

By the Committee on General Government Appropriations and  
Representatives Dockery, Greenstein, Bennett, Harrell,  
Gottlieb, Holloway and Mayfield

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 and the Agency for  
5           Workforce Innovation; providing for disposition  
6           of balances in and revenues of such trust  
7           funds; declaring the findings of the  
8           Legislature that specified trust funds within  
9           the Department of Management Services are  
10          exempt from the termination requirements of s.  
11          19(f), Art. III of the State Constitution;  
12          renaming specified trust funds within the  
13          Department of Management Services and the  
14          Department of Education; amending s. 272.161,  
15          F.S.; providing for the deposit of fees from  
16          rental of reserved parking spaces into the  
17          Facilities Management Trust Fund, to conform;  
18          amending s. 284.01, F.S.; providing for rental  
19          value insurance for loss of income from certain  
20          buildings operated and maintained by the  
21          Department of Management Services from the  
22          Facilities Management Trust Fund, to conform;  
23          amending s. 235.2195, F.S.; providing for  
24          deposit of proceeds from bond sales under the  
25          1997 School Capital Outlay Bond Program into  
26          the Lottery Capital Outlay and Debt Service  
27          Trust Fund; amending s. 215.196, F.S.;  
28          providing for deposit of proceeds from fixed  
29          capital outlay management assessments into the  
30          Facilities Management Trust Fund, to conform;  
31          amending s. 287.16, F.S.; providing for deposit

1 of proceeds from fees charged to state agencies  
2 to which aircraft or motor vehicles are  
3 furnished into the Purchasing and  
4 Transportation Support Trust Fund; amending s.  
5 287.161, F.S.; providing for deposit of  
6 proceeds from fees collected for use of the  
7 executive aircraft pool into the Purchasing and  
8 Transportation Support Trust Fund, to conform;  
9 amending s. 217.07, F.S.; providing for deposit  
10 of federal surplus property assets into the  
11 Purchasing and Transportation Support Trust  
12 Fund, to conform; amending s. 287.042, F.S.;  
13 providing for deposit of proceeds from fees  
14 collected for use of electronic information  
15 services of the Department of Management  
16 Services and for deposit of funds from certain  
17 governmental agencies pursuant to joint  
18 purchasing agreements into the Purchasing and  
19 Transportation Support Trust Fund, to conform;  
20 amending s. 287.1345, F.S.; providing for  
21 deposit of proceeds from the surcharge on users  
22 of state term contracts into the Purchasing and  
23 Transportation Support Trust Fund, to conform;  
24 expanding uses of the surcharge proceeds;  
25 amending s. 215.22, F.S.; providing for the  
26 Technology Enterprise Trust Fund to be exempt  
27 from the general revenue service charge, to  
28 conform; amending s. 216.292, F.S.; providing  
29 for billings for state communications system  
30 services to be transferred to the Technology  
31 Enterprise Trust Fund, to conform; repealing s.

1           282.20(6), F.S., relating to the Technology  
2           Resource Center's reserve account of its  
3           working capital trust fund, to conform;  
4           repealing s. 110.151(7), F.S., relating to  
5           reestablishment of the State Employee Child  
6           Care Revolving Trust Fund, to conform;  
7           providing for contingent effect of certain  
8           provisions; providing effective dates.

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

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12           Section 1. (1) The following trust funds within the  
13 Department of Management Services are terminated, effective  
14 July 1, 2001, except as otherwise provided:

15           (a) The Architects Incidental Trust Fund, FLAIR number  
16 72-2-033. The current balance remaining in, and all revenues  
17 of, the trust fund shall be transferred to the Facilities  
18 Management Trust Fund, FLAIR number 72-2-696.

19           (b) The Bureau of Aircraft Trust Fund, FLAIR number  
20 72-2-066. The current balance remaining in, and all revenues  
21 of, the trust fund shall be transferred to the Purchasing and  
22 Transportation Support Trust Fund. This paragraph is  
23 contingent on the creation of the Purchasing and  
24 Transportation Support Trust Fund in a separate bill, as  
25 required by s. 19(f)(1), Art. III of the State Constitution,  
26 in the same legislative session or an extension thereof.

27           (c) The Communications Working Capital Trust Fund,  
28 FLAIR number 72-2-105. The current balance remaining in, and  
29 all revenues of, the trust fund shall be transferred to the  
30 Technology Enterprise Trust Fund. This paragraph is contingent  
31 on the creation of the Technology Enterprise Trust Fund in a

1 separate bill, as required by s. 19(f)(1), Art. III of the  
2 State Constitution, in the same legislative session or an  
3 extension thereof.

4 (d) The Motor Vehicle Operating Trust Fund, FLAIR  
5 number 72-2-486. The current balance remaining in, and all  
6 revenues of, the trust fund shall be transferred to the  
7 Purchasing and Transportation Support Trust Fund. This  
8 paragraph is contingent on the creation of the Purchasing and  
9 Transportation Support Trust Fund in a separate bill, as  
10 required by s. 19(f)(1), Art. III of the State Constitution,  
11 in the same legislative session or an extension thereof.

12 (e) The State Employee Child Care Revolving Trust  
13 Fund, FLAIR number 72-2-670, effective July 1, 2002. The  
14 current balance remaining in, and all revenues of, the trust  
15 fund shall be transferred to the State Personnel System Trust  
16 Fund, FLAIR number 72-2-678.

17 (f) The Surplus Property Revolving Trust Fund, FLAIR  
18 number 72-2-699. The current balance remaining in, and all  
19 revenues of, the trust fund shall be transferred to the  
20 Purchasing and Transportation Support Trust Fund. This  
21 paragraph is contingent on the creation of the Purchasing and  
22 Transportation Support Trust Fund in a separate bill, as  
23 required by s. 19(f)(1), Art. III of the State Constitution,  
24 in the same legislative session or an extension thereof.

25 (g) The Working Capital Trust Fund, FLAIR number  
26 72-2-792. The current balance remaining in, and all revenues  
27 of, the trust fund shall be transferred to the Technology  
28 Enterprise Trust Fund. This paragraph is contingent on the  
29 creation of the Technology Enterprise Trust Fund in a separate  
30 bill, as required by s. 19(f)(1), Art. III of the State  
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1 Constitution, in the same legislative session or an extension  
2 thereof.

3 (2) The Revolving Trust Fund within the Agency for  
4 Workforce Innovation, FLAIR number 75-2-600, is terminated,  
5 effective July 1, 2001. The current balance remaining in, and  
6 all revenues of, the trust fund shall be transferred to the  
7 Administrative Trust Fund. This subsection is contingent on  
8 the creation of the Administrative Trust Fund within the  
9 Agency for Workforce Innovation in a separate bill, as  
10 required by s. 19(f)(1), Art. III of the State Constitution,  
11 in the same legislative session or an extension thereof.

12 Section 2. The Legislature finds that the following  
13 trust funds within the Department of Management Services are  
14 exempt from termination pursuant to s. 19(f), Art. III of the  
15 State Constitution:

16 (1) The Florida Retirement System Trust Fund, FLAIR  
17 number 72-2-309.

18 (2) The Florida Facilities Pool Clearing Trust Fund,  
19 FLAIR number 72-2-313.

20 (3) The Florida Retirement System Preservation of  
21 Benefits Plan Trust Fund, FLAIR number 72-2-345.

22 (4) The Institute of Food and Agricultural Sciences  
23 Supplemental Retirement Trust Fund, FLAIR number 72-2-379.

24 (5) The Senior Management Service Optional Annuity  
25 Trust Fund, FLAIR number 72-2-515.

26 (6) The Optional Retirement Program Trust Fund, FLAIR  
27 number 72-2-517.

28 (7) The Police and Firefighters' Premium Tax Trust  
29 Fund, FLAIR number 72-2-532.

30 (8) The Social Security Contribution Trust Fund, FLAIR  
31 number 72-2-638.

1           (9) The State Employees' Life Insurance Trust Fund,  
2 FLAIR number 72-2-667.

3           (10) The State Employees' Health Insurance Trust Fund,  
4 FLAIR number 72-2-668.

5           (11) The State Employees' Disability Insurance Trust  
6 Fund, FLAIR number 72-2-671.

7           (12) The State Employees' Savings Bond Trust Fund,  
8 FLAIR number 72-2-674.

9           Section 3. The following trust funds are renamed:

10           (1) Within the Department of Management Services, the  
11 Supervision Trust Fund, FLAIR number 72-2-696, is renamed the  
12 Facilities Management Trust Fund.

13           (2) Within the Department of Education, State  
14 University System:

15           (a) The State University System Law Enforcement Trust  
16 Fund, FLAIR number 49-2-434, is renamed the Law Enforcement  
17 Trust Fund.

18           (b) The University of Florida Health Center Incidental  
19 Trust Fund, FLAIR number 49-2-381, is renamed the Incidental  
20 Trust Fund.

21           Section 4. Subsection (3) of section 272.161, Florida  
22 Statutes, is amended to read:

23           272.161 Rental of reserved parking spaces.--

24           (3) All fees collected by the Department of Management  
25 Services under the provisions of this section shall be  
26 deposited in the Facilities Management ~~Supervision~~ Trust Fund.  
27 The department shall account for the revenues and expenditures  
28 related to the paid parking program in compliance with the  
29 provisions of s. 215.32(2)(b). The revenues collected from  
30 parking fees shall be used for the maintenance, minor  
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1 construction, enforcement, security, and administration of  
2 parking facilities and programs.

3 Section 5. Subsection (2) of section 284.01, Florida  
4 Statutes, is amended to read:

5 284.01 State Risk Management Trust Fund; coverages to  
6 be provided.--

7 (2) The fund shall insure all buildings, whether  
8 financed in whole or in part by revenue bonds or certificates,  
9 and the contents thereof or of any other buildings leased or  
10 rented by the state. For the purpose of this section, all  
11 manufactured homes and contents, whether permanently affixed  
12 to realty or otherwise, are included. Rental value insurance  
13 shall also be provided to indemnify the state or any of its  
14 agencies for loss of income when such rental income insurance  
15 is required to be carried by the terms of any bonding or  
16 revenue certificates or resolutions. Rental value insurance  
17 shall also be provided to indemnify the state or any of its  
18 agencies for loss of income from those buildings operated and  
19 maintained by the Department of Management Services from the  
20 Facilities Management ~~Supervision~~ Trust Fund.

21 Section 6. Subsection (3) of section 235.2195, Florida  
22 Statutes, is amended to read:

23 235.2195 The 1997 School Capital Outlay Bond  
24 Program.--There is hereby established the 1997 School Capital  
25 Outlay Bond Program.

26 (3) Proceeds available from bond sales shall be  
27 deposited in the Lottery Capital Outlay and Debt Service  
28 ~~Educational Enhancement~~ Trust Fund within the Department of  
29 Education.

30 Section 7. Section 215.196, Florida Statutes, is  
31 amended to read:

1           215.196 Fixed capital outlay management Architects  
2 ~~Incidental Trust Fund; creation; assessment.--~~

3           ~~(1) There is created the Architects Incidental Trust~~  
4 ~~Fund for the purpose of providing sufficient funds for the~~  
5 ~~operation of the facilities development activities of the~~  
6 ~~Department of Management Services.~~

7           (2) The department is authorized to levy and assess an  
8 amount necessary to cover the cost of administration by the  
9 department of fixed capital outlay projects on which it serves  
10 as owner representative on behalf of the state. The  
11 assessment rate is to be provided in the General  
12 Appropriations Act ~~and statement of intent~~ and shall be based  
13 on estimated operating cost projections for the services  
14 rendered. The total assessment shall be transferred into the  
15 Facilities Management Architects Incidental Trust Fund at the  
16 beginning of each fiscal year.

17           Section 8. (1) Subsection (5) of section 287.16,  
18 Florida Statutes, is amended to read:

19           287.16 Powers and duties of department.--The  
20 Department of Management Services shall have the following  
21 powers, duties, and responsibilities:

22           (5) To allocate and charge fees to the state agencies  
23 to which aircraft or motor vehicles are furnished, based upon  
24 any reasonable criteria. Fees collected pursuant to this  
25 subsection shall be deposited in the Purchasing and  
26 Transportation Support Trust Fund.

27           (2) The amendment of subsection (5) of section 287.16,  
28 Florida Statutes, by this section is contingent on the  
29 creation of the Purchasing and Transportation Support Trust  
30 Fund in a separate bill, as required by s. 19(f)(1), Art. III

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1 of the State Constitution, in the same legislative session or  
2 an extension thereof.

3 Section 9. (1) Subsection (3) of section 287.161,  
4 Florida Statutes, is amended to read:

5 287.161 Executive aircraft pool; assignment of  
6 aircraft; charge for transportation.--

7 (3) Fees collected for persons traveling by aircraft  
8 in the executive aircraft pool shall be deposited into the  
9 Purchasing and Transportation Support ~~Bureau of Aircraft Trust~~  
10 Fund and shall be expended for fuel, maintenance, or other  
11 costs incurred in accordance with rules adopted pursuant to s.  
12 287.16.

13 (2) The amendment of subsection (3) of section  
14 287.161, Florida Statutes, by this section is contingent on  
15 the creation of the Purchasing and Transportation Support  
16 Trust Fund in a separate bill, as required by s. 19(f)(1),  
17 Art. III of the State Constitution, in the same legislative  
18 session or an extension thereof.

19 Section 10. (1) Section 217.07, Florida Statutes, is  
20 amended to read:

21 217.07 Transfer of federal surplus property assets to  
22 department.--The State Treasurer is authorized to transfer to  
23 the department any federal surplus property funds unexpended  
24 in the Purchasing and Transportation Support ~~Surplus Property~~  
25 ~~Revolving~~ Trust Fund ~~account in the State Treasury~~. The  
26 department shall maintain a separate accounting of federal  
27 surplus property ~~This revolving fund shall remain in existence~~  
28 ~~as a separate trust fund~~ as long as the federal surplus  
29 property program exists. Upon termination of the federal  
30 surplus property program, any remaining federal surplus  
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1 property funds shall be disposed of as provided by federal  
2 law.

3 (2) The amendment of section 217.07, Florida Statutes,  
4 by this section is contingent on the creation of the  
5 Purchasing and Transportation Support Trust Fund in a separate  
6 bill, as required by s. 19(f)(1), Art. III of the State  
7 Constitution, in the same legislative session or an extension  
8 thereof.

9 Section 11. (1) Subsections (1) and (16) of section  
10 287.042, Florida Statutes, are amended to read:

11 287.042 Powers, duties, and functions.--The department  
12 shall have the following powers, duties, and functions:

13 (1)(a) To canvass all sources of supply, establish and  
14 maintain a vendor list, and contract for the purchase, lease,  
15 or acquisition in any manner, including purchase by  
16 installment sales or lease-purchase contracts which may  
17 provide for the payment of interest on unpaid portions of the  
18 purchase price, of all commodities and contractual services  
19 required by any agency under competitive bidding or by  
20 contractual negotiation. Any contract providing for deferred  
21 payments and the payment of interest shall be subject to  
22 specific rules adopted by the department.

23 (b) The department may remove from its vendor list any  
24 source of supply which fails to fulfill any of its duties  
25 specified in a contract with the state. It may reinstate any  
26 such source of supply when it is satisfied that further  
27 instances of default will not occur.

28 (c) In order to promote cost-effective procurement of  
29 commodities and contractual services, the department or an  
30 agency may enter into contracts that limit the liability of a  
31 vendor consistent with s. 672.719.

1           (d) The department shall issue commodity numbers for  
2 all products of the corporation operating the correctional  
3 industry program which meet or exceed department  
4 specifications.

5           (e) The department shall, beginning October 1, 1991,  
6 include the products offered by the corporation on any listing  
7 prepared by the department which lists term contracts executed  
8 by the department. The products or services shall be placed on  
9 such list in a category based upon specification criteria  
10 developed through a joint effort of the department and the  
11 corporation and approved by the department.

12           (f) The corporation may submit products and services  
13 to the department for testing, analysis, and review relating  
14 to the quality and cost comparability. If, after review and  
15 testing, the department approves of the products and services,  
16 the department shall give written notice thereof to the  
17 corporation. The corporation shall pay a reasonable fee  
18 charged for testing its products by the Department of  
19 Agriculture and Consumer Services.

20           (g) The department may collect fees for the use of its  
21 electronic information services. The fees may be imposed on an  
22 individual transaction basis or as a fixed subscription for a  
23 designated period of time. At a minimum, the fees shall be  
24 determined in an amount sufficient to cover the department's  
25 projected costs of such services, including overhead in  
26 accordance with the policies of the Department of Management  
27 Services for computing its administrative assessment. All  
28 fees collected pursuant to this paragraph shall be deposited  
29 in the Purchasing and Transportation Support Grants and  
30 ~~Donations~~ Trust Fund for disbursement as provided by law.

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1           (16)(a) To enter into joint agreements with  
2 governmental agencies, as defined in s. 163.3164(10), for the  
3 purpose of pooling funds for the purchase of commodities,  
4 information technology resources, or services that can be used  
5 by multiple agencies. However, the department shall consult  
6 with the State Technology Office on joint agreements that  
7 involve the purchase of information technology resources.  
8 Agencies entering into joint purchasing agreements with the  
9 department shall authorize the department to contract for such  
10 purchases on their behalf.

11           (b) Each agency that has been appropriated or has  
12 existing funds for such purchases, shall, upon contract award  
13 by the department, transfer their portion of the funds into  
14 the department's Grants and Donations Trust Fund for payment  
15 by the department. These funds shall be transferred by the  
16 Executive Office of the Governor pursuant to the agency budget  
17 amendment request provisions in chapter 216.

18           (c) Agencies that sign such joint agreements are  
19 financially obligated for their portion of the agreed-upon  
20 funds. If any agency becomes more than 90 days delinquent in  
21 paying such funds, the Department of Management Services shall  
22 certify to the Comptroller the amount due, and the Comptroller  
23 shall transfer the amount due to the Purchasing and  
24 Transportation Support ~~Grants and Donations~~ Trust Fund of the  
25 department from any of the agency's available funds. The  
26 Comptroller shall report all such transfers and the reasons  
27 for such transfers to the Executive Office of the Governor and  
28 the legislative appropriations committees.

29           (2) The amendment of subsections (1) and (16) of  
30 section 287.042, Florida Statutes, by this section is  
31 contingent on the creation of the Purchasing and

1 Transportation Support Trust Fund in a separate bill, as  
2 required by s. 19(f)(1), Art. III of the State Constitution,  
3 in the same legislative session or an extension thereof.  
4 Section 12. (1) Section 287.1345, Florida Statutes,  
5 is amended to read:  
6 287.1345 Surcharge on users of state term contracts;  
7 deposit of proceeds collected.--The Department of Management  
8 Services may impose a surcharge upon users of state term  
9 contracts in order to fund the operations of the department as  
10 provided by law costs, including overhead, of its procurement  
11 function. The department may provide for the state term  
12 contract vendor to collect the surcharge or directly collect  
13 the fee from the public agency involved. For the purpose of  
14 compensating vendors for expenses incurred in collecting such  
15 fees, the department may authorize a vendor to retain a  
16 portion of the fees. The vendor may withhold the portion  
17 retained from the amount of fees to be remitted to the  
18 department. The department may negotiate the retainage as a  
19 percentage of such fees charged to users, as a flat amount, or  
20 as any other method the department deems feasible. Vendors  
21 shall maintain accurate sales summaries for purchases made  
22 from state term contracts and shall provide the summaries to  
23 the department on a quarterly basis. Any contract remedies  
24 relating to the collection of such fees from users through  
25 vendors are enforceable, including, but not limited to,  
26 liquidated damages, late fees, and the costs of collection,  
27 including attorney's fees. The fees collected pursuant to  
28 this section shall be deposited into the Purchasing and  
29 Transportation Support ~~Grants and Donations~~ Trust Fund of the  
30 department and are subject to appropriation as provided by  
31 law. The Executive Office of the Governor may exempt

1 transactions from the payment of the surcharge if payment of  
2 such surcharge would cause the state, a political subdivision,  
3 or unit of local government to lose federal funds or in other  
4 cases where such exemption is in the public interest. The  
5 fees collected pursuant to this section and interest income on  
6 such fees shall not be deemed to be income of a revenue nature  
7 for purposes of chapter 215.

8 (2) The amendment of section 287.1345, Florida  
9 Statutes, by this section is contingent on the creation of the  
10 Purchasing and Transportation Support Trust Fund in a separate  
11 bill, as required by s. 19(f)(1), Art. III of the State  
12 Constitution, in the same legislative session or an extension  
13 thereof.

14 Section 13. (1) Paragraph (q) of subsection (1) of  
15 section 215.22, Florida Statutes, is amended to read:

16 215.22 Certain income and certain trust funds  
17 exempt.--

18 (1) The following income of a revenue nature or the  
19 following trust funds shall be exempt from the deduction  
20 required by s. 215.20(1):

21 (q) The Technology Enterprise ~~Communications Working~~  
22 ~~Capital~~ Trust Fund of the Department of Management Services.

23 (2) The amendment of paragraph (q) of subsection (1)  
24 of section 215.22, Florida Statutes, by this section is  
25 contingent on the creation of the Technology Enterprise Trust  
26 Fund in a separate bill, as required by s. 19(f)(1), Art. III  
27 of the State Constitution, in the same legislative session or  
28 an extension thereof.

29 Section 14. (1) Subsection (9) of section 216.292,  
30 Florida Statutes, is amended to read:

31 216.292 Appropriations nontransferable; exceptions.--

1           (9) Moneys appropriated in the General Appropriations  
2 Act for the purpose of paying for services provided by the  
3 state communications system in the Department of Management  
4 Services shall be paid by the user agencies, or the judicial  
5 branch, within 45 days after the billing date. Billed amounts  
6 not paid by the user agencies, or by the judicial branch,  
7 shall be transferred by the Comptroller from the user agencies  
8 to the Technology Enterprise ~~Communications Working Capital~~  
9 Trust Fund.

10           (2) The amendment of subsection (9) of section  
11 216.292, Florida Statutes, by this section is contingent on  
12 the creation of the Technology Enterprise Trust Fund in a  
13 separate bill, as required by s. 19(f)(1), Art. III of the  
14 State Constitution, in the same legislative session or an  
15 extension thereof.

16           Section 15. (1) Subsection (6) of section 282.20,  
17 Florida Statutes, is repealed.

18           (2) The repeal of subsection (6) of section 282.20,  
19 Florida Statutes, by this section is contingent on the  
20 creation of the Technology Enterprise Trust Fund in a separate  
21 bill, as required by s. 19(f)(1), Art. III of the State  
22 Constitution, in the same legislative session or an extension  
23 thereof.

24           Section 16. Subsection (7) of section 110.151, Florida  
25 Statutes, is repealed.

26           Section 17. Except as otherwise provided herein, this  
27 act shall take effect July 1, 2001.

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HOUSE SUMMARY

Terminates specified trust funds within the Department of Management Services and the Agency for Workforce Innovation. Provides for disposition of balances in and revenues of such trust funds. Declares the findings of the Legislature that specified trust funds within the Department of Management Services are exempt from the termination requirements of s. 19(f), Art. III of the State Constitution. Renames specified trust funds within the Department of Management Services and the Department of Education. Amends or repeals various provisions of law to conform. See bill for details.