

By the Fiscal Responsibility Council and Representative  
Ball

1                                   A bill to be entitled  
2           An act relating to trust funds; amending s.  
3           215.20, F.S.; revising provisions applying  
4           general revenue service charges to certain  
5           income and trust funds; amending s. 215.22,  
6           F.S.; exempting certain trust funds from  
7           certain service charge deductions; amending s.  
8           215.24, F.S.; requiring consultation with the  
9           Legislature for general revenue service charge  
10          exemptions where federal contributions or  
11          private gains may be lost; amending s. 215.32,  
12          F.S.; removing authority of state agencies and  
13          judicial branch to consolidate trust funds;  
14          removing a delay in transferring moneys into  
15          the Working Capital Fund; amending s. 216.301,  
16          F.S.; requiring certain reversions from trust  
17          fund appropriations to be transferred to the  
18          General Revenue Fund; amending s. 18.125, F.S.;  
19          revising investment requirements for certain  
20          trust funds; amending ss. 14.2015, 240.4075,  
21          385.207, 860.158, and 938.01, F.S., to conform;  
22          providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26           Section 1. Section 215.20, Florida Statutes, is  
27 amended to read:

28           (Substantial rewording of section. See  
29           s. 215.20, F.S., for present text.)

30           215.20 Certain income and certain trust funds to  
31 contribute to the General Revenue Fund.--

1       (1) A service charge of 7 percent, representing the  
2 estimated pro rata share of the cost of general government  
3 paid from the General Revenue Fund, shall be deducted from all  
4 income of a revenue nature deposited in all trust funds except  
5 those enumerated in s. 215.22. Income of a revenue nature  
6 shall include all earnings received or credited by such trust  
7 funds, including the interest or benefit received from the  
8 investment of the principal of such trust funds as may be  
9 permitted by law. This provision shall be construed in favor  
10 of the General Revenue Fund in each instance. All such  
11 deductions shall be deposited in the General Revenue Fund.

12       (2) Notwithstanding the provisions of subsection (1):

13       (a) The trust funds of the Department of Citrus and  
14 the Department of Agriculture and Consumer Services, including  
15 funds collected in the General Inspection Trust Fund for  
16 peanut, soybean, or tobacco marketing orders and in the  
17 Florida Citrus Advertising Trust Fund, shall be subject to a  
18 3-percent service charge, to be deposited in the General  
19 Revenue Fund. This paragraph does not apply to the  
20 Conservation and Recreation Lands Program Trust Fund, the  
21 Florida Quarter Horse Racing Promotion Trust Fund, the Citrus  
22 Inspection Trust Fund, the Florida Forever Program Trust Fund,  
23 the Florida Preservation 2000 Trust Fund, the Market  
24 Improvements Working Capital Trust Fund, the Pest Control  
25 Trust Fund, the Plant Industry Trust Fund, or other funds  
26 collected in the General Inspection Trust Fund in the  
27 Department of Agriculture and Consumer Services.

28       (b) The Save the Manatee Trust Fund in the Fish and  
29 Wildlife Conservation Commission shall be subject to a  
30 3-percent service charge, to be deposited in the General  
31 Revenue Fund.

1       (3) A service charge of 0.3 percent shall be deducted  
2 from income of a revenue nature deposited in the trust funds  
3 enumerated in subsection (4). Income of a revenue nature shall  
4 include all earnings received or credited by such trust funds,  
5 including the interest or benefit received from the investment  
6 of the principal of such trust funds as may be permitted by  
7 law. This provision shall be construed in favor of the General  
8 Revenue Fund in each instance. All such deductions shall be  
9 deposited in the General Revenue Fund.

10       (4) The income of a revenue nature deposited in the  
11 following described trust funds, by whatever name designated,  
12 is that from which the deductions authorized by subsection (3)  
13 shall be made:

14           (a) Within the Agency for Health Care Administration:

15               1. The Florida Organ and Tissue Donor Education and  
16 Procurement Trust Fund.

17               2. The Health Care Trust Fund.

18               3. The Resident Protection Trust Fund.

19           (b) Within the Agency for Workforce Innovation, the  
20 Employment Security Administration Trust Fund.

21           (c) Within the Department of Agriculture and Consumer  
22 Services:

23               1. The Conservation and Recreation Lands Program Trust  
24 Fund.

25               2. The Florida Quarter Horse Racing Promotion Trust  
26 Fund.

27               3. The General Inspection Trust Fund and subsidiary  
28 accounts thereof, unless a different percentage is authorized  
29 by s. 570.20.

30           (d) Within the Department of Banking and Finance:

31               1. The Administrative Trust Fund.

- 1           2. The Anti-Fraud Trust Fund.  
2           3. The Financial Institutions' Regulatory Trust Fund.  
3           4. The Mortgage Brokerage Guaranty Fund.  
4           5. The Regulatory Trust Fund.  
5           (e) Within the Department of Business and Professional  
6 Regulation:  
7           1. The Administrative Trust Fund.  
8           2. The Alcoholic Beverage and Tobacco Trust Fund.  
9           3. The Cigarette Tax Collection Trust Fund.  
10          4. The Division of Florida Land Sales, Condominiums,  
11 and Mobile Homes Trust Fund.  
12          5. The Hotel and Restaurant Trust Fund, with the  
13 exception of those fees collected for the purpose of funding  
14 of the hospitality education program as stated in s. 509.302.  
15          6. The Professional Regulation Trust Fund.  
16          7. The trust funds administered by the Division of  
17 Pari-mutuel Wagering.  
18          (f) Within the Department of Children and Family  
19 Services:  
20          1. The Administrative Trust Fund.  
21          2. The Child Welfare Training Trust Fund.  
22          3. The Children and Adolescents Substance Abuse Trust  
23 Fund.  
24          4. The Domestic Violence Trust Fund.  
25          5. The Grants and Donations Trust Fund.  
26          6. The Operations and Maintenance Trust Fund.  
27          (g) Within the Department of Citrus, the Florida  
28 Citrus Advertising Trust Fund, including transfers from any  
29 subsidiary accounts thereof, unless a different percentage is  
30 authorized in s. 601.15(7).  
31

- 1       (h) Within the Department of Community Affairs, the  
2 Operating Trust Fund.
- 3       (i) Within the Department of Education:  
4       1. The Educational Certification and Service Trust  
5 Fund.
- 6       2. The Phosphate Research Trust Fund.
- 7       (j) Within the Department of Elderly Affairs:  
8       1. The Administrative Trust Fund.  
9       2. The Federal Grants Trust Fund.  
10       3. The Grants and Donations Trust Fund.  
11       4. The Operations and Maintenance Trust Fund.
- 12       (k) Within the Department of Environmental Protection:  
13       1. The Administrative Trust Fund.  
14       2. The Air Pollution Control Trust Fund.  
15       3. The Conservation and Recreation Lands Trust Fund.  
16       4. The Ecosystem Management and Restoration Trust  
17 Fund.
- 18       5. The Environmental Laboratory Trust Fund.  
19       6. The Florida Coastal Protection Trust Fund.  
20       7. The Florida Permit Fee Trust Fund.  
21       8. The Forfeited Property Trust Fund.  
22       9. The Grants and Donations Trust Fund.  
23       10. The Inland Protection Trust Fund.  
24       11. The Internal Improvement Trust Fund.  
25       12. The Land Acquisition Trust Fund.  
26       13. The Minerals Trust Fund.  
27       14. The Nonmandatory Land Reclamation Trust Fund.  
28       15. The State Park Trust Fund.  
29       16. The Water Quality Assurance Trust Fund.  
30       17. The Working Capital Trust Fund.  
31       (l) Within the Department of Health:

- 1           1. The Administrative Trust Fund.  
2           2. The Brain and Spinal Cord Injury Program Trust  
3 Fund.  
4           3. The Donations Trust Fund.  
5           4. The Emergency Medical Services Trust Fund.  
6           5. The Epilepsy Services Trust Fund.  
7           6. The Florida Drug, Device, and Cosmetic Trust Fund.  
8           7. The Grants and Donations Trust Fund.  
9           8. The Medical Quality Assurance Trust Fund.  
10          9. The Nursing Student Loan Forgiveness Trust Fund.  
11          10. The Planning and Evaluation Trust Fund.  
12          11. The Radiation Protection Trust Fund.  
13          (m) Within the Department of Highway Safety and Motor  
14 Vehicles, the DUI Programs Coordination Trust Fund.  
15          (n) Within the Department of Insurance:  
16           1. The Agents and Solicitors County Tax Trust Fund.  
17           2. The Insurance Commissioner's Regulatory Trust Fund.  
18          (o) Within the Department of Labor and Employment  
19 Security or, if such department is terminated, within the  
20 agency or department to which the named trust fund has been  
21 transferred:  
22           1. The Special Disability Trust Fund.  
23           2. The Special Employment Security Administration  
24 Trust Fund.  
25           3. The Workers' Compensation Administration Trust  
26 Fund.  
27          (p) Within the Department of Legal Affairs, the Crimes  
28 Compensation Trust Fund.  
29          (q) Within the Department of Management Services:  
30           1. The Administrative Trust Fund.  
31           2. The Architects Incidental Trust Fund.

- 1           3. The Bureau of Aircraft Trust Fund.  
2           4. The Florida Facilities Pool Working Capital Trust  
3 Fund.  
4           5. The Grants and Donations Trust Fund.  
5           6. The Motor Vehicle Operating Trust Fund.  
6           7. The Police and Firefighters' Premium Tax Trust  
7 Fund.  
8           8. The Public Employees Relations Commission Trust  
9 Fund.  
10          9. The State Personnel System Trust Fund.  
11          10. The Supervision Trust Fund.  
12          11. The Working Capital Trust Fund.  
13          (r) Within the Department of Revenue:  
14            1. The Additional Court Cost Clearing Trust Fund.  
15            2. The Administrative Trust Fund.  
16            3. The Apalachicola Bay Oyster Surcharge Clearing  
17 Trust Fund.  
18            4. The Certification Program Trust Fund.  
19            5. The Fuel Tax Collection Trust Fund.  
20            6. The Land Reclamation Trust Fund.  
21            7. The Local Alternative Fuel User Fee Clearing Trust  
22 Fund.  
23            8. The Local Option Fuel Tax Trust Fund.  
24            9. The Motor Vehicle Rental Surcharge Clearing Trust  
25 Fund.  
26            10. The Motor Vehicle Warranty Trust Fund.  
27            11. The Oil and Gas Tax Trust Fund.  
28            12. The Secondhand Dealer and Secondary Metals  
29 Recycler Clearing Trust Fund.  
30            13. The Severance Tax Solid Mineral Trust Fund.  
31

- 1           14. The State Alternative Fuel User Fee Clearing Trust  
2 Fund.
- 3           15. All taxes levied on motor fuels other than  
4 gasoline levied pursuant to the provisions of s. 206.87(1)(a).
- 5           (s) Within the Department of State:
- 6           1. The Division of Licensing Trust Fund.
- 7           2. The Records Management Trust Fund.
- 8           3. The trust funds administered by the Division of  
9 Historical Resources.
- 10          (t) Within the Department of Transportation, all  
11 income derived from outdoor advertising and overweight  
12 violations which is deposited in the State Transportation  
13 Trust Fund.
- 14          (u) Within the Department of Veterans' Affairs:
- 15          1. The Grants and Donations Trust Fund.
- 16          2. The Operations and Maintenance Trust Fund.
- 17          3. The State Homes for Veterans Trust Fund.
- 18          (v) Within the Division of Administrative Hearings,  
19 the Administrative Trust Fund.
- 20          (w) Within the Fish and Wildlife Conservation  
21 Commission:
- 22          1. The Conservation and Recreation Lands Program Trust  
23 Fund.
- 24          2. The Florida Panther Research and Management Trust  
25 Fund.
- 26          3. The Land Acquisition Trust Fund.
- 27          4. The Marine Resources Conservation Trust Fund, with  
28 the exception of those fees collected for recreational  
29 saltwater fishing licenses as provided in s. 370.0605.
- 30          5. The State Game Trust Fund.
- 31

1       (x) Within the Florida Public Service Commission, the  
2 Florida Public Service Regulatory Trust Fund.

3       (y) Within the Justice Administrative Commission, the  
4 Indigent Criminal Defense Trust Fund.

5  
6 The enumeration of the foregoing moneys or trust funds shall  
7 not prohibit the applicability thereto of s. 215.24 should the  
8 Governor determine that for the reasons mentioned in s. 215.24  
9 the money or trust funds should be exempt herefrom, as it is  
10 the purpose of this law to exempt income from its force and  
11 effect when, by the operation of this law, federal matching  
12 funds or contributions or private grants to any trust fund  
13 would be lost to the state.

14       (5) There is appropriated from the proper respective  
15 trust funds from time to time such sums as may be necessary to  
16 pay to the General Revenue Fund the service charges imposed by  
17 this section.

18       Section 2. Subsections (1) and (3) of section 215.22,  
19 Florida Statutes, are amended to read:

20       215.22 Certain income and certain trust funds  
21 exempt.--

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

25       (a) Student financial aid or prepaid tuition receipts.

26       (b) Trust funds administered by the Department of the  
27 Lottery.

28       (c) Departmental administrative assessments for  
29 administrative divisions.

30       (d) Funds charged by a state agency for services  
31 provided to another state agency, by a state agency for

- 1 services provided to the judicial branch, or by the judicial  
2 branch for services provided to a state agency.
- 3 (e) State, agency, or political subdivision  
4 investments by the Treasurer.
- 5 (f) Retirement or employee benefit funds.
- 6 (g) Self-insurance programs administered by the  
7 Treasurer.
- 8 (h) Funds held for the payment of citrus canker  
9 eradication and compensation.
- 10 (i) Medicaid, Medicare, or third-party receipts for  
11 client custodial care.
- 12 (j) Bond proceeds or revenues dedicated for bond  
13 repayment, except for the Documentary Stamp Clearing Trust  
14 Fund administered by the Department of Revenue.
- 15 (k) Trust funds administered by the Department of  
16 Education.
- 17 (l) Trust funds administered by the Department of  
18 Transportation.
- 19 (m) The following trust funds administered by the  
20 Department of Agriculture and Consumer Services:  
21 1. The Citrus Inspection Trust Fund.  
22 2. The Florida Forever Program Trust Fund.  
23 3. The Florida Preservation 2000 Trust Fund.  
24 4. The Market Improvements Working Capital Trust Fund.  
25 5. The Pest Control Trust Fund.  
26 6. The Plant Industry Trust Fund.
- 27 (n) The Motor Vehicle License Clearing Trust Fund.  
28 (o) The Solid Waste Management Trust Fund.  
29 (p) The Coconut Grove Playhouse Trust Fund.  
30 (q) The Communications Working Capital Trust Fund of  
31 the Department of Management Services.

1           (r) The Camp Blanding Management Trust Fund.  
2           ~~(s) The Indigent Criminal Defense Trust Fund.~~  
3           (s)~~(t)~~ That portion of the Highway Safety Operating  
4 Trust Fund funded by the motorcycle safety education fee  
5 collected pursuant to s. 320.08(1)(c).  
6           ~~(u) The Save the Manatee Trust Fund.~~  
7           (t)~~(v)~~ Tobacco Settlement Trust Funds administered by  
8 any agency.  
9           (u)~~(w)~~ The Save Our Everglades Trust Fund.  
10           (3) In addition to the exemptions enumerated in  
11 subsections (1) and (2), the Executive Office of the Governor  
12 is authorized, after consultation with the Legislature  
13 pursuant to the procedures of s. 216.177, to exempt any income  
14 when, by the operation of this law and pursuant to s. 215.24,  
15 federal matching funds or contributions or private grants to  
16 any trust fund would be lost to the state.  
17           Section 3. Section 215.24, Florida Statutes, is  
18 amended to read:  
19           215.24 Exemptions where federal contributions or  
20 private grants.--  
21           (1) Should any state fund be the recipient of federal  
22 contributions or private grants, either by the matching of  
23 state funds or by a general donation to state funds, and the  
24 payment of moneys into the General Revenue Fund under s.  
25 215.20 should cause such fund to lose federal or private  
26 assistance, the Governor shall, after consultation with the  
27 Legislature pursuant to the procedures of s. 216.177, certify  
28 to the Department of Banking and Finance and to the State  
29 Treasurer that said income is for that reason exempt from the  
30 force and effect of s. 215.20.  
31

1           (2) Should it be determined by the Governor that by  
2 reason of payments already made into the General Revenue Fund  
3 by any fund under this law, such fund is subject to the loss  
4 of federal or private assistance, then the Governor shall,  
5 after consultation with the Legislature pursuant to the  
6 procedures of s. 216.177, certify to the Department of Banking  
7 and Finance and to the State Treasurer that the income from  
8 such assistance is exempt from the provisions of this law, and  
9 the Department of Banking and Finance or the State Treasurer,  
10 as the case may be, shall thereupon refund and pay over to  
11 such fund any amount previously paid into the General Revenue  
12 Fund from such income.

13           Section 4. Paragraphs (b) and (d) of subsection (2) of  
14 section 215.32, Florida Statutes, are amended to read:

15           215.32 State funds; segregation.--

16           (2) The source and use of each of these funds shall be  
17 as follows:

18           (b)1. The trust funds shall consist of moneys received  
19 by the state which under law or under trust agreement are  
20 segregated for a purpose authorized by law. The state agency  
21 or branch of state government receiving or collecting such  
22 moneys shall be responsible for their proper expenditure as  
23 provided by law. Upon the request of the state agency or  
24 branch of state government responsible for the administration  
25 of the trust fund, the Comptroller may establish accounts  
26 within the trust fund at a level considered necessary for  
27 proper accountability. Once an account is established within a  
28 trust fund, the Comptroller may authorize payment from that  
29 account only upon determining that there is sufficient cash  
30 and releases at the level of the account.

31

1           ~~2. In order to maintain a minimum number of trust~~  
2 ~~funds in the State Treasury, each state agency or the judicial~~  
3 ~~branch may consolidate, if permitted under the terms and~~  
4 ~~conditions of their receipt, the trust funds administered by~~  
5 ~~it; provided, however, the agency or judicial branch employs~~  
6 ~~effectively a uniform system of accounts sufficient to~~  
7 ~~preserve the integrity of such trust funds; and provided,~~  
8 ~~further, that consolidation of trust funds is approved by the~~  
9 ~~Governor or the Chief Justice.~~

10           2.3. All such moneys are hereby appropriated to be  
11 expended in accordance with the law or trust agreement under  
12 which they were received, subject always to the provisions of  
13 chapter 216 relating to the appropriation of funds and to the  
14 applicable laws relating to the deposit or expenditure of  
15 moneys in the State Treasury.

16           3.4.a. Notwithstanding any provision of law  
17 restricting the use of trust funds to specific purposes,  
18 unappropriated cash balances from selected trust funds may be  
19 authorized by the Legislature for transfer to the Budget  
20 Stabilization Fund and Working Capital Fund in the General  
21 Appropriations Act.

22           b. This subparagraph does not apply to trust funds  
23 required by federal programs or mandates; trust funds  
24 established for bond covenants, indentures, or resolutions  
25 whose revenues are legally pledged by the state or public body  
26 to meet debt service or other financial requirements of any  
27 debt obligations of the state or any public body; the State  
28 Transportation Trust Fund; the trust fund containing the net  
29 annual proceeds from the Florida Education Lotteries; the  
30 Florida Retirement System Trust Fund; trust funds under the  
31 management of the Board of Regents, where such trust funds are

1 for auxiliary enterprises, self-insurance, and contracts,  
2 grants, and donations, as those terms are defined by general  
3 law; trust funds that serve as clearing funds or accounts for  
4 the Comptroller or state agencies; trust funds that account  
5 for assets held by the state in a trustee capacity as an agent  
6 or fiduciary for individuals, private organizations, or other  
7 governmental units; and other trust funds authorized by the  
8 State Constitution.

9 (d) The Working Capital Fund shall consist of moneys  
10 in the General Revenue Fund which are in excess of the amount  
11 needed to meet General Revenue Fund appropriations for the  
12 current fiscal year. ~~Each year, no later than the publishing~~  
13 ~~date of the annual financial statements for the state by the~~  
14 ~~Comptroller under s. 216.102, funds shall be transferred~~  
15 ~~between the Working Capital Fund and the General Revenue Fund~~  
16 ~~to establish the balance of the Working Capital Fund for that~~  
17 ~~fiscal year at the amount determined pursuant to this~~  
18 ~~paragraph.~~

19 Section 5. Paragraph (c) of subsection (1) of section  
20 216.301, Florida Statutes, is amended to read:

21 216.301 Appropriations; undisbursed balances.--

22 (1)

23 (c)1. Each department and the judicial branch shall  
24 maintain the integrity of the General Revenue Fund.  
25 Appropriations from the General Revenue Fund contained in the  
26 original approved budget may be transferred to the proper  
27 trust fund for disbursement. Any reversion of appropriation  
28 balances from programs which receive funding from the General  
29 Revenue Fund and trust funds shall be transferred to the  
30 General Revenue Fund within 15 days after such reversion,  
31 unless otherwise provided by federal or state law, including

1 the General Appropriations Act. The Executive Office of the  
2 Governor or the Chief Justice of the Supreme Court shall  
3 determine the state agency or judicial branch programs which  
4 are subject to this ~~subparagraph~~ ~~paragraph~~. This  
5 determination shall be subject to the legislative consultation  
6 and objection process in this chapter. The Education  
7 Enhancement Trust Fund shall not be subject to the provisions  
8 of this section.

9       2. When a department or the judicial branch receives  
10 appropriations from both the General Revenue Fund and a trust  
11 fund for the same program in any fiscal year, any reversions  
12 from the trust fund appropriations shall be transferred to the  
13 General Revenue Fund; however, once reversions to the General  
14 Revenue Fund equal the appropriations made from the General  
15 Revenue Fund for that program, all remaining reversions from  
16 trust fund appropriations for that program shall be to the  
17 trust fund. This subparagraph shall not apply to reversions  
18 from trust fund appropriations to the extent that either the  
19 administering agency substantiates the existence of contracts  
20 and the absence of a sufficient cash balance therefor without  
21 such appropriations or such appropriations are required to be  
22 expended to meet federal requirements for state match or  
23 maintenance of effort, if approved by the Executive Office of  
24 the Governor in consultation with the chairs of the  
25 legislative appropriations committees.

26       Section 6. Subsection (3) of section 18.125, Florida  
27 Statutes, is amended to read:

28       18.125 Treasurer; powers and duties in the investment  
29 of certain funds.--

30       (3)(a) Except as otherwise provided in this  
31 subsection, it is the duty of each state agency, and of the

1 judicial branch, now or hereafter charged with the  
2 administration of the funds referred to in subsection (1) to  
3 make such moneys available for investment as fully as is  
4 consistent with the cash requirements of the particular fund  
5 and to authorize investment of such moneys by the Treasurer.  
6 (b) Monthly, and more often as circumstances require,  
7 such agency or judicial branch shall notify the Treasurer of  
8 the amount available for investment; and the moneys shall be  
9 invested by the Treasurer. Such notification shall include  
10 the name and number of the fund for which the investments are  
11 to be made and the life of the investment if the principal sum  
12 is to be required for meeting obligations. This subsection,  
13 however, shall not be construed to make available for  
14 investment any funds other than those referred to in  
15 subsection (1).  
16 (c) Except as provided in this paragraph and except  
17 for moneys described in paragraph (d), the following agencies  
18 shall not invest trust fund moneys as provided in this  
19 section, but shall retain such moneys in their respective  
20 trust funds for investment pursuant to s. 18.10:  
21 1. The Agency for Health Care Administration, except  
22 for the Tobacco Settlement Trust Fund.  
23 2. The Department of Children and Family Services,  
24 except for:  
25 a. The Alcohol, Drug Abuse, and Mental Health Trust  
26 Fund.  
27 b. The Community Resources Development Trust Fund.  
28 c. The Refugee Assistance Trust Fund.  
29 d. The Social Services Block Grant Trust Fund.  
30 e. The Tobacco Settlement Trust Fund.  
31 f. The Working Capital Trust Fund.

- 1           3. The Department of Community Affairs, only for the  
2 Operating Trust Fund.
- 3           4. The Department of Corrections.
- 4           5. The Department of Elderly Affairs, except for:
- 5           a. The Federal Grants Trust Fund.
- 6           b. The Tobacco Settlement Trust Fund.
- 7           6. The Department of Health, except for:
- 8           a. The Federal Grants Trust Fund.
- 9           b. The Grants and Donations Trust Fund.
- 10          c. The Maternal and Child Health Block Grant Trust  
11 Fund.
- 12          d. The Tobacco Settlement Trust Fund.
- 13          7. The Department of Highway Safety and Motor  
14 Vehicles, only for:
- 15          a. The DUI Programs Coordination Trust Fund.
- 16          b. The Security Deposits Trust Fund.
- 17          8. The Department of Juvenile Justice.
- 18          9. The Department of Labor and Employment Security,  
19 only for the Administrative Trust Fund.
- 20          10. The Department of Law Enforcement.
- 21          11. The Department of Legal Affairs.
- 22          12. The Department of State, only for:
- 23          a. The Grants and Donations Trust Fund.
- 24          b. The Records Management Trust Fund.
- 25          13. The Executive Office of the Governor, only for:
- 26          a. The Economic Development Transportation Trust Fund.
- 27          b. The Economic Development Trust Fund.
- 28          14. The Florida Public Service Commission, only for  
29 the Florida Public Service Regulatory Trust Fund.
- 30          15. The Justice Administrative Commission.
- 31          16. The state courts system.

1           (d) Moneys in any trust funds of the agencies in  
2 paragraph (c) may be invested pursuant to the provisions of  
3 this section if:

4           1. Investment of such moneys and the retention of  
5 interest is required by federal programs or mandates;

6           2. Investment of such moneys and the retention of  
7 interest is required by bond covenants, indentures, or  
8 resolutions;

9           3. Such moneys are held by the state in a trustee  
10 capacity as an agent or fiduciary for individuals, private  
11 organizations, or other governmental units; or

12           4. The Executive Office of the Governor determines,  
13 after consultation with the Legislature pursuant to the  
14 procedures of s. 216.177, that federal matching funds or  
15 contributions or private grants to any trust fund would be  
16 lost to the state.

17           Section 7. Paragraph (f) of subsection (2) of section  
18 14.2015, Florida Statutes, is amended to read:

19           14.2015 Office of Tourism, Trade, and Economic  
20 Development; creation; powers and duties.--

21           (2) The purpose of the Office of Tourism, Trade, and  
22 Economic Development is to assist the Governor in working with  
23 the Legislature, state agencies, business leaders, and  
24 economic development professionals to formulate and implement  
25 coherent and consistent policies and strategies designed to  
26 provide economic opportunities for all Floridians. To  
27 accomplish such purposes, the Office of Tourism, Trade, and  
28 Economic Development shall:

29           (f)1. Administer the Florida Enterprise Zone Act under  
30 ss. 290.001-290.016, the community contribution tax credit  
31 program under ss. 220.183 and 624.5105, the tax refund program

1 for qualified target industry businesses under s. 288.106, the  
2 tax-refund program for qualified defense contractors under s.  
3 288.1045, contracts for transportation projects under s.  
4 288.063, the sports franchise facility program under s.  
5 288.1162, the professional golf hall of fame facility program  
6 under s. 288.1168, the expedited permitting process under s.  
7 403.973, the Rural Community Development Revolving Loan Fund  
8 under s. 288.065, the Regional Rural Development Grants  
9 Program under s. 288.018, the Certified Capital Company Act  
10 under s. 288.99, the Florida State Rural Development Council,  
11 the Rural Economic Development Initiative, and other programs  
12 that are specifically assigned to the office by law, by the  
13 appropriations process, or by the Governor. Notwithstanding  
14 any other provisions of law, the office may expend interest  
15 earned from the investment of program funds deposited in the  
16 ~~Economic Development Trust Fund, the Grants and Donations~~  
17 ~~Trust Fund~~ and the Brownfield Property Ownership Clearance  
18 Assistance Revolving Loan Trust Fund, ~~and the Economic~~  
19 ~~Development Transportation Trust Fund~~ to contract for the  
20 administration of the programs, or portions of the programs,  
21 enumerated in this paragraph or assigned to the office by law,  
22 by the appropriations process, or by the Governor. Such  
23 expenditures shall be subject to review under chapter 216.

24         2. The office may enter into contracts in connection  
25 with the fulfillment of its duties concerning the Florida  
26 First Business Bond Pool under chapter 159, tax incentives  
27 under chapters 212 and 220, tax incentives under the Certified  
28 Capital Company Act in chapter 288, foreign offices under  
29 chapter 288, the Enterprise Zone program under chapter 290,  
30 the Seaport Employment Training program under chapter 311, the  
31 Florida Professional Sports Team License Plates under chapter

1 320, Spaceport Florida under chapter 331, Expedited Permitting  
2 under chapter 403, and in carrying out other functions that  
3 are specifically assigned to the office by law, by the  
4 appropriations process, or by the Governor.

5 Section 8. Subsection (7) of section 240.4075, Florida  
6 Statutes, is amended to read:

7 240.4075 Nursing Student Loan Forgiveness Program.--

8 (7)~~(a)~~ Funds contained in the Nursing Student Loan  
9 Forgiveness Trust Fund which are to be used for loan  
10 forgiveness for those nurses employed by hospitals, birth  
11 centers, and nursing homes must be matched on a  
12 dollar-for-dollar basis by contributions from the employing  
13 institutions, except that this provision shall not apply to  
14 state-operated medical and health care facilities, public  
15 schools, county health departments, federally sponsored  
16 community health centers, teaching hospitals as defined in s.  
17 408.07, family practice teaching hospitals as defined in s.  
18 395.805, or specialty hospitals for children as used in s.  
19 409.9119. If in any given fiscal quarter there are  
20 insufficient funds in the trust fund to grant all eligible  
21 applicant requests, awards shall be based on the following  
22 priority of employer: county health departments; federally  
23 sponsored community health centers; state-operated medical and  
24 health care facilities; public schools; teaching hospitals as  
25 defined in s. 408.07; family practice teaching hospitals as  
26 defined in s. 395.805; specialty hospitals for children as  
27 used in s. 409.9119; and other hospitals, birth centers, and  
28 nursing homes.

29 ~~(b) All Nursing Student Loan Forgiveness Trust Fund~~  
30 ~~moneys shall be invested pursuant to s. 18.125. Interest~~  
31 ~~income accruing to that portion of the trust fund not matched~~

1 ~~shall increase the total funds available for loan forgiveness~~  
2 ~~and scholarships. Pledged contributions shall not be eligible~~  
3 ~~for matching prior to the actual collection of the total~~  
4 ~~private contribution for the year.~~

5 Section 9. Subsection (3) of section 385.207, Florida  
6 Statutes, is amended to read:

7 385.207 Care and assistance of persons with epilepsy;  
8 establishment of programs in epilepsy control.--

9 (3) Revenue for statewide implementation of programs  
10 for epilepsy prevention and education pursuant to this section  
11 shall be derived pursuant to the provisions of s. 318.21(6)  
12 and shall be deposited in the Epilepsy Services Trust Fund,  
13 which is hereby established to be administered by the  
14 Department of Health. ~~All funds deposited into the trust fund~~  
15 ~~shall be invested pursuant to the provisions of s. 18.125.~~  
16 ~~Interest income accruing to such invested funds shall increase~~  
17 ~~the total funds available under this subsection.~~

18 Section 10. Subsection (1) of section 860.158, Florida  
19 Statutes, is amended to read:

20 860.158 Florida Motor Vehicle Theft Prevention Trust  
21 Fund.--

22 (1) There is hereby established within the Department  
23 of Legal Affairs the Florida Motor Vehicle Theft Prevention  
24 Trust Fund, which shall be administered by the executive  
25 director of the authority at the direction of the board. ~~All~~  
26 ~~interest earned from the investment or deposit of moneys~~  
27 ~~accumulated in the trust fund shall be deposited in the trust~~  
28 ~~fund.~~The trust fund shall be funded from the surcharge  
29 collected under s. 320.08046.

30 Section 11. Subsection (1) of section 938.01, Florida  
31 Statutes, as amended by section 19 of chapter 2001-122 and

1 section 30 of chapter 2001-254, Laws of Florida, is amended to  
2 read:

3 938.01 Additional Court Cost Clearing Trust Fund.--

4 (1) All courts created by Art. V of the State  
5 Constitution shall, in addition to any fine or other penalty,  
6 assess \$3 as a court cost against every person convicted for  
7 violation of a state penal or criminal statute or convicted  
8 for violation of a municipal or county ordinance. Any person  
9 whose adjudication is withheld pursuant to the provisions of  
10 s. 318.14(9) or (10) shall also be assessed such cost. In  
11 addition, \$3 from every bond estreature or forfeited bail bond  
12 related to such penal statutes or penal ordinances shall be  
13 remitted to the Department of Revenue as described in this  
14 subsection. However, no such assessment may be made against  
15 any person convicted for violation of any state statute,  
16 municipal ordinance, or county ordinance relating to the  
17 parking of vehicles.

18 (a) All such costs collected by the courts shall be  
19 remitted to the Department of Revenue, in accordance with  
20 administrative rules adopted by the executive director of the  
21 Department of Revenue, for deposit in the Additional Court  
22 Cost Clearing Trust Fund and shall be earmarked to the  
23 Department of Law Enforcement and the Department of Community  
24 Affairs for distribution as follows:

25 1. Two dollars and seventy-five cents of each \$3  
26 assessment shall be deposited in the Criminal Justice  
27 Standards and Training Trust Fund, and the remaining 25 cents  
28 of each such assessment shall be deposited into the Operating  
29 Trust Fund and shall be disbursed to the Bureau of Public  
30 Safety Management of the Department of Community Affairs.

31

1           2. Ninety-two percent of the money distributed to the  
2 Additional Court Cost Clearing Trust Fund pursuant to s.  
3 318.21 shall be earmarked to the Department of Law Enforcement  
4 for deposit in the Criminal Justice Standards and Training  
5 Trust Fund, and 8 percent of such money shall be deposited  
6 into the Operating Trust Fund and shall be disbursed to the  
7 Bureau of Public Safety Management of the Department of  
8 Community Affairs.

9           ~~(b) The funds deposited in the Criminal Justice~~  
10 ~~Standards and Training Trust Fund and the Operating Trust Fund~~  
11 ~~may be invested. Any interest earned from investing such funds~~  
12 ~~and any unencumbered funds remaining at the end of the budget~~  
13 ~~cycle shall remain in the respective trust fund until the~~  
14 ~~following year.~~

15           (b)(c) All funds in the Criminal Justice Standards and  
16 Training Trust Fund earmarked to the Department of Law  
17 Enforcement shall be disbursed only in compliance with s.  
18 943.25(9).

19           Section 12. This act shall take effect July 1, 2002.

20  
21           \*\*\*\*\*

22           HOUSE SUMMARY

23           Applies general revenue service charges to certain income  
24 and trust funds, and exempts certain trust funds from  
25 certain service charge deductions. Requires consultation  
26 with the Legislature for general revenue service charge  
27 exemptions where federal contributions or private gains  
28 may be lost. Removes authority of state agencies and  
29 judicial branch to consolidate trust funds. Removes a  
30 delay in transferring moneys into the Working Capital  
31 Fund. Requires certain reversions from trust fund  
appropriations to be transferred to the General Revenue  
Fund. Revises investment requirements for certain trust  
funds. See bill for details.