

By Senator Crist

12-541-03

1 A bill to be entitled
2 An act relating to trust funds; terminating
3 specified trust funds within the Department of
4 Legal Affairs and the Department of
5 Corrections; providing for disposition of
6 balances in and revenues of such trust funds;
7 declaring the findings of the Legislature that
8 a specified trust fund within the Department of
9 Corrections is exempt from the termination
10 requirements of s. 19(f), Art. III of the State
11 Constitution; amending s. 501.2101, F.S.;
12 deleting provisions relating to the Consumer
13 Frauds Trust Fund; providing for the deposit of
14 moneys received pursuant to the regulation of
15 deceptive and unfair trade practices into the
16 Legal Affairs Revolving Trust Fund rather than
17 the Consumer Frauds Trust Fund; amending ss.
18 501.059, 501.143, and 501.2077, F.S., to
19 conform; providing an effective date.

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

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23 Section 1. (1) The following trust funds within the
24 following departments are terminated:

25 (a) Within the Department of Legal Affairs, the
26 Consumer Fraud Trust Fund, FLAIR number 41-2-127.

27 (b) Within the Department of Corrections, the Florida
28 Agricultural Exposition Trust Fund, FLAIR number 70-2-298.

29 (2) Unless otherwise provided, all current balances
30 remaining in, and all revenues of, the trust funds terminated
31 by this act shall be transferred to the General Revenue Fund.

1 (3) For each trust fund terminated by this act, the
2 agency that administers the trust fund shall pay any
3 outstanding debts and obligations of the terminated fund as
4 soon as practicable, and the Chief Financial Officer shall
5 close out and remove the terminated fund from the various
6 state accounting systems using generally accepted accounting
7 principles concerning warrants outstanding, assets, and
8 liabilities.

9 Section 2. The Legislature finds that, within the
10 Department of Corrections, the Inmate Bank Trust Fund, which
11 has no FLAIR number, is exempt from termination pursuant to
12 Section 19(f), Article III of the State Constitution.

13 Section 3. Section 501.2101, Florida Statutes, is
14 amended to read:

15 501.2101 Enforcing authorities; moneys received in
16 certain proceedings; ~~Consumer Frauds Trust Fund.~~--

17 (1) Any moneys received by an enforcing authority for
18 attorney's fees and costs of investigation or litigation in
19 proceedings brought under the provisions of s. 501.207, s.
20 501.208, or s. 501.211 shall be deposited as received in ~~the~~
21 ~~Consumer Frauds Trust Fund~~ or the Legal Affairs Revolving
22 Trust Fund in the State Treasury.

23 ~~(2) There is created in the State Treasury a trust~~
24 ~~fund to be known as the Consumer Frauds Trust Fund. Money~~
25 ~~deposited therein shall be disbursed to the enforcing~~
26 ~~authority responsible for its collection for the funding of~~
27 ~~activities conducted by enforcing authorities pursuant to ss.~~
28 ~~501.201-501.213, inclusive.~~

29 (2)(3) Any moneys received by an enforcing authority
30 and neither received for attorney's fees and costs of
31 investigation or litigation nor used to reimburse consumers

1 found under this law to be damaged shall accrue to the state
2 and be deposited as received in the General Revenue Fund
3 unallocated.

4 Section 4. Subsection (8) of section 501.059, Florida
5 Statutes, is amended to read:

6 501.059 Telephone solicitation.--

7 (8) The department shall investigate any complaints
8 received concerning violations of this section. If, after
9 investigating any complaint, the department finds that there
10 has been a violation of this section, the department or the
11 Department of Legal Affairs may bring an action to impose a
12 civil penalty and to seek other relief, including injunctive
13 relief, as the court deems appropriate against the telephone
14 solicitor. The civil penalty shall not exceed \$10,000 per
15 violation and shall be deposited in the General Inspection
16 Trust Fund if the action or proceeding was brought by the
17 department, or the Legal Affairs Revolving ~~Consumer Frauds~~
18 Trust Fund if the action or proceeding was brought by the
19 Department of Legal Affairs. This civil penalty may be
20 recovered in any action brought under this part by the
21 department, or the department may terminate any investigation
22 or action upon agreement by the person to pay a stipulated
23 civil penalty. The department or the court may waive any
24 civil penalty if the person has previously made full
25 restitution or reimbursement or has paid actual damages to the
26 consumers who have been injured by the violation.

27 Section 5. Subsection (9) of section 501.143, Florida
28 Statutes, is amended to read:

29 501.143 Dance Studio Act.--

30 (9) GENERAL INSPECTION TRUST FUND; PAYMENTS.--Any
31 moneys recovered by the enforcing authority as a penalty under

1 this section shall be deposited in the General Inspection
2 Trust Fund if the action or proceeding was brought by the
3 department, or the Legal Affairs Revolving ~~Consumer Frauds~~
4 Trust Fund if the action or proceeding was brought by the
5 Department of Legal Affairs.

6 Section 6. Subsection (4) of section 501.2077, Florida
7 Statutes, is amended to read:

8 501.2077 Violations involving senior citizen or
9 handicapped person; civil penalties; presumption.--

10 (4) Civil penalties collected pursuant to this section
11 shall be deposited into the Legal Affairs Revolving Trust Fund
12 of the Department of Legal Affairs ~~Consumer Frauds Trust Fund~~
13 and allocated solely to the Department of Legal Affairs for
14 the purpose of preparing and distributing consumer education
15 materials, programs, and seminars to benefit senior citizens
16 and handicapped persons or to further enforcement efforts.

17 Section 7. This act shall take effect July 1, 2003.

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20 SENATE SUMMARY

21 Terminates specified trust funds within the Department of
22 Legal Affairs and the Department of Corrections. Provides
23 for disposition of the balances in those trust funds.
24 Specifies a trust fund within the Department of
25 Corrections which is exempt from termination under s.
26 19(f), Art. III of the State Constitution. Provides for
27 moneys received pursuant to the regulation of deceptive
28 and unfair trade practices to be deposited into the Legal
29 Affairs Revolving Trust Fund rather than the Consumer
30 Frauds Trust Fund. (See bill for details.)
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