

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Waters offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause, and insert:

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

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28 accounting principles concerning warrants outstanding, assets,
29 and liabilities.

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

32 15.09 Fees.--

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

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

40 (b) For providing a certificate with seal, \$8.75; however,
41 no fee shall be charged for providing a certificate with seal to
42 any officer appointed to an office requiring Senate
43 confirmation.

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

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

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

52 (4) All funds collected by the Division of Corporations of
53 the department shall be deposited in the Corporations Trust
54 Fund.

55 ~~(5)(a) There is created within the Department of State a~~
56 ~~Public Access Data Systems Trust Fund, which shall be used by~~

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57 ~~the department to purchase information systems and equipment~~
58 ~~that provide greater public accessibility to the information and~~
59 ~~records maintained by it. Notwithstanding any other provision of~~
60 ~~law, the Divisions of Licensing, Elections, and Corporations of~~
61 ~~the department shall transfer each fiscal year to the Public~~
62 ~~Access Data Systems Trust Fund from their respective trust~~
63 ~~funds:~~

64 ~~1. An amount equal to 2 percent of all revenues received~~
65 ~~for the processing of documents, filings, or information~~
66 ~~requests.~~

67 ~~2. All public access network revenues collected pursuant~~
68 ~~to s. 15.16 or s. 119.085.~~

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

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

74 215.22 Certain income and certain trust funds exempt.--

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

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

79 (b) Trust funds administered by the Department of the
80 Lottery.

81 (c) Departmental administrative assessments for
82 administrative divisions.

83 (d) Funds charged by a state agency for services provided
84 to another state agency, by a state agency for services provided

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85 to the judicial branch, or by the judicial branch for services
86 provided to a state agency.

87 (e) State, agency, or political subdivision investments by
88 the Treasurer.

89 (f) Retirement or employee benefit funds.

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

91 (h) Funds held for the payment of citrus canker
92 eradication and compensation.

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

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

98 (k) Trust funds administered by the Department of
99 Education.

100 (l) Trust funds administered by the Department of
101 Transportation.

102 (m) Trust funds administered by the Department of
103 Agriculture and Consumer Services.

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

105 (o) The Solid Waste Management Trust Fund.

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

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

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

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

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

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

115 ~~(u)(v)~~ Tobacco Settlement Trust Funds administered by any
116 agency.

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

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

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

121 265.284 Chief cultural officer; director of division;
122 powers and duties.--

123 (4) There is created the Florida Fine Arts Trust Fund to
124 be administered by the Department of State for the purposes set
125 forth by law. The Florida Fine Arts Trust Fund shall consist of
126 moneys appropriated by the Legislature and moneys contributed to
127 the fund from any other source ~~receive distributions as provided~~
128 ~~in s. 320.08058.~~

129 Section 5. Section 265.2861, Florida Statutes, is amended
130 to read:

131 265.2861 Cultural Institutions Program; trust fund.--

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

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

137 ~~(b) For arts in education and visiting arts programs,~~
138 ~~\$250,000.~~

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

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

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

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

154
155 The trust fund shall consist of moneys appropriated by the
156 Legislature, ~~moneys deposited pursuant to s. 607.1901(2), and~~
157 moneys contributed to the fund from any other source.

158 (2) CULTURAL INSTITUTIONS PROGRAM.--

159 (a) There is created within the Department of State a
160 Cultural Institutions Program.

161 (b) The Department of State shall establish, by rule,
162 criteria for the award of grants to cultural organizations,
163 including criteria relating to program quality, potential public
164 exposure and benefit, fiscal stability, ability to properly
165 administer grant funds, procedures for peer evaluation, and
166 other matters deemed necessary and appropriate to further the
167 purposes of this section. The Division of Cultural Affairs shall
168 award grants to supplement the financial support of cultural
169 organizations that have displayed a sustained commitment to
170 cultural excellence and to recognize organizations for superior
171 cultural contributions that have regional or statewide impact.

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172 (c) Cultural organizations shall receive funding by the
173 Division of Cultural Affairs from the Cultural Institutions
174 Trust Fund.

175 ~~(d) Except for programs that receive funds for challenge~~
176 ~~grants, grants promoting arts education, grants for touring~~
177 ~~programs, and grants for international cultural exchange~~
178 ~~programs, an organization that receives a grant under the~~
179 ~~Cultural Institutions Program is precluded from receiving funds~~
180 ~~from other art grants programs administered under s. 265.286, s.~~
181 ~~265.608, or s. 265.609, by the Division of Cultural Affairs.~~

182 ~~(d)~~(e)1. Upon appropriation by the Legislature of funds
183 for the Cultural Institutions Program, the Department of State
184 shall execute a contract with each organization, which must
185 contain information relative to the program, the projected
186 operating income and expenses, and other provisions deemed
187 necessary by the department for the administration of the
188 program.

189 2. Each recipient organization must submit an annual
190 report to the Division of Cultural Affairs detailing the
191 expenditure of funds and is subject to the auditing provisions
192 and rules of the division.

193 ~~(e)~~(f) Each organization shall cause an annual postaudit
194 or independent attestation of its financial accounts, to be
195 conducted by an independent certified public accountant. The
196 annual audit report must be submitted to the Department of State
197 for review. The department may require and receive from the
198 recipient institution, or from its independent auditor, any
199 detail or supplemental data relative to the operation of such
200 institution.

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

203 Section 6. Section 265.2901, Florida Statutes, is
204 repealed.

205 Section 7. Section 267.0617, Florida Statutes, is amended
206 to read:

207 267.0617 Historic Preservation Grant Program.--

208 ~~(1) There is hereby created within the division the~~
209 ~~Historic Preservation Grant Program, which shall make grants of~~
210 ~~moneys appropriated by the Legislature, moneys deposited~~
211 ~~pursuant to ss. 550.0351(2) and 607.1901(2)(g), and moneys~~
212 ~~contributed for that purpose from any other source. The program~~
213 ~~funds shall be used by the division for the purpose of financing~~
214 ~~grants in furtherance of the purposes of this section.~~

215 ~~(1)(2)~~ The division may ~~is authorized to~~ conduct and carry
216 out a program to provide ~~of~~ historic preservation grants-in-aid,
217 including matching grants, to any department or agency of the
218 state; any unit of county, municipal, or other local government;
219 any corporation, partnership, or other organization, whether
220 public or private or whether or not for profit; or any
221 individual for projects having as their purpose the
222 identification, acquisition, protection, preservation,
223 rehabilitation, restoration, or construction of historic sites
224 and properties, or Florida history, or the planning of such
225 activities. Funds appropriated from general revenue for the
226 historic preservation grants-in-aid program shall not be
227 provided for a project owned by private individuals or owned by
228 for-profit corporations. All moneys received from any source as
229 appropriations, deposits, or contributions to this program shall

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230 be paid and credited to the Historical Resources Operating Trust
231 Fund.

232 ~~(2)~~⁽³⁾ All grants of state funds to assist the
233 preservation of historic properties shall be made from the
234 Historical Resources Operating Trust Fund and may be awarded
235 only pursuant to applications for such assistance made to the
236 Division of Historical Resources. The Florida Historical
237 Commission shall review each application for a special category
238 historic preservation grant-in-aid. Special category historic
239 preservation grants-in-aid are those reviewed and recommended by
240 the Secretary of State for submission for legislative funding
241 consideration. Grant review panels appointed by the Secretary of
242 State and chaired by a member of the Florida Historical
243 Commission shall review each application for other historic
244 preservation grants-in-aid. The reviewing body shall submit
245 annually to the Secretary of State for approval lists of all
246 applications that are recommended by the reviewing body for the
247 award of grants, arranged in order of priority.

248 ~~(3)~~⁽⁴⁾ The Division of Historical Resources may accept and
249 administer moneys appropriated to it for the purpose of
250 providing grants for the projects approved by the Secretary of
251 State.

252 ~~(4)~~⁽⁵⁾ The Division of Historical Resources shall adopt
253 rules prescribing the criteria to be applied by the Florida
254 Historical Commission and the grant review panels in
255 recommending applications for the award of grants and rules
256 providing for the administration of the other provisions of this
257 section.

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

260 320.08058 Specialty license plates.--

261 (12) FLORIDA ARTS LICENSE PLATES.--

262 (a) The Department of Highway Safety and Motor Vehicles
263 shall develop a Florida arts license plate as provided in this
264 section. In small letters, the word "Florida" must appear at the
265 top of the plate, and the word "Art" or "Arts" or a combination
266 of words including the word "Art" or "Arts" may appear at the
267 bottom of the plate.

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

270 ~~1. All fees collected must be forwarded~~ quarterly to the
271 single arts council officially designated by the county, in
272 direct proportion to the amount of fees collected in each
273 county. If there is no county arts council, the fees collected
274 must be forwarded to such other agency designated by the county,
275 which shall apply the funds to support arts organizations, arts
276 programs, and arts activities within the county ~~Division of~~
277 ~~Cultural Affairs of the Department of State, together with a~~
278 ~~report setting forth the amount of such fees collected in each~~
279 ~~county, and must be deposited into the Florida Fine Arts Trust~~
280 ~~Fund.~~

281 ~~2. The Division of Cultural Affairs shall distribute the~~
282 ~~fees forwarded to it by the department to the counties in the~~
283 ~~amounts set forth in the report required under subparagraph 1.,~~
284 ~~in each case to the county arts council for such county or, if~~
285 ~~there is none, to such other agency in the county as the~~
286 ~~division designates, to be applied by the council or agency to~~

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287 ~~support art organizations, programs, and activities within the~~
288 ~~county.~~

289 ~~(c) The Division of Cultural Affairs shall have the~~
290 ~~authority to administer this subsection under rules established~~
291 ~~by the Division of Cultural Affairs. The agency may adopt only~~
292 ~~rules that implement, interpret, or make specific the particular~~
293 ~~powers and duties granted by this subsection.~~

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

296 607.1901 Corporations Trust Fund creation; transfer of
297 funds.--

298 (2)(a) The Legislature shall appropriate from the fund
299 such amounts as it deems necessary for the operation of the
300 division.

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

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

307 ~~(d) The division shall transfer from the trust fund to the~~
308 ~~Cultural Institutions Trust Fund, quarterly, the amount of \$10~~
309 ~~from each corporate annual report fee collected by the division~~
310 ~~and prorations transferring \$8 million each fiscal year, to be~~
311 ~~used as provided in s. 265.2861. Effective October 1, 2001, an~~
312 ~~additional \$2 million each fiscal year shall be transferred from~~
313 ~~the Corporations Trust Fund to the Cultural Institutions Trust~~
314 ~~Fund to be used as provided in s. 265.2861. The additional \$2~~

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315 ~~million is contingent upon the receipt of corresponding revenues~~
316 ~~collected under s. 55.209, as created by this act.~~

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

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

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

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

333 ~~(i) Effective October 1, 2001, the division shall transfer~~
334 ~~from the trust fund to the department's Grants and Donations~~
335 ~~Trust Fund quarterly prorations equaling not more than \$1.6~~
336 ~~million each fiscal year, to be used in the provision of~~
337 ~~services under s. 288.816. The transfer of \$1.6 million is~~
338 ~~contingent upon the receipt of corresponding revenues collected~~
339 ~~under s. 55.209, as created by this act.~~

340 Section 10. Section 607.19011, Florida Statutes, is
341 amended to read:

342 607.19011 Corporations Trust Fund; deposit and use of
343 revenues collected in accordance with ch. 95-242.--All revenues

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344 collected in accordance with this act shall be deposited into
345 the Corporations Trust Fund of the Department of State and shall
346 be used ~~in furtherance of the Department of State's cultural and~~
347 ~~historic preservation programs and other activities~~ as the
348 Legislature may direct.

349 Section 11. Any fiscal year 2003-2004 ranked projects
350 which are not funded under the Historical Facilities Special
351 Category Fixed Capital Outlay Grants, Cultural Facilities Fixed
352 Capital Outlay Grants, or Library Construction Fixed Capital
353 Outlay Grants in the Department of State shall maintain their
354 relative ranking for the Fiscal Year 2004-2005 grant cycles and
355 shall receive priority ranking over new projects applying for
356 the Fiscal Year 2004-2005 grant cycles.

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

358
359 ===== T I T L E A M E N D M E N T =====

360 Remove the entire title, and insert:

361 A bill to be entitled
362 An act relating to the Department of State; terminating
363 the Coconut Grove Playhouse Trust Fund and the Public
364 Access Data Systems Trust Fund within the department;
365 providing for disposition of balances in and revenues of
366 the terminated trust funds; amending s. 15.09, F.S.;
367 deleting a provision that created and provided uses of the
368 Public Access Data Systems Trust Fund, to conform;
369 amending s. 215.22, F.S.; deleting a reference to the
370 Coconut Grove Playhouse Trust Fund, to conform; amending
371 s. 265.284, F.S.; revising sources of funding for the
372 Florida Fine Arts Trust Fund; amending s. 265.2861, F.S.;

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373 deleting provisions transferring funds from the Cultural
374 Institutions Trust Fund to certain grant programs and
375 entities; eliminating a funding source of the trust fund;
376 removing a restriction on grant recipients under the
377 Cultural Institutions Program against receiving funds from
378 certain other arts grants programs; repealing s. 265.2901,
379 F.S., relating to the Coconut Grove Playhouse Trust Fund,
380 to conform; amending s. 267.0617, F.S.; removing a
381 provision specifying funding sources for the Historic
382 Preservation Grant Program; amending s. 320.08058, F.S.;
383 changing the distribution of proceeds of the Florida arts
384 license plate annual use fees; amending s. 607.1901, F.S.;
385 deleting the transfer of funds from the Corporations Trust
386 Fund to certain funds; amending s. 607.19011, F.S.;
387 revising uses of the Corporations Trust Fund; directing
388 maintenance of priority rankings for certain grant
389 programs for Fiscal Year 2004-2005 grant cycles; providing
390 an effective date.