

By Senator Clary

7-1150-01

1 A bill to be entitled
2 An act relating to trust funds; terminating
3 specified trust funds within the Department of
4 Management Services; providing for disposition
5 of balances in the trust funds; prescribing
6 procedures for terminating the trust funds;
7 amending s. 110.125, F.S.; providing for
8 expenses and costs of operating the personnel
9 program of various state agencies to be
10 deposited into the Services Trust Fund of the
11 Department of Management Services; amending s.
12 215.196, F.S.; abolishing the Architects
13 Incidental Trust Fund within the department;
14 providing for assessments for fixed capital
15 outlay projects to be deposited into the
16 Supervision Trust Fund of the department;
17 amending s. 287.161, F.S.; providing for fees
18 collected for persons traveling by state-owned
19 aircraft to be deposited into the Services
20 Trust Fund rather than the Bureau of Aircraft
21 Trust Fund; amending s. 255.503, F.S.;
22 providing for funds collected from state
23 agencies by the department for the rental of
24 facilities to be deposited into the Services
25 Trust Fund; amending s. 287.16, F.S.; providing
26 for fees charged to state agencies for aircraft
27 or motor vehicles to be deposited into the
28 Services Trust Fund; amending s. 217.07, F.S.;
29 providing for the transfer of certain
30 unexpended funds into the Services Trust Fund
31 rather than the Surplus Property Revolving

1 Trust Fund; amending s. 287.042, F.S.;
2 providing for fees collected for the use of
3 electronic information services to be deposited
4 into the Services Trust Fund rather than the
5 Grants and Donations Trust Fund; amending s.
6 287.1345, F.S.; providing for the use of the
7 surcharge imposed on users of state term
8 contracts by the Department of Management
9 Services; providing for deposit of such funds
10 into the Services Trust Fund rather than the
11 Grants and Donations Trust Fund; providing an
12 effective date.

13

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

15

16 Section 1. (1) The following trust funds within the
17 Department of Management Services are terminated:

18 (a) The Architects Incidental Trust Fund, FLAIR number
19 72-2033. The remaining balance and revenues in this fund shall
20 be deposited into the Supervision Trust Fund.

21 (b) The Bureau of Aircraft Trust Fund, FLAIR number
22 72-2066. The remaining balance and revenues in this fund shall
23 be deposited into the Services Trust Fund.

24 (c) The Motor Vehicle Operating Trust Fund, FLAIR
25 number 72-2486. The remaining balance and revenues in this
26 fund shall be deposited into the Services Trust Fund.

27 (d) The Surplus Property Revolving Trust Fund, FLAIR
28 number 72-2699. The remaining balance and revenues in this
29 fund shall be deposited into the Services Trust Fund.

30

31

1 (e) The State Personnel System Trust Fund, FLAIR
2 number 72-2678. The remaining balance and revenues in this
3 fund shall be deposited into the Services Trust Fund.

4 (2) For each trust fund terminated by this act, the
5 agency 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. Section 110.125, Florida Statutes, is
12 amended to read:

13 110.125 Administrative costs.--The administrative
14 expenses and costs of operating the personnel program
15 established by this chapter shall be paid by the various
16 agencies of the state government, and each such agency shall
17 include in its budget estimates its pro rata share of such
18 cost as determined by the Department of Management Services.
19 To establish an equitable division of the costs, the amount to
20 be paid by each agency shall be determined in such proportion
21 as the service rendered to each agency bears to the total
22 service rendered under the provisions of this chapter. The
23 amounts paid to the Department of Management Services which
24 are attributable to positions within the Senior Management
25 Service and the Selected Professional Service shall be used
26 for the administration of such services, training activities
27 for positions within those services, and the development and
28 implementation of a database of pertinent historical
29 information on exempt positions. Should any state agency
30 become more than 90 days delinquent in payment of this
31 obligation, the department shall certify to the Comptroller

1 the amount due and the Comptroller shall transfer the amount
2 due to the department from any debtor agency funds available.
3 All fees received under this section shall be deposited into
4 the Services Trust Fund of the Department of Management
5 Services.

6 Section 3. Section 215.196, Florida Statutes, is
7 amended to read:

8 215.196 Supervision Architects ~~Incidental~~ Trust Fund;
9 ~~creation/assessment.--~~

10 ~~(1) There is created the Architects Incidental Trust~~
11 ~~Fund for the purpose of providing sufficient funds for the~~
12 ~~operation of the facilities development activities of the~~
13 ~~Department of Management Services.~~

14 ~~(2)~~ The Department of Management Services may ~~is~~
15 ~~authorized to~~ levy and assess an amount necessary to cover the
16 cost of administration by the department of fixed capital
17 outlay projects on which it serves as owner representative on
18 behalf of the state. The assessment rate is to be provided in
19 the General Appropriations Act and statement of intent and
20 shall be based on estimated operating cost projections for the
21 services rendered. The total assessment shall be transferred
22 into the Supervision Architects ~~Incidental~~ Trust Fund at the
23 beginning of each fiscal year.

24 Section 4. Subsections (3) and (4) of section 287.161,
25 Florida Statutes, are amended to read:

26 287.161 Executive aircraft pool; assignment of
27 aircraft; charge for transportation.--

28 (3) Fees collected for persons traveling by aircraft
29 in the executive aircraft pool shall be deposited into the
30 Services Bureau of Aircraft Trust Fund and shall be expended
31

1 for fuel, maintenance, or other costs incurred in accordance
2 with rules adopted pursuant to s. 287.16.

3 (4) Notwithstanding the requirements of subsections
4 (2) and (3) and for the 2000-2001 fiscal year only, the
5 Department of Management Services shall charge all persons
6 receiving transportation from the executive aircraft pool a
7 rate not less than the mileage allowance fixed by the
8 Legislature for the use of privately owned vehicles. Fees
9 collected for persons traveling by aircraft in the executive
10 aircraft pool shall be deposited into the Services Bureau of
11 Aircraft Trust Fund and shall be expended for costs incurred
12 to operate the aircraft management activities of the
13 department. It is the intent of the Legislature that the
14 executive aircraft pool be operated on a full cost recovery
15 basis, less available funds. This subsection expires July 1,
16 2005 ~~2001~~.

17 Section 5. Subsection (1) of section 255.503, Florida
18 Statutes, is amended to read:

19 255.503 Powers of the Department of Management
20 Services.--The Department of Management Services shall have
21 all the authority necessary to carry out and effectuate the
22 purposes and provisions of this act, including, but not
23 limited to, the authority to:

24 (1) Collect reasonable rentals or charges for the use
25 of and services provided for facilities in the pool in
26 accordance with the provisions of this act exclusively for the
27 purpose of paying the expenses of improving, repairing,
28 maintaining, and operating facilities and paying debt service
29 charges in connection with its obligations. Funds received
30 under this section shall be deposited to the credit of the
31 Services Trust Fund in the Department of Management Services.

1 Section 6. Subsection (5) of section 287.16, Florida
2 Statutes, is amended to read:

3 287.16 Powers and duties of department.--The
4 Department of Management Services shall have the following
5 powers, duties, and responsibilities:

6 (5) To allocate and charge fees to the state agencies
7 to which aircraft or motor vehicles are furnished, based upon
8 any reasonable criteria. All fees collected under this section
9 shall be deposited to the credit of the Services Trust Fund in
10 the Department of Management Services.

11 Section 7. Section 217.07, Florida Statutes, is
12 amended to read:

13 217.07 Transfer of surplus property assets to
14 department.--The State Treasurer may ~~is authorized to~~ transfer
15 to the department any funds unexpended in the Services Surplus
16 ~~Property Revolving~~ Trust Fund ~~account~~ in the State Treasury.
17 ~~This revolving fund shall remain in existence as a separate~~
18 ~~trust fund as long as the surplus property program exists.~~
19 Upon termination of the program any remaining funds shall be
20 disposed of as provided by federal law.

21 Section 8. Paragraph (g) of subsection (1) of section
22 287.042, Florida Statutes, is amended to read:

23 287.042 Powers, duties, and functions.--The department
24 shall have the following powers, duties, and functions:

25 (1)

26 (g) The department may collect fees for the use of its
27 electronic information services. The fees may be imposed on an
28 individual transaction basis or as a fixed subscription for a
29 designated period of time. At a minimum, the fees shall be
30 determined in an amount sufficient to cover the department's
31 projected costs of such services, including overhead in

1 accordance with the policies of the Department of Management
2 Services for computing its administrative assessment. All
3 fees collected pursuant to this paragraph shall be deposited
4 in the Services Grants and Donations Trust Fund for
5 disbursement as provided by law.

6 Section 9. Section 287.1345, Florida Statutes, is
7 amended to read:

8 287.1345 Surcharge on users of state term contracts;
9 deposit of proceeds collected.--The Department of Management
10 Services may impose a surcharge upon users of state term
11 contracts for the purpose of providing sufficient funds for
12 the operation of the Department of Management Services, as
13 established by law, and for other technology projects
14 determined by the state's Chief Information Officer to be in
15 the best interests of the state in order to fund the costs,
16 including overhead, of its procurement function. The
17 department may provide for the state term contract vendor to
18 collect the surcharge or directly collect the fee from the
19 public agency involved. For the purpose of compensating
20 vendors for expenses incurred in collecting such fees, the
21 department may authorize a vendor to retain a portion of the
22 fees. The vendor may withhold the portion retained from the
23 amount of fees to be remitted to the department. The
24 department may negotiate the retainage as a percentage of such
25 fees charged to users, as a flat amount, or as any other
26 method the department deems feasible. Vendors shall maintain
27 accurate sales summaries for purchases made from state term
28 contracts and shall provide the summaries to the department on
29 a quarterly basis. Any contract remedies relating to the
30 collection of such fees from users through vendors are
31 enforceable, including, but not limited to, liquidated

1 damages, late fees, and the costs of collection, including
2 attorney's fees. The fees collected pursuant to this section
3 shall be deposited into the Services ~~Grants and Donations~~
4 Trust Fund of the department and are subject to appropriation
5 as provided by law. The Executive Office of the Governor may
6 exempt transactions from the payment of the surcharge if
7 payment of such surcharge would cause the state, a political
8 subdivision, or unit of local government to lose federal funds
9 or in other cases where such exemption is in the public
10 interest. The fees collected pursuant to this section and
11 interest income on such fees shall not be deemed to be income
12 of a revenue nature for purposes of chapter 215.

13 Section 10. This act shall take effect July 1, 2001.

14 *****

15 SENATE SUMMARY

16 Abolishes various trust funds administered by the
17 Department of Management Services. Provides for certain
18 additional funds collected by the department to be
19 deposited into the Services Trust Fund. (See bill for
20 details.)
21
22
23
24
25
26
27
28
29
30
31