

By the Committee on Fiscal Policy

301-293A-99

1                                   A bill to be entitled  
2           An act relating to trust funds within the  
3           Department of Insurance; abolishing the Fire  
4           College Trust Fund and transferring its balance  
5           to the Insurance Commissioner's Regulatory  
6           Trust Fund; re-creating the Insurance  
7           Commissioner's Regulatory Trust Fund; carrying  
8           forward current balances and continuing current  
9           sources and uses thereof; amending ss. 624.516,  
10          633.445, 633.46, 633.461, 633.50, F.S., and  
11          repealing s. 633.45(1)(r), F.S., relating to  
12          the Fire College Trust Fund; conforming  
13          provisions to the transfer of the balance of  
14          the trust fund to the Insurance Commissioner's  
15          Regulatory Trust Fund; providing effective  
16          dates.

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18           WHEREAS, the Legislature wishes to transfer the Fire  
19          College Trust Fund to the Insurance Commissioner's Regulatory  
20          Trust Fund, and

21           WHEREAS, the Legislature wishes to extend the life of  
22          the Insurance Commissioner's Regulatory Trust Fund, which is  
23          otherwise scheduled to be terminated pursuant to  
24          constitutional mandate, and

25           WHEREAS, the Legislature has reviewed the trust fund  
26          before its scheduled termination date and has found that it  
27          continues to meet an important public purpose, and

28           WHEREAS, the Legislature finds that the existing public  
29          policy concerning the trust fund sets adequate parameters for  
30          its use, NOW, THEREFORE,

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

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3           Section 1. Effective July 1, 1999, the Fire College  
4 Trust Fund within the Division of State Fire Marshal of the  
5 Department of Insurance, FLAIR number 46-2-288, is abolished  
6 and its entire balance is transferred to the Insurance  
7 Commissioner's Regulatory Trust Fund.

8           Section 2. (1) The Insurance Commissioner's  
9 Regulatory Trust Fund within the Department of Insurance,  
10 FLAIR number 4600, which is to be terminated pursuant to  
11 Section 19(f), Article III of the State Constitution on  
12 November 4, 2000, is re-created.

13           (2) All current balances of the trust fund are carried  
14 forward and all current sources and uses of the trust fund are  
15 continued.

16           Section 3. Section 624.516, Florida Statutes, is  
17 amended to read:

18           624.516 State Fire Marshal regulatory assessment and  
19 surcharge; deposit and use of funds.--

20           (1) The regulatory assessment imposed under s.  
21 624.515(1) and the surcharge imposed under s. 624.515(2) shall  
22 be deposited by the Department of Revenue, when received and  
23 audited, into the Insurance Commissioner's Regulatory Trust  
24 Fund. ~~The surcharge imposed under s. 624.515(2) shall be~~  
25 ~~deposited by the Department of Revenue, when received and~~  
26 ~~audited, into the Fire College Trust Fund.~~

27           (2) The moneys ~~so~~ received and deposited in the funds,  
28 as provided in subsection (1), are ~~hereby~~ appropriated for use  
29 by the State Treasurer as ex officio State Fire Marshal,  
30 hereinafter referred to as "State Fire Marshal," to defray the  
31 expenses of the State Fire Marshal in the discharge of her or

1 his administrative and regulatory powers and duties as  
2 prescribed by law, including the maintaining of offices and  
3 necessary supplies therefor, essential equipment and other  
4 materials, salaries and expenses of required personnel, and  
5 all other legitimate expenses relating to the discharge of the  
6 administrative and regulatory powers and duties imposed in and  
7 charged to her or him under such laws.

8 (3) If, at the end of any fiscal year, a balance of  
9 funds remains in the Insurance Commissioner's Regulatory Trust  
10 Fund ~~or the Fire College Trust Fund, respectively,~~ such  
11 balance shall not revert to the general fund of the state, but  
12 shall be retained in the Insurance Commissioner's Regulatory  
13 Trust Fund ~~or the Fire College Trust Fund~~ to be used for the  
14 purposes for which the moneys are ~~same is~~ appropriated as set  
15 forth in subsection (2) ~~above~~.

16 Section 4. Subsections (1), (2), (3), (9), and (10) of  
17 section 633.445, Florida Statutes, are amended to read:

18 633.445 State Fire Marshal Scholarship Grant  
19 Program.--

20 (1) All payments, gifts, or grants received pursuant  
21 to this section shall be deposited in the State Treasury to  
22 the credit of the Insurance Commissioner's Regulatory ~~Fire~~  
23 ~~College~~ Trust Fund for the State Fire Marshal Scholarship  
24 Grant Program. Such funds shall provide, from grants to the  
25 state from moneys raised from public and private sources,  
26 scholarships for qualified applicants to the Florida State  
27 Fire College as created by s. 633.43.

28 (2) The Comptroller shall authorize expenditures from  
29 the Insurance Commissioner's Regulatory ~~Fire College~~ Trust  
30 Fund upon receipt of vouchers approved by the State Fire  
31 Marshal. All moneys collected from public and private sources

1 pursuant to this section shall be deposited into the trust  
2 fund. Any balance in the trust fund at the end of any fiscal  
3 year shall remain therein and shall be available for carrying  
4 out the purposes of the fund in the ensuing year.

5 (3) All funds deposited into the Insurance  
6 Commissioner's Regulatory ~~Fire College~~ Trust Fund shall be  
7 invested pursuant to ~~the provisions of~~ s. 18.125. Interest  
8 income accruing to moneys so invested shall increase the total  
9 funds available for the purposes for which the trust fund is  
10 created.

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

23 (10) The council may accept payments, gifts, and  
24 grants of money from any federal agency, private agency,  
25 county, city, town, corporation, partnership, or individual  
26 for deposit in the Insurance Commissioner's Regulatory ~~Fire~~  
27 ~~College~~ Trust Fund to implement this section and for  
28 authorized expenses incurred by the council in performing its  
29 duties.

30 Section 5. Paragraph (r) of subsection (1) of section  
31 633.45, Florida Statutes, is repealed.

1           Section 6. Section 633.46, Florida Statutes, is  
2 amended to read:

3           633.46 Fees.--The division may fix and collect  
4 admission fees and other fees which it deems necessary to be  
5 charged for training given. All fees so collected shall be  
6 deposited in the Insurance Commissioner's Regulatory Fire  
7 ~~College~~ Trust Fund.

8           Section 7. Section 633.461, Florida Statutes, is  
9 amended to read:

10           633.461 Insurance Commissioner's Regulatory Fire  
11 ~~College~~ Trust Fund.--The funds received from the Insurance  
12 Commissioner's Regulatory Fire~~College~~ Trust Fund shall be  
13 used ~~utilized~~ by the staff of the Florida State Fire College  
14 to provide all necessary services, training, equipment, and  
15 supplies to carry out the college's responsibilities,  
16 including, but not limited to, the State Fire Marshal  
17 Scholarship Grant Program and the procurement of training  
18 films, videotapes, audiovisual equipment, and other useful  
19 information on fire, firefighting, and fire prevention,  
20 including public fire service information packages.

21           Section 8. Subsection (2) of section 633.50, Florida  
22 Statutes, is amended to read:

23           633.50 Division powers and duties; Florida State Fire  
24 College.--

25           (2) Funds generated by the formula per full-time  
26 equivalent student may not exceed the level of state funding  
27 per full-time equivalent student generated through the Florida  
28 Education Finance Program or the State Community College  
29 Program Fund for students enrolled in comparable education  
30 programs provided by public school districts and community  
31 colleges. Funds appropriated for education and operational

1 costs shall be deposited in the Insurance Commissioner's  
2 Regulatory ~~Fire College~~ Trust Fund to be used solely for  
3 purposes specified in s. 633.461 and may not be transferred to  
4 any other budget entity for purposes other than education.

5 Section 9. This act shall take effect July 1, 1999,  
6 except that section 2 shall take effect November 4, 2000.

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SENATE SUMMARY

10 Abolishes the Fire College Trust Fund within the  
11 Department of Insurance and transfers its balance to the  
12 Insurance Commissioner's Regulatory Trust Fund.  
13 Re-creates the Insurance Commissioner's Regulatory Trust  
14 Fund within the Department of Insurance.

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