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1 A bill to be entitled

2 An act relating to the Department of State; terminating
3 the Coconut Grove Playhouse Trust Fund and the Public
4 Access Data Systems Trust Fund within the department;
5 providing for disposition of balances in and revenues of
6 the terminated trust funds; amending s. 15.09, F.S.;
7 deleting a provision that created and provided uses of the
8 Public Access Data Systems Trust Fund, to conform;
9 amending s. 215.22, F.S.; deleting a reference to the
10 Coconut Grove Playhouse Trust Fund, to conform; amending
11 s. 265.284, F.S.; revising sources of funding for the
12 Florida Fine Arts Trust Fund; amending s. 265.2861, F.S.;
13 deleting provisions transferring funds from the Cultural
14 Institutions Trust Fund to certain grant programs and
15 entities; eliminating a funding source of the trust fund;
16 removing a restriction on grant recipients under the
17 Cultural Institutions Program against receiving funds from
18 certain other arts grants programs; repealing s. 265.2901,
19 F.S., relating to the Coconut Grove Playhouse Trust Fund,
20 to conform; amending s. 267.0617, F.S.; removing a
21 provision specifying funding sources for the Historic
22 Preservation Grant Program; amending s. 320.08058, F.S.;
23 changing the distribution of proceeds of the Florida arts
24 license plate annual use fees; amending s. 607.1901, F.S.;
25 deleting the transfer of funds from the Corporations Trust
26 Fund to certain funds; amending s. 607.19011, F.S.;
27 revising uses of the Corporations Trust Fund; directing
28 maintenance of priority rankings for certain grant
29 programs for Fiscal Year 2004-2005 grant cycles; providing
30 an effective date.



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

Section 1. (1) The following trust funds within the Department of State are terminated:

(a) The Coconut Grove Playhouse Trust Fund, FLAIR number 45-2-097.

(b) The Public Access Data Systems Trust Fund, FLAIR number 45-2-542.

(2) All current balances remaining in and all revenues of the trust funds terminated by this section shall be transferred to the General Revenue Fund. The Department of State shall pay any outstanding debts or obligations of each terminated trust fund as soon as practicable, and the Chief Financial Officer shall close out and remove the terminated trust funds from the various state accounting systems using generally accepted accounting principles concerning warrants outstanding, assets, and liabilities.

Section 2. Section 15.09, Florida Statutes, is amended to read:

15.09 Fees.--

(1) The fees, except as provided by law, to be collected by the Department of State, are:

(a) For searching of papers or records, \$3.50, except that there shall be no charge for telephone requests for general corporate information, including the corporation's status, names of officers and directors, address of principal place of business, and name and address of resident agent.

(b) For providing a certificate with seal, \$8.75; however, no fee shall be charged for providing a certificate with seal to



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61 any officer appointed to an office requiring Senate
62 confirmation.

63 (c) For furnishing statistical information and for copying
64 any document not mentioned, \$1 per page or fraction thereof.

65 (2) The department may in its discretion establish a
66 reasonable fee for filing or copying any document or instrument
67 not mentioned herein or provided for in other laws.

68 (3) All fees arising from certificates of election or
69 appointment to office and from commissions to officers shall be
70 paid to the Treasurer for deposit in the General Revenue Fund.

71 (4) All funds collected by the Division of Corporations of
72 the department shall be deposited in the Corporations Trust
73 Fund.

74 ~~(5)(a) There is created within the Department of State a~~
75 ~~Public Access Data Systems Trust Fund, which shall be used by~~
76 ~~the department to purchase information systems and equipment~~
77 ~~that provide greater public accessibility to the information and~~
78 ~~records maintained by it. Notwithstanding any other provision of~~
79 ~~law, the Divisions of Licensing, Elections, and Corporations of~~
80 ~~the department shall transfer each fiscal year to the Public~~
81 ~~Access Data Systems Trust Fund from their respective trust~~
82 ~~funds:~~

83 ~~1. An amount equal to 2 percent of all revenues received~~
84 ~~for the processing of documents, filings, or information~~
85 ~~requests.~~

86 ~~2. All public access network revenues collected pursuant~~
87 ~~to s. 15.16 or s. 119.085.~~

88 ~~(b) Funds from the Public Access Data Systems Trust Fund~~
89 ~~may be appropriated for the operations of the department.~~



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90 Section 3. Subsection (1) of section 215.22, Florida
 91 Statutes, as amended by section 63 of chapter 2002-402, Laws of
 92 Florida, is amended to read:

93 215.22 Certain income and certain trust funds exempt.--

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

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

98 (b) Trust funds administered by the Department of the
 99 Lottery.

100 (c) Departmental administrative assessments for
 101 administrative divisions.

102 (d) Funds charged by a state agency for services provided
 103 to another state agency, by a state agency for services provided
 104 to the judicial branch, or by the judicial branch for services
 105 provided to a state agency.

106 (e) State, agency, or political subdivision investments by
 107 the Treasurer.

108 (f) Retirement or employee benefit funds.

109 (g) Self-insurance programs administered by the Treasurer.

110 (h) Funds held for the payment of citrus canker
 111 eradication and compensation.

112 (i) Medicaid, Medicare, or third-party receipts for client
 113 custodial care.

114 (j) Bond proceeds or revenues dedicated for bond
 115 repayment, except for the Documentary Stamp Clearing Trust Fund
 116 administered by the Department of Revenue.

117 (k) Trust funds administered by the Department of
 118 Education.



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119 (l) Trust funds administered by the Department of
 120 Transportation.

121 (m) Trust funds administered by the Department of
 122 Agriculture and Consumer Services.

123 (n) The Motor Vehicle License Clearing Trust Fund.

124 (o) The Solid Waste Management Trust Fund.

125 ~~(p) The Coconut Grove Playhouse Trust Fund.~~

126 (p)~~(q)~~ The Communications Working Capital Trust Fund of
 127 the Department of Management Services.

128 (q)~~(r)~~ The Camp Blanding Management Trust Fund.

129 (r)~~(s)~~ The Indigent Criminal Defense Trust Fund.

130 (s)~~(t)~~ That portion of the Highway Safety Operating Trust
 131 Fund funded by the motorcycle safety education fee collected
 132 pursuant to s. 320.08(1)(c).

133 (t)~~(u)~~ The Save the Manatee Trust Fund.

134 (u)~~(v)~~ Tobacco Settlement Trust Funds administered by any
 135 agency.

136 (v)~~(w)~~ The Save Our Everglades Trust Fund.

137 (w)~~(x)~~ The Florida Center for Nursing Trust Fund.

138 Section 4. Subsection (4) of section 265.284, Florida
 139 Statutes, is amended to read:

140 265.284 Chief cultural officer; director of division;
 141 powers and duties.--

142 (4) There is created the Florida Fine Arts Trust Fund to
 143 be administered by the Department of State for the purposes set
 144 forth by law. The Florida Fine Arts Trust Fund shall consist of
 145 moneys appropriated by the Legislature and moneys contributed to
 146 the fund from any other source ~~receive distributions as provided~~
 147 ~~in s. 320.08058.~~



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148 Section 5. Section 265.2861, Florida Statutes, is amended
 149 to read:

150 265.2861 Cultural Institutions Program; trust fund.--

151 (1) CULTURAL INSTITUTIONS TRUST FUND.--There is created a
 152 Cultural Institutions Trust Fund to be administered by the
 153 Department of State for the purposes set forth in this section,
 154 ~~and to support the following programs as follows:~~

155 ~~(a) For statewide arts grants, \$2.7 million.~~

156 ~~(b) For arts in education and visiting arts programs,
 157 \$250,000.~~

158 ~~(c) For the State Touring Program, \$200,000. First
 159 priority for the issuance of State Touring Program grants shall
 160 be given to applicants that reside in counties with a population
 161 of 75,000 or less.~~

162 ~~(d) For local arts agencies or state service
 163 organizations, \$400,000.~~

164 ~~(e)1. For the officially designated Art Museum of the
 165 State of Florida described in s. 1004.45, \$2.2 million, and for
 166 state-owned cultural facilities assigned to the Department of
 167 State, which receive a portion of any operating funds from the
 168 Department of State and one of the primary purposes of which is
 169 the presentation of fine arts or performing arts, \$500,000.~~

170 ~~2. For fiscal year 2001-2002 only, the provisions of
 171 subparagraph 1. relating to state-owned cultural facilities
 172 shall not be applicable. This subparagraph expires July 1, 2002.~~

173
 174 The trust fund shall consist of moneys appropriated by the
 175 Legislature, ~~moneys deposited pursuant to s. 607.1901(2), and~~
 176 moneys contributed to the fund from any other source.

177 (2) CULTURAL INSTITUTIONS PROGRAM.--



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178 (a) There is created within the Department of State a
179 Cultural Institutions Program.

180 (b) The Department of State shall establish, by rule,
181 criteria for the award of grants to cultural organizations,
182 including criteria relating to program quality, potential public
183 exposure and benefit, fiscal stability, ability to properly
184 administer grant funds, procedures for peer evaluation, and
185 other matters deemed necessary and appropriate to further the
186 purposes of this section. The Division of Cultural Affairs shall
187 award grants to supplement the financial support of cultural
188 organizations that have displayed a sustained commitment to
189 cultural excellence and to recognize organizations for superior
190 cultural contributions that have regional or statewide impact.

191 (c) Cultural organizations shall receive funding by the
192 Division of Cultural Affairs from the Cultural Institutions
193 Trust Fund.

194 ~~(d) Except for programs that receive funds for challenge~~
195 ~~grants, grants promoting arts education, grants for touring~~
196 ~~programs, and grants for international cultural exchange~~
197 ~~programs, an organization that receives a grant under the~~
198 ~~Cultural Institutions Program is precluded from receiving funds~~
199 ~~from other art grants programs administered under s. 265.286, s.~~
200 ~~265.608, or s. 265.609, by the Division of Cultural Affairs.~~

201 (d)(e)1. Upon appropriation by the Legislature of funds
202 for the Cultural Institutions Program, the Department of State
203 shall execute a contract with each organization, which must
204 contain information relative to the program, the projected
205 operating income and expenses, and other provisions deemed
206 necessary by the department for the administration of the
207 program.



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208 2. Each recipient organization must submit an annual
209 report to the Division of Cultural Affairs detailing the
210 expenditure of funds and is subject to the auditing provisions
211 and rules of the division.

212 ~~(e)(f)~~ Each organization shall cause an annual postaudit
213 or independent attestation of its financial accounts, to be
214 conducted by an independent certified public accountant. The
215 annual audit report must be submitted to the Department of State
216 for review. The department may require and receive from the
217 recipient institution, or from its independent auditor, any
218 detail or supplemental data relative to the operation of such
219 institution.

220 ~~(f)(g)~~ The Department of State shall adopt rules necessary
221 to administer this section.

222 Section 6. Section 265.2901, Florida Statutes, is
223 repealed.

224 Section 7. Section 267.0617, Florida Statutes, is amended
225 to read:

226 267.0617 Historic Preservation Grant Program.--

227 ~~(1) There is hereby created within the division the~~
228 ~~Historic Preservation Grant Program, which shall make grants of~~
229 ~~moneys appropriated by the Legislature, moneys deposited~~
230 ~~pursuant to ss. 550.0351(2) and 607.1901(2)(g), and moneys~~
231 ~~contributed for that purpose from any other source. The program~~
232 ~~funds shall be used by the division for the purpose of financing~~
233 ~~grants in furtherance of the purposes of this section.~~

234 ~~(1)(2)~~ The division may ~~is authorized to~~ conduct and carry
235 ~~out~~ a program to provide ~~of~~ historic preservation grants-in-aid,
236 including matching grants, to any department or agency of the
237 state; any unit of county, municipal, or other local government;



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238 any corporation, partnership, or other organization, whether
 239 public or private or whether or not for profit; or any
 240 individual for projects having as their purpose the
 241 identification, acquisition, protection, preservation,
 242 rehabilitation, restoration, or construction of historic sites
 243 and properties, or Florida history, or the planning of such
 244 activities. Funds appropriated from general revenue for the
 245 historic preservation grants-in-aid program shall not be
 246 provided for a project owned by private individuals or owned by
 247 for-profit corporations. All moneys received from any source as
 248 appropriations, deposits, or contributions to this program shall
 249 be paid and credited to the Historical Resources Operating Trust
 250 Fund.

251 (2)~~(3)~~ All grants of state funds to assist the
 252 preservation of historic properties shall be made from the
 253 Historical Resources Operating Trust Fund and may be awarded
 254 only pursuant to applications for such assistance made to the
 255 Division of Historical Resources. The Florida Historical
 256 Commission shall review each application for a special category
 257 historic preservation grant-in-aid. Special category historic
 258 preservation grants-in-aid are those reviewed and recommended by
 259 the Secretary of State for submission for legislative funding
 260 consideration. Grant review panels appointed by the Secretary of
 261 State and chaired by a member of the Florida Historical
 262 Commission shall review each application for other historic
 263 preservation grants-in-aid. The reviewing body shall submit
 264 annually to the Secretary of State for approval lists of all
 265 applications that are recommended by the reviewing body for the
 266 award of grants, arranged in order of priority.



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267 ~~(3)~~(4) The Division of Historical Resources may accept and
 268 administer moneys appropriated to it for the purpose of
 269 providing grants for the projects approved by the Secretary of
 270 State.

271 ~~(4)~~(5) The Division of Historical Resources shall adopt
 272 rules prescribing the criteria to be applied by the Florida
 273 Historical Commission and the grant review panels in
 274 recommending applications for the award of grants and rules
 275 providing for the administration of the other provisions of this
 276 section.

277 Section 8. Subsection (12) of section 320.08058, Florida
 278 Statutes, is amended to read:

279 320.08058 Specialty license plates.--

280 (12) FLORIDA ARTS LICENSE PLATES.--

281 (a) The Department of Highway Safety and Motor Vehicles
 282 shall develop a Florida arts license plate as provided in this
 283 section. In small letters, the word "Florida" must appear at the
 284 top of the plate, and the word "Art" or "Arts" or a combination
 285 of words including the word "Art" or "Arts" may appear at the
 286 bottom of the plate.

287 (b) The license plate annual use fees are to be ~~annually~~
 288 distributed ~~as follows~~:

289 ~~1. All fees collected must be forwarded~~ quarterly to the
 290 single arts council officially designated by the county, in
 291 direct proportion to the amount of fees collected in each
 292 county. If there is no county arts council, the fees collected
 293 must be forwarded to such other agency designated by the county,
 294 which shall apply the funds to support arts organizations, arts
 295 programs, and arts activities within the county ~~Division of~~
 296 ~~Cultural Affairs of the Department of State, together with a~~



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297 ~~report setting forth the amount of such fees collected in each~~
298 ~~county, and must be deposited into the Florida Fine Arts Trust~~
299 ~~Fund.~~

300 ~~2. The Division of Cultural Affairs shall distribute the~~
301 ~~fees forwarded to it by the department to the counties in the~~
302 ~~amounts set forth in the report required under subparagraph 1.,~~
303 ~~in each case to the county arts council for such county or, if~~
304 ~~there is none, to such other agency in the county as the~~
305 ~~division designates, to be applied by the council or agency to~~
306 ~~support art organizations, programs, and activities within the~~
307 ~~county.~~

308 ~~(c) The Division of Cultural Affairs shall have the~~
309 ~~authority to administer this subsection under rules established~~
310 ~~by the Division of Cultural Affairs. The agency may adopt only~~
311 ~~rules that implement, interpret, or make specific the particular~~
312 ~~powers and duties granted by this subsection.~~

313 Section 9. Subsection (2) of section 607.1901, Florida
314 Statutes, is amended to read:

315 607.1901 Corporations Trust Fund creation; transfer of
316 funds.--

317 (2)(a) The Legislature shall appropriate from the fund
318 such amounts as it deems necessary for the operation of the
319 division.

320 (b) An amount equal to 2.9 percent of all moneys deposited
321 each month in the fund is transferred to the Corporation Tax
322 Administration Trust Fund created pursuant to s. 213.31.

323 ~~(c) In the last six months of any fiscal year, an amount~~
324 ~~equal to 43 percent of all moneys deposited each month into the~~
325 ~~fund is transferred to the General Revenue Fund.~~



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326 ~~(d) The division shall transfer from the trust fund to the~~
327 ~~Cultural Institutions Trust Fund, quarterly, the amount of \$10~~
328 ~~from each corporate annual report fee collected by the division~~
329 ~~and prorations transferring \$8 million each fiscal year, to be~~
330 ~~used as provided in s. 265.2861. Effective October 1, 2001, an~~
331 ~~additional \$2 million each fiscal year shall be transferred from~~
332 ~~the Corporations Trust Fund to the Cultural Institutions Trust~~
333 ~~Fund to be used as provided in s. 265.2861. The additional \$2~~
334 ~~million is contingent upon the receipt of corresponding revenues~~
335 ~~collected under s. 55.209, as created by this act.~~

336 ~~(e) The division shall transfer from the trust fund to the~~
337 ~~Cultural Institutions Trust Fund, quarterly, prorations~~
338 ~~transferring \$250,000 each fiscal year, to be used as provided~~
339 ~~in s. 265.609.~~

340 ~~(f) The division shall transfer from the trust fund to the~~
341 ~~Cultural Institutions Trust Fund, quarterly, prorations~~
342 ~~transferring \$550,000 each fiscal year, to be used as provided~~
343 ~~in s. 265.608.~~

344 ~~(g) The division shall transfer from the trust fund to the~~
345 ~~Historical Resources Operating Trust Fund, quarterly, prorations~~
346 ~~transferring \$2 million each fiscal year, to be used as provided~~
347 ~~in s. 267.0617.~~

348 ~~(h) The division shall transfer from the trust fund to the~~
349 ~~Historical Resources Operating Trust Fund, quarterly, prorations~~
350 ~~transferring \$1.5 million each fiscal year, to be used as~~
351 ~~provided in s. 267.0619.~~

352 ~~(i) Effective October 1, 2001, the division shall transfer~~
353 ~~from the trust fund to the department's Grants and Donations~~
354 ~~Trust Fund quarterly prorations equaling not more than \$1.6~~
355 ~~million each fiscal year, to be used in the provision of~~



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356 ~~services under s. 288.816. The transfer of \$1.6 million is~~
 357 ~~contingent upon the receipt of corresponding revenues collected~~
 358 ~~under s. 55.209, as created by this act.~~

359 Section 10. Section 607.19011, Florida Statutes, is
 360 amended to read:

361 607.19011 Corporations Trust Fund; deposit and use of
 362 revenues collected in accordance with ch. 95-242.--All revenues
 363 collected in accordance with this act shall be deposited into
 364 the Corporations Trust Fund of the Department of State and shall
 365 be used ~~in furtherance of the Department of State's cultural and~~
 366 ~~historic preservation programs and other activities~~ as the
 367 Legislature may direct.

368 Section 11. Any fiscal year 2003-2004 ranked projects
 369 which are not funded under the Historical Facilities Special
 370 Category Fixed Capital Outlay Grants, Cultural Facilities Fixed
 371 Capital Outlay Grants, or Library Construction Fixed Capital
 372 Outlay Grants in the Department of State shall maintain their
 373 relative ranking for the Fiscal Year 2004-2005 grant cycles and
 374 shall receive priority ranking over new projects applying for
 375 the Fiscal Year 2004-2005 grant cycles.

376 Section 12. This act shall take effect July 1, 2003.