ Funds which remain unmatched  
25 by contribution on March 1 of any year shall also be available  
26 for matching by any community college entity. The State Board  
27 of Community Colleges shall adopt rules providing all  
28 community college entities with an opportunity to apply for  
29 excess ~~trust~~ funds prior to the awarding of such funds.  
30 However, no community college may receive more than its  
31 percentage of the total full-time equivalent enrollment or 15

1 percent, whichever is greater, of the funds appropriated to  
2 the program ~~trust fund~~ for that fiscal year and, likewise, the  
3 State Board of Community Colleges may not receive more than 15  
4 percent of the funds appropriated to the program ~~trust fund~~  
5 for that fiscal year. A community college entity shall place  
6 all funds it receives in excess of the first challenge grant  
7 and its matching funds in its endowment fund and only the  
8 earnings on that amount may be spent for approved projects. A  
9 community college entity may spend the first challenge grant  
10 and its matching funds as cash for any approved project,  
11 except scholarships. If a community college entity proposes  
12 to use any amount of the grant or the matching funds for  
13 scholarships, it must deposit that amount in its endowment in  
14 its academic improvement trust fund and use the earnings of  
15 the endowment to provide scholarships.

16 ~~(3)(4)~~ Challenge grants shall be proportionately  
17 allocated from the program ~~trust fund~~ on the basis of matching  
18 each \$4 of state funds with \$6 of local or private funds. To  
19 be eligible, a minimum of \$4,500 must be raised from private  
20 sources.

21 ~~(4)(5)~~ Funds sufficient to provide the match shall be  
22 transferred from the state appropriation ~~trust fund~~ to the  
23 local community college foundation or the statewide community  
24 college foundation upon notification that a proportionate  
25 amount has been received and deposited by the community  
26 college entity in its own trust fund.

27 ~~(5)(6)~~ Each community college entity shall establish  
28 its own academic improvement trust fund as a depository for  
29 the private contributions and matching state funds provided  
30 under this section ~~fund established herein~~. The foundations of  
31 the community college entities are responsible for the

1 maintenance, investment, and administration of their academic  
2 improvement trust funds.

3 (6)~~(7)~~(a) The board of trustees of the community  
4 college and the State Board of Community Colleges are  
5 responsible for determining the uses for the proceeds of their  
6 respective trust funds. Such uses of the proceeds shall be  
7 limited to expenditure of the funds for:

8 1. Scientific and technical equipment.  
9 2. Other activities that will benefit future students  
10 as well as students currently enrolled at the community  
11 college and that will improve the quality of education at the  
12 community college or in the community college system.

13 3. Scholarships, loans, or need-based grants.

14 (b) If a community college includes scholarships,  
15 loans, or need-based grants in its proposal, it shall create  
16 an endowment in its academic improvement trust fund and use  
17 the earnings of the endowment to provide scholarships, loans,  
18 or need-based grants.

19 (c) Proposals for use of the trust fund shall be  
20 submitted to the State Board of Community Colleges for  
21 approval. Any proposal not acted upon in 60 days shall be  
22 considered not approved.

23 (7)~~(8)~~ The State Board of Community Colleges shall  
24 establish rules to provide for the administration of this  
25 program ~~fund~~. Such rules shall establish the minimum challenge  
26 grant reserved for each community college entity and the  
27 maximum amount which a community college entity may receive  
28 from a legislative appropriation in any fiscal year in  
29 accordance with the provisions of the General Appropriations  
30 Act.

31

1           Section 12. Subsection (5) of section 240.334, Florida  
2 Statutes, is amended to read:

3           240.334 Technology transfer centers at community  
4 colleges.--

5           (5) A technology transfer center shall be financed  
6 from the Academic Improvement Program ~~Trust Fund~~ or from  
7 moneys of a community college which are on deposit or received  
8 for use in the activities conducted in the center. Such moneys  
9 shall be deposited by the community college in a permanent  
10 technology transfer fund in a depository or depositories  
11 approved for the deposit of state funds and shall be accounted  
12 for and disbursed subject to regular audit by the Auditor  
13 General.

14           Section 13. Section 240.3835, Florida Statutes, is  
15 repealed.

16           Section 14. Subsections (3), (4), and (11) of section  
17 240.383, Florida Statutes, are amended to read:

18           240.383 State Community College System Facility  
19 Enhancement Challenge Grant Program.--

20           (3) The Community College Capital Facilities Matching  
21 Program ~~Trust Fund, if created by law, otherwise the General~~  
22 ~~Revenue Fund,~~ shall provide funds to match private  
23 contributions for the development of high priority  
24 instructional and community-related capital facilities,  
25 including common areas connecting such facilities, within the  
26 State Community College System. ~~All appropriated funds~~  
27 ~~deposited in the trust fund, if created by law, otherwise the~~  
28 ~~General Revenue Fund, shall be invested pursuant to the~~  
29 ~~provisions of s. 18.125. Interest income accruing to that~~  
30 ~~portion of the trust fund, if created by law, otherwise the~~  
31 ~~General Revenue Fund, shall increase the total funds available~~

1 ~~for the challenge grant program. Interest income accruing~~  
2 ~~from the private donations shall be returned to the~~  
3 ~~participating direct-support organization upon completion of~~  
4 ~~the project.~~

5 (4) Within the direct-support organization of each  
6 community college there must be established a separate capital  
7 facilities matching account for the purpose of providing  
8 matching funds from the direct-support organization's  
9 unrestricted donations or other private contributions for the  
10 development of high priority instructional and  
11 community-related capital facilities, including common areas  
12 connecting such facilities. The Legislature shall appropriate  
13 ~~funds to be transferred to the Community College Capital~~  
14 ~~Facilities Matching Trust Fund, if created by law, otherwise~~  
15 ~~the General Revenue Fund,~~for distribution to a community  
16 college after matching funds are certified by the  
17 direct-support organization and community college. The Public  
18 Education Capital Outlay and Debt Service Trust Fund shall not  
19 be used as the source of the state match for private  
20 contributions.

21 (11) Any project funds that are unexpended after a  
22 project is completed shall revert to the community college's  
23 direct-support organization capital facilities matching  
24 account. Fifty percent of such unexpended funds shall be  
25 reserved for the community college which originally received  
26 the private contribution for the purpose of providing private  
27 matching funds for future facility construction projects as  
28 provided in this section. The balance of such unexpended  
29 funds shall be returned to the ~~Community College Capital~~  
30 ~~Facilities Matching Trust Fund, if created by law, otherwise~~  
31 ~~the General Revenue Fund, and be available to any community~~

1 ~~college for future facility construction projects conducted~~  
2 ~~pursuant to this section.~~

3 Section 15. Section 240.408, Florida Statutes, is  
4 repealed.

5 Section 16. Subsection (10) of section 229.602,  
6 Florida Statutes, is amended to read:

7 229.602 Florida private sector and education  
8 partnerships.--

9 (10)(a) There is hereby created the teacher/quest  
10 partnership program. This program establishes a new education  
11 partnership with business, industry, or nonprofit or  
12 government agencies for the purpose of providing teachers with  
13 the opportunity to enhance their knowledge and improve their  
14 teaching skills in the areas of science, mathematics, and  
15 computer science.

16 (b) Teachers shall participate in a project in  
17 association with a business, industry, or agency partner.  
18 Teachers shall explore job-related science, mathematics, and  
19 computer skills, and the application of mathematical,  
20 scientific, and computing concepts to problems faced in  
21 business, industry, or agency settings. This experience will  
22 keep them current, provide them with a "real world"  
23 perspective and experiential knowledge, and enable them to  
24 develop resource contacts from the participating organizations  
25 who could be invited to participate in classroom  
26 demonstrations or other learning experiences.

27 (c) The Department of Education is authorized to  
28 distribute grants to school districts for teacher/quest  
29 partnership projects. Each project shall provide salary  
30 stipends to teachers for the summer recess at their regular  
31 rate of pay. Each school district and participating business,

1 industry, or agency shall reach a contractual agreement which  
2 shall be included in a proposal submitted to the Department of  
3 Education. A business, industry, or agency shall agree to hire  
4 teachers, and teacher recipients shall make a commitment to  
5 continue teaching or repay the cost of the stipend. The  
6 proposed projects shall be judged on their originality and the  
7 potential transfer of knowledge to learning opportunities for  
8 students. All projects shall require the participating  
9 business, industry, or agency to match state dollars one for  
10 one.

11 ~~(d) The program shall be funded wholly or in part by~~  
12 ~~the Challenger Astronauts Memorial Undergraduate Scholarship~~  
13 ~~Trust Fund, pursuant to s. 240.408.~~

14 Section 17. Section 240.4082, Florida Statutes, is  
15 amended to read:

16 240.4082 Teacher/Quest Scholarship Program.--

17 ~~(1)~~ The Teacher/Quest Scholarship Program is created  
18 for the purpose of providing teachers with the opportunity to  
19 enhance their knowledge of science, mathematics, and computer  
20 applications in business, industry, and government. A school  
21 district or developmental research school may propose that one  
22 or more teachers be granted a Teacher/Quest Scholarship by  
23 submitting to the Department of Education:

24 (1)~~(a)~~ A project proposal specifying activities a  
25 teacher will carry out to improve his or her:

26 (a)~~1.~~ Understanding of mathematical, scientific, or  
27 computing concepts;

28 (b)~~2.~~ Ability to apply and demonstrate such concepts  
29 through instruction;

30 (c)~~3.~~ Knowledge of vocational requirements for  
31 competency in mathematics, science, and computing; and

1           (d)~~4~~. Ability to integrate and apply technological  
2 concepts from all three fields; and  
3           (2)~~(b)~~ A contractual agreement with a private  
4 corporation or governmental agency that implements the project  
5 proposal and guarantees employment to the teacher during a  
6 summer or other period when schools are out of session. The  
7 agreement must stipulate a salary rate that does not exceed  
8 regular rates of pay and a gross salary amount consistent with  
9 applicable statutory and contractual provisions for the  
10 teachers' employment. The teachers' compensation shall be  
11 provided for on an equally matched basis by ~~funds from the~~  
12 ~~Challenger Astronauts Memorial Undergraduate Scholarship Trust~~  
13 ~~Fund, as provided for in s. 240.408,~~ and funds from the  
14 employing corporation or agency.

15           ~~(2) This section shall be administered subject to the~~  
16 ~~availability of funds from the Challenger Astronauts Memorial~~  
17 ~~Undergraduate Scholarship Trust Fund and such authority as may~~  
18 ~~be exercised by the Challenger Astronauts Memorial Foundation~~  
19 ~~over such fund.~~

20           Section 18. This act shall take effect July 1, 2000.

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22           \*\*\*\*\*

23           HOUSE SUMMARY

24           Terminates various trust funds within the Department of  
25 Education. Repeals and amends various provisions of law,  
26 to conform.

27           Declares various trust funds within the Department of  
28 Education to be exempt from the automatic termination  
29 requirements of s. 19(f), Art. III of the State  
30 Constitution. Provides that the adoption of the Florida  
31 Statutes does not operate to repeal acts declaring trust  
funds to be exempt from such requirements.

31           See bill for details.