

By the Committee on Appropriations; and Senator Pruitt

309-2619-03

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. 938.01,
23 F.S.; revising disposition of interest earned
24 on specified trust funds of the Department of
25 Law Enforcement and Department of Children and
26 Family Services; reenacting s. 215.32, F.S.,
27 relating to segregation of state funds;
28 providing for construction of the act in pari
29 materia with laws enacted during the Regular
30 Session of the Legislature; providing an
31 effective date.

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

2

3 Section 1. Section 215.20, Florida Statutes, as
4 amended by section 61 of chapter 2002-402, Laws of Florida, is
5 amended to read:

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

8 215.20 Certain income and certain trust funds to
9 contribute to the General Revenue Fund.--

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

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

23 (a) The trust funds of the Department of Citrus and
24 the Department of Agriculture and Consumer Services, including
25 funds collected in the General Inspection Trust Fund for
26 marketing orders and in the Florida Citrus Advertising Trust
27 Fund, shall be subject to a 3-percent service charge, which is
28 hereby appropriated to the General Revenue Fund. This
29 paragraph does not apply to the Conservation and Recreation
30 Lands Program Trust Fund, the Florida Quarter Horse Racing
31 Promotion Trust Fund, the Citrus Inspection Trust Fund, the

1 Florida Forever Program Trust Fund, the Florida Preservation
2 2000 Trust Fund, the Market Improvements Working Capital Trust
3 Fund, the Pest Control Trust Fund, the Plant Industry Trust
4 Fund, or other funds collected in the General Inspection Trust
5 Fund in the Department of Agriculture and Consumer Services.

6 (b) The Save the Manatee Trust Fund in the Fish and
7 Wildlife Conservation Commission shall be subject to a
8 3-percent service charge, which is hereby appropriated to the
9 General Revenue Fund.

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

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

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

24 1. The Florida Organ and Tissue Donor Education and
25 Procurement Trust Fund.

26 2. The Health Care Trust Fund.

27 3. The Resident Protection Trust Fund.

28 (b) Within the Agency for Workforce Innovation:

29 1. The Employment Security Administration Trust Fund.

30 2. The Special Employment Security Administration
31 Trust Fund.

1 (c) Within the Department of Agriculture and Consumer

2 Services:

3 1. The Conservation and Recreation Lands Program Trust
4 Fund.

5 2. The Florida Quarter Horse Racing Promotion Trust
6 Fund.

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

10 4. The Division of Licensing Trust Fund.

11 (d) Within the Department of Business and Professional
12 Regulation:

13 1. The Administrative Trust Fund.

14 2. The Alcoholic Beverage and Tobacco Trust Fund.

15 3. The Cigarette Tax Collection Trust Fund.

16 4. The Division of Florida Land Sales, Condominiums,
17 and Mobile Homes Trust Fund.

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

21 6. The Professional Regulation Trust Fund.

22 7. The trust funds administered by the Division of
23 Pari-mutuel Wagering.

24 (e) Within the Department of Children and Family
25 Services:

26 1. The Administrative Trust Fund.

27 2. The Child Welfare Training Trust Fund.

28 3. The Children and Adolescents Substance Abuse Trust
29 Fund.

30 4. The Domestic Violence Trust Fund.

31 5. The Grants and Donations Trust Fund.

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

- 1 14. The Nonmandatory Land Reclamation Trust Fund.
2 15. The State Park Trust Fund.
3 16. The Water Quality Assurance Trust Fund.
4 17. The Working Capital Trust Fund.
5 (k) Within the Department of Financial Services:
6 1. The Agents and Solicitors County Tax Trust Fund.
7 2. The Insurance Regulatory Trust Fund.
8 3. The Special Disability Trust Fund.
9 4. The Workers' Compensation Administration Trust
10 Fund.
11 (l) Within the Department of Health:
12 1. The Administrative Trust Fund.
13 2. The Brain and Spinal Cord Injury Program Trust
14 Fund.
15 3. The Donations Trust Fund.
16 4. The Emergency Medical Services Trust Fund.
17 5. The Epilepsy Services Trust Fund.
18 6. The Florida Drug, Device, and Cosmetic Trust Fund.
19 7. The Grants and Donations Trust Fund.
20 8. The Medical Quality Assurance Trust Fund.
21 9. The Nursing Student Loan Forgiveness Trust Fund.
22 10. The Planning and Evaluation Trust Fund.
23 11. The Radiation Protection Trust Fund.
24 (m) Within the Department of Highway Safety and Motor
25 Vehicles, the DUI Programs Coordination Trust Fund.
26 (n) Within the Department of Legal Affairs, the Crimes
27 Compensation Trust Fund.
28 (o) Within the Department of Management Services:
29 1. The Administrative Trust Fund.
30 2. The Architects Incidental Trust Fund.
31 3. The Bureau of Aircraft Trust Fund.

- 1 4. The Florida Facilities Pool Working Capital Trust
2 Fund.
3 5. The Grants and Donations Trust Fund.
4 6. The Motor Vehicle Operating Trust Fund.
5 7. The Police and Firefighters' Premium Tax Trust
6 Fund.
7 8. The Public Employees Relations Commission Trust
8 Fund.
9 9. The State Personnel System Trust Fund.
10 10. The Supervision Trust Fund.
11 11. The Working Capital Trust Fund.
12 (p) Within the Department of Revenue:
13 1. The Additional Court Cost Clearing Trust Fund.
14 2. The Administrative Trust Fund.
15 3. The Apalachicola Bay Oyster Surcharge Clearing
16 Trust Fund.
17 4. The Certification Program Trust Fund.
18 5. The Fuel Tax Collection Trust Fund.
19 6. The Land Reclamation Trust Fund.
20 7. The Local Alternative Fuel User Fee Clearing Trust
21 Fund.
22 8. The Local Option Fuel Tax Trust Fund.
23 9. The Motor Vehicle Rental Surcharge Clearing Trust
24 Fund.
25 10. The Motor Vehicle Warranty Trust Fund.
26 11. The Oil and Gas Tax Trust Fund.
27 12. The Secondhand Dealer and Secondary Metals
28 Recycler Clearing Trust Fund.
29 13. The Severance Tax Solid Mineral Trust Fund.
30 14. The State Alternative Fuel User Fee Clearing Trust
31 Fund.

1 15. All taxes levied on motor fuels other than
2 gasoline levied pursuant to the provisions of s. 206.87(1)(a).

3 (q) Within the Department of State:

4 1. The Records Management Trust Fund.

5 2. The trust funds administered by the Division of
6 Historical Resources.

7 (r) Within the Department of Transportation, all
8 income derived from outdoor advertising and overweight
9 violations which is deposited in the State Transportation
10 Trust Fund.

11 (s) Within the Department of Veterans' Affairs:

12 1. The Grants and Donations Trust Fund.

13 2. The Operations and Maintenance Trust Fund.

14 3. The State Homes for Veterans Trust Fund.

15 (t) Within the Division of Administrative Hearings,
16 the Administrative Trust Fund.

17 (u) Within the Fish and Wildlife Conservation
18 Commission:

19 1. The Conservation and Recreation Lands Program Trust
20 Fund.

21 2. The Florida Panther Research and Management Trust
22 Fund.

23 3. The Land Acquisition Trust Fund.

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

27 (v) Within the Florida Public Service Commission, the
28 Florida Public Service Regulatory Trust Fund.

29 (w) Within the Justice Administrative Commission, the
30 Indigent Criminal Defense Trust Fund.

31

1 (x) Within the Office of Financial Regulation of the
2 Financial Services Commission:

- 3 1. The Administrative Trust Fund.
- 4 2. The Anti-Fraud Trust Fund.
- 5 3. The Financial Institutions' Regulatory Trust Fund.
- 6 4. The Mortgage Brokerage Guaranty Fund.
- 7 5. The Regulatory Trust Fund.

8
9 The enumeration of the foregoing moneys or trust funds shall
10 not prohibit the applicability thereto of s. 215.24 should the
11 Governor determine that for the reasons mentioned in s. 215.24
12 the money or trust funds should be exempt herefrom, as it is
13 the purpose of this law to exempt income from its force and
14 effect when, by the operation of this law, federal matching
15 funds or contributions or private grants to any trust fund
16 would be lost to the state.

17 (5) There is appropriated from the proper respective
18 trust funds from time to time such sums as may be necessary to
19 pay to the General Revenue Fund the service charges imposed by
20 this section.

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

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

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

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

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

1 (c) Departmental administrative assessments for
2 administrative divisions.

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

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

9 (f) Retirement or employee benefit funds.

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

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

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

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

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

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

23 (m) The following trust funds administered by the
24 Department of Agriculture and Consumer Services:-

25 1. The Citrus Inspection Trust Fund.

26 2. The Florida Forever Program Trust Fund.

27 3. The Florida Preservation 2000 Trust Fund.

28 4. The Market Improvements Working Capital Trust Fund.

29 5. The Pest Control Trust Fund.

30 6. The Plant Industry Trust Fund.

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 (q) The Communications Working Capital Trust Fund of
4 the Department of Management Services.
5 (r) The Camp Blanding Management Trust Fund.
6 ~~(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 ~~(u) The Save the Manatee Trust Fund.~~
11 (t)~~(v)~~ Tobacco Settlement Trust Funds administered by
12 any agency.
13 (u)~~(w)~~ The Save Our Everglades Trust Fund.
14 (v)~~(x)~~ The Florida Center for Nursing Trust Fund.

15 Section 3. Subsection (4) of section 18.10, Florida
16 Statutes, as amended by section 65 of chapter 2002-402, Laws
17 of Florida, is amended to read:

18 18.10 Deposits and investments of state money.--

19 (4) All earnings on any investments made pursuant to
20 this section are hereby appropriated ~~shall be credited~~ to the
21 General Revenue Fund, except that earnings attributable to
22 moneys made available pursuant to s. 18.125(3)(a) and (b) ~~s.~~
23 ~~18.125(3)~~ shall be credited pro rata to the funds from which
24 such moneys were made available.

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

28 18.125 Treasurer; powers and duties in the investment
29 of certain funds.--

30 (3)(a) Except as otherwise provided in this
31 subsection, it is the duty of each state agency, and of the

1 judicial branch, now or hereafter charged with the
2 administration of the funds referred to in subsection (1) to
3 make such moneys available for investment as fully as is
4 consistent with the cash requirements of the particular fund
5 and to authorize investment of such moneys by the Chief
6 Financial Officer ~~Treasurer~~.

7 (b) Monthly, and more often as circumstances require,
8 such agency or judicial branch shall notify the Chief
9 Financial Officer ~~Treasurer~~ of the amount available for
10 investment; and the moneys shall be invested by the Chief
11 Financial Officer ~~Treasurer~~. Such notification shall include
12 the name and number of the fund for which the investments are
13 to be made and the life of the investment if the principal sum
14 is to be required for meeting obligations. This subsection,
15 however, shall not be construed to make available for
16 investment any funds other than those referred to in
17 subsection (1).

18 (c) Except as provided in this paragraph and except
19 for moneys described in paragraph (d), the following agencies
20 shall not invest trust fund moneys as provided in this
21 section, but shall retain such moneys in their respective
22 trust funds for investment, with interest appropriated to the
23 General Revenue Fund, pursuant to s. 18.10:

24 1. The Agency for Health Care Administration, except
25 for the Tobacco Settlement Trust Fund.

26 2. The Department of Children and Family Services,
27 except for:

28 a. The Alcohol, Drug Abuse, and Mental Health Trust
29 Fund.

30 b. The Community Resources Development Trust Fund.

31 c. The Refugee Assistance Trust Fund.

- 1 d. The Social Services Block Grant Trust Fund.
2 e. The Tobacco Settlement Trust Fund.
3 f. The Working Capital Trust Fund.
4 3. The Department of Community Affairs, only for the
5 Operating Trust Fund.
6 4. The Department of Corrections.
7 5. The Department of Elderly Affairs, except for:
8 a. The Federal Grants Trust Fund.
9 b. The Tobacco Settlement Trust Fund.
10 6. The Department of Health, except for:
11 a. The Federal Grants Trust Fund.
12 b. The Grants and Donations Trust Fund.
13 c. The Maternal and Child Health Block Grant Trust
14 Fund.
15 d. The Tobacco Settlement Trust Fund.
16 7. The Department of Highway Safety and Motor
17 Vehicles, only for:
18 a. The DUI Programs Coordination Trust Fund.
19 b. The Security Deposits Trust Fund.
20 8. The Department of Juvenile Justice.
21 9. The Department of Law Enforcement.
22 10. The Department of Legal Affairs.
23 11. The Department of State, only for:
24 a. The Grants and Donations Trust Fund.
25 b. The Records Management Trust Fund.
26 12. The Executive Office of the Governor, only for:
27 a. The Economic Development Transportation Trust Fund.
28 b. The Economic Development Trust Fund.
29 13. The Florida Public Service Commission, only for
30 the Florida Public Service Regulatory Trust Fund.
31 14. The Justice Administrative Commission.

- 1 15. The state courts system.
2 (d) Moneys in any trust funds of the agencies in
3 paragraph (c) may be invested pursuant to the provisions of
4 this section if:
5 1. Investment of such moneys and the retention of
6 interest is required by federal programs or mandates;
7 2. Investment of such moneys and the retention of
8 interest is required by bond covenants, indentures, or
9 resolutions;
10 3. Such moneys are held by the state in a trustee
11 capacity as an agent or fiduciary for individuals, private
12 organizations, or other governmental units; or
13 4. The Executive Office of the Governor determines,
14 after consultation with the Legislature pursuant to the
15 procedures of s. 216.177, that federal matching funds or
16 contributions or private grants to any trust fund would be
17 lost to the state.

18 Section 5. Paragraph (f) of subsection (2) of section
19 14.2015, Florida Statutes, as amended by section 69 of chapter
20 2002-402, Laws of Florida, is amended to read:

21 14.2015 Office of Tourism, Trade, and Economic
22 Development; creation; powers and duties.--

23 (2) The purpose of the Office of Tourism, Trade, and
24 Economic Development is to assist the Governor in working with
25 the Legislature, state agencies, business leaders, and
26 economic development professionals to formulate and implement
27 coherent and consistent policies and strategies designed to
28 provide economic opportunities for all Floridians. To
29 accomplish such purposes, the Office of Tourism, Trade, and
30 Economic Development shall:

31

1 (f)1. Administer the Florida Enterprise Zone Act under
2 ss. 290.001-290.016, the community contribution tax credit
3 program under ss. 220.183 and 624.5105, the tax refund program
4 for qualified target industry businesses under s. 288.106, the
5 tax-refund program for qualified defense contractors under s.
6 288.1045, contracts for transportation projects under s.
7 288.063, the sports franchise facility program under s.
8 288.1162, the professional golf hall of fame facility program
9 under s. 288.1168, the expedited permitting process under s.
10 403.973, the Rural Community Development Revolving Loan Fund
11 under s. 288.065, the Regional Rural Development Grants
12 Program under s. 288.018, the Certified Capital Company Act
13 under s. 288.99, the Florida State Rural Development Council,
14 the Rural Economic Development Initiative, and other programs
15 that are specifically assigned to the office by law, by the
16 appropriations process, or by the Governor. Notwithstanding
17 any other provisions of law, the office may expend interest
18 earned from the investment of program funds deposited in the
19 ~~Economic Development Trust Fund, the Grants and Donations~~
20 ~~Trust Fund and~~ the Brownfield Property Ownership Clearance
21 ~~Assistance Revolving Loan Trust Fund, and the Economic~~
22 ~~Development Transportation Trust Fund~~ to contract for the
23 administration of the programs, or portions of the programs,
24 enumerated in this paragraph or assigned to the office by law,
25 by the appropriations process, or by the Governor. Such
26 expenditures shall be subject to review under chapter 216.

27 2. The office may enter into contracts in connection
28 with the fulfillment of its duties concerning the Florida
29 First Business Bond Pool under chapter 159, tax incentives
30 under chapters 212 and 220, tax incentives under the Certified
31 Capital Company Act in chapter 288, foreign offices under

1 chapter 288, the Enterprise Zone program under chapter 290,
2 the Seaport Employment Training program under chapter 311, the
3 Florida Professional Sports Team License Plates under chapter
4 320, Spaceport Florida under chapter 331, Expedited Permitting
5 under chapter 403, and in carrying out other functions that
6 are specifically assigned to the office by law, by the
7 appropriations process, or by the Governor.

8 Section 6. Subsection (7) of section 1009.66, Florida
9 Statutes, as amended by section 71 of chapter 2002-402, Laws
10 of Florida, by section 3 of chapter 2002-400, Laws of Florida,
11 and by chapter 2003-1, Laws of Florida, is amended to read:

12 1009.66 Nursing Student Loan Forgiveness Program.--

13 (7)~~(a)~~ Funds contained in the Nursing Student Loan
14 Forgiveness Trust Fund which are to be used for loan
15 forgiveness for those nurses employed by hospitals, birth
16 centers, and nursing homes must be matched on a
17 dollar-for-dollar basis by contributions from the employing
18 institutions, except that this provision shall not apply to
19 state-operated medical and health care facilities, public
20 schools, county health departments, federally sponsored
21 community health centers, teaching hospitals as defined in s.
22 408.07, family practice teaching hospitals as defined in s.
23 395.805, or specialty hospitals for children as used in s.
24 409.9119. An estimate of the annual trust fund dollars shall
25 be made at the beginning of the fiscal year based on historic
26 expenditures from the trust fund. Applicant requests shall be
27 reviewed on a quarterly basis, and applicant awards shall be
28 based on the following priority of employer until all such
29 estimated trust funds are awarded: state-operated medical and
30 health care facilities; public schools; county health
31 departments; federally sponsored community health centers;

1 teaching hospitals as defined in s. 408.07; family practice
2 teaching hospitals as defined in s. 395.805; specialty
3 hospitals for children as used in s. 409.9119; and other
4 hospitals, birth centers, and nursing homes.

5 ~~(b) All Nursing Student Loan Forgiveness Trust Fund~~
6 ~~moneys shall be invested pursuant to s. 18.125. Interest~~
7 ~~income accruing to that portion of the trust fund not matched~~
8 ~~shall increase the total funds available for loan forgiveness~~
9 ~~and scholarships. Pledged contributions shall not be eligible~~
10 ~~for matching prior to the actual collection of the total~~
11 ~~private contribution for the year.~~

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

15 385.207 Care and assistance of persons with epilepsy;
16 establishment of programs in epilepsy control.--

17 (3) Revenue for statewide implementation of programs
18 for epilepsy prevention and education pursuant to this section
19 shall be derived pursuant to the provisions of s. 318.21(6)
20 and shall be deposited in the Epilepsy Services Trust Fund,
21 which is hereby established to be administered by the
22 Department of Health. ~~All funds deposited into the trust fund~~
23 ~~shall be invested pursuant to the provisions of s. 18.125.~~
24 ~~Interest income accruing to such invested funds shall increase~~
25 ~~the total funds available under this subsection.~~

26 Section 8. Subsection (1) of section 938.01, Florida
27 Statutes, as amended by section 77 of chapter 2002-402, Laws
28 of Florida, is amended to read:

29 938.01 Additional Court Cost Clearing Trust Fund.--

30 (1) All courts created by Art. V of the State
31 Constitution shall, in addition to any fine or other penalty,

1 assess \$3 as a court cost against every person convicted for
2 violation of a state penal or criminal statute or convicted
3 for violation of a municipal or county ordinance. Any person
4 whose adjudication is withheld pursuant to the provisions of
5 s. 318.14(9) or (10) shall also be assessed such cost. In
6 addition, \$3 from every bond estreature or forfeited bail bond
7 related to such penal statutes or penal ordinances shall be
8 remitted to the Department of Revenue as described in this
9 subsection. However, no such assessment may be made against
10 any person convicted for violation of any state statute,
11 municipal ordinance, or county ordinance relating to the
12 parking of vehicles.

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

21 1. Ninety-two percent to the Department of Law
22 Enforcement Criminal Justice Standards and Training Trust
23 Fund.

24 2. Six and three-tenths percent to the Department of
25 Law Enforcement Operating Trust Fund for the Criminal Justice
26 Grant Program.

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

30 ~~(b) The funds deposited in the Department of Law~~
31 ~~Enforcement Criminal Justice Standards and Training Trust~~

1 ~~Fund, the Department of Law Enforcement Operating Trust Fund,~~
2 ~~and the Department of Children and Family Services Domestic~~
3 ~~Violence Trust Fund may be invested. Any interest earned from~~
4 ~~investing such funds and any unencumbered funds remaining at~~
5 ~~the end of the budget cycle shall remain in the respective~~
6 ~~trust fund.~~

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

10 Section 9. Paragraph (b) of subsection (2) of section
11 215.32, Florida Statutes, is reenacted to read:

12 215.32 State funds; segregation.--

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

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

29 2. In order to maintain a minimum number of trust
30 funds in the State Treasury, each state agency or the judicial
31 branch may consolidate, if permitted under the terms and

1 conditions of their receipt, the trust funds administered by
2 it; provided, however, the agency or judicial branch employs
3 effectively a uniform system of accounts sufficient to
4 preserve the integrity of such trust funds; and provided,
5 further, that consolidation of trust funds is approved by the
6 Governor or the Chief Justice.

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

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

18 b. This subparagraph does not apply to trust funds
19 required by federal programs or mandates; trust funds
20 established for bond covenants, indentures, or resolutions
21 whose revenues are legally pledged by the state or public body
22 to meet debt service or other financial requirements of any
23 debt obligations of the state or any public body; the State
24 Transportation Trust Fund; the trust fund containing the net
25 annual proceeds from the Florida Education Lotteries; the
26 Florida Retirement System Trust Fund; trust funds under the
27 management of the Board of Regents, where such trust funds are
28 for auxiliary enterprises, self-insurance, and contracts,
29 grants, and donations, as those terms are defined by general
30 law; trust funds that serve as clearing funds or accounts for
31 the Chief Financial Officer ~~Comptroller~~ or state agencies;

1 trust funds that account for assets held by the state in a
2 trustee capacity as an agent or fiduciary for individuals,
3 private organizations, or other governmental units; and other
4 trust funds authorized by the State Constitution.

5 Section 10. If any law that is amended by this act was
6 also amended by a law enacted at the 2003 Regular Session of
7 the Legislature, such laws shall be construed as if they had
8 been enacted during the same session of the Legislature, and
9 full effect should be given to each if that is possible.

10 Section 11. This act shall take effect July 1, 2003.

11
12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR
14 Senate Bill 8-A

15 The committee substitute replaced references to the Treasurer
16 and the Comptroller with the Chief Financial Officer, listed
17 trust funds correctly under the Department of Financial
18 Services and the Office of Financial Regulation instead of
19 under the Department of Insurance and the Department of
20 Banking and Finance, removed a reference to the Department of
21 Labor and Employment Security, and deleted a section on the
22 Florida Motor Vehicle Theft Prevention Trust Fund which was
23 terminated during the regular session.
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