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2 An act relating to trust funds; terminating
3 specified trust funds within the Department of
4 Agriculture and Consumer Services, Department
5 of Environmental Protection, Department of
6 Insurance, and Department of Revenue; providing
7 for disposition of balances in and revenues of
8 such trust funds; prescribing procedures for
9 the termination of such trust funds; declaring
10 the 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28 requirements are not repealed by the adoption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.

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

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

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.
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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.

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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.

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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:

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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.

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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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