

Bill No. SB 16-A

Amendment No. \_\_\_ Barcode 952530

CHAMBER ACTION

Senate

House

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The Conference Committee on SB 16-A recommended the following amendment:

**Conference Committee Amendment (with title amendment)**

Delete 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.

(3) For each trust fund terminated by this act, the

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

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

10 15.09 Fees.--

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

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

18 (b) For providing a certificate with seal, \$8.75;  
19 however, no fee shall be charged for providing a certificate  
20 with seal to any officer appointed to an office requiring  
21 Senate confirmation.

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

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

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

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1           (4) All funds collected by the Division of  
2 Corporations of the department shall be deposited in the  
3 General Revenue Corporations Trust Fund.

4           ~~(5)(a) There is created within the Department of State~~  
5 ~~a Public Access Data Systems Trust Fund, which shall be used~~  
6 ~~by the department to purchase information systems and~~  
7 ~~equipment that provide greater public accessibility to the~~  
8 ~~information and records maintained by it. Notwithstanding any~~  
9 ~~other provision of law, the Divisions of Licensing, Elections,~~  
10 ~~and Corporations of the department shall transfer each fiscal~~  
11 ~~year to the Public Access Data Systems Trust Fund from their~~  
12 ~~respective trust funds:~~

13           ~~1. An amount equal to 2 percent of all revenues~~  
14 ~~received for the processing of documents, filings, or~~  
15 ~~information requests.~~

16           ~~2. All public access network revenues collected~~  
17 ~~pursuant to s. 15.16 or s. 119.085.~~

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

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

23           215.22 Certain income and certain trust funds  
24 exempt.--

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

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

29           (b) Trust funds administered by the Department of the  
30 Lottery.

31           (c) Departmental administrative assessments for

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1 administrative divisions.

2 (d) Funds charged by a state agency for services  
3 provided to another state agency, by a state agency for  
4 services provided to the judicial branch, or by the judicial  
5 branch for services provided to a state agency.

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

8 (f) Retirement or employee benefit funds.

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

11 (h) Funds held for the payment of citrus canker  
12 eradication and compensation.

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

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

18 (k) Trust funds administered by the Department of  
19 Education.

20 (l) Trust funds administered by the Department of  
21 Transportation.

22 (m) Trust funds administered by the Department of  
23 Agriculture and Consumer Services.

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

25 (o) The Solid Waste Management Trust Fund.

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

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

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

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

31 ~~(s)~~~~(t)~~ That portion of the Highway Safety Operating

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1 Trust Fund funded by the motorcycle safety education fee  
2 collected pursuant to s. 320.08(1)(c).

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

4 ~~(u)(v)~~ Tobacco Settlement Trust Funds administered by  
5 any agency.

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

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

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

10 265.284 Chief cultural officer; director of division;  
11 powers and duties.--

12 (4) There is created the Florida Fine Arts Trust Fund  
13 to be administered by the Department of State for the purposes  
14 set forth by law. The Florida Fine Arts Trust Fund shall  
15 consist of moneys appropriated by the Legislature and moneys  
16 contributed to the fund from any other source receive  
17 ~~distributions as provided in s. 320.08058.~~

18 Section 5. Section 265.2861, Florida Statutes, is  
19 amended to read:

20 265.2861 Cultural Institutions Program; trust fund.--

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

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

26 (b) ~~For~~ Arts in education and visiting arts programs,  
27 ~~\$250,000~~.

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

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

3 ~~(e)1. For the officially designated Art Museum of the~~  
4 ~~State of Florida described in s. 1004.45, \$2.2 million, and~~  
5 ~~for state-owned cultural facilities assigned to the Department~~  
6 ~~of State, which receive a portion of any operating funds from~~  
7 ~~the Department of State and one of the primary purposes of~~  
8 ~~which is the presentation of fine arts or performing arts,~~  
9 ~~\$500,000.~~

10 ~~2. For fiscal year 2001-2002 only, the provisions of~~  
11 ~~subparagraph 1. relating to state-owned cultural facilities~~  
12 ~~shall not be applicable. This subparagraph expires July 1,~~  
13 ~~2002.~~

14  
15 The trust fund shall consist of moneys appropriated by the  
16 Legislature, ~~moneys deposited pursuant to s. 607.1901(2), and~~  
17 moneys contributed to the fund from any other source.

18 (2) CULTURAL INSTITUTIONS PROGRAM.--

19 (a) There is created within the Department of State a  
20 Cultural Institutions Program.

21 (b) The Department of State shall establish, by rule,  
22 criteria for the award of grants to cultural organizations,  
23 including criteria relating to program quality, potential  
24 public exposure and benefit, fiscal stability, ability to  
25 properly administer grant funds, procedures for peer  
26 evaluation, and other matters deemed necessary and appropriate  
27 to further the purposes of this section. The Division of  
28 Cultural Affairs shall award grants to supplement the  
29 financial support of cultural organizations that have  
30 displayed a sustained commitment to cultural excellence and to  
31 recognize organizations for superior cultural contributions

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1 that have regional or statewide impact.

2 (c) Cultural organizations shall receive funding by  
3 the Division of Cultural Affairs from the Cultural  
4 Institutions Trust Fund.

5 ~~(d) Except for programs that receive funds for~~  
6 ~~challenge grants, grants promoting arts education, grants for~~  
7 ~~touring programs, and grants for international cultural~~  
8 ~~exchange programs, an organization that receives a grant under~~  
9 ~~the Cultural Institutions Program is precluded from receiving~~  
10 ~~funds from other art grants programs administered under s.~~  
11 ~~265.286, s. 265.608, or s. 265.609, by the Division of~~  
12 ~~Cultural Affairs.~~

13 ~~(d)(e)~~1. Upon appropriation by the Legislature of  
14 funds for the Cultural Institutions Program, the Department of  
15 State shall execute a contract with each organization, which  
16 must contain information relative to the program, the  
17 projected operating income and expenses, and other provisions  
18 deemed necessary by the department for the administration of  
19 the program.

20 2. Each recipient organization must submit an annual  
21 report to the Division of Cultural Affairs detailing the  
22 expenditure of funds and is subject to the auditing provisions  
23 and rules of the division.

24 ~~(e)(f)~~ Each organization shall cause an annual  
25 postaudit or independent attestation of its financial  
26 accounts, to be conducted by an independent certified public  
27 accountant. The annual audit report must be submitted to the  
28 Department of State for review. The department may require and  
29 receive from the recipient institution, or from its  
30 independent auditor, any detail or supplemental data relative  
31 to the operation of such institution.

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

3           Section 6. Section 265.2901, Florida Statutes, is  
4 repealed.

5           Section 7. Notwithstanding the provisions of chapters  
6 253 and 270, Florida Statutes, the Board of Trustees of the  
7 Internal Improvement Trust Fund shall convey, by quitclaim  
8 deed, all property described in B. O. T. Lease No. 3185, as  
9 amended, directly to the Coconut Grove Playhouse, Inc., in  
10 accordance with the March 21, 2003, Memorandum of  
11 Understanding between the Department of State and the Coconut  
12 Grove Playhouse, Inc.

13           Section 8. Subsection (1) of section 267.0617, Florida  
14 Statutes, is amended to read:

15           267.0617 Historic Preservation Grant Program.--

16           (1) There is hereby created within the division the  
17 Historic Preservation Grant Program, which shall make grants  
18 of moneys appropriated by the Legislature, moneys deposited  
19 pursuant to s. ss. 550.0351(2) ~~and 607.1901(2)(g)~~, and moneys  
20 contributed for that purpose from any other source. The  
21 program funds shall be used by the division for the purpose of  
22 financing grants in furtherance of the purposes of this  
23 section.

24           Section 9. Section 267.17, Florida Statutes, is  
25 amended to read:

26           267.17 Citizen support organizations; use of state  
27 administrative services and property; audit.--

28           (1) CITIZEN SUPPORT ORGANIZATIONS.--The division may  
29 support the establishment of citizen support organizations to  
30 provide assistance, funding, and promotional support for the  
31 archaeology, museum, folklife, and historic preservation



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1 programs of the division. For the purposes of this section, a  
2 "citizen support organization" shall mean an organization  
3 which is:

4 (a) A Florida corporation not for profit incorporated  
5 under the provisions of chapter 617 and approved by the  
6 Department of State;

7 (b) Organized and operated to conduct programs and  
8 activities; raise funds; request and receive grants, gifts,  
9 and bequests of money; acquire, receive, hold, invest, and  
10 administer, in its own name, securities, funds, objects of  
11 value, or other property, real or personal; and make  
12 expenditures to or for the direct or indirect benefit of the  
13 division or individual program units of the division;

14 (c) Determined by the division to be consistent with  
15 the goals of the division and in the best interests of the  
16 state; and

17 (d) Approved in writing by the division to operate for  
18 the direct or indirect benefit of the division; such approval  
19 shall be given in a letter of agreement from the division.

20 (2) USE OF ADMINISTRATIVE SERVICES AND PROPERTY.--

21 (a) The division may fix and collect charges for the  
22 rental of facilities and properties managed by the division  
23 and may permit, without charge, appropriate use of  
24 administrative services, property, and facilities of the  
25 division by a citizen support organization, subject to the  
26 provisions of this section. Such use must be directly in  
27 keeping with the approved purposes of the citizen support  
28 organization and may not be made at times or places that would  
29 unreasonably interfere with opportunities for the general  
30 public to use such facilities for established purposes. Any  
31 moneys received from rentals of facilities and properties

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1 managed by the division may be held in the operating trust  
2 fund of the division or in a separate depository account in  
3 the name of the citizen support organization and subject to  
4 the provisions of the letter of agreement with the division.

5 (b) The division may prescribe by rule any condition  
6 with which a citizen support organization shall comply in  
7 order to use division administrative services, property, or  
8 facilities.

9 (c) The division shall not permit the use of any  
10 administrative services, property, or facilities of the state  
11 by a citizen support organization which does not provide equal  
12 membership and employment opportunities to all persons  
13 regardless of race, color, religion, sex, age, or national  
14 origin.

15 (3) ANNUAL AUDIT.--Each citizen support organization  
16 shall provide for an annual financial audit in accordance with  
17 s. 215.981. The identity of donors who desire to remain  
18 anonymous shall be confidential and exempt from the provisions  
19 of s. 119.07(1), and that anonymity shall be maintained in the  
20 auditor's report.

21 Section 10. Subsection (12) of section 320.08058,  
22 Florida Statutes, is amended to read:

23 320.08058 Specialty license plates.--

24 (12) FLORIDA ARTS LICENSE PLATES.--

25 (a) The Department of Highway Safety and Motor  
26 Vehicles shall develop a Florida arts license plate as  
27 provided in this section. In small letters, the word "Florida"  
28 must appear at the top of the plate, and the word "Art" or  
29 "Arts" or a combination of words including the word "Art" or  
30 "Arts" may appear at the bottom of the plate.

31 (b) The license plate annual use fees are to be

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1 ~~annually distributed as follows:~~

2       1. ~~All fees collected must be forwarded quarterly to~~  
3 ~~the single arts council officially designated by the county in~~  
4 ~~direct proportion to the amounts of fees collected in each~~  
5 ~~county. If there is no county arts council, fees collected~~  
6 ~~must be forwarded to such other agency in the county as the~~  
7 ~~highest ranking county administrative official designates, to~~  
8 ~~be applied by the arts council or agency to support arts~~  
9 ~~organizations, arts programs, and arts activities within the~~  
10 ~~county Division of Cultural Affairs of the Department of~~  
11 ~~State, together with a report setting forth the amount of such~~  
12 ~~fees collected in each county, and must be deposited into the~~  
13 ~~Florida Fine Arts Trust Fund.~~

14       2. ~~The Division of Cultural Affairs shall distribute~~  
15 ~~the fees forwarded to it by the department to the counties in~~  
16 ~~the amounts set forth in the report required under~~  
17 ~~subparagraph 1., in each case to the county arts council for~~  
18 ~~such county or, if there is none, to such other agency in the~~  
19 ~~county as the division designates, to be applied by the~~  
20 ~~council or agency to support art organizations, programs, and~~  
21 ~~activities within the county.~~

22       (c) ~~The Division of Cultural Affairs shall have the~~  
23 ~~authority to administer this subsection under rules~~  
24 ~~established by the Division of Cultural Affairs. The agency~~  
25 ~~may adopt only rules that implement, interpret, or make~~  
26 ~~specific the particular powers and duties granted by this~~  
27 ~~subsection.~~

28       Section 11. A project that is ranked but not funded  
29 for the fiscal year 2003-2004 grant cycle under the Department  
30 of State's Historical Facilities Special Category Fixed  
31 Capital Outlay Grants Program, Cultural Facilities Fixed

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1 Capital Outlay Grants Program, Regional Cultural Facilities  
2 Grants Program, or Library Construction Fixed Capital Outlay  
3 Grants Program shall, if it continues to meet applicable  
4 criteria for the grant program for which it is ranked,  
5 maintain its relative ranking for the fiscal year 2004-2005  
6 grant cycle and shall receive priority ranking over new  
7 projects applying for the fiscal year 2004-2005 grant cycle.

8 Section 12. Sections 607.1901, 607.19011, 617.1901,  
9 and 620.183, Florida Statutes, are repealed.

10 Section 13. Subsection (3) of section 607.193, Florida  
11 Statutes, is amended to read:

12 607.193 Supplemental corporate fee.--

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

18 Section 14. Subsection (13) of section 865.09, Florida  
19 Statutes, is amended to read:

20 865.09 Fictitious name registration.--

21 (13) DEPOSIT OF FUNDS.--All funds required to be paid  
22 to the Department of State pursuant to this section shall be  
23 collected and deposited into the General Revenue Corporations  
24 Trust Fund.

25 Section 15. If any law amended by this act was also  
26 amended by a law enacted at the 2003 Regular Session of the  
27 Legislature, such laws shall be construed as if they had been  
28 enacted during the same session of the Legislature, and full  
29 effect shall be given to each if possible.

30 Section 16. This act shall take effect July 1, 2003.

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

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6

A bill to be entitled

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An act relating to trust funds; terminating

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specified trust funds within the Department of

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State and the Department of Transportation;

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providing for disposition of balances in and

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revenues of such trust funds; amending s.

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

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collected by the Division of Corporations of

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the Department of State into the General

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Revenue Fund; deleting a provision that created

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and provided uses of the Public Access Data

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Systems Trust Fund, to conform; amending s.

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215.22, F.S.; deleting a reference to the

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Coconut Grove Playhouse Trust Fund, to conform;

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updating references to the Treasurer; amending

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s. 265.284, F.S.; revising sources of funding

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for the Florida Fine Arts Trust Fund; amending

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s. 265.2861, F.S.; deleting provisions

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transferring funds from the Cultural

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Institutions Trust Fund to certain grant

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programs and entities; eliminating a funding

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source of the trust fund; removing a

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restriction on grant recipients under the

29

Cultural Institutions Program against receiving

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funds from certain other arts grants programs;

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repealing s. 265.2901, F.S., relating to the

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1 Coconut Grove Playhouse Trust Fund, to conform;  
2 providing for conveyance of certain property to  
3 the Coconut Grove Playhouse, Inc.; amending s.  
4 267.0617, F.S.; removing a provision specifying  
5 funding sources for the Historic Preservation  
6 Grant Program; amending s. 267.17, F.S.;  
7 providing for use of administrative services of  
8 the Division of Historical Resources of the  
9 Department of State by citizen support  
10 organizations; amending s. 320.08058, F.S.;  
11 changing the distribution of proceeds of the  
12 Florida arts license plate annual use fees;  
13 directing maintenance of priority rankings for  
14 certain Department of State grant programs for  
15 fiscal year 2004-2005 grant cycles; repealing  
16 ss. 607.1901, 607.19011, 617.1901, and 620.183,  
17 F.S., relating to the Corporations Trust Fund,  
18 to conform; amending ss. 607.193 and 865.09,  
19 F.S.; deleting cross-references and references  
20 to the Corporations Trust Fund, to conform;  
21 providing for deposit of certain moneys into  
22 the General Revenue Fund; providing for  
23 construction of the act in pari materia with  
24 laws enacted during the 2003 Regular Session of  
25 the Legislature; providing an effective date.

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