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1 A bill to be entitled

2 An act relating to trust funds; terminating specified
3 trust funds within the Department of State and the
4 Department of Transportation; providing for disposition of
5 balances in and revenues of such trust funds; amending s.
6 15.09, F.S.; providing for deposit of all funds collected
7 by the Division of Corporations of the Department of State
8 into the General Revenue Fund; deleting a provision that
9 created and provided uses of the Public Access Data
10 Systems Trust Fund, to conform; amending s. 215.22, F.S.;
11 deleting a reference to the Coconut Grove Playhouse Trust
12 Fund, to conform; updating references to the Treasurer;
13 amending s. 265.284, F.S.; revising sources of funding for
14 the Florida Fine Arts Trust Fund; amending s. 265.2861,
15 F.S.; deleting provisions transferring funds from the
16 Cultural Institutions Trust Fund to certain grant programs
17 and entities; eliminating a funding source of the trust
18 fund; removing a restriction on grant recipients under the
19 Cultural Institutions Program against receiving funds from
20 certain other arts grants programs; repealing s. 265.2901,
21 F.S., relating to the Coconut Grove Playhouse Trust Fund,
22 to conform; amending s. 267.0617, F.S.; removing a
23 provision specifying funding sources for the Historic
24 Preservation Grant Program; amending s. 320.08058, F.S.;
25 changing the distribution of proceeds of the Florida arts
26 license plate annual use fees; directing maintenance of
27 priority rankings for certain Department of State grant
28 programs for fiscal year 2004-2005 grant cycles; repealing
29 ss. 607.1901, 607.19011, 617.1901, and 620.183, F.S.,
30 relating to the Corporations Trust Fund, to conform;



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31 amending ss. 607.193 and 865.09, F.S.; deleting cross
32 references and references to the Corporations Trust Fund,
33 to conform; providing for deposit of certain moneys into
34 the General Revenue Fund; providing for construction of
35 the act in pari materia with laws enacted during the 2003
36 Regular Session of the Legislature; providing an effective
37 date.

38
39 Be It Enacted by the Legislature of the State of Florida:

40
41 Section 1. (1) The following trust funds within the
42 following departments are terminated:

43 (a) Within the Department of State:

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

45 2. The Coconut Grove Playhouse Trust Fund, FLAIR number
46 45-2-097.

47 3. The Public Access Data Systems Trust Fund, FLAIR number
48 45-2-542.

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

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

54 (3) For each trust fund terminated by this act, the agency
55 that administers the trust fund shall pay any outstanding debts
56 and obligations of the terminated fund as soon as practicable,
57 and the Chief Financial Officer shall close out and remove the
58 terminated fund from the various state accounting systems using
59 generally accepted accounting principles concerning warrants
60 outstanding, assets, and liabilities.



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61 Section 2. Section 15.09, Florida Statutes, is amended to
62 read:

63 15.09 Fees.--

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

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

71 (b) For providing a certificate with seal, \$8.75; however,
72 no fee shall be charged for providing a certificate with seal to
73 any officer appointed to an office requiring Senate
74 confirmation.

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

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

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

83 (4) All funds collected by the Division of Corporations of
84 the department shall be deposited in the General Revenue
85 Corporations Trust Fund.

86 ~~(5)(a) There is created within the Department of State a~~
87 ~~Public Access Data Systems Trust Fund, which shall be used by~~
88 ~~the department to purchase information systems and equipment~~
89 ~~that provide greater public accessibility to the information and~~
90 ~~records maintained by it. Notwithstanding any other provision of~~



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91 ~~law, the Divisions of Licensing, Elections, and Corporations of~~
 92 ~~the department shall transfer each fiscal year to the Public~~
 93 ~~Access Data Systems Trust Fund from their respective trust~~
 94 ~~funds:~~

95 ~~1. An amount equal to 2 percent of all revenues received~~
 96 ~~for the processing of documents, filings, or information~~
 97 ~~requests.~~

98 ~~2. All public access network revenues collected pursuant~~
 99 ~~to s. 15.16 or s. 119.085.~~

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

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

105 215.22 Certain income and certain trust funds exempt.--

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

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

110 (b) Trust funds administered by the Department of the
 111 Lottery.

112 (c) Departmental administrative assessments for
 113 administrative divisions.

114 (d) Funds charged by a state agency for services provided
 115 to another state agency, by a state agency for services provided
 116 to the judicial branch, or by the judicial branch for services
 117 provided to a state agency.

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

120 (f) Retirement or employee benefit funds.



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

123 (h) Funds held for the payment of citrus canker
 124 eradication and compensation.

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

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

130 (k) Trust funds administered by the Department of
 131 Education.

132 (l) Trust funds administered by the Department of
 133 Transportation.

134 (m) Trust funds administered by the Department of
 135 Agriculture and Consumer Services.

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

137 (o) The Solid Waste Management Trust Fund.

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

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

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

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

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

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

147 (u)~~(v)~~ Tobacco Settlement Trust Funds administered by any
 148 agency.

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

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



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

153 265.284 Chief cultural officer; director of division;
 154 powers and duties.--

155 (4) There is created the Florida Fine Arts Trust Fund to
 156 be administered by the Department of State for the purposes set
 157 forth by law. The Florida Fine Arts Trust Fund shall consist of
 158 moneys appropriated by the Legislature and moneys contributed to
 159 the fund from any other source ~~receive distributions as provided~~
 160 ~~in s. 320.08058.~~

161 Section 5. Section 265.2861, Florida Statutes, is amended
 162 to read:

163 265.2861 Cultural Institutions Program; trust fund.--

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

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

169 (b) ~~For~~ Arts in education and visiting arts programs,
 170 \$250,000.

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

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

177 ~~(e)1. For the officially designated Art Museum of the~~
 178 ~~State of Florida described in s. 1004.45, \$2.2 million, and for~~
 179 ~~state-owned cultural facilities assigned to the Department of~~
 180 ~~State, which receive a portion of any operating funds from the~~



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181 ~~Department of State and one of the primary purposes of which is~~
182 ~~the presentation of fine arts or performing arts, \$500,000.~~

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

186

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

190 (2) CULTURAL INSTITUTIONS PROGRAM.--

191 (a) There is created within the Department of State a
192 Cultural Institutions Program.

193 (b) The Department of State shall establish, by rule,
194 criteria for the award of grants to cultural organizations,
195 including criteria relating to program quality, potential public
196 exposure and benefit, fiscal stability, ability to properly
197 administer grant funds, procedures for peer evaluation, and
198 other matters deemed necessary and appropriate to further the
199 purposes of this section. The Division of Cultural Affairs shall
200 award grants to supplement the financial support of cultural
201 organizations that have displayed a sustained commitment to
202 cultural excellence and to recognize organizations for superior
203 cultural contributions that have regional or statewide impact.

204 (c) Cultural organizations shall receive funding by the
205 Division of Cultural Affairs from the Cultural Institutions
206 Trust Fund.

207 ~~(d) Except for programs that receive funds for challenge~~
208 ~~grants, grants promoting arts education, grants for touring~~
209 ~~programs, and grants for international cultural exchange~~
210 ~~programs, an organization that receives a grant under the~~



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211 ~~Cultural Institutions Program is precluded from receiving funds~~
212 ~~from other art grants programs administered under s. 265.286, s.~~
213 ~~265.608, or s. 265.609, by the Division of Cultural Affairs.~~

214 (d)~~(e)~~1. Upon appropriation by the Legislature of funds
215 for the Cultural Institutions Program, the Department of State
216 shall execute a contract with each organization, which must
217 contain information relative to the program, the projected
218 operating income and expenses, and other provisions deemed
219 necessary by the department for the administration of the
220 program.

221 2. Each recipient organization must submit an annual
222 report to the Division of Cultural Affairs detailing the
223 expenditure of funds and is subject to the auditing provisions
224 and rules of the division.

225 (e)~~(f)~~ Each organization shall cause an annual postaudit
226 or independent attestation of its financial accounts, to be
227 conducted by an independent certified public accountant. The
228 annual audit report must be submitted to the Department of State
229 for review. The department may require and receive from the
230 recipient institution, or from its independent auditor, any
231 detail or supplemental data relative to the operation of such
232 institution.

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

235 Section 6. Section 265.2901, Florida Statutes, is
236 repealed.

237 Section 7. Section 267.0617, Florida Statutes, is amended
238 to read:

239 267.0617 Historic Preservation Grant Program.--



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240 ~~(1) There is hereby created within the division the~~
241 ~~Historic Preservation Grant Program, which shall make grants of~~
242 ~~moneys appropriated by the Legislature, moneys deposited~~
243 ~~pursuant to ss. 550.0351(2) and 607.1901(2)(g), and moneys~~
244 ~~contributed for that purpose from any other source. The program~~
245 ~~funds shall be used by the division for the purpose of financing~~
246 ~~grants in furtherance of the purposes of this section.~~

247 (1)(2) The division may ~~is authorized to~~ conduct and carry
248 ~~out~~ a program to provide ~~of~~ historic preservation grants-in-aid,
249 including matching grants, to any department or agency of the
250 state; any unit of county, municipal, or other local government;
251 any corporation, partnership, or other organization, whether
252 public or private or whether or not for profit; or any
253 individual for projects having as their purpose the
254 identification, acquisition, protection, preservation,
255 rehabilitation, restoration, or construction of historic sites
256 and properties, or Florida history, or the planning of such
257 activities. Funds appropriated from general revenue for the
258 historic preservation grants-in-aid program shall not be
259 provided for a project owned by private individuals or owned by
260 for-profit corporations. All moneys received from any source as
261 appropriations, deposits, or contributions to this program shall
262 be paid and credited to the Historical Resources Operating Trust
263 Fund.

264 (2)(3) All grants of state funds to assist the
265 preservation of historic properties shall be made from the
266 Historical Resources Operating Trust Fund and may be awarded
267 only pursuant to applications for such assistance made to the
268 Division of Historical Resources. The Florida Historical
269 Commission shall review each application for a special category



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270 historic preservation grant-in-aid. Special category historic
271 preservation grants-in-aid are those reviewed and recommended by
272 the Secretary of State for submission for legislative funding
273 consideration. Grant review panels appointed by the Secretary of
274 State and chaired by a member of the Florida Historical
275 Commission shall review each application for other historic
276 preservation grants-in-aid. The reviewing body shall submit
277 annually to the Secretary of State for approval lists of all
278 applications that are recommended by the reviewing body for the
279 award of grants, arranged in order of priority.

280 (3)~~(4)~~ The Division of Historical Resources may accept and
281 administer moneys appropriated to it for the purpose of
282 providing grants for the projects approved by the Secretary of
283 State.

284 (4)~~(5)~~ The Division of Historical Resources shall adopt
285 rules prescribing the criteria to be applied by the Florida
286 Historical Commission and the grant review panels in
287 recommending applications for the award of grants and rules
288 providing for the administration of the other provisions of this
289 section.

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

292 320.08058 Specialty license plates.--

293 (12) FLORIDA ARTS LICENSE PLATES.--

294 (a) The Department of Highway Safety and Motor Vehicles
295 shall develop a Florida arts license plate as provided in this
296 section. In small letters, the word "Florida" must appear at the
297 top of the plate, and the word "Art" or "Arts" or a combination
298 of words including the word "Art" or "Arts" may appear at the
299 bottom of the plate.



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

302 1. ~~All fees collected must be forwarded~~ quarterly to the
303 single arts council officially designated by the county in
304 direct proportion to the amounts of fees collected in each
305 county. If there is no county arts council, fees collected must
306 be forwarded to such other agency in the county as the highest
307 ranking county administrative official designates, to be applied
308 by the arts council or agency to support arts organizations,
309 arts programs, and arts activities within the county ~~Division of~~
310 ~~Cultural Affairs of the Department of State, together with a~~
311 ~~report setting forth the amount of such fees collected in each~~
312 ~~county, and must be deposited into the Florida Fine Arts Trust~~
313 ~~Fund.~~

314 2. ~~The Division of Cultural Affairs shall distribute the~~
315 ~~fees forwarded to it by the department to the counties in the~~
316 ~~amounts set forth in the report required under subparagraph 1.,~~
317 ~~in each case to the county arts council for such county or, if~~
318 ~~there is none, to such other agency in the county as the~~
319 ~~division designates, to be applied by the council or agency to~~
320 ~~support art organizations, programs, and activities within the~~
321 ~~county.~~

322 (c) ~~The Division of Cultural Affairs shall have the~~
323 ~~authority to administer this subsection under rules established~~
324 ~~by the Division of Cultural Affairs. The agency may adopt only~~
325 ~~rules that implement, interpret, or make specific the particular~~
326 ~~powers and duties granted by this subsection.~~

327 Section 9. A project that is ranked but not funded for the
328 fiscal year 2003-2004 grant cycle under the Department of
329 State's Historical Facilities Special Category Fixed Capital



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330 Outlay Grants Program, Cultural Facilities Fixed Capital Outlay
331 Grants Program, Regional Cultural Facilities Grants Program, or
332 Library Construction Fixed Capital Outlay Grants Program shall,
333 if it continues to meet applicable criteria for the grant
334 program for which it is ranked, maintain its relative ranking
335 for the fiscal year 2004-2005 grant cycle and shall receive
336 priority ranking over new projects applying for the fiscal year
337 2004-2005 grant cycle.

338 Section 10. Sections 607.1901, 607.19011, 617.1901, and
339 620.183, Florida Statutes, are repealed.

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

342 607.193 Supplemental corporate fee.--

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

348 Section 12. Subsection (13) of section 865.09, Florida
349 Statutes, is amended to read:

350 865.09 Fictitious name registration.--

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

355 Section 13. If any law amended by this act was also
356 amended by a law enacted at the 2003 Regular Session of the
357 Legislature, such laws shall be construed as if they had been
358 enacted at the same session of the Legislature, and full effect
359 shall be given to each if possible.



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Section 14. This act shall take effect July 1, 2003.