

By the Fiscal Responsibility Council and Representative
Johnson

1 A bill to be entitled
2 An act relating to trust funds; terminating or
3 exempting from termination specified trust
4 funds administered by state transportation and
5 economic development agencies; providing for
6 disposition of balances in and revenues of the
7 terminated trust funds; repealing s. 288.711,
8 F.S., relating to the Florida Investment
9 Incentive Trust Fund; repealing s. 288.712,
10 F.S., relating to the Black Contractors Bond
11 Trust Fund; amending s. 288.713, F.S.; removing
12 a reference to conform; amending s. 376.875,
13 F.S.; revising the Brownfield Property
14 Ownership Clearance Assistance Program to
15 eliminate its revolving loan trust fund and to
16 provide for deposit of the principal and
17 interest of all loans under the program in
18 another trust fund; amending s. 14.2015, F.S.;
19 removing a reference to conform; repealing s.
20 15.09(5), F.S., relating to the Public Access
21 Data Systems Trust Fund; amending s. 443.211,
22 F.S., to delete provisions relating to the
23 Special Employment Security Administration
24 Trust Fund; amending s. 215.20, F.S.; removing
25 a reference to conform; amending s. 443.141,
26 F.S.; providing for deposit of past due
27 contributions in the General Revenue Fund
28 instead; removing a reference to conform;
29 creating s. 443.215, F.S.; providing for
30 deposit or transfer of interest on
31 contributions, penalties, and fines or fees

1 collected under the Unemployment Compensation
2 Law in the General Revenue Fund; providing an
3 exception; amending s. 201.15, F.S.; providing
4 for deposit of certain proceeds of the excise
5 tax on documents into the General Revenue Fund
6 instead of the State Housing Trust Fund under
7 certain circumstances; amending s. 607.1901,
8 F.S.; providing requirements for reductions in
9 transfers from the Corporations Trust Fund of
10 the Department of State in fiscal years of
11 budget reduction due to a projected deficit in
12 general revenue; amending s. 252.373, F.S.;
13 providing for use of certain funds of the
14 Emergency Management, Preparedness, and
15 Assistance Trust Fund as state match for
16 federally approved Hazard Mitigation Grant
17 Program projects; amending s. 320.08058, F.S.;
18 providing additional uses for funds in the
19 Professional Sports Development Trust Fund;
20 requiring transfer of the unexpended balance of
21 the Economic Development Transportation Trust
22 Fund to the Department of Transportation;
23 providing restrictions on the transfer of such
24 funds back to the Office of Tourism, Trade, and
25 Economic Development; amending s. 288.063,
26 F.S.; providing restrictions on the transfer of
27 funds appropriated from the State
28 Transportation Trust Fund to the Office of
29 Tourism, Trade, and Economic Development for
30 economic development transportation projects;
31 providing effective dates.

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

2

3 Section 1. (1) The following trust funds administered
4 by the following agencies are terminated:

5 (a) Within the Executive Office of the Governor:

6 1. Effective July 1, 2002, the Black Contractors Bond
7 Trust Fund, FLAIR number 31-2-056.

8 2. Effective July 1, 2002, the Florida Investment
9 Incentive Trust Fund, FLAIR number 31-2-293.

10 3. Effective July 1, 2003, the Brownfield Property
11 Ownership Clearance Assistance Revolving Loan Trust Fund,
12 FLAIR number 31-2-595. All current balances remaining in, and
13 all revenues of, the Brownfield Property Ownership Clearance
14 Assistance Revolving Loan Trust Fund terminated by this act
15 shall be transferred to the Economic Development Trust Fund in
16 the Executive Office of the Governor.

17 (b) Within the Department of State:

18 1. Effective July 1, 2002, the Library Construction
19 Trust Fund, FLAIR number 45-2-447.

20 2. Effective July 1, 2003, the Public Access Data
21 Systems Trust Fund, FLAIR number 45-2-542.

22 (c) Within the Department of Transportation, effective
23 July 1, 2002, the Turnpike Controlled Access Trust Fund, FLAIR
24 number 55-2-334.

25 (d) Within the Agency for Workforce Innovation,
26 effective July 1, 2003, the Special Employment Security
27 Administration Trust Fund, FLAIR number 75-2-648.

28 (e) Within the Department of Highway Safety and Motor
29 Vehicles, effective July 1, 2003, the Civil Fines Clearing
30 Trust Fund, FLAIR number 76-2-094.

31

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 and fund account terminated by
5 this act, the agency that administers the trust fund or fund
6 account shall pay any outstanding debts or obligations of the
7 terminated fund or account as soon as practicable, and the
8 Comptroller shall close out and remove the terminated fund or
9 account from the various state accounting systems using
10 generally accepted accounting principles concerning warrants
11 outstanding, assets, and liabilities.

12 (4) This section shall take effect upon this act
13 becoming a law.

14 Section 2. Effective upon this act becoming a law, the
15 Legislature finds that the following trust funds administered
16 by the following agencies are exempt from termination pursuant
17 to Section 19(f), Article III of the State Constitution:

18 (1) Within the Executive Office of the Governor, the
19 Trust Funds Trust Fund, FLAIR number 31-2-732.

20 (2) Within the Department of Transportation:

21 (a) The Central Florida Beltway Trust Fund, FLAIR
22 number 55-2-074.

23 (b) The Everglades Parkway Construction Trust Fund,
24 FLAIR number 55-2-199.

25 (c) The Turnpike Renewal and Replacement Trust Fund,
26 FLAIR number 55-2-324.

27 (d) The Turnpike General Reserve Trust Fund, FLAIR
28 number 55-2-326.

29 (e) The Turnpike Construction Trust Fund, FLAIR number
30 55-2-340.

31

1 (f) The Jacksonville Transportation Authority Project
2 Construction Trust Fund, FLAIR number 55-2-413.

3 (g) The Jefferson County Project Construction Trust
4 Fund, FLAIR number 55-2-418.

5 (h) The State Transportation Trust Fund, FLAIR number
6 55-2-540.

7 (i) The Right-of-Way Acquisition and Bridge
8 Construction Trust Fund, FLAIR number 55-2-586.

9 (3) Within the Department of Highway Safety and Motor
10 Vehicles:

11 (a) The International Registration Clearing Trust
12 Fund, FLAIR number 76-2-410.

13 (b) The License Tax Collection Trust Fund, FLAIR
14 number 76-2-452.

15 (c) The Motor Vehicle License Clearing Trust Fund,
16 FLAIR number 76-2-488.

17 (d) The Security Deposits Trust Fund, FLAIR number
18 76-2-625.

19 Section 3. Effective July 1, 2002, sections 288.711
20 and 288.712, Florida Statutes, are repealed.

21 Section 4. Effective July 1, 2002, subsection (2) of
22 section 288.713, Florida Statutes, is amended to read:

23 288.713 Capital participation instruments.--

24 (2) The board may authorize counties and
25 municipalities to issue bonds to finance loan pools ~~developed~~
26 ~~under s. 288.712~~ repayable solely from revenues derived from
27 the underlying loans and any payments from an insurer or
28 guarantor of the loans. The board shall have the power and
29 authority to authorize the issuance of the bonds in the manner
30 granted by ss. 215.57-215.83, except the following provisions
31 shall control:

1 (a) The bonds may be sold at either public or private
2 sale.

3 (b) All bonds issued under authority of this act shall
4 state on the face thereof that the bonds are payable, both as
5 to principal and interest, solely out of the revenues pledged,
6 including any insurance or guaranties as to revenues, and do
7 not constitute an obligation, either general or special, of
8 the state or of any local government.

9 (c) Any pledge of earnings, revenues, or other moneys
10 made by a local government shall be valid and binding from the
11 time the pledge is made. The earnings, revenues, or other
12 moneys so pledged and thereafter received by the agency shall
13 immediately be subject to the lien of that pledge without any
14 physical delivery thereof or further act. The lien of the
15 pledge shall be valid and binding as against the local
16 government irrespective of whether the parties have notice
17 thereof. Neither the resolution nor any other instrument by
18 which a pledge is created need be recorded or filed pursuant
19 to the Uniform Commercial Code.

20 Section 5. Section 376.875, Florida Statutes, is
21 amended to read:

22 376.875 Brownfield Property Ownership Clearance
23 Assistance Program ~~Revolving Loan Trust Fund~~.--

24 (1) There is created the Brownfield Property Ownership
25 Clearance Assistance Program within ~~Revolving Loan Trust Fund~~
26 ~~to be administered by~~ the Office of Tourism, Trade, and
27 Economic Development in the Executive Office of the Governor
28 for the purposes of funding, within the limits of specific
29 appropriations, ~~for~~ low-interest loans for the purchase of
30 outstanding, unresolved contractor liens, tax certificates, or
31 other liens or claims on brownfield sites designated as part

1 of a brownfield area by a local government under s. 376.80.
2 The loans may be used for a negotiated settlement of legally
3 recognized liens or claims at a value less than their face
4 value taking into account the overall feasibility of
5 redevelopment of the brownfield area. The principal and
6 interest of all loans under the program shall be deposited in
7 the Economic Development Trust Fund.

8 ~~(2) The trust fund must be used for the deposit of all~~
9 ~~moneys appropriated by the Legislature to fund this revolving~~
10 ~~loan program. All moneys in the fund that are not needed on an~~
11 ~~immediate basis for loans must be invested under s. 215.49.~~
12 ~~The principal and interest of all loans repaid and investment~~
13 ~~earnings must be deposited into the fund.~~

14 ~~(2)(3)~~ The Office of Tourism, Trade, and Economic
15 Development may make loans to local governments, community
16 redevelopment agencies created under s. 163.356 or s. 163.357,
17 or persons or nonprofit corporations responsible for
18 brownfield site rehabilitation designated under s. 376.80, for
19 the purposes described in subsection (1).

20 ~~(3)(4)~~ The terms of loans made under this section may
21 not exceed 5 years. The interest rate on loans may be no
22 greater than that paid on the last bonds sold under s. 14,
23 Art. VII of the State Constitution. A loan to any brownfield
24 area may be no more than 25 percent of the total funds
25 available for making loans during that fiscal year.

26 ~~(4)(5)~~ The Office of Tourism, Trade, and Economic
27 Development may adopt rules necessary to specify the
28 application process and timing, determination of the overall
29 economic feasibility of individual loan applications, and
30 other aspects of carrying out the purposes of this section.

31

1 Section 6. Paragraph (f) of subsection (2) of section
2 14.2015, Florida Statutes, is amended to read:

3 14.2015 Office of Tourism, Trade, and Economic
4 Development; creation; powers and duties.--

5 (2) The purpose of the Office of Tourism, Trade, and
6 Economic Development is to assist the Governor in working with
7 the Legislature, state agencies, business leaders, and
8 economic development professionals to formulate and implement
9 coherent and consistent policies and strategies designed to
10 provide economic opportunities for all Floridians. To
11 accomplish such purposes, the Office of Tourism, Trade, and
12 Economic Development shall:

13 (f)1. Administer the Florida Enterprise Zone Act under
14 ss. 290.001-290.016, the community contribution tax credit
15 program under ss. 220.183 and 624.5105, the tax refund program
16 for qualified target industry businesses under s. 288.106, the
17 tax-refund program for qualified defense contractors under s.
18 288.1045, contracts for transportation projects under s.
19 288.063, the sports franchise facility program under s.
20 288.1162, the professional golf hall of fame facility program
21 under s. 288.1168, the expedited permitting process under s.
22 403.973, the Rural Community Development Revolving Loan Fund
23 under s. 288.065, the Regional Rural Development Grants
24 Program under s. 288.018, the Certified Capital Company Act
25 under s. 288.99, the Florida State Rural Development Council,
26 the Rural Economic Development Initiative, and other programs
27 that are specifically assigned to the office by law, by the
28 appropriations process, or by the Governor. Notwithstanding
29 any other provisions of law, the office may expend interest
30 earned from the investment of program funds deposited in the
31 Economic Development Trust Fund, the Grants and Donations

1 ~~Trust Fund, the Brownfield Property Ownership Clearance~~
2 ~~Assistance Revolving Loan Trust Fund,~~and the Economic
3 Development Transportation Trust Fund to contract for the
4 administration of the programs, or portions of the programs,
5 enumerated in this paragraph or assigned to the office by law,
6 by the appropriations process, or by the Governor. Such
7 expenditures shall be subject to review under chapter 216.

8 2. The office may enter into contracts in connection
9 with the fulfillment of its duties concerning the Florida
10 First Business Bond Pool under chapter 159, tax incentives
11 under chapters 212 and 220, tax incentives under the Certified
12 Capital Company Act in chapter 288, foreign offices under
13 chapter 288, the Enterprise Zone program under chapter 290,
14 the Seaport Employment Training program under chapter 311, the
15 Florida Professional Sports Team License Plates under chapter
16 320, Spaceport Florida under chapter 331, Expedited Permitting
17 under chapter 403, and in carrying out other functions that
18 are specifically assigned to the office by law, by the
19 appropriations process, or by the Governor.

20 Section 7. Subsection (5) of section 15.09, Florida
21 Statutes, is repealed.

22 Section 8. Section 443.211, Florida Statutes, is
23 amended to read:

24 443.211 Employment Security Administration Trust Fund;
25 appropriation; reimbursement.--

26 (1) EMPLOYMENT SECURITY ADMINISTRATION TRUST
27 FUND.--There is created in the State Treasury a special fund
28 to be known as the "Employment Security Administration Trust
29 Fund." All moneys that are deposited into this fund remain
30 continuously available to the division for expenditure in
31 accordance with the provisions of this chapter and do not

1 lapse at any time and may not be transferred to any other
2 fund. All moneys in this fund which are received from the
3 Federal Government or any agency thereof or which are
4 appropriated by this state for the purposes described in ss.
5 443.171 and 443.181, except money received under s.
6 443.191(5)(c), must be expended solely for the purposes and in
7 the amounts found necessary by the authorized cooperating
8 federal agencies for the proper and efficient administration
9 of this chapter. The fund shall consist of all moneys
10 appropriated by this state; all moneys received from the
11 United States or any agency thereof; all moneys received from
12 any other source for such purpose; any moneys received from
13 any agency of the United States or any other state as
14 compensation for services or facilities supplied to such
15 agency; any amounts received pursuant to any surety bond or
16 insurance policy or from other sources for losses sustained by
17 the Employment Security Administration Trust Fund or by reason
18 of damage to equipment or supplies purchased from moneys in
19 such fund; and any proceeds realized from the sale or
20 disposition of any such equipment or supplies which may no
21 longer be necessary for the proper administration of this
22 chapter. Notwithstanding any provision of this section, all
23 money requisitioned and deposited in this fund under s.
24 443.191(5)(c) remains part of the Unemployment Compensation
25 Trust Fund and must be used only in accordance with the
26 conditions specified in s. 443.191(5). All moneys in this
27 fund must be deposited, administered, and disbursed in the
28 same manner and under the same conditions and requirements as
29 is provided by law for other special funds in the State
30 Treasury. Such moneys must be secured by the depository in
31 which they are held to the same extent and in the same manner

1 as required by the general depository law of the state, and
2 collateral pledged must be maintained in a separate custody
3 account. All payments from the Employment Security
4 Administration Trust Fund must be approved by the division or
5 by a duly authorized agent and must be made by the Treasurer
6 upon warrants issued by the Comptroller. Any balances in this
7 fund do not lapse at any time and must remain continuously
8 available to the division for expenditure consistent with this
9 chapter.

10 ~~(2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST~~
11 ~~FUND.--There is created in the State Treasury a special fund,~~
12 ~~to be known as the "Special Employment Security Administration~~
13 ~~Trust Fund," into which shall be deposited or transferred all~~
14 ~~interest on contributions, penalties, and fines or fees~~
15 ~~collected under this chapter. Interest on contributions,~~
16 ~~penalties, and fines or fees deposited during any calendar~~
17 ~~quarter in the clearing account in the Unemployment~~
18 ~~Compensation Trust Fund shall, as soon as practicable after~~
19 ~~the close of such calendar quarter and upon certification of~~
20 ~~the division, be transferred to the Special Employment~~
21 ~~Security Administration Trust Fund. However, there shall be~~
22 ~~withheld from any such transfer the amount certified by the~~
23 ~~division to be required under this chapter to pay refunds of~~
24 ~~interest on contributions, penalties, and fines or fees~~
25 ~~collected and erroneously deposited into the clearing account~~
26 ~~in the Unemployment Compensation Trust Fund. Such amounts of~~
27 ~~interest and penalties so certified for transfer shall be~~
28 ~~deemed to have been erroneously deposited in the clearing~~
29 ~~account, and the transfer thereof to the Special Employment~~
30 ~~Security Administration Trust Fund shall be deemed to be a~~
31 ~~refund of such erroneous deposits. All moneys in this fund~~

1 ~~shall be deposited, administered, and disbursed in the same~~
2 ~~manner and under the same conditions and requirements as are~~
3 ~~provided by law for other special funds in the State Treasury.~~
4 ~~These moneys shall not be expended or be available for~~
5 ~~expenditure in any manner which would permit their~~
6 ~~substitution for, or permit a corresponding reduction in,~~
7 ~~federal funds which would, in the absence of these moneys, be~~
8 ~~available to finance expenditures for the administration of~~
9 ~~the Unemployment Compensation Law. But nothing in this~~
10 ~~section shall prevent these moneys from being used as a~~
11 ~~revolving fund to cover expenditures, necessary and proper~~
12 ~~under the law, for which federal funds have been duly~~
13 ~~requested but not yet received, subject to the charging of~~
14 ~~such expenditures against such funds when received. The~~
15 ~~moneys in this fund, with the approval of the Executive Office~~
16 ~~of the Governor, shall be used by the Division of Unemployment~~
17 ~~Compensation and the Agency for Workforce Innovation for the~~
18 ~~payment of costs of administration which are found not to have~~
19 ~~been properly and validly chargeable against funds obtained~~
20 ~~from federal sources. All moneys in the Special Employment~~
21 ~~Security Administration Trust Fund shall be continuously~~
22 ~~available to the division for expenditure in accordance with~~
23 ~~the provisions of this chapter and shall not lapse at any~~
24 ~~time. All payments from the Special Employment Security~~
25 ~~Administration Trust Fund shall be approved by the division or~~
26 ~~by a duly authorized agent thereof and shall be made by the~~
27 ~~Treasurer upon warrants issued by the Comptroller. The moneys~~
28 ~~in this fund are hereby specifically made available to~~
29 ~~replace, as contemplated by subsection (3), expenditures from~~
30 ~~the Employment Security Administration Trust Fund, established~~
31 ~~by subsection (1), which have been found by the Bureau of~~

1 ~~Employment Security, or other authorized federal agency or~~
2 ~~authority, because of any action or contingency, to have been~~
3 ~~lost or improperly expended. The Treasurer shall be liable on~~
4 ~~her or his official bond for the faithful performance of her~~
5 ~~or his duties in connection with the Special Employment~~
6 ~~Security Administration Trust Fund.~~

7 (2)~~(3)~~ REIMBURSEMENT OF FUND.--If any moneys received
8 from the Bureau of Employment Security under Title III of the
9 Social Security Act, any unencumbered balances in the
10 Employment Security Administration Trust Fund, any moneys
11 granted to this state pursuant to the provisions of the
12 Wagner-Peyser Act, or any moneys made available by this state
13 or its political subdivisions and matched by such moneys
14 granted to this state pursuant to the provisions of the
15 Wagner-Peyser Act, after reasonable notice and opportunity for
16 hearing, are found by the Bureau of Employment Security,
17 because of any action or contingency, to have been lost or
18 been expended for purposes other than, or in amounts in excess
19 of, those found necessary by the Bureau of Employment Security
20 for the proper administration of this chapter, it is the
21 policy of this state that such moneys shall be replaced by
22 moneys appropriated for such purposes from the general funds
23 of this state to the Employment Security Administration Trust
24 Fund for expenditure as provided in subsection (1). Upon
25 receipt of notice of such a finding by the Bureau of
26 Employment Security, the division shall promptly report the
27 amount required for such replacement to the Governor; and the
28 Governor shall, at the earliest opportunity, submit to the
29 Legislature a request for the appropriation of such amount.
30 This subsection shall not be construed to relieve this state
31 of its obligation with respect to funds received prior to July

1 1, 1941, pursuant to the provisions of Title III of the Social
2 Security Act.

3 ~~(4) EXEMPTION OF FUND FROM CERTAIN LAWS.--The Special~~
4 ~~Employment Security Administration Trust Fund provided for in~~
5 ~~subsection (2) is exempt from the application of any laws of~~
6 ~~the Legislature of 1949, other than this subsection, and~~
7 ~~specifically from the application of or effect by the~~
8 ~~continuing appropriations law.~~

9 (3)(5) AGENCY FOR WORKFORCE INNOVATION AUTHORITY AND
10 RESPONSIBILITY.--In connection with its duties under s.
11 443.181, the Agency for Workforce Innovation shall have
12 several authority and responsibility for deposit, requisition,
13 expenditure, approval of payment, reimbursement, and reporting
14 in regard to the trust fund ~~funds~~ established by this section.

15 Section 9. Subsection (4) of section 215.20, Florida
16 Statutes, is amended to read:

17 215.20 Certain income and certain trust funds to
18 contribute to the General Revenue Fund.--

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

23 (a) The Fuel Tax Collection Trust Fund created by s.
24 206.875.

25 (b) All income derived from outdoor advertising and
26 overweight violations which is deposited in the State
27 Transportation Trust Fund created by s. 206.46.

28 (c) All taxes levied on motor fuels other than
29 gasoline levied pursuant to the provisions of s. 206.87(1)(a).

30 (d) The State Alternative Fuel User Fee Clearing Trust
31 Fund established pursuant to s. 206.879(1).

- 1 (e) The Local Alternative Fuel User Fee Clearing Trust
2 Fund established pursuant to s. 206.879(2).
- 3 (f) The Cigarette Tax Collection Trust Fund created by
4 s. 210.20.
- 5 (g) The Nonmandatory Land Reclamation Trust Fund
6 established pursuant to s. 211.3103.
- 7 (h) The Phosphate Research Trust Fund established
8 pursuant to s. 211.3103.
- 9 (i) The Land Reclamation Trust Fund established
10 pursuant to s. 211.32(1)(f).
- 11 (j) The Educational Certification and Service Trust
12 Fund created by s. 231.30.
- 13 (k) The trust funds administered by the Division of
14 Historical Resources of the Department of State.
- 15 (l) The Marine Resources Conservation Trust Fund
16 created by s. 370.0608, with the exception of those fees
17 collected for recreational saltwater fishing licenses as
18 provided in s. 370.0605.
- 19 (m) The Local Option Fuel Tax Trust Fund created
20 pursuant to s. 336.025.
- 21 (n) The Florida Public Service Regulatory Trust Fund
22 established pursuant to s. 350.113.
- 23 (o) The State Game Trust Fund established by s.
24 372.09.
- 25 (p) The Special Disability Trust Fund created by s.
26 440.49.
- 27 (q) The Workers' Compensation Administration Trust
28 Fund created by s. 440.50(1)(a).
- 29 (r) The Employment Security Administration Trust Fund
30 created by s. 443.211(1).
- 31

1 ~~(s)~~ The Special Employment Security Administration
2 Trust Fund created by s. 443.211(2).
3 (s)~~(t)~~ The Professional Regulation Trust Fund
4 established pursuant to s. 455.219.
5 (t)~~(u)~~ The Speech-Language Pathology and Audiology
6 Trust Fund.
7 (u)~~(v)~~ The Division of Licensing Trust Fund
8 established pursuant to s. 493.6117.
9 (v)~~(w)~~ The Division of Florida Land Sales,
10 Condominiums, and Mobile Homes Trust Fund established pursuant
11 to s. 498.019.
12 (w)~~(x)~~ The trust fund of the Division of Hotels and
13 Restaurants, as defined in s. 509.072, with the exception of
14 those fees collected for the purpose of funding of the
15 hospitality education program as stated in s. 509.302.
16 (x)~~(y)~~ The trust funds administered by the Division of
17 Pari-mutuel Wagering and the Florida Quarter Horse Racing
18 Promotion Trust Fund.
19 (y)~~(z)~~ The General Inspection Trust Fund and
20 subsidiary accounts thereof, unless a different percentage is
21 authorized by s. 570.20.
22 (z)~~(aa)~~ The Florida Citrus Advertising Trust Fund
23 created by s. 601.15(7), including transfers from any
24 subsidiary accounts thereof, unless a different percentage is
25 authorized in that section.
26 (aa)~~(bb)~~ The Agents and Solicitors County Tax Trust
27 Fund created by s. 624.506.
28 (bb)~~(cc)~~ The Insurance Commissioner's Regulatory Trust
29 Fund created by s. 624.523.
30 (cc)~~(dd)~~ The Financial Institutions' Regulatory Trust
31 Fund established pursuant to s. 655.049.

1 (dd)~~(ee)~~ The Crimes Compensation Trust Fund
2 established pursuant to s. 960.21.

3 (ee)~~(ff)~~ The Records Management Trust Fund established
4 pursuant to s. 257.375.

5 (ff)~~(gg)~~ The Alcoholic Beverage and Tobacco Trust Fund
6 established pursuant to s. 561.025.

7 (gg)~~(hh)~~ The Health Care Trust Fund established
8 pursuant to s. 408.16.

9 (hh)~~(ii)~~ The Police and Firefighters' Premium Tax
10 Trust Fund established within the Department of Management
11 Services.

12

13 The enumeration of the foregoing moneys or trust funds shall
14 not prohibit the applicability thereto of s. 215.24 should the
15 Governor determine that for the reasons mentioned in s. 215.24
16 the money or trust funds should be exempt herefrom, as it is
17 the purpose of this law to exempt income from its force and
18 effect when, by the operation of this law, federal matching
19 funds or contributions or private grants to any trust fund
20 would be lost to the state.

21 Section 10. Paragraphs (a) and (b) of subsection (1)
22 and subsection (6) of section 443.141, Florida Statutes, are
23 amended to read:

24 443.141 Collection of contributions.--

25 (1) PAST DUE CONTRIBUTIONS.--

26 (a) Interest.--Contributions unpaid on the date on
27 which they are due and payable shall bear interest at the rate
28 of 1 percent per month from and after such date until payment
29 plus accrued interest is received by the division, unless the
30 division finds that the employing unit has or had good reason
31 for failure to pay contributions when due. Interest collected

1 pursuant to this subsection shall be paid into the General
2 Revenue ~~Special Employment Security Administration Trust~~ Fund.
3 (b) Penalty for delinquent reports.--
4 1. Any employing unit which fails to file any reports
5 required by the division in the administration of this
6 chapter, in accordance with rules adopted by the division,
7 shall pay to the division with respect to each such report the
8 sum of \$25 for each 30 days or fraction thereof that such
9 employing unit is delinquent, unless the division finds that
10 such employing unit has or had good reason for failure to file
11 such report or reports.
12 2. Sums collected as penalties under the provisions of
13 subparagraph 1. shall be deposited by the division in the
14 General Revenue ~~Special Employment Security Administration~~
15 ~~Trust~~ Fund.
16 3. A waiver of penalty and interest for delinquent
17 reports may be authorized where impositions of interest or a
18 penalty would be inequitable.
19 (6) REFUNDS.--If, not later than 4 years after the
20 date of payment of any amount as contributions, interest, or
21 penalties, an employing unit that has paid such contributions,
22 interest, or penalties makes application for an adjustment
23 thereof in connection with subsequent contribution payments,
24 or for a refund thereof because such adjustment cannot be
25 made, and the division determines that such contributions,
26 interest, or penalties or any portion thereof was erroneously
27 collected, the division shall allow such employing unit to
28 make an adjustment thereof without interest in connection with
29 subsequent contribution payment by it, or if such adjustment
30 cannot be made, the division shall refund said amount, without
31 interest, from the fund. For like cause, and within the same

1 period, adjustment or refund may be made on the division's own
2 initiative. However, nothing in this chapter shall be
3 construed to authorize a refund of contributions which were
4 properly paid in accordance with the provisions of this
5 chapter at the time of such payment, except as required by s.
6 443.036(21)(n)5.; further, refunds under this subsection and
7 under s. 443.036(21)(n)5. may be paid from either the clearing
8 account or the benefit account of the Unemployment
9 Compensation Trust Fund ~~and from the Special Employment~~
10 ~~Security Administration Trust Fund with respect to interest or~~
11 ~~penalties which have been previously paid into such fund, the~~
12 provisions of s. 443.191(2) to the contrary notwithstanding.

13 Section 11. Section 443.215, Florida Statutes, is
14 created to read:

15 443.215 Interest on contributions, penalties, and
16 finances or fees.--All interest on contributions, penalties, and
17 finances or fees collected under this chapter shall be deposited
18 or transferred into the General Revenue Fund. Interest on
19 contributions, penalties, and fines or fees deposited during
20 any calendar quarter in the clearing account of the
21 Unemployment Compensation Trust Fund shall, as soon as
22 practicable after the close of such calendar quarter and upon
23 certification of the division, be transferred to the General
24 Revenue Fund. However, there shall be withheld from any such
25 transfer the amount certified by the division to be required
26 under this chapter to pay refunds of interest on
27 contributions, penalties, and fines or fees collected and
28 erroneously deposited in the Unemployment Compensation Trust
29 Fund.

30
31

1 Section 12. Effective July 1, 2002, subsections (9)
2 and (10) of section 201.15, Florida Statutes, are amended to
3 read:

4 201.15 Distribution of taxes collected.--All taxes
5 collected under this chapter shall be distributed as follows
6 and shall be subject to the service charge imposed in s.
7 215.20(1), except that such service charge shall not be levied
8 against any portion of taxes pledged to debt service on bonds
9 to the extent that the amount of the service charge is
10 required to pay any amounts relating to the bonds:

11 (9) Seven and fifty-three hundredths percent of the
12 remaining taxes collected under this chapter shall be paid
13 into the State Treasury to the credit of the State Housing
14 Trust Fund and shall be used as follows:

15 (a) Half of that amount shall be used for the purposes
16 for which the State Housing Trust Fund was created and exists
17 by law.

18 (b) Half of that amount shall be paid into the State
19 Treasury to the credit of the Local Government Housing Trust
20 Fund and shall be used for the purposes for which the Local
21 Government Housing Trust Fund was created and exists by law.

22
23 Any increase in annual distributions in this subsection shall
24 be limited to the increase in the Consumer Price Index for the
25 previous calendar year for All Urban Consumers, U.S. City
26 Average, All Items, or successor reports as reported by the
27 United States Department of Labor, Bureau of Labor Statistics.
28 Any amount above such limitation shall be transferred by the
29 Department of Revenue to the General Revenue Fund, provided,
30 however, that the transfer shall not be made in any year in
31

1 which the annual distribution does not exceed the annual
2 distribution for each of the 2 prior years.

3 (10) Eight and sixty-six hundredths percent of the
4 remaining taxes collected under this chapter shall be paid
5 into the State Treasury to the credit of the State Housing
6 Trust Fund and shall be used as follows:

7 (a) Twelve and one-half percent of that amount shall
8 be deposited into the State Housing Trust Fund and be expended
9 by the Department of Community Affairs and by the Florida
10 Housing Finance Corporation for the purposes for which the
11 State Housing Trust Fund was created and exists by law.

12 (b) Eighty-seven and one-half percent of that amount
13 shall be distributed to the Local Government Housing Trust
14 Fund and shall be used for the purposes for which the Local
15 Government Housing Trust Fund was created and exists by law.
16 Funds from this category may also be used to provide for state
17 and local services to assist the homeless.

18
19 Any increase in annual distributions in this subsection shall
20 be limited to the increase in the Consumer Price Index for the
21 previous calendar year for All Urban Consumers, U.S. City
22 Average, All Items, or successor reports as reported by the
23 United States Department of Labor, Bureau of Labor Statistics.
24 Any amount above such limitation shall be transferred by the
25 Department of Revenue to the General Revenue Fund, provided,
26 however, that the transfer shall not be made in any year in
27 which the annual distribution does not exceed the annual
28 distribution for each of the 2 prior years.

29 Section 13. Effective July 1, 2002, subsection (4) is
30 added to section 607.1901, Florida Statutes, to read:

31

1 607.1901 Corporations Trust Fund creation; transfer of
2 funds.--

3 (4) In fiscal years in which the Legislature or the
4 Governor and Cabinet, pursuant to s. 216.221, reduce the
5 current year budget as a result of a projected deficit in
6 General Revenue Fund receipts, the total transfers for the
7 current year to trust funds of the Department of State
8 pursuant to this section are hereby reduced in the same
9 percentage that General Revenue Fund appropriations to the
10 agencies in the general government section of the General
11 Appropriations Act are reduced.

12 Section 14. Effective July 1, 2002, paragraph (a) of
13 subsection (1) of section 252.373, Florida Statutes, is
14 amended to read:

15 252.373 Allocation of funds; rules.--

16 (1)(a) Funds appropriated from the Emergency
17 Management, Preparedness, and Assistance Trust Fund shall be
18 allocated by the Department of Community Affairs as follows:

19 1. Sixty percent to implement and administer state and
20 local emergency management programs, including training, of
21 which 20 percent shall be used by the division and 80 percent
22 shall be allocated to local emergency management agencies and
23 programs. Of this 80 percent, at least 80 percent shall be
24 allocated to counties.

25 2. Twenty percent to provide for state relief
26 assistance for nonfederally declared disasters, including but
27 not limited to grants and below-interest-rate loans to
28 businesses for uninsured losses resulting from a disaster. If
29 any funds are unencumbered on May 1 of a fiscal year, the
30 department shall use such funds in that fiscal year for the
31

1 state portion of the match requirements for federally approved
2 Hazard Mitigation Grant Program projects.

3 3. Twenty percent for grants and loans to state or
4 regional agencies, local governments, and private
5 organizations to implement projects that will further state
6 and local emergency management objectives. These projects
7 must include, but need not be limited to, projects that will
8 promote public education on disaster preparedness and recovery
9 issues, enhance coordination of relief efforts of statewide
10 private sector organizations, and improve the training and
11 operations capabilities of agencies assigned lead or support
12 responsibilities in the state comprehensive emergency
13 management plan, including the State Fire Marshal's Office for
14 coordinating the Florida fire services. The division shall
15 establish criteria and procedures for competitive allocation
16 of these funds by rule. No more than 5 percent of any award
17 made pursuant to this subparagraph may be used for
18 administrative expenses. This competitive criteria must give
19 priority consideration to hurricane evacuation shelter
20 retrofit projects.

21 Section 15. Effective July 1, 2002, paragraph (b) of
22 subsection (9) of section 320.08058, Florida Statutes, is
23 amended to read:

24 320.08058 Specialty license plates.--

25 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.--

26 (b) The license plate annual use fees are to be
27 annually distributed as follows:

28 1. Fifty-five percent of the proceeds from the Florida
29 Professional Sports Team plate must be deposited into the
30 Professional Sports Development Trust Fund within the Office
31 of Tourism, Trade, and Economic Development. These funds must

1 be used solely to attract and support major and regional
2 sports events and sports-related business expansions in this
3 state. As used in this subparagraph, the term "major sports
4 events" means, but is not limited to, championship or all-star
5 contests of Major League Baseball, the National Basketball
6 Association, the National Football League, the National Hockey
7 League, the men's and women's National Collegiate Athletic
8 Association Final Four basketball championship, or a
9 horseracing or dogracing Breeders' Cup. Funding for
10 sports-related business expansion programs and initiatives
11 shall be limited to \$300,000 per fiscal year.All funds must
12 be used to support and promote major and regional sports
13 ~~sporting~~ events and sports-related business expansions, and
14 the uses must be approved by the Florida Sports Foundation.

15 2. The remaining proceeds of the Florida Professional
16 Sports Team license plate must be allocated to the Florida
17 Sports Foundation, a direct-support organization of the Office
18 of Tourism, Trade, and Economic Development. These funds must
19 be deposited into the Professional Sports Development Trust
20 Fund within the Office of Tourism, Trade, and Economic
21 Development. These funds must be used by the Florida Sports
22 Foundation to promote the economic development of the sports
23 industry; to distribute licensing and royalty fees to
24 participating professional sports teams; to institute a grant
25 program for communities bidding on minor sports ~~sporting~~
26 events that create an economic impact for the state; to
27 distribute funds to Florida-based charities designated by the
28 Florida Sports Foundation and the participating professional
29 sports teams; and to fulfill the sports promotion
30 responsibilities of the Office of Tourism, Trade, and Economic
31 Development.

1 3. The Florida Sports Foundation shall provide an
2 annual financial audit in accordance with s. 215.981 of its
3 financial accounts and records by an independent certified
4 public accountant pursuant to the contract established by the
5 Office of Tourism, Trade, and Economic Development as
6 specified in s. 288.1229(5). The auditor shall submit the
7 audit report to the Office of Tourism, Trade, and Economic
8 Development for review and approval. If the audit report is
9 approved, the office shall certify the audit report to the
10 Auditor General for review.

11 Section 16. (1) The Office of Tourism, Trade, and
12 Economic Development shall transfer the unexpended balance of
13 the Economic Development Transportation Trust Fund to the
14 Department of Transportation no later than July 30, 2002. The
15 Department of Transportation shall establish transfer
16 authority to return such funds to the Office of Tourism,
17 Trade, and Economic Development. The Department of
18 Transportation shall not return funds to the Office of
19 Tourism, Trade, and Economic Development until the Office of
20 Tourism, Trade, and Economic Development certifies that the
21 transfer of funds is required to fulfill project commitments.
22 The Department of Transportation may utilize any interest and
23 temporarily use any balance of such funds for ongoing
24 Department of Transportation expenditures until the transfer
25 of funds is necessary to the Office of Tourism, Trade, and
26 Economic Development.

27 (2) This section shall take effect upon this act
28 becoming a law.

29 Section 17. Effective July 1, 2002, subsection (11) is
30 added to section 288.063, Florida Statutes, to read:

31 288.063 Contracts for transportation projects.--

1 (11) The Department of Transportation shall not
 2 transfer funds appropriated from the State Transportation
 3 Trust Fund to the Office of Tourism, Trade, and Economic
 4 Development until the Office of Tourism, Trade, and Economic
 5 Development certifies that the transfer of funds is required
 6 to fulfill project commitments. The Department of
 7 Transportation may utilize any interest and temporarily use
 8 any balance of such funds for ongoing Department of
 9 Transportation expenditures until the transfer of funds is
 10 necessary to the Office of Tourism, Trade, and Economic
 11 Development.

12 Section 18. Except as otherwise provided herein, this
 13 act shall take effect July 1, 2003.

14
 15 *****

16 HOUSE SUMMARY

17 Terminates or exempts from termination specified trust
 18 funds of state transportation and economic development
 19 agencies. Provides for disposition of balances in and
 20 revenues of the terminated trust funds. Amends or
 21 repeals various provisions of law to conform. Provides
 22 for deposit, transfer, use, or reductions in or
 23 restrictions on transfers of certain other trust fund
 24 moneys of state transportation and economic development
 25 agencies. See bill for details.