

1 A bill to be entitled
2 An act relating to trust funds; terminating
3 specified trust funds within the Department of
4 State and the Department of Transportation;
5 providing for disposition of balances in and
6 revenues of such trust funds; amending s.
7 15.09, F.S.; providing for deposit of all funds
8 collected by the Division of Corporations of
9 the Department of State into the General
10 Revenue Fund; deleting a provision that created
11 and provided uses of the Public Access Data
12 Systems Trust Fund, to conform; amending s.
13 215.22, F.S.; deleting a reference to the
14 Coconut Grove Playhouse Trust Fund, to conform;
15 updating references to the Treasurer; amending
16 s. 265.284, F.S.; revising sources of funding
17 for the Florida Fine Arts Trust Fund; amending
18 s. 265.2861, F.S.; deleting provisions
19 transferring funds from the Cultural
20 Institutions Trust Fund to certain grant
21 programs and entities; eliminating a funding
22 source of the trust fund; removing a
23 restriction on grant recipients under the
24 Cultural Institutions Program against receiving
25 funds from certain other arts grants programs;
26 repealing s. 265.2901, F.S., relating to the
27 Coconut Grove Playhouse Trust Fund, to conform;
28 providing for conveyance of certain property to
29 the Coconut Grove Playhouse, Inc.; amending s.
30 267.0617, F.S.; removing a provision specifying
31 funding sources for the Historic Preservation

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

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

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

26 (a) Within the Department of State:

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

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

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

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

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

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

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

16 15.09 Fees.--

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

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

24 (b) For providing a certificate with seal, \$8.75;
25 however, no fee shall be charged for providing a certificate
26 with seal to any officer appointed to an office requiring
27 Senate confirmation.

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

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

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

8 (4) All funds collected by the Division of
9 Corporations of the department shall be deposited in the
10 General Revenue Corporations Trust Fund.

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

20 ~~1. An amount equal to 2 percent of all revenues~~
21 ~~received for the processing of documents, filings, or~~
22 ~~information requests.~~

23 ~~2. All public access network revenues collected~~
24 ~~pursuant to s. 15.16 or s. 119.085.~~

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

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

30 215.22 Certain income and certain trust funds
31 exempt.--

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

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

5 (b) Trust funds administered by the Department of the
6 Lottery.

7 (c) Departmental administrative assessments for
8 administrative divisions.

9 (d) Funds charged by a state agency for services
10 provided to another state agency, by a state agency for
11 services provided to the judicial branch, or by the judicial
12 branch for services provided to a state agency.

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

15 (f) Retirement or employee benefit funds.

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

18 (h) Funds held for the payment of citrus canker
19 eradication and compensation.

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

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

25 (k) Trust funds administered by the Department of
26 Education.

27 (l) Trust funds administered by the Department of
28 Transportation.

29 (m) Trust funds administered by the Department of
30 Agriculture and Consumer Services.

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

- 1 (o) The Solid Waste Management Trust Fund.
 2 ~~(p) The Coconut Grove Playhouse Trust Fund.~~
 3 (p)~~(q)~~ The Communications Working Capital Trust Fund
 4 of the Department of Management Services.
 5 (q)~~(r)~~ The Camp Blanding Management Trust Fund.
 6 (r)~~(s)~~ The Indigent Criminal Defense Trust Fund.
 7 (s)~~(t)~~ That portion of the Highway Safety Operating
 8 Trust Fund funded by the motorcycle safety education fee
 9 collected pursuant to s. 320.08(1)(c).
 10 (t)~~(u)~~ The Save the Manatee Trust Fund.
 11 (u)~~(v)~~ Tobacco Settlement Trust Funds administered by
 12 any agency.
 13 (v)~~(w)~~ The Save Our Everglades Trust Fund.
 14 (w)~~(x)~~ The Florida Center for Nursing Trust Fund.

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

17 265.284 Chief cultural officer; director of division;
 18 powers and duties.--

19 (4) There is created the Florida Fine Arts Trust Fund
 20 to be administered by the Department of State for the purposes
 21 set forth by law. The Florida Fine Arts Trust Fund shall
 22 consist of moneys appropriated by the Legislature and moneys
 23 contributed to the fund from any other source ~~receive~~
 24 ~~distributions as provided in s. 320.08058.~~

25 Section 5. Section 265.2861, Florida Statutes, is
 26 amended to read:

27 265.2861 Cultural Institutions Program; trust fund.--

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

- 1 (a) ~~For~~ Statewide arts grants, ~~\$2.7 million.~~
- 2 (b) ~~For~~ Arts in education and visiting arts programs,
3 ~~\$250,000.~~
- 4 (c) ~~For~~ The State Touring Program, ~~\$200,000.~~ First
5 priority for the issuance of State Touring Program grants
6 shall be given to applicants that reside in counties with a
7 population of 75,000 or less.
- 8 (d) ~~For~~ Local arts agencies or state service
9 organizations, ~~\$400,000.~~
- 10 ~~(e)1. For the officially designated Art Museum of the~~
11 ~~State of Florida described in s. 1004.45, \$2.2 million, and~~
12 ~~for state-owned cultural facilities assigned to the Department~~
13 ~~of State, which receive a portion of any operating funds from~~
14 ~~the Department of State and one of the primary purposes of~~
15 ~~which is the presentation of fine arts or performing arts,~~
16 ~~\$500,000.~~
- 17 ~~2. For fiscal year 2001-2002 only, the provisions of~~
18 ~~subparagraph 1. relating to state-owned cultural facilities~~
19 ~~shall not be applicable. This subparagraph expires July 1,~~
20 ~~2002.~~
- 21
- 22 The trust fund shall consist of moneys appropriated by the
23 Legislature, ~~moneys deposited pursuant to s. 607.1901(2), and~~
24 moneys contributed to the fund from any other source.
- 25 (2) CULTURAL INSTITUTIONS PROGRAM.--
- 26 (a) There is created within the Department of State a
27 Cultural Institutions Program.
- 28 (b) The Department of State shall establish, by rule,
29 criteria for the award of grants to cultural organizations,
30 including criteria relating to program quality, potential
31 public exposure and benefit, fiscal stability, ability to

1 properly administer grant funds, procedures for peer
2 evaluation, and other matters deemed necessary and appropriate
3 to further the purposes of this section. The Division of
4 Cultural Affairs shall award grants to supplement the
5 financial support of cultural organizations that have
6 displayed a sustained commitment to cultural excellence and to
7 recognize organizations for superior cultural contributions
8 that have regional or statewide impact.

9 (c) Cultural organizations shall receive funding by
10 the Division of Cultural Affairs from the Cultural
11 Institutions Trust Fund.

12 ~~(d) Except for programs that receive funds for~~
13 ~~challenge grants, grants promoting arts education, grants for~~
14 ~~touring programs, and grants for international cultural~~
15 ~~exchange programs, an organization that receives a grant under~~
16 ~~the Cultural Institutions Program is precluded from receiving~~
17 ~~funds from other art grants programs administered under s.~~
18 ~~265.286, s. 265.608, or s. 265.609, by the Division of~~
19 ~~Cultural Affairs.~~

20 (d)(e)1. Upon appropriation by the Legislature of
21 funds for the Cultural Institutions Program, the Department of
22 State shall execute a contract with each organization, which
23 must contain information relative to the program, the
24 projected operating income and expenses, and other provisions
25 deemed necessary by the department for the administration of
26 the program.

27 2. Each recipient organization must submit an annual
28 report to the Division of Cultural Affairs detailing the
29 expenditure of funds and is subject to the auditing provisions
30 and rules of the division.

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1 ~~(e)~~~~(f)~~ Each organization shall cause an annual
 2 postaudit or independent attestation of its financial
 3 accounts, to be conducted by an independent certified public
 4 accountant. The annual audit report must be submitted to the
 5 Department of State for review. The department may require and
 6 receive from the recipient institution, or from its
 7 independent auditor, any detail or supplemental data relative
 8 to the operation of such institution.

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

11 Section 6. Section 265.2901, Florida Statutes, is
 12 repealed.

13 Section 7. Notwithstanding the provisions of chapters
 14 253 and 270, Florida Statutes, the Board of Trustees of the
 15 Internal Improvement Trust Fund shall convey, by quitclaim
 16 deed, all property described in B. O. T. Lease No. 3185, as
 17 amended, directly to the Coconut Grove Playhouse, Inc., in
 18 accordance with the March 21, 2003, Memorandum of
 19 Understanding between the Department of State and the Coconut
 20 Grove Playhouse, Inc.

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

23 267.0617 Historic Preservation Grant Program.--

24 (1) There is hereby created within the division the
 25 Historic Preservation Grant Program, which shall make grants
 26 of moneys appropriated by the Legislature, moneys deposited
 27 pursuant to ~~s.ss-550.0351(2) and 607.1901(2)(g)~~, and moneys
 28 contributed for that purpose from any other source. The
 29 program funds shall be used by the division for the purpose of
 30 financing grants in furtherance of the purposes of this
 31 section.

1 Section 9. Section 267.17, Florida Statutes, is
2 amended to read:

3 267.17 Citizen support organizations; use of state
4 administrative services and property; audit.--

5 (1) CITIZEN SUPPORT ORGANIZATIONS.--The division may
6 support the establishment of citizen support organizations to
7 provide assistance, funding, and promotional support for the
8 archaeology, museum, folklife, and historic preservation
9 programs of the division. For the purposes of this section, a
10 "citizen support organization" shall mean an organization
11 which is:

12 (a) A Florida corporation not for profit incorporated
13 under the provisions of chapter 617 and approved by the
14 Department of State;

15 (b) Organized and operated to conduct programs and
16 activities; raise funds; request and receive grants, gifts,
17 and bequests of money; acquire, receive, hold, invest, and
18 administer, in its own name, securities, funds, objects of
19 value, or other property, real or personal; and make
20 expenditures to or for the direct or indirect benefit of the
21 division or individual program units of the division;

22 (c) Determined by the division to be consistent with
23 the goals of the division and in the best interests of the
24 state; and

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

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

29 (a) The division may fix and collect charges for the
30 rental of facilities and properties managed by the division
31 and may permit, without charge, appropriate use of

1 administrative services, property, and facilities of the
2 division by a citizen support organization, subject to the
3 provisions of this section. Such use must be directly in
4 keeping with the approved purposes of the citizen support
5 organization and may not be made at times or places that would
6 unreasonably interfere with opportunities for the general
7 public to use such facilities for established purposes. Any
8 moneys received from rentals of facilities and properties
9 managed by the division may be held in the operating trust
10 fund of the division or in a separate depository account in
11 the name of the citizen support organization and subject to
12 the provisions of the letter of agreement with the division.

13 (b) The division may prescribe by rule any condition
14 with which a citizen support organization shall comply in
15 order to use division administrative services, property, or
16 facilities.

17 (c) The division shall not permit the use of any
18 administrative services, property, or facilities of the state
19 by a citizen support organization which does not provide equal
20 membership and employment opportunities to all persons
21 regardless of race, color, religion, sex, age, or national
22 origin.

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

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

31 320.08058 Specialty license plates.--

1 (12) FLORIDA ARTS LICENSE PLATES.--

2 (a) The Department of Highway Safety and Motor
3 Vehicles shall develop a Florida arts license plate as
4 provided in this section. In small letters, the word "Florida"
5 must appear at the top of the plate, and the word "Art" or
6 "Arts" or a combination of words including the word "Art" or
7 "Arts" may appear at the bottom of the plate.

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

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

22 2. ~~The Division of Cultural Affairs shall distribute~~
23 ~~the fees forwarded to it by the department to the counties in~~
24 ~~the amounts set forth in the report required under~~
25 ~~subparagraph 1., in each case to the county arts council for~~
26 ~~such county or, if there is none, to such other agency in the~~
27 ~~county as the division designates, to be applied by the~~
28 ~~council or agency to support art organizations, programs, and~~
29 ~~activities within the county.~~

30 (c) ~~The Division of Cultural Affairs shall have the~~
31 ~~authority to administer this subsection under rules~~

1 ~~established by the Division of Cultural Affairs. The agency~~
2 ~~may adopt only rules that implement, interpret, or make~~
3 ~~specific the particular powers and duties granted by this~~
4 ~~subsection.~~

5 Section 11. A project that is ranked but not funded
6 for the fiscal year 2003-2004 grant cycle under the Department
7 of State's Historical Facilities Special Category Fixed
8 Capital Outlay Grants Program, Cultural Facilities Fixed
9 Capital Outlay Grants Program, Regional Cultural Facilities
10 Grants Program, or Library Construction Fixed Capital Outlay
11 Grants Program shall, if it continues to meet applicable
12 criteria for the grant program for which it is ranked,
13 maintain its relative ranking for the fiscal year 2004-2005
14 grant cycle and shall receive priority ranking over new
15 projects applying for the fiscal year 2004-2005 grant cycle.

16 Section 12. Sections 607.1901, 607.19011, 617.1901,
17 and 620.183, Florida Statutes, are repealed.

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

20 607.193 Supplemental corporate fee.--

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

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

28 865.09 Fictitious name registration.--

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

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

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

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