

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 following departments are terminated:

(a) Within the Department of State:

1. The Corporations Trust Fund, FLAIR number 45-2-130.

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

3. The Public Access Data Systems Trust Fund, FLAIR number 45-2-542.

(b) Within the Department of Transportation, the Turnpike Controlled Access Trust Fund, FLAIR number 55-2-334.

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

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28       (3) For each trust fund terminated by this act, the agency  
29 that administers the trust fund shall pay any outstanding debts  
30 and obligations of the terminated fund as soon as practicable,  
31 and the Chief Financial Officer shall close out and remove the  
32 terminated fund from the various state accounting systems using  
33 generally accepted accounting principles concerning warrants  
34 outstanding, assets, and liabilities.

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

37       15.09 Fees.--

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

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

45       (b) For providing a certificate with seal, \$8.75; however,  
46 no fee shall be charged for providing a certificate with seal to  
47 any officer appointed to an office requiring Senate  
48 confirmation.

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

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

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

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57 (4) All funds collected by the Division of Corporations of  
58 the department shall be deposited in the General Revenue  
59 ~~Corporations Trust~~ Fund.

60 ~~(5)(a) There is created within the Department of State a~~  
61 ~~Public Access Data Systems Trust Fund, which shall be used by~~  
62 ~~the department to purchase information systems and equipment~~  
63 ~~that provide greater public accessibility to the information and~~  
64 ~~records maintained by it. Notwithstanding any other provision of~~  
65 ~~law, the Divisions of Licensing, Elections, and Corporations of~~  
66 ~~the department shall transfer each fiscal year to the Public~~  
67 ~~Access Data Systems Trust Fund from their respective trust~~  
68 ~~funds:~~

69 1. ~~An amount equal to 2 percent of all revenues received~~  
70 ~~for the processing of documents, filings, or information~~  
71 ~~requests.~~

72 2. ~~All public access network revenues collected pursuant~~  
73 ~~to s. 15.16 or s. 119.085.~~

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

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

79 215.22 Certain income and certain trust funds exempt.--

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

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

84 (b) Trust funds administered by the Department of the  
85 Lottery.

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86 (c) Departmental administrative assessments for  
87 administrative divisions.

88 (d) Funds charged by a state agency for services provided  
89 to another state agency, by a state agency for services provided  
90 to the judicial branch, or by the judicial branch for services  
91 provided to a state agency.

92 (e) State, agency, or political subdivision investments by  
93 the Chief Financial Officer ~~Treasurer~~.

94 (f) Retirement or employee benefit funds.

95 (g) Self-insurance programs administered by the Chief  
96 Financial Officer ~~Treasurer~~.

97 (h) Funds held for the payment of citrus canker  
98 eradication and compensation.

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

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

104 (k) Trust funds administered by the Department of  
105 Education.

106 (l) Trust funds administered by the Department of  
107 Transportation.

108 (m) Trust funds administered by the Department of  
109 Agriculture and Consumer Services.

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

111 (o) The Solid Waste Management Trust Fund.

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

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

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

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

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

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

121        ~~(u)(v)~~ Tobacco Settlement Trust Funds administered by any  
122 agency.

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

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

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

127        265.284 Chief cultural officer; director of division;  
128 powers and duties.--

129        (4) There is created the Florida Fine Arts Trust Fund to  
130 be administered by the Department of State for the purposes set  
131 forth by law. The Florida Fine Arts Trust Fund shall consist of  
132 moneys appropriated by the Legislature and moneys contributed to  
133 the fund from any other source ~~receive distributions as provided~~  
134 ~~in s. 320.08058.~~

135        Section 5. Section 265.2861, Florida Statutes, is amended  
136 to read:

137        265.2861 Cultural Institutions Program; trust fund.--

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

142        (a) ~~For~~ Statewide arts grants, ~~\$2.7 million.~~

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143 (b) ~~For~~ Arts in education and visiting arts programs,  
144 \$250,000.

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

149 (d) ~~For~~ Local arts agencies or state service  
150 organizations, ~~\$400,000~~.

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

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

160  
161 The trust fund shall consist of moneys appropriated by the  
162 Legislature, ~~moneys deposited pursuant to s. 607.1901(2)~~, and  
163 moneys contributed to the fund from any other source.

164 (2) CULTURAL INSTITUTIONS PROGRAM.--

165 (a) There is created within the Department of State a  
166 Cultural Institutions Program.

167 (b) The Department of State shall establish, by rule,  
168 criteria for the award of grants to cultural organizations,  
169 including criteria relating to program quality, potential public  
170 exposure and benefit, fiscal stability, ability to properly  
171 administer grant funds, procedures for peer evaluation, and

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172 other matters deemed necessary and appropriate to further the  
173 purposes of this section. The Division of Cultural Affairs shall  
174 award grants to supplement the financial support of cultural  
175 organizations that have displayed a sustained commitment to  
176 cultural excellence and to recognize organizations for superior  
177 cultural contributions that have regional or statewide impact.

178 (c) Cultural organizations shall receive funding by the  
179 Division of Cultural Affairs from the Cultural Institutions  
180 Trust Fund.

181 ~~(d) Except for programs that receive funds for challenge~~  
182 ~~grants, grants promoting arts education, grants for touring~~  
183 ~~programs, and grants for international cultural exchange~~  
184 ~~programs, an organization that receives a grant under the~~  
185 ~~Cultural Institutions Program is precluded from receiving funds~~  
186 ~~from other art grants programs administered under s. 265.286, s.~~  
187 ~~265.608, or s. 265.609, by the Division of Cultural Affairs.~~

188 (d)(e)1. Upon appropriation by the Legislature of funds  
189 for the Cultural Institutions Program, the Department of State  
190 shall execute a contract with each organization, which must  
191 contain information relative to the program, the projected  
192 operating income and expenses, and other provisions deemed  
193 necessary by the department for the administration of the  
194 program.

195 2. Each recipient organization must submit an annual  
196 report to the Division of Cultural Affairs detailing the  
197 expenditure of funds and is subject to the auditing provisions  
198 and rules of the division.

199 (e)(f) Each organization shall cause an annual postaudit  
200 or independent attestation of its financial accounts, to be

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201 conducted by an independent certified public accountant. The  
202 annual audit report must be submitted to the Department of State  
203 for review. The department may require and receive from the  
204 recipient institution, or from its independent auditor, any  
205 detail or supplemental data relative to the operation of such  
206 institution.

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

209 Section 6. Section 265.2901, Florida Statutes, is  
210 repealed.

211 Section 7. Notwithstanding the provisions of chapters 253  
212 and 270, Florida Statutes, the Board of Trustees of the Internal  
213 Improvement Trust Fund may convey, by quitclaim deed, all  
214 property described in B. O. T. Lease No. 3185, as amended,  
215 directly to the Coconut Grove Playhouse, Inc., in accordance  
216 with the March 21, 2003, Memorandum of Understanding between the  
217 Department of State and the Coconut Grove Playhouse, Inc.  
218 Consideration for such conveyance shall be, at a minimum,  
219 \$1,113,031, to be deposited into the General Revenue Fund.

220 Section 8. Section 267.0617, Florida Statutes, is amended  
221 to read:

222 267.0617 Historic Preservation Grant Program.--

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

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230        ~~(1)(2)~~ The division may ~~is authorized to~~ conduct and carry  
231 out a program to provide of historic preservation grants-in-aid,  
232 including matching grants, to any department or agency of the  
233 state; any unit of county, municipal, or other local government;  
234 any corporation, partnership, or other organization, whether  
235 public or private or whether or not for profit; or any  
236 individual for projects having as their purpose the  
237 identification, acquisition, protection, preservation,  
238 rehabilitation, restoration, or construction of historic sites  
239 and properties, or Florida history, or the planning of such  
240 activities. Funds appropriated from general revenue for the  
241 historic preservation grants-in-aid program shall not be  
242 provided for a project owned by private individuals or owned by  
243 for-profit corporations. All moneys received from any source as  
244 appropriations, deposits, or contributions to this program shall  
245 be paid and credited to the Historical Resources Operating Trust  
246 Fund.

247        ~~(2)(3)~~ All grants of state funds to assist the  
248 preservation of historic properties shall be made from the  
249 Historical Resources Operating Trust Fund and may be awarded  
250 only pursuant to applications for such assistance made to the  
251 Division of Historical Resources. The Florida Historical  
252 Commission shall review each application for a special category  
253 historic preservation grant-in-aid. Special category historic  
254 preservation grants-in-aid are those reviewed and recommended by  
255 the Secretary of State for submission for legislative funding  
256 consideration. Grant review panels appointed by the Secretary of  
257 State and chaired by a member of the Florida Historical  
258 Commission shall review each application for other historic

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259 preservation grants-in-aid. The reviewing body shall submit  
260 annually to the Secretary of State for approval lists of all  
261 applications that are recommended by the reviewing body for the  
262 award of grants, arranged in order of priority.

263 ~~(3)~~(4) The Division of Historical Resources may accept and  
264 administer moneys appropriated to it for the purpose of  
265 providing grants for the projects approved by the Secretary of  
266 State.

267 ~~(4)~~(5) The Division of Historical Resources shall adopt  
268 rules prescribing the criteria to be applied by the Florida  
269 Historical Commission and the grant review panels in  
270 recommending applications for the award of grants and rules  
271 providing for the administration of the other provisions of this  
272 section.

273 Section 9. Subsection (12) of section 320.08058, Florida  
274 Statutes, is amended to read:

275 320.08058 Specialty license plates.--

276 (12) FLORIDA ARTS LICENSE PLATES.--

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

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

285 ~~1. All fees collected must be forwarded~~ quarterly to the  
286 single arts council officially designated by the county in  
287 direct proportion to the amounts of fees collected in each

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288 county. If there is no county arts council, fees collected must  
289 be forwarded to such other agency in the county as the highest  
290 ranking county administrative official designates, to be applied  
291 by the arts council or agency to support arts organizations,  
292 arts programs, and arts activities within the county ~~Division of~~  
293 ~~Cultural Affairs of the Department of State, together with a~~  
294 ~~report setting forth the amount of such fees collected in each~~  
295 ~~county, and must be deposited into the Florida Fine Arts Trust~~  
296 ~~Fund.~~

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

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

310 Section 10. A project that is ranked but not funded for  
311 the fiscal year 2003-2004 grant cycle under the Department of  
312 State's Historical Facilities Special Category Fixed Capital  
313 Outlay Grants Program, Cultural Facilities Fixed Capital Outlay  
314 Grants Program, Regional Cultural Facilities Grants Program, or  
315 Library Construction Fixed Capital Outlay Grants Program shall,  
316 if it continues to meet applicable criteria for the grant

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317 program for which it is ranked, maintain its relative ranking  
318 for the fiscal year 2004-2005 grant cycle and shall receive  
319 priority ranking over new projects applying for the fiscal year  
320 2004-2005 grant cycle.

321 Section 11. Sections 607.1901, 607.19011, 617.1901, and  
322 620.183, Florida Statutes, are repealed.

323 Section 12. Subsection (3) of section 607.193, Florida  
324 Statutes, is amended to read:

325 607.193 Supplemental corporate fee.--

326 (3) The Department of State shall adopt rules and  
327 prescribe forms necessary to carry out the purposes of this  
328 section. ~~Notwithstanding s. 607.1901, proceeds from the~~  
329 ~~supplemental corporate fee, including any late charges, shall be~~  
330 ~~deposited into the General Revenue Fund.~~

331 Section 13. Subsection (13) of section 865.09, Florida  
332 Statutes, is amended to read:

333 865.09 Fictitious name registration.--

334 (13) DEPOSIT OF FUNDS.--All funds required to be paid to  
335 the Department of State pursuant to this section shall be  
336 collected and deposited into the General Revenue ~~Corporations~~  
337 ~~Trust~~ Fund.

338 Section 14. If any law amended by this act was also  
339 amended by a law enacted at the 2003 Regular Session of the  
340 Legislature, such laws shall be construed as if they had been  
341 enacted at the same session of the Legislature, and full effect  
342 shall be given to each if possible.

343 Section 15. This act shall take effect July 1, 2003.

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346 ===== T I T L E A M E N D M E N T =====

347 Remove the entire title, and insert:

348 A bill to be entitled

349 An act relating to trust funds; terminating specified

350 trust funds within the Department of State and the

351 Department of Transportation; providing for disposition of

352 balances in and revenues of such trust funds; amending s.

353 15.09, F.S.; providing for deposit of all funds collected

354 by the Division of Corporations of the Department of State

355 into the General Revenue Fund; deleting a provision that

356 created and provided uses of the Public Access Data

357 Systems Trust Fund, to conform; amending s. 215.22, F.S.;

358 deleting a reference to the Coconut Grove Playhouse Trust

359 Fund, to conform; updating references to the Treasurer;

360 amending s. 265.284, F.S.; revising sources of funding for

361 the Florida Fine Arts Trust Fund; amending s. 265.2861,

362 F.S.; deleting provisions transferring funds from the

363 Cultural Institutions Trust Fund to certain grant programs

364 and entities; eliminating a funding source of the trust

365 fund; removing a restriction on grant recipients under the

366 Cultural Institutions Program against receiving funds from

367 certain other arts grants programs; repealing s. 265.2901,

368 F.S., relating to the Coconut Grove Playhouse Trust Fund,

369 to conform; providing for conveyance of certain property

370 to the Coconut Grove Playhouse, Inc.; amending s.

371 267.0617, F.S.; removing a provision specifying funding

372 sources for the Historic Preservation Grant Program;

373 amending s. 320.08058, F.S.; changing the distribution of

374 proceeds of the Florida arts license plate annual use

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375 fees; directing maintenance of priority rankings for  
376 certain Department of State grant programs for fiscal year  
377 2004-2005 grant cycles; repealing ss. 607.1901, 607.19011,  
378 617.1901, and 620.183, F.S., relating to the Corporations  
379 Trust Fund, to conform; amending ss. 607.193 and 865.09,  
380 F.S.; deleting cross references and references to the  
381 Corporations Trust Fund, to conform; providing for deposit  
382 of certain moneys into the General Revenue Fund; providing  
383 for construction of the act in pari materia with laws  
384 enacted during the 2003 Regular Session of the  
385 Legislature; providing an effective date.