

By Senator Pruitt

28-2580-03

1 A bill to be entitled
2 An act relating to trust funds; amending s.
3 215.20, F.S.; revising the formula for
4 contribution by certain trust funds to the
5 General Revenue Fund; amending s. 215.22, F.S.;
6 exempting certain trust funds and revenues from
7 the appropriation required by s. 215.20, F.S.;
8 amending s. 18.10, F.S.; appropriating certain
9 earnings on investments to the General Revenue
10 Fund; amending s. 18.125, F.S.; providing for
11 the method of investment, and the disposition
12 of interest earned on such investment, of
13 certain trust fund moneys of specified
14 agencies; amending s. 14.2015, F.S.; revising
15 disposition of certain interest earned by the
16 Office of Tourism, Trade, and Economic
17 Development; amending s. 1009.66, F.S.;
18 revising disposition of interest earned on
19 Nursing Student Loan Forgiveness Trust Fund
20 moneys; amending s. 385.207, F.S.; revising
21 disposition of interest earned on Epilepsy
22 Services Trust Fund moneys; amending s.
23 860.158, F.S.; revising disposition of interest
24 earned on Florida Motor Vehicle Theft
25 Prevention Trust Fund moneys; amending s.
26 938.01, F.S.; revising disposition of interest
27 earned on specified trust funds of the
28 Department of Law Enforcement and Department of
29 Children and Family Services; reenacting s.
30 215.32, F.S., relating to segregation of state
31 funds; providing for construction of the act in

1 pari materia with laws enacted during the
2 Regular Session of the Legislature; providing
3 an effective date.

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

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7 Section 1. Section 215.20, Florida Statutes, as
8 amended by section 61 of chapter 2002-402, Laws of Florida, is
9 amended to read:

10 (Substantial rewording of section. See
11 s. 215.20, F.S., for present text.)

12 215.20 Certain income and certain trust funds to
13 contribute to the General Revenue Fund.--

14 (1) A service charge of 7 percent, representing the
15 estimated pro rata share of the cost of general government
16 paid from the General Revenue Fund, is hereby appropriated
17 from all income of a revenue nature deposited in all trust
18 funds except those enumerated in s. 215.22. Income of a
19 revenue nature shall include all earnings received or credited
20 by such trust funds, including the interest or benefit
21 received from the investment of the principal of such trust
22 funds as may be permitted by law. This provision shall be
23 construed in favor of the General Revenue Fund in each
24 instance. All such appropriations shall be deposited in the
25 General Revenue Fund.

26 (2) Notwithstanding the provisions of subsection (1):

27 (a) The trust funds of the Department of Citrus and
28 the Department of Agriculture and Consumer Services, including
29 funds collected in the General Inspection Trust Fund for
30 marketing orders and in the Florida Citrus Advertising Trust
31 Fund, shall be subject to a 3-percent service charge, which is

1 hereby appropriated to the General Revenue Fund. This
2 paragraph does not apply to the Conservation and Recreation
3 Lands Program Trust Fund, the Florida Quarter Horse Racing
4 Promotion Trust Fund, the Citrus Inspection Trust Fund, the
5 Florida Forever Program Trust Fund, the Florida Preservation
6 2000 Trust Fund, the Market Improvements Working Capital Trust
7 Fund, the Pest Control Trust Fund, the Plant Industry Trust
8 Fund, or other funds collected in the General Inspection Trust
9 Fund in the Department of Agriculture and Consumer Services.

10 (b) The Save the Manatee Trust Fund in the Fish and
11 Wildlife Conservation Commission shall be subject to a
12 3-percent service charge, which is hereby appropriated to the
13 General Revenue Fund.

14 (3) A service charge of 0.3 percent is hereby
15 appropriated from income of a revenue nature deposited in the
16 trust funds enumerated in subsection (4). Income of a revenue
17 nature shall include all earnings received or credited by such
18 trust funds, including the interest or benefit received from
19 the investment of the principal of such trust funds as may be
20 permitted by law. This provision shall be construed in favor
21 of the General Revenue Fund in each instance. All such
22 appropriations shall be deposited in the General Revenue Fund.

23 (4) The income of a revenue nature deposited in the
24 following described trust funds, by whatever name designated,
25 is that from which the appropriations authorized by subsection
26 (3) shall be made:

27 (a) Within the Agency for Health Care Administration:

28 1. The Florida Organ and Tissue Donor Education and
29 Procurement Trust Fund.

30 2. The Health Care Trust Fund.

31 3. The Resident Protection Trust Fund.

1 (b) Within the Agency for Workforce Innovation, the
2 Employment Security Administration Trust Fund.

3 (c) Within the Department of Agriculture and Consumer
4 Services:

5 1. The Conservation and Recreation Lands Program Trust
6 Fund.

7 2. The Florida Quarter Horse Racing Promotion Trust
8 Fund.

9 3. The General Inspection Trust Fund and subsidiary
10 accounts thereof, unless a different percentage is authorized
11 by s. 570.20.

12 (d) Within the Department of Banking and Finance:

13 1. The Administrative Trust Fund.

14 2. The Anti-Fraud Trust Fund.

15 3. The Financial Institutions' Regulatory Trust Fund.

16 4. The Mortgage Brokerage Guaranty Fund.

17 5. The Regulatory Trust Fund.

18 (e) Within the Department of Business and Professional
19 Regulation:

20 1. The Administrative Trust Fund.

21 2. The Alcoholic Beverage and Tobacco Trust Fund.

22 3. The Cigarette Tax Collection Trust Fund.

23 4. The Division of Florida Land Sales, Condominiums,
24 and Mobile Homes Trust Fund.

25 5. The Hotel and Restaurant Trust Fund, with the
26 exception of those fees collected for the purpose of funding
27 of the hospitality education program as stated in s. 509.302.

28 6. The Professional Regulation Trust Fund.

29 7. The trust funds administered by the Division of
30 Pari-mutuel Wagering.

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- 1 (f) Within the Department of Children and Family
2 Services:
3 1. The Administrative Trust Fund.
4 2. The Child Welfare Training Trust Fund.
5 3. The Children and Adolescents Substance Abuse Trust
6 Fund.
7 4. The Domestic Violence Trust Fund.
8 5. The Grants and Donations Trust Fund.
9 6. The Operations and Maintenance Trust Fund.
10 (g) Within the Department of Citrus, the Florida
11 Citrus Advertising Trust Fund, including transfers from any
12 subsidiary accounts thereof, unless a different percentage is
13 authorized in s. 601.15(7).
14 (h) Within the Department of Community Affairs, the
15 Operating Trust Fund.
16 (i) Within the Department of Education:
17 1. The Educational Certification and Service Trust
18 Fund.
19 2. The Phosphate Research Trust Fund.
20 (j) Within the Department of Elderly Affairs:
21 1. The Administrative Trust Fund.
22 2. The Federal Grants Trust Fund.
23 3. The Grants and Donations Trust Fund.
24 4. The Operations and Maintenance Trust Fund.
25 (k) Within the Department of Environmental Protection:
26 1. The Administrative Trust Fund.
27 2. The Air Pollution Control Trust Fund.
28 3. The Conservation and Recreation Lands Trust Fund.
29 4. The Ecosystem Management and Restoration Trust
30 Fund.
31 5. The Environmental Laboratory Trust Fund.

- 1 6. The Florida Coastal Protection Trust Fund.
- 2 7. The Florida Permit Fee Trust Fund.
- 3 8. The Forfeited Property Trust Fund.
- 4 9. The Grants and Donations Trust Fund.
- 5 10. The Inland Protection Trust Fund.
- 6 11. The Internal Improvement Trust Fund.
- 7 12. The Land Acquisition Trust Fund.
- 8 13. The Minerals Trust Fund.
- 9 14. The Nonmandatory Land Reclamation Trust Fund.
- 10 15. The State Park Trust Fund.
- 11 16. The Water Quality Assurance Trust Fund.
- 12 17. The Working Capital Trust Fund.
- 13 (l) Within the Department of Health:
- 14 1. The Administrative Trust Fund.
- 15 2. The Brain and Spinal Cord Injury Program Trust
- 16 Fund.
- 17 3. The Donations Trust Fund.
- 18 4. The Emergency Medical Services Trust Fund.
- 19 5. The Epilepsy Services Trust Fund.
- 20 6. The Florida Drug, Device, and Cosmetic Trust Fund.
- 21 7. The Grants and Donations Trust Fund.
- 22 8. The Medical Quality Assurance Trust Fund.
- 23 9. The Nursing Student Loan Forgiveness Trust Fund.
- 24 10. The Planning and Evaluation Trust Fund.
- 25 11. The Radiation Protection Trust Fund.
- 26 (m) Within the Department of Highway Safety and Motor
- 27 Vehicles, the DUI Programs Coordination Trust Fund.
- 28 (n) Within the Department of Insurance:
- 29 1. The Agents and Solicitors County Tax Trust Fund.
- 30 2. The Insurance Commissioner's Regulatory Trust Fund.
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- 1 (o) Within the Department of Labor and Employment
2 Security or, if such department is terminated, within the
3 agency or department to which the named trust fund has been
4 transferred:
- 5 1. The Special Disability Trust Fund.
6 2. The Special Employment Security Administration
7 Trust Fund.
8 3. The Workers' Compensation Administration Trust
9 Fund.
- 10 (p) Within the Department of Legal Affairs, the Crimes
11 Compensation Trust Fund.
- 12 (q) Within the Department of Management Services:
- 13 1. The Administrative Trust Fund.
14 2. The Architects Incidental Trust Fund.
15 3. The Bureau of Aircraft Trust Fund.
16 4. The Florida Facilities Pool Working Capital Trust
17 Fund.
18 5. The Grants and Donations Trust Fund.
19 6. The Motor Vehicle Operating Trust Fund.
20 7. The Police and Firefighters' Premium Tax Trust
21 Fund.
22 8. The Public Employees Relations Commission Trust
23 Fund.
24 9. The State Personnel System Trust Fund.
25 10. The Supervision Trust Fund.
26 11. The Working Capital Trust Fund.
- 27 (r) Within the Department of Revenue:
- 28 1. The Additional Court Cost Clearing Trust Fund.
29 2. The Administrative Trust Fund.
30 3. The Apalachicola Bay Oyster Surcharge Clearing
31 Trust Fund.

- 1 4. The Certification Program Trust Fund.
2 5. The Fuel Tax Collection Trust Fund.
3 6. The Land Reclamation Trust Fund.
4 7. The Local Alternative Fuel User Fee Clearing Trust
5 Fund.
6 8. The Local Option Fuel Tax Trust Fund.
7 9. The Motor Vehicle Rental Surcharge Clearing Trust
8 Fund.
9 10. The Motor Vehicle Warranty Trust Fund.
10 11. The Oil and Gas Tax Trust Fund.
11 12. The Secondhand Dealer and Secondary Metals
12 Recycler Clearing Trust Fund.
13 13. The Severance Tax Solid Mineral Trust Fund.
14 14. The State Alternative Fuel User Fee Clearing Trust
15 Fund.
16 15. All taxes levied on motor fuels other than
17 gasoline levied pursuant to the provisions of s. 206.87(1)(a).
18 (s) Within the Department of State:
19 1. The Division of Licensing Trust Fund.
20 2. The Records Management Trust Fund.
21 3. The trust funds administered by the Division of
22 Historical Resources.
23 (t) Within the Department of Transportation, all
24 income derived from outdoor advertising and overweight
25 violations which is deposited in the State Transportation
26 Trust Fund.
27 (u) Within the Department of Veterans' Affairs:
28 1. The Grants and Donations Trust Fund.
29 2. The Operations and Maintenance Trust Fund.
30 3. The State Homes for Veterans Trust Fund.
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1 (v) Within the Division of Administrative Hearings,
2 the Administrative Trust Fund.

3 (w) Within the Fish and Wildlife Conservation
4 Commission:

5 1. The Conservation and Recreation Lands Program Trust
6 Fund.

7 2. The Florida Panther Research and Management Trust
8 Fund.

9 3. The Land Acquisition Trust Fund.

10 4. The Marine Resources Conservation Trust Fund, with
11 the exception of those fees collected for recreational
12 saltwater fishing licenses as provided in s. 372.57.

13 (x) Within the Florida Public Service Commission, the
14 Florida Public Service Regulatory Trust Fund.

15 (y) Within the Justice Administrative Commission, the
16 Indigent Criminal Defense Trust Fund.

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18 The enumeration of the foregoing moneys or trust funds shall
19 not prohibit the applicability thereto of s. 215.24 should the
20 Governor determine that for the reasons mentioned in s. 215.24
21 the money or trust funds should be exempt herefrom, as it is
22 the purpose of this law to exempt income from its force and
23 effect when, by the operation of this law, federal matching
24 funds or contributions or private grants to any trust fund
25 would be lost to the state.

26 (5) There is appropriated from the proper respective
27 trust funds from time to time such sums as may be necessary to
28 pay to the General Revenue Fund the service charges imposed by
29 this section.

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1 Section 2. Subsection (1) of section 215.22, Florida
2 Statutes, as amended by section 63 of chapter 2002-402, Laws
3 of Florida, is amended to read:

4 215.22 Certain income and certain trust funds
5 exempt.--

6 (1) The following income of a revenue nature or the
7 following trust funds shall be exempt from the appropriation
8 ~~deduction~~ required by s. 215.20(1):

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

10 (b) Trust funds administered by the Department of the
11 Lottery.

12 (c) Departmental administrative assessments for
13 administrative divisions.

14 (d) Funds charged by a state agency for services
15 provided to another state agency, by a state agency for
16 services provided to the judicial branch, or by the judicial
17 branch for services provided to a state agency.

18 (e) State, agency, or political subdivision
19 investments by the Treasurer.

20 (f) Retirement or employee benefit funds.

21 (g) Self-insurance programs administered by the
22 Treasurer.

23 (h) Funds held for the payment of citrus canker
24 eradication and compensation.

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

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

30 (k) Trust funds administered by the Department of
31 Education.

1 (1) Trust funds administered by the Department of
2 Transportation.

3 (m) The following trust funds administered by the
4 Department of Agriculture and Consumer Services:-
5 1. The Citrus Inspection Trust Fund.
6 2. The Florida Forever Program Trust Fund.
7 3. The Florida Preservation 2000 Trust Fund.
8 4. The Market Improvements Working Capital Trust Fund.
9 5. The Pest Control Trust Fund.
10 6. The Plant Industry Trust Fund.

11 (n) The Motor Vehicle License Clearing Trust Fund.
12 (o) The Solid Waste Management Trust Fund.
13 (p) The Coconut Grove Playhouse Trust Fund.
14 (q) The Communications Working Capital Trust Fund of
15 the Department of Management Services.

16 (r) The Camp Blanding Management Trust Fund.
17 ~~(s) The Indigent Criminal Defense Trust Fund.~~
18 (s)(t) That portion of the Highway Safety Operating
19 Trust Fund funded by the motorcycle safety education fee
20 collected pursuant to s. 320.08(1)(c).

21 ~~(u) The Save the Manatee Trust Fund.~~
22 (t)(v) Tobacco Settlement Trust Funds administered by
23 any agency.

24 (u)(w) The Save Our Everglades Trust Fund.
25 (v)(x) The Florida Center for Nursing Trust Fund.

26 Section 3. Subsection (4) of section 18.10, Florida
27 Statutes, as amended by section 65 of chapter 2002-402, Laws
28 of Florida, is amended to read:
29 18.10 Deposits and investments of state money.--
30 (4) All earnings on any investments made pursuant to
31 this section are hereby appropriated ~~shall be credited~~ to the

1 General Revenue Fund, except that earnings attributable to
2 moneys made available pursuant to s. 18.125(3)(a) and (b) ~~s.~~
3 ~~18.125(3)~~ shall be credited pro rata to the funds from which
4 such moneys were made available.

5 Section 4. Subsection (3) of section 18.125, Florida
6 Statutes, as amended by section 67 of chapter 2002-402, Laws
7 of Florida, is amended to read:

8 18.125 Treasurer; powers and duties in the investment
9 of certain funds.--

10 (3)(a) Except as otherwise provided in this
11 subsection, it is the duty of each state agency, and of the
12 judicial branch, now or hereafter charged with the
13 administration of the funds referred to in subsection (1) to
14 make such moneys available for investment as fully as is
15 consistent with the cash requirements of the particular fund
16 and to authorize investment of such moneys by the Treasurer.

17 (b) Monthly, and more often as circumstances require,
18 such agency or judicial branch shall notify the Treasurer of
19 the amount available for investment; and the moneys shall be
20 invested by the Treasurer. Such notification shall include
21 the name and number of the fund for which the investments are
22 to be made and the life of the investment if the principal sum
23 is to be required for meeting obligations. This subsection,
24 however, shall not be construed to make available for
25 investment any funds other than those referred to in
26 subsection (1).

27 (c) Except as provided in this paragraph and except
28 for moneys described in paragraph (d), the following agencies
29 shall not invest trust fund moneys as provided in this
30 section, but shall retain such moneys in their respective

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- 1 trust funds for investment, with interest appropriated to the
2 General Revenue Fund, pursuant to s. 18.10:
- 3 1. The Agency for Health Care Administration, except
4 for the Tobacco Settlement Trust Fund.
- 5 2. The Department of Children and Family Services,
6 except for:
- 7 a. The Alcohol, Drug Abuse, and Mental Health Trust
8 Fund.
- 9 b. The Community Resources Development Trust Fund.
- 10 c. The Refugee Assistance Trust Fund.
- 11 d. The Social Services Block Grant Trust Fund.
- 12 e. The Tobacco Settlement Trust Fund.
- 13 f. The Working Capital Trust Fund.
- 14 3. The Department of Community Affairs, only for the
15 Operating Trust Fund.
- 16 4. The Department of Corrections.
- 17 5. The Department of Elderly Affairs, except for:
- 18 a. The Federal Grants Trust Fund.
- 19 b. The Tobacco Settlement Trust Fund.
- 20 6. The Department of Health, except for:
- 21 a. The Federal Grants Trust Fund.
- 22 b. The Grants and Donations Trust Fund.
- 23 c. The Maternal and Child Health Block Grant Trust
24 Fund.
- 25 d. The Tobacco Settlement Trust Fund.
- 26 7. The Department of Highway Safety and Motor
27 Vehicles, only for:
- 28 a. The DUI Programs Coordination Trust Fund.
- 29 b. The Security Deposits Trust Fund.
- 30 8. The Department of Juvenile Justice.
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- 1 9. The Department of Labor and Employment Security,
2 only for the Administrative Trust Fund.
- 3 10. The Department of Law Enforcement.
- 4 11. The Department of Legal Affairs.
- 5 12. The Department of State, only for:
- 6 a. The Grants and Donations Trust Fund.
- 7 b. The Records Management Trust Fund.
- 8 13. The Executive Office of the Governor, only for:
- 9 a. The Economic Development Transportation Trust Fund.
- 10 b. The Economic Development Trust Fund.
- 11 14. The Florida Public Service Commission, only for
12 the Florida Public Service Regulatory Trust Fund.
- 13 15. The Justice Administrative Commission.
- 14 16. The state courts system.
- 15 (d) Moneys in any trust funds of the agencies in
16 paragraph (c) may be invested pursuant to the provisions of
17 this section if:
- 18 1. Investment of such moneys and the retention of
19 interest is required by federal programs or mandates;
- 20 2. Investment of such moneys and the retention of
21 interest is required by bond covenants, indentures, or
22 resolutions;
- 23 3. Such moneys are held by the state in a trustee
24 capacity as an agent or fiduciary for individuals, private
25 organizations, or other governmental units; or
- 26 4. The Executive Office of the Governor determines,
27 after consultation with the Legislature pursuant to the
28 procedures of s. 216.177, that federal matching funds or
29 contributions or private grants to any trust fund would be
30 lost to the state.
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1 Section 5. Paragraph (f) of subsection (2) of section
2 14.2015, Florida Statutes, as amended by section 69 of chapter
3 2002-402, Laws of Florida, is amended to read:

4 14.2015 Office of Tourism, Trade, and Economic
5 Development; creation; powers and duties.--

6 (2) The purpose of the Office of Tourism, Trade, and
7 Economic Development is to assist the Governor in working with
8 the Legislature, state agencies, business leaders, and
9 economic development professionals to formulate and implement
10 coherent and consistent policies and strategies designed to
11 provide economic opportunities for all Floridians. To
12 accomplish such purposes, the Office of Tourism, Trade, and
13 Economic Development shall:

14 (f)1. Administer the Florida Enterprise Zone Act under
15 ss. 290.001-290.016, the community contribution tax credit
16 program under ss. 220.183 and 624.5105, the tax refund program
17 for qualified target industry businesses under s. 288.106, the
18 tax-refund program for qualified defense contractors under s.
19 288.1045, contracts for transportation projects under s.
20 288.063, the sports franchise facility program under s.
21 288.1162, the professional golf hall of fame facility program
22 under s. 288.1168, the expedited permitting process under s.
23 403.973, the Rural Community Development Revolving Loan Fund
24 under s. 288.065, the Regional Rural Development Grants
25 Program under s. 288.018, the Certified Capital Company Act
26 under s. 288.99, the Florida State Rural Development Council,
27 the Rural Economic Development Initiative, and other programs
28 that are specifically assigned to the office by law, by the
29 appropriations process, or by the Governor. Notwithstanding
30 any other provisions of law, the office may expend interest
31 earned from the investment of program funds deposited in the

1 ~~Economic Development Trust Fund~~, the Grants and Donations
2 Trust Fund and the Brownfield Property Ownership Clearance
3 Assistance Revolving Loan Trust Fund, ~~and the Economic~~
4 ~~Development Transportation Trust Fund~~ to contract for the
5 administration of the programs, or portions of the programs,
6 enumerated in this paragraph or assigned to the office by law,
7 by the appropriations process, or by the Governor. Such
8 expenditures shall be subject to review under chapter 216.

9 2. The office may enter into contracts in connection
10 with the fulfillment of its duties concerning the Florida
11 First Business Bond Pool under chapter 159, tax incentives
12 under chapters 212 and 220, tax incentives under the Certified
13 Capital Company Act in chapter 288, foreign offices under
14 chapter 288, the Enterprise Zone program under chapter 290,
15 the Seaport Employment Training program under chapter 311, the
16 Florida Professional Sports Team License Plates under chapter
17 320, Spaceport Florida under chapter 331, Expedited Permitting
18 under chapter 403, and in carrying out other functions that
19 are specifically assigned to the office by law, by the
20 appropriations process, or by the Governor.

21 Section 6. Subsection (7) of section 1009.66, Florida
22 Statutes, as amended by section 71 of chapter 2002-402, Laws
23 of Florida, by section 3 of chapter 2002-400, Laws of Florida,
24 and by chapter 2003-1, Laws of Florida, is amended to read:

25 1009.66 Nursing Student Loan Forgiveness Program.--

26 (7)~~(a)~~ Funds contained in the Nursing Student Loan
27 Forgiveness Trust Fund which are to be used for loan
28 forgiveness for those nurses employed by hospitals, birth
29 centers, and nursing homes must be matched on a
30 dollar-for-dollar basis by contributions from the employing
31 institutions, except that this provision shall not apply to

1 state-operated medical and health care facilities, public
2 schools, county health departments, federally sponsored
3 community health centers, teaching hospitals as defined in s.
4 408.07, family practice teaching hospitals as defined in s.
5 395.805, or specialty hospitals for children as used in s.
6 409.9119. An estimate of the annual trust fund dollars shall
7 be made at the beginning of the fiscal year based on historic
8 expenditures from the trust fund. Applicant requests shall be
9 reviewed on a quarterly basis, and applicant awards shall be
10 based on the following priority of employer until all such
11 estimated trust funds are awarded: state-operated medical and
12 health care facilities; public schools; county health
13 departments; federally sponsored community health centers;
14 teaching hospitals as defined in s. 408.07; family practice
15 teaching hospitals as defined in s. 395.805; specialty
16 hospitals for children as used in s. 409.9119; and other
17 hospitals, birth centers, and nursing homes.

18 ~~(b) All Nursing Student Loan Forgiveness Trust Fund~~
19 ~~moneys shall be invested pursuant to s. 18.125. Interest~~
20 ~~income accruing to that portion of the trust fund not matched~~
21 ~~shall increase the total funds available for loan forgiveness~~
22 ~~and scholarships. Pledged contributions shall not be eligible~~
23 ~~for matching prior to the actual collection of the total~~
24 ~~private contribution for the year.~~

25 Section 7. Subsection (3) of section 385.207, Florida
26 Statutes, as amended by section 73 of chapter 2002-402, Laws
27 of Florida, is amended to read:

28 385.207 Care and assistance of persons with epilepsy;
29 establishment of programs in epilepsy control.--

30 (3) Revenue for statewide implementation of programs
31 for epilepsy prevention and education pursuant to this section

1 shall be derived pursuant to the provisions of s. 318.21(6)
2 and shall be deposited in the Epilepsy Services Trust Fund,
3 which is hereby established to be administered by the
4 Department of Health. ~~All funds deposited into the trust fund~~
5 ~~shall be invested pursuant to the provisions of s. 18.125.~~
6 ~~Interest income accruing to such invested funds shall increase~~
7 ~~the total funds available under this subsection.~~

8 Section 8. Subsection (1) of section 860.158, Florida
9 Statutes, as amended by section 75 of chapter 2002-402, Laws
10 of Florida, is amended to read:

11 860.158 Florida Motor Vehicle Theft Prevention Trust
12 Fund.--

13 (1) There is hereby established within the Department
14 of Legal Affairs the Florida Motor Vehicle Theft Prevention
15 Trust Fund, which shall be administered by the executive
16 director of the authority at the direction of the board. ~~All~~
17 ~~interest earned from the investment or deposit of moneys~~
18 ~~accumulated in the trust fund shall be deposited in the trust~~
19 ~~fund.~~The trust fund shall be funded from the surcharge
20 collected under s. 320.08046.

21 Section 9. Subsection (1) of section 938.01, Florida
22 Statutes, as amended by section 77 of chapter 2002-402, Laws
23 of Florida, is amended to read:

24 938.01 Additional Court Cost Clearing Trust Fund.--

25 (1) All courts created by Art. V of the State
26 Constitution shall, in addition to any fine or other penalty,
27 assess \$3 as a court cost against every person convicted for
28 violation of a state penal or criminal statute or convicted
29 for violation of a municipal or county ordinance. Any person
30 whose adjudication is withheld pursuant to the provisions of
31 s. 318.14(9) or (10) shall also be assessed such cost. In

1 addition, \$3 from every bond estreature or forfeited bail bond
2 related to such penal statutes or penal ordinances shall be
3 remitted to the Department of Revenue as described in this
4 subsection. However, no such assessment may be made against
5 any person convicted for violation of any state statute,
6 municipal ordinance, or county ordinance relating to the
7 parking of vehicles.

8 (a) All costs collected by the courts pursuant to this
9 subsection shall be remitted to the Department of Revenue in
10 accordance with administrative rules adopted by the executive
11 director of the Department of Revenue for deposit in the
12 Additional Court Cost Clearing Trust Fund. These funds and the
13 funds deposited in the Additional Court Cost Clearing Trust
14 Fund pursuant to s. 318.21(2)(c) shall be distributed as
15 follows:

16 1. Ninety-two percent to the Department of Law
17 Enforcement Criminal Justice Standards and Training Trust
18 Fund.

19 2. Six and three-tenths percent to the Department of
20 Law Enforcement Operating Trust Fund for the Criminal Justice
21 Grant Program.

22 3. One and seven-tenths percent to the Department of
23 Children and Family Services Domestic Violence Trust Fund for
24 the domestic violence program pursuant to s. 39.903(3).

25 ~~(b) The funds deposited in the Department of Law~~
26 ~~Enforcement Criminal Justice Standards and Training Trust~~
27 ~~Fund, the Department of Law Enforcement Operating Trust Fund,~~
28 ~~and the Department of Children and Family Services Domestic~~
29 ~~Violence Trust Fund may be invested. Any interest earned from~~
30 ~~investing such funds and any unencumbered funds remaining at~~

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1 ~~the end of the budget cycle shall remain in the respective~~
2 ~~trust fund.~~

3 (b)~~(c)~~ All funds in the Department of Law Enforcement
4 Criminal Justice Standards and Training Trust Fund shall be
5 disbursed only in compliance with s. 943.25(9).

6 Section 10. Paragraph (b) of subsection (2) of section
7 215.32, Florida Statutes, is reenacted to read:

8 215.32 State funds; segregation.--

9 (2) The source and use of each of these funds shall be
10 as follows:

11 (b)1. The trust funds shall consist of moneys received
12 by the state which under law or under trust agreement are
13 segregated for a purpose authorized by law. The state agency
14 or branch of state government receiving or collecting such
15 moneys shall be responsible for their proper expenditure as
16 provided by law. Upon the request of the state agency or
17 branch of state government responsible for the administration
18 of the trust fund, the Comptroller may establish accounts
19 within the trust fund at a level considered necessary for
20 proper accountability. Once an account is established within a
21 trust fund, the Comptroller may authorize payment from that
22 account only upon determining that there is sufficient cash
23 and releases at the level of the account.

24 2. In order to maintain a minimum number of trust
25 funds in the State Treasury, each state agency or the judicial
26 branch may consolidate, if permitted under the terms and
27 conditions of their receipt, the trust funds administered by
28 it; provided, however, the agency or judicial branch employs
29 effectively a uniform system of accounts sufficient to
30 preserve the integrity of such trust funds; and provided,

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1 further, that consolidation of trust funds is approved by the
2 Governor or the Chief Justice.

3 3. All such moneys are hereby appropriated to be
4 expended in accordance with the law or trust agreement under
5 which they were received, subject always to the provisions of
6 chapter 216 relating to the appropriation of funds and to the
7 applicable laws relating to the deposit or expenditure of
8 moneys in the State Treasury.

9 4.a. Notwithstanding any provision of law restricting
10 the use of trust funds to specific purposes, unappropriated
11 cash balances from selected trust funds may be authorized by
12 the Legislature for transfer to the Budget Stabilization Fund
13 and Working Capital Fund in the General Appropriations Act.

14 b. This subparagraph does not apply to trust funds
15 required by federal programs or mandates; trust funds
16 established for bond covenants, indentures, or resolutions
17 whose revenues are legally pledged by the state or public body
18 to meet debt service or other financial requirements of any
19 debt obligations of the state or any public body; the State
20 Transportation Trust Fund; the trust fund containing the net
21 annual proceeds from the Florida Education Lotteries; the
22 Florida Retirement System Trust Fund; trust funds under the
23 management of the Board of Regents, where such trust funds are
24 for auxiliary enterprises, self-insurance, and contracts,
25 grants, and donations, as those terms are defined by general
26 law; trust funds that serve as clearing funds or accounts for
27 the Comptroller or state agencies; trust funds that account
28 for assets held by the state in a trustee capacity as an agent
29 or fiduciary for individuals, private organizations, or other
30 governmental units; and other trust funds authorized by the
31 State Constitution.

1 Section 11. If any law that is amended by this act was
2 also amended by a law enacted at the 2003 Regular Session of
3 the Legislature, such laws shall be construed as if they had
4 been enacted at the same session of the Legislature, and full
5 effect should be given to each if that is possible.

6 Section 12. This act shall take effect July 1, 2003.

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9 SENATE SUMMARY

10 Gives permanent status to certain temporary changes in
11 the distribution of trust funds and trust fund interest
12 proceeds which had been enacted with temporary effect by
13 the 2002-2003 implementing bill.

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