

By the Fiscal Responsibility Council and Representative  
Ball

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 criminal justice  
5           agencies; providing for disposition of balances  
6           in and revenues of the terminated trust funds;  
7           amending s. 27.702, F.S., to delete reference  
8           to the Capital Collateral Trust Fund; providing  
9           for deposit of payments for representing  
10          indigent persons into the General Revenue Fund  
11          instead; amending s. 318.21, F.S.; increasing  
12          the amount of certain civil penalties to be  
13          paid into the County Article V Trust Fund;  
14          decreasing the amount of such penalties to be  
15          paid into the General Revenue Fund;  
16          transferring moneys from the General Revenue  
17          Fund to the County Article V Trust Fund in  
18          fiscal year 2001-2002; amending s. 25.402,  
19          F.S.; conforming references; abrogating the  
20          scheduled repeal of provisions relating to  
21          administration of the County Article V Trust  
22          Fund; repealing ss. 25.402 and 34.201, F.S.,  
23          relating to the County Article V Trust Fund,  
24          effective on a future date; amending s. 318.21,  
25          F.S.; revising provisions relating to  
26          disposition of civil penalties imposed by  
27          county courts, to conform; amending s. 25.384,  
28          F.S., to delete provisions relating to the  
29          Court Education Trust Fund; amending ss.  
30          28.2401 and 28.241, F.S.; providing for deposit  
31          of certain service and filing charges into the

1           General Revenue Fund instead; repealing s.  
2           25.388, F.S., relating to the Family Courts  
3           Trust Fund; amending ss. 28.101 and 741.01,  
4           F.S.; providing for deposit of certain charges  
5           and fees into the General Revenue Fund instead;  
6           repealing s. 860.158, F.S., relating to the  
7           Florida Motor Vehicle Theft Prevention Trust  
8           Fund; repealing s. 860.153(3), F.S., relating  
9           to the definition of "trust fund" under the  
10          Florida Motor Vehicle Theft Prevention Act, to  
11          conform; amending ss. 320.08046 and 713.78,  
12          F.S.; providing for deposit of certain  
13          surcharges and fees into the General Revenue  
14          Fund instead; amending s. 501.2101, F.S., to  
15          delete provisions relating to the Consumer  
16          Frauds Trust Fund; providing for deposit of  
17          moneys received pursuant to regulation of  
18          deceptive and unfair trade practices into the  
19          General Revenue Fund instead; amending ss.  
20          501.059, 501.143, and 501.2077, F.S., to  
21          conform; amending s. 570.071, F.S.; providing  
22          for deposit of certain donations for purposes  
23          of the Florida Agricultural Exposition into the  
24          General Revenue Fund; amending ss. 945.31 and  
25          948.09, F.S., to delete reference to the  
26          Operating Trust Fund of the Department of  
27          Corrections; providing for deposit of certain  
28          fees and surcharges into the General Revenue  
29          Fund instead; repealing s. 943.362, F.S.,  
30          relating to the Forfeiture and Investigative  
31          Support Trust Fund; amending s. 932.7055, F.S.;

1 providing for deposit of certain proceeds into  
2 the General Revenue Fund instead; amending ss.  
3 741.466, 790.065, 938.01, 938.25, 943.031,  
4 943.0582, 943.0585, 943.059, and 943.25, F.S.,  
5 to delete reference to the Operating Trust Fund  
6 of the Department of Law Enforcement; providing  
7 for deposit of various funds into the General  
8 Revenue Fund or other disposition instead;  
9 repealing s. 943.042, F.S., relating to the  
10 Violent Crime Investigative Emergency and Drug  
11 Control Strategy Implementation Account within  
12 the Department of Law Enforcement Operating  
13 Trust Fund, to conform; repealing ss. 30 and  
14 32, ch. 2001-254, Laws of Florida, relating to  
15 reversion of amendments to ss. 938.01(1) and  
16 943.25(1), F.S., to conform; providing  
17 requirements with respect to future  
18 appropriations from specified terminated trust  
19 funds and the General Revenue Fund; providing  
20 effective dates.

21  
22 Be It Enacted by the Legislature of the State of Florida:  
23

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

26 (a) Within the Justice Administrative Commission:

27 1. Effective July 1, 2002, the Capital Collateral  
28 Trust Fund, FLAIR number 21-2-072.

29 2. Effective July 1, 2003, the Consumer Frauds Trust  
30 Fund, FLAIR number 21-2-127.

31 (b) Within the state courts system:

- 1           1. Effective July 1, 2004, the County Article V Trust  
2 Fund, FLAIR number 22-2-055.
- 3           2. Effective July 1, 2002, the Court Education Trust  
4 Fund, FLAIR number 22-2-146.
- 5           3. Effective July 1, 2002, the Family Courts Trust  
6 Fund, FLAIR number 22-2-973.
- 7           (c) Within the Department of Legal Affairs:
- 8           1. Effective July 1, 2003, the Administrative Trust  
9 Fund, FLAIR number 41-2-021.
- 10           2. Effective July 1, 2003, the Florida Motor Vehicle  
11 Theft Prevention Trust Fund, FLAIR number 41-2-051.
- 12           3. Effective July 1, 2003, the Consumer Frauds Trust  
13 Fund, FLAIR number 41-2-127.
- 14           (d) Within the Department of Corrections:
- 15           1. Effective July 1, 2002, the Florida Agricultural  
16 Exposition Trust Fund, FLAIR number 70-2-298.
- 17           2. Effective July 1, 2003, the Operating Trust Fund,  
18 FLAIR number 70-2-510.
- 19           (e) Within the Department of Law Enforcement:
- 20           1. Effective July 1, 2003, the Forfeiture and  
21 Investigative Support Trust Fund, FLAIR number 71-2-316.
- 22           2. Effective July 1, 2003, the Operating Trust Fund,  
23 FLAIR number 71-2-510.
- 24           (2) Unless otherwise provided, all current balances  
25 remaining in, and all revenues of, the trust funds terminated  
26 by this act shall be transferred to the General Revenue Fund.
- 27           (3) For each trust fund and fund account terminated by  
28 this act, the agency that administers the trust fund or fund  
29 account shall pay any outstanding debts or obligations of the  
30 terminated fund or account as soon as practicable, and the  
31 Comptroller shall close out and remove the terminated fund or

1 account from the various state accounting systems using  
2 generally accepted accounting principles concerning warrants  
3 outstanding, assets, and liabilities.

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

6 Section 2. Effective upon this act becoming a law, the  
7 Legislature finds that the Inmate Bank Trust Fund, which has  
8 no FLAIR number and which is administered by the Department of  
9 Corrections, is exempt from termination pursuant to Section  
10 19(f), Article III of the State Constitution.

11 Section 3. Effective July 1, 2002, paragraph (a) of  
12 subsection (3) of section 27.702, Florida Statutes, is amended  
13 to read:

14 27.702 Duties of the capital collateral regional  
15 counsel; reports.--

16 (3)(a) The capital collateral regional counsel shall  
17 file motions seeking compensation for representation and  
18 reimbursement for expenses pursuant to 18 U.S.C. s. 3006A when  
19 providing representation to indigent persons in the federal  
20 courts, and shall deposit all such payments received into the  
21 General Revenue Fund ~~Capital Collateral Trust Fund~~ established  
22 ~~for such purpose.~~

23 Section 4. Effective upon this act becoming a law,  
24 subsection (2) of section 318.21, Florida Statutes, as amended  
25 by section 11 of chapter 2001-122, Laws of Florida, is amended  
26 to read:

27 318.21 Disposition of civil penalties by county  
28 courts.--All civil penalties received by a county court  
29 pursuant to the provisions of this chapter shall be  
30 distributed and paid monthly as follows:

31 (Substantial rewording of subsection. See

- 1           s. 318.21(2), F.S., for present text.)  
2           (2) Of the remainder:  
3           (a) Twenty and six-tenths percent shall be paid to the  
4 County Article V Trust Fund, except that the first \$300,000  
5 shall be deposited into the Grants and Donations Trust Fund in  
6 the state courts system for administrative costs, training  
7 costs, and costs associated with the implementation and  
8 maintenance of Florida foster care citizen review panels as  
9 provided for in s. 39.702.  
10           (b) Seven and two-tenths percent shall be deposited in  
11 the Emergency Medical Services Trust Fund for the purposes set  
12 forth in s. 401.113.  
13           (c) Five and one-tenth percent shall be deposited in  
14 the Additional Court Cost Clearing Trust Fund established  
15 pursuant to s. 938.01 for criminal justice purposes.  
16           (d) Eight and two-tenths percent shall be deposited in  
17 the Brain and Spinal Cord Injury Rehabilitation Trust Fund for  
18 the purposes set forth in s. 381.79.  
19           (e) Two percent shall be deposited in the endowment  
20 fund of the Florida Endowment Foundation for Vocational  
21 Rehabilitation established by s. 413.615.  
22           (f) Five-tenths percent shall be paid to the clerk of  
23 the court for administrative costs.  
24           (g)1. If the violation occurred within a municipality  
25 or a special improvement district of the Seminole Indian Tribe  
26 or Miccosukee Indian Tribe, 56.4 percent shall be paid to that  
27 municipality or special improvement district.  
28           2. If the violation occurred within the unincorporated  
29 area of a county that is not within a special improvement  
30 district of the Seminole Indian Tribe or Miccosukee Indian  
31 Tribe, 56.4 percent shall be paid to that county.

1           Section 5. Effective upon this act becoming a law, an  
2 amount equal to the amount of civil penalties paid into the  
3 General Revenue Fund pursuant to section 318.21(2), Florida  
4 Statutes, for the period beginning July 1, 2001, and ending on  
5 the day before this act becomes a law is transferred to the  
6 County Article V Trust Fund.

7           Section 6. Effective upon this act becoming a law,  
8 paragraph (d) of subsection (1) of section 25.402, Florida  
9 Statutes, as amended by section 1 of chapter 2001-378, Laws of  
10 Florida, is amended to read:

11           25.402 County Article V Trust Fund.--

12           (1)

13           (d) Effective July 1, 2001, moneys generated from  
14 civil penalties distributed under s. 318.21(2)(a)(h) and ~~shall~~  
15 ~~be~~ deposited in the trust fund and may be used for the  
16 following purposes:

17           1. Funds paid to counties with populations fewer than  
18 90,000 shall be grants-in-aid to be used, in priority order,  
19 for: operating expenditures of the offices of the state  
20 attorneys and public defenders as appropriated by the  
21 Legislature in accordance with Specific Appropriation 2978B;  
22 consulting or architectural studies related to the improvement  
23 of courthouse facilities; improving court facilities to ensure  
24 compliance with the Americans with Disabilities Act and other  
25 federal or state requirements; other renovations in court  
26 facilities; improvements in court security; and expert witness  
27 fees in criminal cases, court reporting and transcribing costs  
28 in criminal cases, and costs associated with the appointment  
29 of special public defenders.

30           2. Funds paid to counties with populations exceeding  
31 89,999 shall be grants-in-aid to be used, in priority order,

1 for operating expenditures of the offices of the state  
2 attorneys and public defenders as appropriated by the  
3 Legislature ~~in accordance with Specific Appropriation 2978B,~~  
4 costs paid by the county for expert witness fees in criminal  
5 cases, court reporting and transcribing costs in criminal  
6 cases, and costs associated with the appointment of special  
7 public defenders.

8           3. Funds may be appropriated for the operation of  
9 trial courts.

10           Section 7. Effective June 30, 2002, section 25.402,  
11 Florida Statutes, as amended by this act, is amended to read:

12           25.402 County Article V Trust Fund.--

13           (1)~~(a)~~ The trust fund moneys in the County Article V  
14 Trust Fund, administered by the Supreme Court, may be used to  
15 compensate counties for the costs they incur under Article V  
16 of the State Constitution in operating the state courts  
17 system, including the costs they incur in providing and  
18 maintaining court facilities.

19           (2)~~(b)~~ When the Legislature appropriates moneys from  
20 the trust fund to compensate counties, the Supreme Court must  
21 adopt an allocation and disbursement plan for the operation of  
22 the trust fund and the expenditure of moneys deposited in the  
23 trust fund. The Supreme Court shall include the plan in its  
24 legislative budget request. A committee of 15 people shall  
25 develop and recommend the allocation and disbursement plan to  
26 the Supreme Court. The committee shall be composed of:

27           (a)~~1~~. Six persons appointed by the Florida Association  
28 of Counties, as follows:

29           1.~~a~~. Two persons residing in counties with populations  
30 fewer than 90,000.

31



1           ~~2.b.~~ Two persons residing in counties with populations  
2 greater than 89,999, but fewer than 700,000.  
3           ~~3.c.~~ Two persons residing in counties with populations  
4 greater than 699,999.  
5           ~~(b)2.~~ Six persons appointed by the Chief Justice of  
6 the Supreme Court, as follows:  
7           ~~1.a.~~ Two persons residing in counties with populations  
8 fewer than 90,000.  
9           ~~2.b.~~ Two persons residing in counties with populations  
10 greater than 89,999, but fewer than 700,000.  
11           ~~3.c.~~ Two persons residing in counties with populations  
12 greater than 699,999.  
13           ~~(c)3.~~ Three persons appointed by the Florida  
14 Association of Court Clerks and Comptrollers, as follows:  
15           ~~1.a.~~ One person residing in a county with a population  
16 fewer than 90,000.  
17           ~~2.b.~~ One person residing in a county with a population  
18 greater than 89,999, but fewer than 700,000.  
19           ~~3.c.~~ One person residing in a county with a population  
20 greater than 699,999.  
21  
22 The allocation and disbursement plan shall include provisions  
23 to compensate counties with fewer than 90,000 residents for  
24 court facility needs.  
25           ~~(3)(c)~~ Amendments to the approved operating budget for  
26 expenditures from the County Article V Trust Fund must be  
27 approved in accordance with the provisions of s. 216.181. The  
28 total amount disbursed from the County Article V Trust Fund  
29 may not exceed the amount authorized by the General  
30 Appropriations Act.  
31

1        ~~(4)(d) Effective July 1, 2001,~~ Moneys generated from  
2 civil penalties distributed under s. 318.21(2)(a) and  
3 deposited in the trust fund may be used for the following  
4 purposes:

5        ~~(a)1.~~ Funds paid to counties with populations fewer  
6 than 90,000 shall be grants-in-aid to be used, in priority  
7 order, for: operating expenditures of the offices of the state  
8 attorneys and public defenders as appropriated by the  
9 Legislature; consulting or architectural studies related to  
10 the improvement of courthouse facilities; improving court  
11 facilities to ensure compliance with the Americans with  
12 Disabilities Act and other federal or state requirements;  
13 other renovations in court facilities; improvements in court  
14 security; and expert witness fees in criminal cases, court  
15 reporting and transcribing costs in criminal cases, and costs  
16 associated with the appointment of special public defenders.

17        ~~(b)2.~~ Funds paid to counties with populations  
18 exceeding 89,999 shall be grants-in-aid to be used, in  
19 priority order, for operating expenditures of the offices of  
20 the state attorneys and public defenders as appropriated by  
21 the Legislature, costs paid by the county for expert witness  
22 fees in criminal cases, court reporting and transcribing costs  
23 in criminal cases, and costs associated with the appointment  
24 of special public defenders.

25        ~~(c)3.~~ Funds may be appropriated for the operation of  
26 trial courts.

27        ~~(2) This section expires June 30, 2002.~~

28        Section 8. Effective July 1, 2004, sections 25.402 and  
29 34.201, Florida Statutes, are repealed.

30        Section 9. Effective July 1, 2004, paragraph (a) of  
31 subsection (2) of section 318.21, Florida Statutes, as amended

1 by section 12 of chapter 2001-122, Laws of Florida, and by  
2 this act, is amended to read:

3           318.21 Disposition of civil penalties by county  
4 courts.--All civil penalties received by a county court  
5 pursuant to the provisions of this chapter shall be  
6 distributed and paid monthly as follows:

7           (2) Of the remainder:

8           (Substantial rewording of paragraph. See  
9           s. 318.21(2)(a), F.S., for present text.)

10           (a) Twenty and six-tenths percent shall be remitted to  
11 the Department of Revenue for deposit into the General Revenue  
12 Fund of the state, except that the first \$300,000 shall be  
13 deposited into the Grants and Donations Trust Fund in the  
14 state courts system for administrative costs, training costs,  
15 and costs associated with the implementation and maintenance  
16 of Florida foster care citizen review panels as provided for  
17 in s. 39.702.

18           Section 10. Effective July 1, 2002, section 25.384,  
19 Florida Statutes, is amended to read:

20           25.384 Court education annual report Trust Fund--

21           ~~(1) There is created a Court Education Trust Fund to~~  
22 ~~be administered by the Supreme Court through the Florida Court~~  
23 ~~Educational Council.~~

24           ~~(2)(a) The trust fund moneys shall be used to provide~~  
25 ~~judicial education for judges, the State Courts Administrator~~  
26 ~~and his or her staff, trial court administrators, and~~  
27 ~~appellate court law clerks. In addition, funds may be used~~  
28 ~~for the development and implementation of an educational~~  
29 ~~program for the clerks of court as set forth in s. 145.051(2).~~

30           ~~(b) The Supreme Court, through its Florida Court~~  
31 ~~Educational Council, shall adopt a comprehensive plan for the~~

1 ~~operation of the trust fund and the expenditure of the moneys~~  
2 ~~deposited in the trust fund. The plan shall provide for~~  
3 ~~travel, per diem, tuition, educational materials, and other~~  
4 ~~related costs incurred for educational programs, in and out of~~  
5 ~~state, which will be of benefit to the judiciary of the state.~~

6 ~~(3) The trust fund shall be funded with moneys~~  
7 ~~generated from fees assessed pursuant to ss. 28.241(1) and~~  
8 ~~28.2401(3).~~

9 ~~(4) The Supreme Court, through the Florida Court~~  
10 ~~Educational Council, shall submit a report each year, on~~  
11 ~~October 1, to the President of the Senate and the Speaker of~~  
12 ~~the House of Representatives, which report shall include the~~  
13 ~~total number of judges and other court personnel attending~~  
14 ~~each training or educational program, the educational program~~  
15 ~~attended and the location of the program, and the costs~~  
16 ~~incurred. In addition, the report shall identify the judges~~  
17 ~~and other court personnel attending out-of-state programs and~~  
18 ~~the costs associated with such programs. The report shall~~  
19 ~~also show the total dollars deposited in the fund for the~~  
20 ~~fiscal year and the balance at the end of the fiscal year.~~

21 Section 11. Effective July 1, 2002, subsection (3) of  
22 section 28.2401, Florida Statutes, as amended by section 5 of  
23 chapter 2001-122, Laws of Florida, is amended to read:

24 28.2401 Service charges in probate matters.--

25 (3) Service charges in excess of those fixed in this  
26 section may be imposed by the governing authority of the  
27 county by ordinance, or by special or local law, to provide  
28 and maintain facilities, including a law library; to provide  
29 and maintain equipment; or to provide or maintain a legal aid  
30 program. Service charges other than those fixed in this  
31 section shall be governed by s. 28.24. An additional service

1 charge of \$2.50 on petitions seeking summary administration,  
2 family administration, formal administration, ancillary  
3 administration, guardianship, curatorship, and conservatorship  
4 shall be paid to the clerk. The clerk shall transfer the \$2.50  
5 to the Department of Revenue for deposit into the General  
6 Revenue Court Education Trust Fund.

7 Section 12. Effective July 1, 2002, subsection (1) of  
8 section 28.241, Florida Statutes, as amended by section 6 of  
9 chapter 2001-122, Laws of Florida, is amended to read:

10 28.241 Filing charges for trial and appellate  
11 proceedings.--

12 (1) The party instituting any civil action, suit, or  
13 proceeding in the circuit court shall pay to the clerk of that  
14 court a service charge of \$40 in all cases in which there are  
15 not more than five defendants and an additional service charge  
16 of \$2 for each defendant in excess of five. An additional  
17 service charge of \$10 shall be paid by the party seeking each  
18 severance that is granted. An additional service charge of \$35  
19 shall be paid to the clerk for all proceedings of garnishment,  
20 attachment, replevin, and distress. An additional service  
21 charge of \$8 shall be paid to the clerk for each civil action  
22 filed, \$7 of such charge to be remitted by the clerk to the  
23 Department of Revenue for deposit into the General Revenue  
24 Fund unallocated. An additional charge of \$2.50 shall be paid  
25 to the clerk for each civil action brought in circuit or  
26 county court, to be remitted by the clerk to the Department of  
27 Revenue for deposit into the General Revenue ~~Court Education~~  
28 ~~Trust~~ Fund. Service charges in excess of those herein fixed  
29 may be imposed by the governing authority of the county by  
30 ordinance or by special or local law; and such excess shall be  
31 expended as provided by such ordinance or any special or local

1 law, now or hereafter in force, to provide and maintain  
2 facilities, including a law library, for the use of the courts  
3 of the county wherein the service charges are collected; to  
4 provide and maintain equipment; or for a legal aid program in  
5 such county. In addition, the county is authorized to impose,  
6 by ordinance or by special or local law, a fee of up to \$15  
7 for each civil action filed, for the establishment,  
8 maintenance, or supplementation of a public guardian pursuant  
9 to ss. 744.701-744.708, inclusive. Postal charges incurred by  
10 the clerk of the circuit court in making service by certified  
11 or registered mail on defendants or other parties shall be  
12 paid by the party at whose instance service is made. That part  
13 of the within fixed or allowable service charges which is not  
14 by local or special law applied to the special purposes shall  
15 constitute the total service charges of the clerk of such  
16 court for all services performed by him or her in civil  
17 actions, suits, or proceedings. The sum of all service  
18 charges and fees permitted under this subsection may not  
19 exceed \$200; however, the \$200 cap may be increased to \$210 in  
20 order to provide for the establishment, maintenance, or  
21 supplementation of a public guardian as indicated in this  
22 subsection.

23 Section 13. Effective July 1, 2002, section 25.388,  
24 Florida Statutes, is repealed.

25 Section 14. Effective July 1, 2002, paragraph (d) of  
26 subsection (1) of section 28.101, Florida Statutes, as amended  
27 by section 4 of chapter 2001-122, Laws of Florida, is amended  
28 to read:

29 28.101 Petitions and records of dissolution of  
30 marriage; additional charges.--

31

1           (1) When a party petitions for a dissolution of  
2 marriage, in addition to the filing charges in s. 28.241, the  
3 clerk shall collect and receive:

4           (d) A charge of \$32.50. On a monthly basis, the clerk  
5 shall transfer the moneys collected pursuant to this paragraph  
6 as follows:

7           1. An amount of \$7.50 to the Department of Revenue for  
8 deposit in the Displaced Homemaker Trust Fund.

9           2. An amount of \$25 to the Department of Revenue for  
10 deposit in the General Revenue ~~Family Courts Trust~~ Fund.

11           Section 15. Effective July 1, 2002, subsections (4)  
12 and (5) of section 741.01, Florida Statutes, as amended by  
13 section 17 of chapter 2001-122, Laws of Florida, are amended  
14 to read:

15           741.01 County court judge or clerk of the circuit  
16 court to issue marriage license; fee.--

17           (4) An additional fee of \$25 shall be paid to the  
18 clerk upon receipt of the application for issuance of a  
19 marriage license. The moneys collected shall be remitted by  
20 the clerk to the Department of Revenue, monthly, for deposit  
21 in the General Revenue ~~Family Courts Trust~~ Fund.

22           (5) The fee charged for each marriage license issued  
23 in the state shall be reduced by a sum of \$32.50 for all  
24 couples who present valid certificates of completion of a  
25 premarital preparation course from a qualified course provider  
26 registered under s. 741.0305(5) for a course taken no more  
27 than 1 year prior to the date of application for a marriage  
28 license. For each license issued that is subject to the fee  
29 reduction of this subsection, the clerk is not required to  
30 transfer the sum of \$7.50 to the Department of Revenue for  
31 deposit in the Displaced Homemaker Trust Fund pursuant to

1 subsection (3) or to transfer the sum of \$25 to the Department  
2 of Revenue for deposit in the General Revenue ~~Family Courts~~  
3 ~~Trust~~ Fund.

4 Section 16. Section 860.158 and subsection (3) of  
5 section 860.153, Florida Statutes, are repealed.

6 Section 17. Section 320.08046, Florida Statutes, is  
7 amended to read:

8 320.08046 Surcharge on license tax; General Revenue  
9 Fund.--There is levied on each license tax imposed under s.  
10 320.08, except those set forth in s. 320.08(11), a surcharge  
11 in the amount of \$1, which shall be collected in the same  
12 manner as the license tax. Of the proceeds of the license tax  
13 surcharge, 40 percent shall be deposited into the General  
14 Revenue Fund, 42 percent shall be deposited into the Grants  
15 and Donations Trust Fund in the Department of Juvenile Justice  
16 to fund the community juvenile justice partnership grants  
17 program, and 18 percent shall be deposited into the General  
18 Revenue Fund ~~Florida Motor Vehicle Theft Prevention Trust Fund~~  
19 ~~to fund motor vehicle theft prevention programs pursuant to s.~~  
20 ~~860.158.~~

21 Section 18. Paragraph (e) of subsection (13) of  
22 section 713.78, Florida Statutes, is amended to read:

23 713.78 Liens for recovering, towing, or storing  
24 vehicles and vessels.--

25 (13)

26 (e) When a wrecker operator files a notice of wrecker  
27 operator's lien under this subsection, the department shall  
28 charge the wrecker operator a fee of \$2, which shall be  
29 deposited into the General Revenue Fund ~~Florida Motor Vehicle~~  
30 ~~Theft Prevention Trust Fund~~ established under s. ~~860.158~~. A  
31 service charge of \$2.50 shall be collected and retained by the



1 tax collector who processes a notice of wrecker operator's  
2 lien.

3 Section 19. Section 501.2101, Florida Statutes, is  
4 amended to read:

5 501.2101 Enforcing authorities; moneys received in  
6 certain proceedings; ~~Consumer Frauds Trust Fund.~~--

7 (1) Any moneys received by an enforcing authority for  
8 attorney's fees and costs of investigation or litigation in  
9 proceedings brought under the provisions of s. 501.207, s.  
10 501.208, or s. 501.211 shall be deposited as received in the  
11 General Revenue Fund ~~Consumer Frauds Trust Fund or the Legal~~  
12 ~~Affairs Revolving Trust Fund in the State Treasury.~~

13 ~~(2) There is created in the State Treasury a trust~~  
14 ~~fund to be known as the Consumer Frauds Trust Fund. Money~~  
15 ~~deposited therein shall be disbursed to the enforcing~~  
16 ~~authority responsible for its collection for the funding of~~  
17 ~~activities conducted by enforcing authorities pursuant to ss.~~  
18 ~~501.201-501.213, inclusive.~~

19 (2)~~(3)~~ Any moneys received by an enforcing authority  
20 and neither received for attorney's fees and costs of  
21 investigation or litigation nor used to reimburse consumers  
22 found under this law to be damaged shall accrue to the state  
23 and be deposited as received in the General Revenue Fund  
24 unallocated.

25 Section 20. Subsection (8) of section 501.059, Florida  
26 Statutes, is amended to read:

27 501.059 Telephone solicitation.--

28 (8) The department shall investigate any complaints  
29 received concerning violations of this section. If, after  
30 investigating any complaint, the department finds that there  
31 has been a violation of this section, the department or the

1 Department of Legal Affairs may bring an action to impose a  
2 civil penalty and to seek other relief, including injunctive  
3 relief, as the court deems appropriate against the telephone  
4 solicitor. The civil penalty shall not exceed \$10,000 per  
5 violation and shall be deposited in the General Inspection  
6 Trust Fund if the action or proceeding was brought by the  
7 department, or the General Revenue ~~Consumer Frauds Trust~~ Fund  
8 if the action or proceeding was brought by the Department of  
9 Legal Affairs. This civil penalty may be recovered in any  
10 action brought under this part by the department, or the  
11 department may terminate any investigation or action upon  
12 agreement by the person to pay a stipulated civil penalty.  
13 The department or the court may waive any civil penalty if the  
14 person has previously made full restitution or reimbursement  
15 or has paid actual damages to the consumers who have been  
16 injured by the violation.

17 Section 21. Subsection (9) of section 501.143, Florida  
18 Statutes, is amended to read:

19 501.143 Dance Studio Act.--

20 (9) GENERAL INSPECTION TRUST FUND; PAYMENTS.--Any  
21 moneys recovered by the enforcing authority as a penalty under  
22 this section shall be deposited in the General Inspection  
23 Trust Fund if the action or proceeding was brought by the  
24 department, or the General Revenue ~~Consumer Frauds Trust~~ Fund  
25 if the action or proceeding was brought by the Department of  
26 Legal Affairs.

27 Section 22. Subsection (4) of section 501.2077,  
28 Florida Statutes, is amended to read:

29 501.2077 Violations involving senior citizen or  
30 handicapped person; civil penalties; presumption.--

31

1           (4) Civil penalties collected pursuant to this section  
2 shall be deposited into the General Revenue Fund ~~Department of~~  
3 ~~Legal Affairs Consumer Frauds Trust Fund and allocated solely~~  
4 ~~to the Department of Legal Affairs for the purpose of~~  
5 ~~preparing and distributing consumer education materials,~~  
6 ~~programs, and seminars to benefit senior citizens and~~  
7 ~~handicapped persons or to further enforcement efforts.~~

8           Section 23. Effective July 1, 2002, subsection (2) of  
9 section 570.071, Florida Statutes, is amended to read:

10           570.071 Florida Agricultural Exposition;  
11 responsibility of Departments of Agriculture and Consumer  
12 Services and Corrections.--

13           (2) To accomplish the purpose of this section, the  
14 Department of Agriculture and Consumer Services and Department  
15 of Corrections are authorized to receive donations of funds  
16 from growers and dealers of agricultural products and their  
17 groups and associations, manufacturers and dealers of  
18 agriculture business products and their groups and  
19 associations thereof, the Federal Government, and other  
20 sources. The funds received by the Department of Agriculture  
21 and Consumer Services shall be deposited in the State Treasury  
22 in a separate trust, and the funds received by the Department  
23 of Corrections shall be deposited in the General Revenue Fund.

24           Section 24. Section 945.31, Florida Statutes, is  
25 amended to read:

26           945.31 Restitution and other payments.--The department  
27 may establish bank accounts outside the State Treasury for the  
28 purpose of collecting and disbursing restitution and other  
29 court-ordered payments from persons in its custody or under  
30 its supervision, and may collect an administrative processing  
31 fee in an amount equal to 4 percent of the gross amounts of

1 such payments. Such administrative processing fee shall be  
2 deposited in the General Revenue Fund ~~department's Operating~~  
3 ~~Trust Fund and shall be used to offset the cost of the~~  
4 ~~department's services.~~

5 Section 25. Subsection (2) of section 948.09, Florida  
6 Statutes, is amended to read:

7 948.09 Payment for cost of supervision and  
8 rehabilitation.--

9 (2) Any person being electronically monitored by the  
10 department as a result of placement on community control shall  
11 be required to pay as a surcharge an amount that may not  
12 exceed the full cost of the monitoring service in addition to  
13 the cost of supervision fee as directed by the sentencing  
14 court. The surcharge shall be deposited in the General Revenue  
15 ~~Fund Operating Trust Fund to be used by the department for~~  
16 ~~purchasing and maintaining electronic monitoring devices.~~

17 Section 26. Section 943.362, Florida Statutes, is  
18 repealed.

19 Section 27. Paragraph (a) of subsection (5) of section  
20 932.7055, Florida Statutes, is amended to read:

21 932.7055 Disposition of liens and forfeited  
22 property.--

23 (5) If the seizing agency is a state agency, all  
24 remaining proceeds shall be deposited into the General Revenue  
25 Fund. However, if the seizing agency is:

26 (a) The Department of Law Enforcement, the proceeds  
27 accrued pursuant to the provisions of the Florida Contraband  
28 Forfeiture Act shall be deposited into the General Revenue  
29 ~~Fund Forfeiture and Investigative Support Trust Fund as~~  
30 ~~provided in s. 943.362~~ or into the department's Federal Law  
31

1 Enforcement Trust Fund as provided in s. 943.365, as  
2 applicable.

3 Section 28. Subsection (2) of section 741.466, Florida  
4 Statutes, is amended to read:

5 741.466 Prevention of Domestic and Sexual Violence  
6 Program.--

7 (2) From the funds appropriated to ~~deposited into~~ the  
8 Department of Law Enforcement for such purpose ~~Operating Trust~~  
9 ~~Fund pursuant to s. 938.01(1)(a)1. and 2.~~, the Department of  
10 Law Enforcement shall transfer funds to the Department of  
11 Children and Family Services to be used as matching funds for  
12 the administration of the Prevention of Domestic and Sexual  
13 Violence Program transferred from the Department of Community  
14 Affairs. ~~The amount of the transfer for fiscal year 2001-2002~~  
15 ~~shall be determined by the Governor's Office of Planning and~~  
16 ~~Budgeting in consultation with the Department of Community~~  
17 ~~Affairs, the Department of Law Enforcement, and the Department~~  
18 ~~of Children and Family Services and shall be based on the~~  
19 ~~historic use of these funds and current needs of the~~  
20 ~~Prevention of Domestic and Sexual Violence Program. In~~  
21 ~~subsequent years, the transfer of funds shall be based on the~~  
22 ~~amount appropriated.~~

23 Section 29. Paragraph (b) of subsection (1) of section  
24 790.065, Florida Statutes, is amended to read:

25 790.065 Sale and delivery of firearms.--

26 (1) A licensed importer, licensed manufacturer, or  
27 licensed dealer may not sell or deliver from her or his  
28 inventory at her or his licensed premises any firearm to  
29 another person, other than a licensed importer, licensed  
30 manufacturer, licensed dealer, or licensed collector, until  
31 she or he has:

1           (b) Collected a fee from the potential buyer for  
2 processing the criminal history check of the potential buyer.  
3 The fee shall be established by the Department of Law  
4 Enforcement and may not exceed \$8 per transaction. The  
5 Department of Law Enforcement may reduce, or suspend  
6 collection of, the fee to reflect payment received from the  
7 Federal Government applied to the cost of maintaining the  
8 criminal history check system established by this section as a  
9 means of facilitating or supplementing the National Instant  
10 Criminal Background Check System. The Department of Law  
11 Enforcement shall, by rule, establish procedures for the fees  
12 to be transmitted by the licensee to the Department of Law  
13 Enforcement. All such fees shall be deposited into the General  
14 Revenue Fund ~~Department of Law Enforcement Operating Trust~~  
15 ~~Fund, but shall be segregated from all other funds deposited~~  
16 ~~into such trust fund and must be accounted for separately.~~  
17 ~~Such segregated funds must not be used for any purpose other~~  
18 ~~than the operation of the criminal history checks required by~~  
19 ~~this section.~~ The Department of Law Enforcement, each year  
20 prior to February 1, shall make a full accounting of all  
21 receipts ~~and expenditures~~ of such funds to the President of  
22 the Senate, the Speaker of the House of Representatives, the  
23 majority and minority leaders of each house of the  
24 Legislature, and the chairs of the appropriations committees  
25 of each house of the Legislature. ~~In the event that the~~  
26 ~~cumulative amount of funds collected exceeds the cumulative~~  
27 ~~amount of expenditures by more than \$2.5 million, excess funds~~  
28 ~~may be used for the purpose of purchasing soft body armor for~~  
29 ~~law enforcement officers.~~  
30  
31

1 However, if the person purchasing, or receiving delivery of,  
2 the firearm is a holder of a valid concealed weapons or  
3 firearms license pursuant to the provisions of s. 790.06 or  
4 holds an active certification from the Criminal Justice  
5 Standards and Training Commission as a "law enforcement  
6 officer," a "correctional officer," or a "correctional  
7 probation officer" as defined in s. 943.10(1), (2), (3), (6),  
8 (7), (8), or (9), the provisions of this subsection do not  
9 apply.

10 Section 30. Subsection (1) of section 938.01, Florida  
11 Statutes, as amended by section 19 of chapter 2001-122,  
12 section 1 of 2001-184, section 3 of 2001-232, and section 29  
13 of 2001-254, Laws of Florida, is amended to read:

14 938.01 Additional Court Cost Clearing Trust Fund.--

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

29 (a) All such costs collected by the courts shall be  
30 remitted to the Department of Revenue, in accordance with  
31 administrative rules adopted by the executive director of the

1 Department of Revenue, for deposit in the Additional Court  
2 Cost Clearing Trust Fund and shall be earmarked to the  
3 Department of Law Enforcement for distribution as follows:

4         1. Two dollars and seventy-five cents of each \$3  
5 assessment shall be deposited in the Criminal Justice  
6 Standards and Training Trust Fund, and the remaining 25 cents  
7 of each such assessment shall be deposited into the General  
8 Revenue Fund ~~Department of Law Enforcement Operating Trust~~  
9 ~~Fund and shall be disbursed to the Department of Law~~  
10 ~~Enforcement.~~

11         2. Ninety-two percent of the money distributed to the  
12 Additional Court Cost Clearing Trust Fund pursuant to s.  
13 318.21 shall be earmarked to the Department of Law Enforcement  
14 for deposit in the Criminal Justice Standards and Training  
15 Trust Fund, and 8 percent of such money shall be deposited  
16 into the General Revenue Fund ~~Department of Law Enforcement~~  
17 ~~Operating Trust Fund and shall be disbursed to the Department~~  
18 ~~of Law Enforcement.~~

19         ~~(b) The funds deposited in the Criminal Justice~~  
20 ~~Standards and Training Trust Fund and the Department of Law~~  
21 ~~Enforcement Operating Trust Fund may be invested. Any interest~~  
22 ~~earned from investing such funds and any unencumbered funds~~  
23 ~~remaining at the end of the budget cycle shall remain in the~~  
24 ~~respective trust fund until the following year.~~

25         (b)(c) All funds in the Criminal Justice Standards and  
26 Training Trust Fund earmarked to the Department of Law  
27 Enforcement shall be disbursed only in compliance with s.  
28 943.25(9).

29         Section 31. Effective upon this act becoming a law,  
30 section 30 of chapter 2001-254, Laws of Florida, is repealed.

31



1           Section 32. Section 938.25, Florida Statutes, as  
2 amended by section 24 of chapter 2001-122, Laws of Florida, is  
3 amended to read:

4           938.25 Additional court assessment ~~Operating Trust~~  
5 ~~Fund of the Department of Law Enforcement.~~--Notwithstanding  
6 any provision to the contrary of the laws of this state, the  
7 court may assess any defendant who pleads guilty or nolo  
8 contendere to, or is convicted of, a violation of any  
9 provision of s. 893.13, without regard to whether adjudication  
10 was withheld, in addition to any fine and other penalty  
11 provided or authorized by law, an amount of \$100, to be paid  
12 to the clerk of the court, who shall forward it to the  
13 Department of Revenue for deposit in the General Revenue Fund  
14 ~~Operating Trust Fund of the Department of Law Enforcement to~~  
15 ~~be used by the statewide criminal analysis laboratory system~~  
16 ~~for the purposes specified in s. 943.361.~~ The court is  
17 authorized to order a defendant to pay an additional  
18 assessment if it finds that the defendant has the ability to  
19 pay the fine and the additional assessment and will not be  
20 prevented thereby from being rehabilitated or from making  
21 restitution.

22           Section 33. Paragraph (d) of subsection (2) and  
23 paragraph (b) of subsection (4) of section 943.031, Florida  
24 Statutes, are amended to read:

25           943.031 Florida Violent Crime and Drug Control  
26 Council.--The Legislature finds that there is a need to  
27 develop and implement a statewide strategy to address violent  
28 criminal activity and drug control efforts by state and local  
29 law enforcement agencies, including investigations of illicit  
30 money laundering. In recognition of this need, the Florida  
31 Violent Crime and Drug Control Council is created within the

1 department. The council shall serve in an advisory capacity to  
2 the department.

3 (2) TERMS OF MEMBERSHIP; OFFICERS; COMPENSATION;  
4 STAFF.--

5 (d) Members of the council or their designates shall  
6 serve without compensation but are entitled to reimbursement  
7 for per diem and travel expenses pursuant to s. 112.061.  
8 Reimbursements made pursuant to this paragraph may be paid  
9 from ~~either the Violent Crime Investigative Emergency and Drug~~  
10 ~~Control Strategy Implementation Account within the Department~~  
11 ~~of Law Enforcement Operating Trust Fund or from other~~  
12 appropriations provided to the department by the Legislature  
13 in the General Appropriations Act.

14 (4) DUTIES OF COUNCIL.--The council shall provide  
15 advice and make recommendations, as necessary, to the  
16 executive director of the department.

17 (b) The council shall:

18 1. Receive periodic reports from regional violent  
19 crime investigation and statewide drug control strategy  
20 implementation coordinating teams which relate to violent  
21 crime trends or the investigative needs or successes in the  
22 regions, factors, and trends relevant to the implementation of  
23 the statewide drug strategy, and the results of drug control  
24 and illicit money laundering investigative efforts funded in  
25 part by the council.

26 2. Maintain and utilize criteria for the disbursement  
27 of funds from ~~the Violent Crime Investigative Emergency and~~  
28 ~~Drug Control Strategy Implementation Account within the~~  
29 ~~Department of Law Enforcement Operating Trust Fund or other~~  
30 appropriations provided to the Department of Law Enforcement  
31 by the Legislature in the General Appropriations Act. The

1 criteria shall allow for the advancement of funds as approved  
2 by the council.

3 3. Review and approve all requests for disbursement of  
4 funds from ~~the Violent Crime Investigative Emergency and Drug~~  
5 ~~Control Strategy Implementation Account within the Department~~  
6 ~~of Law Enforcement Operating Trust Fund and from other~~  
7 appropriations provided to the department by the Legislature  
8 in the General Appropriations Act. An expedited approval  
9 procedure shall be established for rapid disbursement of funds  
10 in violent crime emergency situations.

11 Section 34. Section 943.042, Florida Statutes, is  
12 repealed.

13 Section 35. Subsection (4) of section 943.0582,  
14 Florida Statutes, is amended to read:

15 943.0582 Prearrest, postarrest, or teen court  
16 diversion program expunction.--

17 (4) The department shall ~~is authorized to~~ charge a \$75  
18 processing fee for each request received for prearrest or  
19 postarrest diversion program expunction, for placement in the  
20 General Revenue Fund ~~Department of Law Enforcement Operating~~  
21 ~~Trust Fund, unless such fee is waived by the executive~~  
22 ~~director.~~

23 Section 36. Paragraph (b) of subsection (2) of section  
24 943.0585, Florida Statutes, is amended to read:

25 943.0585 Court-ordered expunction of criminal history  
26 records.--The courts of this state have jurisdiction over  
27 their own procedures, including the maintenance, expunction,  
28 and correction of judicial records containing criminal history  
29 information to the extent such procedures are not inconsistent  
30 with the conditions, responsibilities, and duties established  
31 by this section. Any court of competent jurisdiction may order

1 a criminal justice agency to expunge the criminal history  
2 record of a minor or an adult who complies with the  
3 requirements of this section. The court shall not order a  
4 criminal justice agency to expunge a criminal history record  
5 until the person seeking to expunge a criminal history record  
6 has applied for and received a certificate of eligibility for  
7 expunction pursuant to subsection (2). A criminal history  
8 record that relates to a violation of s. 787.025, chapter 794,  
9 s. 796.03, s. 800.04, s. 817.034, s. 825.1025, s. 827.071,  
10 chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.  
11 893.135, or a violation enumerated in s. 907.041 may not be  
12 expunged, without regard to whether adjudication was withheld,  
13 if the defendant was found guilty of or pled guilty or nolo  
14 contendere to the offense, or if the defendant, as a minor,  
15 was found to have committed, or pled guilty or nolo contendere  
16 to committing, the offense as a delinquent act. The court may  
17 only order expunction of a criminal history record pertaining  
18 to one arrest or one incident of alleged criminal activity,  
19 except as provided in this section. The court may, at its sole  
20 discretion, order the expunction of a criminal history record  
21 pertaining to more than one arrest if the additional arrests  
22 directly relate to the original arrest. If the court intends  
23 to order the expunction of records pertaining to such  
24 additional arrests, such intent must be specified in the  
25 order. A criminal justice agency may not expunge any record  
26 pertaining to such additional arrests if the order to expunge  
27 does not articulate the intention of the court to expunge a  
28 record pertaining to more than one arrest. This section does  
29 not prevent the court from ordering the expunction of only a  
30 portion of a criminal history record pertaining to one arrest  
31 or one incident of alleged criminal activity. Notwithstanding

1 any law to the contrary, a criminal justice agency may comply  
2 with laws, court orders, and official requests of other  
3 jurisdictions relating to expunction, correction, or  
4 confidential handling of criminal history records or  
5 information derived therefrom. This section does not confer  
6 any right to the expunction of any criminal history record,  
7 and any request for expunction of a criminal history record  
8 may be denied at the sole discretion of the court.

9 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.--Prior  
10 to petitioning the court to expunge a criminal history record,  
11 a person seeking to expunge a criminal history record shall  
12 apply to the department for a certificate of eligibility for  
13 expunction. The department shall, by rule adopted pursuant to  
14 chapter 120, establish procedures pertaining to the  
15 application for and issuance of certificates of eligibility  
16 for expunction. The department shall issue a certificate of  
17 eligibility for expunction to a person who is the subject of a  
18 criminal history record if that person:

19 (b) Remits a \$75 processing fee to the department for  
20 placement in the General Revenue Fund ~~Department of Law~~  
21 ~~Enforcement Operating Trust Fund, unless such fee is waived by~~  
22 ~~the executive director.~~

23 Section 37. Paragraph (b) of subsection (2) of section  
24 943.059, Florida Statutes, is amended to read:

25 943.059 Court-ordered sealing of criminal history  
26 records.--The courts of this state shall continue to have  
27 jurisdiction over their own procedures, including the  
28 maintenance, sealing, and correction of judicial records  
29 containing criminal history information to the extent such  
30 procedures are not inconsistent with the conditions,  
31 responsibilities, and duties established by this section. Any

1 court of competent jurisdiction may order a criminal justice  
2 agency to seal the criminal history record of a minor or an  
3 adult who complies with the requirements of this section. The  
4 court shall not order a criminal justice agency to seal a  
5 criminal history record until the person seeking to seal a  
6 criminal history record has applied for and received a  
7 certificate of eligibility for sealing pursuant to subsection  
8 (2). A criminal history record that relates to a violation of  
9 s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 817.034, s.  
10 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135,  
11 s. 847.0145, s. 893.135, or a violation enumerated in s.  
12 907.041 may not be sealed, without regard to whether  
13 adjudication was withheld, if the defendant was found guilty  
14 of or pled guilty or nolo contendere to the offense, or if the  
15 defendant, as a minor, was found to have committed or pled  
16 guilty or nolo contendere to committing the offense as a  
17 delinquent act. The court may only order sealing of a criminal  
18 history record pertaining to one arrest or one incident of  
19 alleged criminal activity, except as provided in this section.  
20 The court may, at its sole discretion, order the sealing of a  
21 criminal history record pertaining to more than one arrest if  
22 the additional arrests directly relate to the original arrest.  
23 If the court intends to order the sealing of records  
24 pertaining to such additional arrests, such intent must be  
25 specified in the order. A criminal justice agency may not seal  
26 any record pertaining to such additional arrests if the order  
27 to seal does not articulate the intention of the court to seal  
28 records pertaining to more than one arrest. This section does  
29 not prevent the court from ordering the sealing of only a  
30 portion of a criminal history record pertaining to one arrest  
31 or one incident of alleged criminal activity. Notwithstanding

1 any law to the contrary, a criminal justice agency may comply  
2 with laws, court orders, and official requests of other  
3 jurisdictions relating to sealing, correction, or confidential  
4 handling of criminal history records or information derived  
5 therefrom. This section does not confer any right to the  
6 sealing of any criminal history record, and any request for  
7 sealing a criminal history record may be denied at the sole  
8 discretion of the court.

9 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.--Prior to  
10 petitioning the court to seal a criminal history record, a  
11 person seeking to seal a criminal history record shall apply  
12 to the department for a certificate of eligibility for  
13 sealing. The department shall, by rule adopted pursuant to  
14 chapter 120, establish procedures pertaining to the  
15 application for and issuance of certificates of eligibility  
16 for sealing. The department shall issue a certificate of  
17 eligibility for sealing to a person who is the subject of a  
18 criminal history record provided that such person:

19 (b) Remits a \$75 processing fee to the department for  
20 placement in the General Revenue Fund ~~Department of Law~~  
21 ~~Enforcement Operating Trust Fund, unless such fee is waived by~~  
22 ~~the executive director.~~

23 Section 38. Subsection (1) of section 943.25, Florida  
24 Statutes, as amended by section 2 of chapter 2001-184, section  
25 4 of chapter 2001-232, and section 31 of chapter 2001-254,  
26 Laws of Florida, is amended to read:

27 943.25 Criminal justice trust funds; source of funds;  
28 use of funds.--

29 (1) The Department of Law Enforcement may approve, ~~for~~  
30 ~~disbursement from the Department of Law Enforcement Operating~~  
31 ~~Trust Fund,~~ those appropriated sums necessary and required by

1 the state for grant matching, implementing, administering,  
2 evaluating, and qualifying for such federal funds.

3 ~~Disbursements from the trust fund for the purpose of~~  
4 ~~supplanting state general revenue funds may not be made~~  
5 ~~without specific legislative appropriation.~~

6 Section 39. Effective upon this act becoming a law,  
7 section 32 of chapter 2001-254, Laws of Florida, is repealed.

8 Section 40. (1) This section shall take effect July  
9 1, 2002, and shall apply to the following trust funds:

10 (a) The Capital Collateral Trust Fund, FLAIR number  
11 21-2-072.

12 (b) The County Article V Trust Fund, FLAIR number  
13 22-2-055.

14 (c) The Court Education Trust Fund, FLAIR number  
15 22-2-146.

16 (d) The Family Courts Trust Fund, FLAIR number  
17 22-2-973.

18 (e) The Florida Agricultural Exposition Trust Fund,  
19 FLAIR number 70-2-298.

20 (2) If any trust fund listed in this section is  
21 terminated effective July 1, 2002, appropriations contained in  
22 the fiscal year 2002-2003 General Appropriations Act from that  
23 trust fund are hereby repealed. Appropriations of identical  
24 amounts, for the same purposes, and with the same restrictions  
25 or limitations are hereby made from the General Revenue Fund.

26 (3) Appropriations for fiscal year 2001-2002 that are  
27 made from trust funds listed in this section may be certified  
28 forward pursuant to the provisions of s. 216.301, Florida  
29 Statutes.

30 (4) If the General Appropriations Act for fiscal year  
31 2002-2003 contains a provision that is substantively the same



1 as this section, the Legislature intends that the provision in  
2 the General Appropriations Act shall take precedence.

3 Section 41. Except as otherwise provided herein, this  
4 act shall take effect July 1, 2003.

5  
6 \*\*\*\*\*

7 HOUSE SUMMARY

8 Terminates or exempts from termination specified trust  
9 funds of state criminal justice agencies. Provides for  
10 disposition of balances in and revenues of the terminated  
11 trust funds. Amends or repeals various provisions of law  
12 to conform. Redistributes the moneys received as civil  
13 penalties by county courts to increase the distribution  
14 to the County Article V Trust Fund and decrease the  
15 amount going to the General Revenue Fund, and transfers  
16 from the General Revenue Fund to the County Article V  
17 Trust Fund an amount equal to the fiscal year 2001-2002  
18 distributions from civil penalties to general revenue.  
19 See bill for details.  
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