

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Brummer offered the following:

2

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5

6 Section 1. (1) The following trust funds within the
7 following departments are terminated:

8 (a) Within the Department of Environmental Protection:

9 1. The Forfeited Property Trust Fund, FLAIR number 37-2-
10 267. The current balance remaining in, and all revenues of, the
11 trust fund shall be transferred to the Internal Improvement
12 Trust Fund, FLAIR number 37-2-408.

13 2. The Marine Resources Conservation Trust Fund, FLAIR
14 number 37-2-467, which was transferred to the Fish and Wildlife
15 Conservation Commission by chapter 2000-197, Laws of Florida.

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16 3. The Federal Law Enforcement Trust Fund, FLAIR number
17 37-2-719. The current balance remaining in, and all revenues of,
18 the trust fund shall be transferred to the Grants and Donations
19 Trust Fund, FLAIR number 37-2-339.

20 4. The Save the Manatee Trust Fund, FLAIR number 37-2-611.

21 (b) Within the Department of Financial Services:

22 1. The Consolidated Payment Trust Fund, FLAIR number 43-2-
23 140.

24 2. The Self-Insurance Assessment Trust Fund, FLAIR number
25 43-2-630, which was re-created by chapter 2000-72, Laws of
26 Florida, in the Department of Labor and Employment Security;
27 transferred by section 1 of chapter 2002-194, Laws of Florida,
28 to the Department of Insurance; and transferred by subparagraph
29 (3)(b)2. of section 3 of chapter 2002-404, Laws of Florida, to
30 the Department of Financial Services.

31 3. The Working Capital Trust Fund, FLAIR number 43-2-792.

32 (c) Within the Office of Financial Regulation, the
33 Mortgage Brokerage Guaranty Fund, FLAIR number 43-2-485. The
34 current balance remaining in, and all revenues of, the trust
35 fund shall be transferred to the Regulatory Trust Fund within
36 the Office of Financial Regulation, FLAIR number 43-2-573.

37 (d) Within the Department of Management Services:

38 1. Motor Vehicle Operating Trust Fund, FLAIR number 72-2-
39 486. The current balance remaining in, and all revenues of, the
40 trust fund shall be transferred to the Grants and Donations
41 Trust Fund, FLAIR number 72-2-339.

42 2. The Social Security Contribution Trust Fund, FLAIR
43 number 72-2-638.

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44 3. The State Employee Child Care Revolving Trust Fund,
45 FLAIR number 72-2-670. The current balance remaining in, and all
46 revenues of, the trust fund shall be transferred to the State
47 Personnel System Trust Fund, FLAIR number 72-2-678.

48 4. The State Employees Savings Bond Trust Fund, FLAIR
49 number 72-2-674.

50 (e) Within the Department of Revenue:

51 1. The Corporation Tax Administration Trust Fund, FLAIR
52 number 73-2-134.

53 2. The Drug Enforcement Trust Fund, FLAIR number 73-2-171.

54 3. The Intangible Tax Trust Fund, FLAIR number 73-2-399.

55 4. Railroad and Private Car Tax Clearing Trust Fund, FLAIR
56 number 73-2-571.

57 5. The Sales Tax Security Deposit Trust Fund, FLAIR number
58 73-2-607.

59 6. The Working Capital Trust Fund, FLAIR number 73-2-792.

60 7. The Municipal Financial Assistance Trust Fund, FLAIR
61 number 73-2-493.

62 (f) Within the Department of Business and Professional
63 Regulation:

64 1. The Child Labor Law Trust Fund, FLAIR number 79-2-106.
65 The current balance remaining in, and all revenues of, the trust
66 fund shall be transferred to the Professional Regulation Trust
67 Fund, FLAIR number 79-2-547.

68 2. The Crew Chief Registration Trust Fund, FLAIR number
69 79-2-147. The current balance remaining in, and all revenues of,
70 the trust fund shall be transferred to the Professional
71 Regulation Trust Fund, FLAIR number 79-2-547.

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72 3. The Tobacco Settlement Trust Fund within the Department
73 of Business and Professional Regulation, FLAIR number 79-2-375,
74 which was terminated on July 1, 2003, pursuant to Section 19(f),
75 Article III of the State Constitution.

76 4. The Workers' Compensation Administration Trust Fund,
77 FLAIR number 79-2-795. The current balance remaining in, and all
78 revenues of, the trust fund shall be transferred to the
79 Professional Regulation Trust Fund, FLAIR number 79-2-547.

80 (g) Within the Department of Agriculture and Consumer
81 Services, the Working Capital Trust Fund, FLAIR number 42-2-792.

82 (2) Unless otherwise provided, all current balances
83 remaining in, and all revenues of, the trust funds terminated by
84 this act shall be transferred to the General Revenue Fund.

85 (3) For each trust fund terminated by this act, the agency
86 that administers the trust fund shall pay any outstanding debts
87 and obligations of the terminated fund as soon as practicable,
88 and the Chief Financial Officer shall close out and remove the
89 terminated fund from the various state accounting systems using
90 generally accepted accounting principles concerning warrants
91 outstanding, assets, and liabilities.

92 Section 2. The Project Construction Trust Fund, FLAIR
93 number 37-2-549, within the Department of Environmental
94 Protection, is terminated upon the date of maturity of all bonds
95 secured thereby. The department shall notify the Chief Financial
96 Officer, the President of the Senate, the Speaker of the House
97 of Representatives, and the chairs of the legislative
98 appropriations committees within 30 days after such date. If the
99 fund is not terminated prior to the 2008 regular legislative

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100 session, the department shall report the status of the fund to
101 the chairs of the legislative appropriations committees.

102 Section 3. The Legislature finds that the following trust
103 funds are exempt from termination pursuant to Section 19(f),
104 Article III of the State Constitution:

105 (1) Within the Department of Environmental Protection:

106 (a) The Florida Preservation 2000 Trust Fund, FLAIR number
107 37-2-332.

108 (b) The Florida Forever Trust Fund, FLAIR number 37-2-348.

109 (c) The Land Acquisition Trust Fund, FLAIR number 37-2-
110 423.

111 (2) Within the Department of Agriculture and Consumer
112 Services, the Florida Preservation 2000 Trust Fund, FLAIR number
113 42-2-332.

114 (3) Within the Department of Management Services:

115 (a) The Florida Retirement System Trust Fund, FLAIR number
116 72-2-309.

117 (b) The Florida Facilities Pool Clearing Trust Fund, FLAIR
118 number 72-2-313.

119 (c) The Florida Retirement System Preservation of Benefits
120 Plan Trust Fund, FLAIR number 72-2-345.

121 (d) The Institute of Food and Agricultural Sciences
122 Supplemental Retirement Trust Fund, FLAIR number 72-2-379.

123 (e) The Senior Management Service Optional Annuity Program
124 Trust Fund, FLAIR number 72-2-515.

125 (f) The Optional Retirement Program Trust Fund, FLAIR
126 number 72-2-517.

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- 127 (g) The Police and Firefighters' Premium Tax Trust Fund,
128 FLAIR number 72-2-532.
- 129 (h) The State Employees Life Insurance Trust Fund, FLAIR
130 number 72-2-667.
- 131 (i) The State Employees Health Insurance Trust Fund, FLAIR
132 number 72-2-668.
- 133 (j) The State Employees Disability Insurance Trust Fund,
134 FLAIR number 72-2-671.
- 135 (k) The Florida Retirement System Contributions Clearing
136 Trust Fund, FLAIR number 72-2-705.
- 137 (l) The Retiree Health Insurance Subsidy Trust Fund, FLAIR
138 number 72-2-583.
- 139 (4) Within the Department of Revenue:
- 140 (a) The Additional Court Costs Clearing Trust Fund, FLAIR
141 number 73-2-013.
- 142 (b) The Apalachicola Bay Oyster Surcharge Clearing Trust
143 Fund, FLAIR number 73-2-028.
- 144 (c) The Child Support Clearing Trust Fund, FLAIR number
145 73-2-081.
- 146 (d) The Convention Development Tax Clearing Trust Fund,
147 FLAIR number 73-2-132.
- 148 (e) The Revenue Sharing Trust Fund for Counties, FLAIR
149 number 73-2-144.
- 150 (f) The Documentary Stamp Tax Clearing Trust Fund, FLAIR
151 number 73-2-166.
- 152 (g) The Revenue-Fuel Tax Refund Payments Trust Fund, FLAIR
153 number 73-2-317.

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154 (h) The Fuel Tax Collection Trust Fund, FLAIR number 73-2-
155 319.

156 (i) The Local Option Fuel Tax Trust Fund, FLAIR number 73-
157 2-448.

158 (j) The Local Alternative Fuel User Fee Clearing Trust
159 Fund, FLAIR number 73-2-449.

160 (k) Local Government Half-cent Sales Tax Clearing Trust
161 Fund, FLAIR number 73-2-455.

162 (l) The Discretionary Sales Surtax Clearing Trust Fund,
163 FLAIR number 73-2-459.

164 (m) The Local Option Tourist Development Trust Fund, FLAIR
165 number 73-2-460.

166 (n) The Communications Services Tax Clearing Trust Fund,
167 FLAIR number 73-2-465.

168 (o) The Motor Vehicle Warranty Trust Fund, FLAIR number
169 73-2-492.

170 (p) The Municipal Financial Assistance Trust Fund, FLAIR
171 number 73-2-493.

172 (q) The Motor Vehicle Rental Surcharge Clearing Trust
173 Fund, FLAIR number 73-2-494.

174 (r) The Revenue Sharing Trust Fund for Municipalities,
175 FLAIR number 73-2-501.

176 (s) The Oil and Gas Tax Trust Fund, FLAIR number 73-2-508.

177 (t) The Pollutant Tax Clearing Trust Fund, FLAIR number
178 73-2-544.

179 (u) The Secondhand Dealer and Secondary Metals Recycler
180 Clearing Trust Fund, FLAIR number 73-2-617.

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- 181 (v) The State Alternative Fuel User Fee Clearing Trust
182 Fund, FLAIR number 73-2-618.
- 183 (w) The Security Deposits Trust Fund, FLAIR number 73-2-
184 625.
- 185 (x) The Severance Tax Solid Mineral Trust Fund, FLAIR
186 number 73-2-636.
- 187 (y) The Solid Waste Management Clearing Trust Fund, FLAIR
188 number 73-2-645.
- 189 (z) The Local Communications Services Tax Clearing Trust
190 Fund, FLAIR number 73-2-662.
- 191 (aa) The Department of Revenue Premium Tax Clearing Trust
192 Fund, FLAIR number 73-2-733.
- 193 (bb) The Ninth-cent Fuel Tax Trust Fund, FLAIR number 73-
194 2-777.
- 195 (5) Within the Department of Financial Services:
- 196 (a) The Agents and Solicitors County Tax Trust Fund, FLAIR
197 number 43-2-024.
- 198 (b) The Child Support Clearing Trust Fund, FLAIR number
199 43-2-081.
- 200 (c) The Collections Internal Revenue Clearing Trust Fund,
201 FLAIR number 43-2-101.
- 202 (d) The Tobacco Settlement Clearing Trust Fund, FLAIR
203 number 43-2-123.
- 204 (e) The Consolidated Miscellaneous Deductions Clearing
205 Trust Fund, FLAIR number 43-2-139.
- 206 (f) The Deferred Compensation Trust Fund, FLAIR number 43-
207 2-155.

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- 208 (g) The Electronic Funds Transfer Clearing Trust Fund,
209 FLAIR number 43-2-188.
- 210 (h) The Employee Refund Clearing Trust Fund, FLAIR number
211 43-2-194.
- 212 (i) The Federal Tax Levy Clearing Trust Fund, FLAIR number
213 43-2-274.
- 214 (j) The Florida Retirement Clearing Trust Fund, FLAIR
215 number 43-2-323.
- 216 (k) The Hospital Insurance Tax Clearing Trust Fund, FLAIR
217 number 43-2-370.
- 218 (l) The Prison Industries Trust Fund, FLAIR number 43-2-
219 385.
- 220 (m) The State Treasurer Escrow Trust Fund, FLAIR number
221 43-2-622.
- 222 (n) The Social Security Contribution Trust Fund, FLAIR
223 number 43-2-643.
- 224 (o) The Treasury Cash Deposit Trust Fund, FLAIR number 43-
225 2-720.
- 226 (p) The Treasurer Investment Trust Fund, FLAIR number 43-
227 2-728.
- 228 (6) Within the State Board of Administration:
- 229 (a) The Debt Service Trust Fund, which has no FLAIR
230 number.
- 231 (b) The Florida Hurricane Catastrophe Fund, which has no
232 FLAIR number.
- 233 (c) The Florida Prepaid College Trust Fund, which has no
234 FLAIR number.

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235 (d) The funds of the Inland Protection Financing
236 Corporation, created under section 376.3075, Florida Statutes,
237 which have no FLAIR numbers.

238 (e) The funds of the Investment Fraud Restoration
239 Financing Corporation, created under section 517.1204, Florida
240 Statutes, which have no FLAIR numbers.

241 (f) The Gas Tax Fund, which has no FLAIR number.

242 (g) The Lawton Chiles Endowment Fund, which has no FLAIR
243 number.

244 (h) The Local Government Surplus Funds Trust Fund, which
245 has no FLAIR number.

246 (i) The Public Employee Optional Retirement Program Trust
247 Fund, which has no FLAIR number.

248 (7) Within the Division of Bond Finance, the Bonds
249 Proceeds Trust Fund, which has no FLAIR number.

250 Section 4. The following trust funds are renamed:

251 (1) Within the Department of Financial Services:

252 (a) The Agents and Solicitors County Tax Trust Fund, FLAIR
253 number 43-2-024, is renamed the Agents County Tax Trust Fund.

254 (b) The State Treasurer Escrow Trust Fund, FLAIR number
255 43-2-622, is renamed the State Treasury Escrow Trust Fund.

256 (c) The Treasurer Investment Trust Fund, FLAIR number 43-
257 2-728, is renamed the Treasury Investment Trust Fund.

258 (d) The Treasurer's Administrative and Investment Trust
259 Fund, FLAIR number 43-2-725 is renamed the Treasury
260 Administrative and Investment Trust Fund.

261 (2) Within the Office of Financial Regulation, the Chief
262 Financial Officer's Federal Equitable Sharing Trust Fund, FLAIR

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263 | number 43-2-719, is renamed the Federal Equitable Sharing Trust
264 | Fund.

265 | Section 5. Section 17.43, Florida Statutes, is amended to
266 | read:

267 | 17.43 ~~Chief Financial Officer's~~ Federal Equitable Sharing
268 | Trust Fund.--

269 | (1) The ~~Chief Financial Officer's~~ Federal Equitable
270 | Sharing Trust Fund is created within the Department of Financial
271 | Services. The department may deposit into the trust fund
272 | receipts and revenues received as a result of federal criminal,
273 | administrative, or civil forfeiture proceedings and receipts and
274 | revenues received from federal asset-sharing programs. The trust
275 | fund is exempt from the service charges imposed by s. 215.20.

276 | (2) Notwithstanding the provisions of s. 216.301 and
277 | pursuant to s. 216.351, any balance in the trust fund at the end
278 | of any fiscal year shall remain in the trust fund at the end of
279 | the year and shall be available for carrying out the purposes of
280 | the trust fund.

281 | Section 6. Section 20.2553, Florida Statutes, is repealed.

282 | Section 7. Subsection (7) of section 110.151, Florida
283 | Statutes, is repealed.

284 | Section 8. Section 199.292, Florida Statutes, is amended
285 | to read:

286 | 199.292 Disposition of intangible personal property
287 | taxes.--All intangible personal property taxes collected
288 | pursuant to this chapter, except for revenues derived from the
289 | annual tax on a leasehold described in s. 199.023(1)(d), shall
290 | be deposited into the General Revenue Fund. ~~placed in a special~~

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291 ~~fund designated as the "Intangible Tax Trust Fund." The fund~~
292 ~~shall be disbursed as follows:~~

293 ~~(1) Revenues derived from the annual tax on a leasehold~~
294 ~~described in s. 199.023(1)(d) shall be returned to the local~~
295 ~~school board for the county in which the property subject to the~~
296 ~~leasehold is situated.~~

297 ~~(2) There is hereby appropriated annually out of the fund~~
298 ~~the amount necessary for the effective and efficient~~
299 ~~administration and enforcement by the department of the~~
300 ~~provisions of chapters 192, 193, 194, 195, 196, 197, and 198 and~~
301 ~~this chapter.~~

302 ~~(3) Of the remaining intangible personal property taxes~~
303 ~~collected, the balance shall be transferred to the General~~
304 ~~Revenue Fund of the state.~~

305 Section 9. Paragraph (e) of subsection (3) of section
306 121.011, Florida Statutes, is amended to read:

307 121.011 Florida Retirement System.--

308 (3) PRESERVATION OF RIGHTS.--

309 (e) Any member of the Florida Retirement System or any
310 member of an existing system under this chapter on July 1, 1975,
311 who is not retired and who is, has been, or shall be, suspended
312 and reinstated without compensation shall receive retirement
313 service credit for the period of time from the date of
314 suspension to the date of reinstatement, provided:

315 1. The creditable service claimed for the period of
316 suspension does not exceed 24 months;

317 2. The member returns to active employment and remains on
318 the employer's payroll for at least 1 calendar month; and

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319 3. The member pays into the Retirement System Trust Fund
320 the total required employer contributions plus the total
321 employee contributions, if applicable, based on the member's
322 monthly compensation in effect for the pay period immediately
323 preceding the period of suspension, prorated for the said period
324 of suspension, plus interest thereon at a rate of 4 percent per
325 annum compounded annually until July 1, 1975, and 6.5 percent
326 interest thereafter until paid. If permitted by federal law,
327 the member may pay to the Internal Revenue Service ~~into the~~
328 ~~Social Security Trust Fund~~ the total cost, if any, of providing
329 social security coverage for the period of suspension if any
330 social security payments have been made by the employer for the
331 benefit of the member during such period. Should there be any
332 conflict as to payment for social security coverage, the payment
333 for retirement service credit shall be made and retirement
334 service credit granted regardless of such conflict.

335 Section 10. Subsection (1) of section 121.031, Florida
336 Statutes, is amended to read:

337 121.031 Administration of system; appropriation; oaths;
338 actuarial studies; public records.--

339 (1) The Department of Management Services has the
340 authority to adopt rules pursuant to ss. 120.536(1) and 120.54
341 to implement the provisions of law conferring duties upon the
342 department and to adopt rules as are necessary for the effective
343 and efficient administration of this system. The funds to pay
344 the expenses for administration of the system are hereby
345 appropriated from the interest earned on investments made for

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346 | the Retirement System Trust Fund ~~and social security trust funds~~
347 | and the assessments allowed under chapter 650.

348 | Section 11. Subsection (1) of section 121.141, Florida
349 | Statutes, is amended to read:

350 | 121.141 Appropriation.--

351 | (1) There is ~~hereby~~ annually appropriated from the System
352 | Trust Fund ~~or the Social Security Trust Fund~~ a sufficient amount
353 | to make such payments as are provided in part I of this chapter.

354 | Section 12. Section 122.13, Florida Statutes, is repealed.

355 | Section 13. Section 122.26, Florida Statutes, is amended
356 | to read:

357 | 122.26 Funds.--There shall be paid into the State and
358 | County Officers and Employees' Retirement Trust Fund, provided
359 | in former s. 122.17, contributions by members of division B for
360 | benefits payable to members under this system, and all amounts
361 | appropriated for such purpose by the state. ~~There is hereby~~
362 | ~~created in the State Treasury a fund to be known as the Social~~
363 | ~~Security Contribution Trust Fund, into which shall be deposited~~
364 | ~~contributions required of members for social security coverage,~~
365 | ~~and such amounts as may be appropriated by the state for that~~
366 | ~~purpose.~~

367 | Section 14. Subsection (2) of section 122.27, Florida
368 | Statutes, is amended to read:

369 | 122.27 Contributions.--From and after the date of the
370 | execution of the agreement, the officer or board paying the
371 | salary of a member of division B shall withhold the following
372 | from such salary:

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373 (2) The percentage of such salary, which shall constitute
374 the contribution of the member required for social security
375 coverage as now or hereafter fixed by relevant federal statutes.
376 The officer or board so withholding such percentage of salary
377 shall submit ~~deposit~~ the same without delay to the Internal
378 Revenue Fund as directed by the Social Security Administration
379 ~~in the Social Security Contribution Trust Fund.~~

380 Section 15. Section 122.30, Florida Statutes, is repealed.

381 Section 16. Section 122.35, Florida Statutes, is amended
382 to read:

383 122.35 Funding.--

384 (1) Commencing July 1, 1967, for all state agencies and
385 commencing October 1, 1967, for all other agencies with
386 employees who are members under this chapter, former ss. 122.17
387 and 122.30(4) shall be of no further force and effect and each
388 officer or board paying salaries to members and withholding
389 contributions required of members under this chapter for
390 purposes of providing retirement benefits and social security
391 benefits to or on behalf of such members, shall budget, set
392 aside and pay over to account B of the intangible tax trust
393 fund, herein created, matching payments in the following
394 specified amounts:

395 (a)1. An amount equal to the amount of member
396 contributions paid to the State and County Officers and
397 Employees' Retirement Trust Fund as specified in ss. 122.03 and
398 122.27 but excluding any additional contributions required of
399 high hazard members under s. 122.34; and

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400 2. Commencing January 1, 1993, an additional amount equal
401 to 3.99 percent of each installment of salary to members; and

402 (b) An amount equal to the amount of member social
403 security contributions withheld, to be paid to the Internal
404 Revenue Service Social Security Contribution Trust Fund as
405 specified in s. 122.27.

406 (2) The monthly payments required by subsection (1) shall
407 be payable within 10 days after the first day of each calendar
408 month after July 1, 1967, for all state agencies and October 1,
409 1967, for all other agencies. The state funds required to be
410 paid hereunder shall be provided and paid from the sources as
411 set forth in subsection ~~subsections~~ (3) and ~~(4)~~.

412 (3) The appropriations provided each state agency each
413 fiscal year shall include sufficient amounts to pay the matching
414 contributions for social security and retirement as required by
415 this section and the matching contributions for retirement
416 required of state agencies under s. 238.11(1)(a). No state
417 agency, whether its funds are provided by state appropriation or
418 not, shall employ any person or maintain any person on its
419 payroll unless it has allotted for such person sufficient funds
420 to meet these required payments.

421 (4) Effective December 1, 1970, officer and employee
422 contributions and employer matching contributions required by
423 division A and division B of this chapter shall be paid as
424 required in accordance with s. 121.061 and procedures
425 established therefor.

426 (5) Effective January 1987, social security contributions
427 withheld on behalf of a member of division B of this chapter and

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428 employer matching social security contributions paid on behalf
429 of such member shall be submitted to the Internal Revenue
430 Service as required by the Social Security Administration.

431 ~~(4) Effective October 1, 1967, the proceeds of the~~
432 ~~intangible tax collections of the state remaining after the~~
433 ~~payment of administrative expenses, commissions which are~~
434 ~~applicable, and other costs incident to its collection shall be~~
435 ~~set aside into an account designated as account B of the~~
436 ~~Intangible Tax Trust Fund, which account shall also receive all~~
437 ~~of the matching payments for retirement and social security~~
438 ~~remitted by each officer or board as provided in subsection (1).~~
439 ~~The amounts received and deposited into account B of the~~
440 ~~Intangible Tax Trust Fund are appropriated and shall be used for~~
441 ~~the following purposes and paid out on the priority basis as~~
442 ~~shown below:~~

443 ~~(a) First, from the funds accumulated in account B there~~
444 ~~shall be transferred:~~

445 ~~1. To the Social Security Contribution Trust Fund, an~~
446 ~~amount equal to the social security contributions remitted by~~
447 ~~each officer or board to said fund as specified in s. 122.27.~~

448 ~~2. To the State and County Officers and Employees'~~
449 ~~Retirement Fund, an amount equal to the retirement contributions~~
450 ~~withheld from the salaries of members and remitted by each~~
451 ~~officer or board to said fund as required by ss. 122.03 and~~
452 ~~122.27, but excluding any additional contributions required of~~
453 ~~high hazard members under s. 122.34; provided, however, that~~
454 ~~during the 1967-1969 biennium the amount transferred to said~~
455 ~~account shall not exceed the total amount received in account B~~

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456 ~~from the various state and county agencies for retirement~~
457 ~~matching purposes.~~

458 ~~(b) After the retirement and social security contributions~~
459 ~~of all members have been matched as provided in paragraph (a),~~
460 ~~the balance remaining in account B of the Intangible Tax Trust~~
461 ~~Fund shall be distributed as follows:~~

462 ~~1. Each county shall receive each fiscal year ending June~~
463 ~~30 an allocation in an amount equal to 55 percent of the total~~
464 ~~net intangible taxes collected and remitted to the Department of~~
465 ~~Revenue by the tax collector of the county during the prior~~
466 ~~fiscal year.~~

467 ~~a. Commencing October 1, 1967, and every October 1~~
468 ~~thereafter and continuing on the first day of each subsequent~~
469 ~~month through June 30 of each fiscal year each board of county~~
470 ~~commissions of the several counties of the state shall receive~~
471 ~~an allocation from account B of the Intangible Tax Trust Fund.~~
472 ~~This allocation shall not include the school boards of the~~
473 ~~several counties of the state. The amount of said monthly~~
474 ~~allocation shall be equal to the average amount required to be~~
475 ~~matched by the Intangible Tax Trust Fund for the corresponding~~
476 ~~months during the 1966-1967 fiscal year as computed by the Chief~~
477 ~~Financial Officer, or one twelfth of the Chief Financial~~
478 ~~Officer's estimate of the county's allocation, whichever is~~
479 ~~smaller, and an adjustment to reconcile the monthly allocations~~
480 ~~with the actual amount to be received pursuant to this~~
481 ~~subparagraph, shall be made not later than 60 days after the end~~
482 ~~of the fiscal year.~~

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483 ~~b. Each county, county agency and school board shall pay~~
484 ~~all matching cost for retirement and social security as required~~
485 ~~by this act and s. 238.11(1), notwithstanding the provisions of~~
486 ~~any other law.~~

487 ~~2. The balance remaining in account B of the Intangible~~
488 ~~Tax Trust Fund after the retirement and social security~~
489 ~~contributions have been matched and the allocations to each~~
490 ~~county have been paid as provided in this act, shall be paid~~
491 ~~over to the General Revenue Fund of the state.~~

492 ~~(c) The amounts allocated to the several counties from~~
493 ~~account B of the Intangible Tax Trust Fund shall be paid by the~~
494 ~~Department of Revenue to the respective boards of county~~
495 ~~commissioners who shall deposit same in the general fund of the~~
496 ~~county, and may expend them for any lawful county purpose. These~~
497 ~~amounts may be used to assist any county officer or agency~~
498 ~~within the county including school boards to make the matching~~
499 ~~payments for retirement and social security as required by law.~~
500 ~~Provided, however, should the income of any constitutional fee~~
501 ~~officer in any year be insufficient to make the matching~~
502 ~~payments required by this act, the boards of county~~
503 ~~commissioners shall provide such fee officer sufficient funds~~
504 ~~from the allocation received under this law to make these~~
505 ~~required payments.~~

506 ~~(d) Should any officer or board other than a state officer~~
507 ~~or board fail to make the retirement and social security~~
508 ~~contributions required herein, the Department of Revenue shall~~
509 ~~deduct the amount owed by the officer or board from the~~
510 ~~allocation accruing to the credit of the county affected, or the~~

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511 ~~Department of Revenue shall deduct the amount owed from any~~
512 ~~other funds to be distributed by him or her to the officer or~~
513 ~~board using the procedure he or she shall deem most appropriate.~~
514 ~~The amounts so deducted shall remain in or be transferred to~~
515 ~~account B of the Intangible Tax Trust Fund for further~~
516 ~~distribution in accordance with this subsection.~~

517 ~~(e) Should any officer or board other than a state officer~~
518 ~~or board, for whom the tax collector collects taxes, fail to~~
519 ~~make the retirement and social security contributions required~~
520 ~~by this act, the tax collector, at the request of the Department~~
521 ~~of Revenue and upon receipt of a certificate from him or her~~
522 ~~showing the amount owed account B by the officer or board, shall~~
523 ~~deduct the amount so certified from any taxes collected for the~~
524 ~~officer or board and remit the amount to the Department of~~
525 ~~Revenue for deposit in account B of the Intangible Tax Trust~~
526 ~~Fund.~~

527 ~~(f) The boards of county commissioners of each county and~~
528 ~~the Department of Revenue, acting individually or jointly, are~~
529 ~~hereby authorized to file and maintain action in the courts of~~
530 ~~this state against any county agency to require it to remit any~~
531 ~~retirement or social security matching payments due account B of~~
532 ~~the Intangible Tax Trust Fund under the provisions of this law.~~

533 Section 17. Section 122.351, Florida Statutes, is
534 repealed.

535 Section 18. Section 199.292, Florida Statutes, is amended
536 to read:

537 199.292 Disposition of intangible personal property
538 taxes.--All intangible personal property taxes collected

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539 pursuant to this chapter shall be placed in the Administrative a
540 ~~special fund designated as the "Intangible Tax Trust Fund of the~~
541 ~~Department of Revenue and.~~" ~~The fund~~ shall be disbursed as
542 follows:

543 (1) Revenues derived from the annual tax on a leasehold
544 described in s. 199.023(1)(d) shall be returned to the local
545 school board for the county in which the property subject to the
546 leasehold is situated.

547 ~~(2) There is hereby appropriated annually out of the fund~~
548 ~~the amount necessary for the effective and efficient~~
549 ~~administration and enforcement by the department of the~~
550 ~~provisions of chapters 192, 193, 194, 195, 196, 197, and 198 and~~
551 ~~this chapter.~~

552 ~~(2)(3)~~ Of the remaining intangible personal property taxes
553 collected, the balance shall be transferred to the General
554 Revenue Fund of the state.

555 Section 19. Paragraph (d) of subsection (6) of section
556 212.20, Florida Statutes, as amended by section 92 of chapter
557 2003-402, Laws of Florida, is amended to read:

558 212.20 Funds collected, disposition; additional powers of
559 department; operational expense; refund of taxes adjudicated
560 unconstitutionally collected.--

561 (6) Distribution of all proceeds under this chapter and s.
562 202.18(1)(b) and (2)(b) shall be as follows:

563 (d) The proceeds of all other taxes and fees imposed
564 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
565 and (2)(b) shall be distributed as follows:

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566 1. In any fiscal year, the greater of \$500 million, minus
567 an amount equal to 4.6 percent of the proceeds of the taxes
568 collected pursuant to chapter 201, or 5 percent of all other
569 taxes and fees imposed pursuant to this chapter or remitted
570 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
571 monthly installments into the General Revenue Fund.

572 2. Two-tenths of one percent shall be transferred to the
573 Ecosystem Management and Restoration Trust Fund to be used for
574 water quality improvement and water restoration projects.

575 3. After the distribution under subparagraphs 1. and 2.,
576 8.814 percent of the amount remitted by a sales tax dealer
577 located within a participating county pursuant to s. 218.61
578 shall be transferred into the Local Government Half-cent Sales
579 Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to
580 be transferred pursuant to this subparagraph to the Local
581 Government Half-cent Sales Tax Clearing Trust Fund shall be
582 reduced by 0.1 percent, and the department shall distribute this
583 amount to the Public Employees Relations Commission Trust Fund
584 less \$5,000 each month, which shall be added to the amount
585 calculated in subparagraph 4. and distributed accordingly.

586 4. After the distribution under subparagraphs 1., 2., and
587 3., 0.095 percent shall be transferred to the Local Government
588 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
589 to s. 218.65.

590 5. After the distributions under subparagraphs 1., 2., 3.,
591 and 4., 2.0440 percent of the available proceeds pursuant to
592 this paragraph shall be transferred monthly to the Revenue
593 Sharing Trust Fund for Counties pursuant to s. 218.215.

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594 6. After the distributions under subparagraphs 1., 2., 3.,
595 and 4., 1.3409 percent of the available proceeds pursuant to
596 this paragraph shall be transferred monthly to the Revenue
597 Sharing Trust Fund for Municipalities pursuant to s. 218.215. If
598 the total revenue to be distributed pursuant to this
599 subparagraph is at least as great as the amount due from the
600 Revenue Sharing Trust Fund for Municipalities and the former
601 Municipal Financial Assistance Trust Fund in state fiscal year
602 1999-2000, no municipality shall receive less than the amount
603 due from the Revenue Sharing Trust Fund for Municipalities and
604 the former Municipal Financial Assistance Trust Fund in state
605 fiscal year 1999-2000. If the total proceeds to be distributed
606 are less than the amount received in combination from the
607 Revenue Sharing Trust Fund for Municipalities and the former
608 Municipal Financial Assistance Trust Fund in state fiscal year
609 1999-2000, each municipality shall receive an amount
610 proportionate to the amount it was due in state fiscal year
611 1999-2000.

612 7. Of the remaining proceeds:

613 a. In each fiscal year, the sum of \$29,915,500 shall be
614 divided into as many equal parts as there are counties in the
615 state, and one part shall be distributed to each county. The
616 distribution among the several counties shall begin each fiscal
617 year on or before January 5th and shall continue monthly for a
618 total of 4 months. If a local or special law required that any
619 moneys accruing to a county in fiscal year 1999-2000 under the
620 then-existing provisions of s. 550.135 be paid directly to the
621 district school board, special district, or a municipal

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622 government, such payment shall continue until such time that the
623 local or special law is amended or repealed. The state covenants
624 with holders of bonds or other instruments of indebtedness
625 issued by local governments, special districts, or district
626 school boards prior to July 1, 2000, that it is not the intent
627 of this subparagraph to adversely affect the rights of those
628 holders or relieve local governments, special districts, or
629 district school boards of the duty to meet their obligations as
630 a result of previous pledges or assignments or trusts entered
631 into which obligated funds received from the distribution to
632 county governments under then-existing s. 550.135. This
633 distribution specifically is in lieu of funds distributed under
634 s. 550.135 prior to July 1, 2000.

635 b. The department shall distribute \$166,667 monthly
636 pursuant to s. 288.1162 to each applicant that has been
637 certified as a "facility for a new professional sports
638 franchise" or a "facility for a retained professional sports
639 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
640 distributed monthly by the department to each applicant that has
641 been certified as a "facility for a retained spring training
642 franchise" pursuant to s. 288.1162; however, not more than
643 \$208,335 may be distributed monthly in the aggregate to all
644 certified facilities for a retained spring training franchise.
645 Distributions shall begin 60 days following such certification
646 and shall continue for not more than 30 years. Nothing contained
647 in this paragraph shall be construed to allow an applicant
648 certified pursuant to s. 288.1162 to receive more in
649 distributions than actually expended by the applicant for the

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650 public purposes provided for in s. 288.1162(6). However, a
651 certified applicant is entitled to receive distributions up to
652 the maximum amount allowable and undistributed under this
653 section for additional renovations and improvements to the
654 facility for the franchise without additional certification.

655 c. Beginning 30 days after notice by the Office of
656 Tourism, Trade, and Economic Development to the Department of
657 Revenue that an applicant has been certified as the professional
658 golf hall of fame pursuant to s. 288.1168 and is open to the
659 public, \$166,667 shall be distributed monthly, for up to 300
660 months, to the applicant.

661 d. Beginning 30 days after notice by the Office of
662 Tourism, Trade, and Economic Development to the Department of
663 Revenue that the applicant has been certified as the
664 International Game Fish Association World Center facility
665 pursuant to s. 288.1169, and the facility is open to the public,
666 \$83,333 shall be distributed monthly, for up to 168 months, to
667 the applicant. This distribution is subject to reduction
668 pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be
669 made, after certification and before July 1, 2000.

670 8. All other proceeds shall remain with the General
671 Revenue Fund.

672 Section 20. Section 213.31, Florida Statutes, is repealed.

673 Section 21. Paragraphs (k), (o), and (x) of subsection (4)
674 of section 215.20, Florida Statutes, are amended to read:

675 215.20 Certain income and certain trust funds to
676 contribute to the General Revenue Fund.--

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

681 (k) Within the Department of Financial Services:

- 682 1. The Agents ~~and Solicitors~~ County Tax Trust Fund.
- 683 2. The Insurance Regulatory Trust Fund.
- 684 3. The Special Disability Trust Fund.
- 685 4. The Workers' Compensation Administration Trust Fund.

686 (o) Within the Department of Management Services:

- 687 1. The Administrative Trust Fund.
- 688 2. The Architects Incidental Trust Fund.
- 689 3. The Bureau of Aircraft Trust Fund.
- 690 4. The Florida Facilities Pool Working Capital Trust Fund.
- 691 5. The Grants and Donations Trust Fund.
- 692 ~~6. The Motor Vehicle Operating Trust Fund.~~
- 693 ~~6.7.~~ The Police and Firefighters' Premium Tax Trust Fund.
- 694 ~~7.8.~~ The Public Employees Relations Commission Trust Fund.
- 695 ~~8.9.~~ The State Personnel System Trust Fund.
- 696 ~~9.10.~~ The Supervision Trust Fund.
- 697 ~~10.11.~~ The Working Capital Trust Fund.

698 (x) Within the Office of Financial Regulation of the
699 Financial Services Commission:

- 700 1. The Administrative Trust Fund.
- 701 2. The Anti-Fraud Trust Fund.
- 702 3. The Financial Institutions' Regulatory Trust Fund.
- 703 ~~4. The Mortgage Brokerage Guaranty Fund.~~
- 704 ~~4.5.~~ The Regulatory Trust Fund.

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705
706 The enumeration of the foregoing moneys or trust funds shall not
707 prohibit the applicability thereto of s. 215.24 should the
708 Governor determine that for the reasons mentioned in s. 215.24
709 the money or trust funds should be exempt herefrom, as it is the
710 purpose of this law to exempt income from its force and effect
711 when, by the operation of this law, federal matching funds or
712 contributions or private grants to any trust fund would be lost
713 to the state.

714 Section 22. Paragraph (b) of subsection (2) of section
715 215.32, Florida Statutes, is amended to read:

716 215.32 State funds; segregation.--

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

719 (b)1. The trust funds shall consist of moneys received by
720 the state which under law or under trust agreement are
721 segregated for a purpose authorized by law. The state agency or
722 branch of state government receiving or collecting such moneys
723 shall be responsible for their proper expenditure as provided by
724 law. Upon the request of the state agency or branch of state
725 government responsible for the administration of the trust fund,
726 the Chief Financial Officer may establish accounts within the
727 trust fund at a level considered necessary for proper
728 accountability. Once an account is established within a trust
729 fund, the Chief Financial Officer may authorize payment from
730 that account only upon determining that there is sufficient cash
731 and releases at the level of the account.

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732 2. In addition to other trust funds created by law, to the
733 extent possible, each agency shall use the following trust funds
734 as described in this subparagraph for day-to-day operations:

735 a. Operations or operating trust fund, for use as a
736 depository for funds to be used for program operations funded by
737 program revenues.

738 b. Operations and maintenance trust fund, for use as a
739 depository for client services funded by third-party payors.

740 c. Administrative trust fund, for use as a depository for
741 funds to be used for management activities that are departmental
742 in nature and funded by indirect cost earnings and assessments
743 against trust funds.

744 d. Grants and donations trust fund, for use as a
745 depository for funds to be used for allowable grant or donor
746 agreement activities funded by restricted contractual revenue
747 from private and public nonfederal sources.

748 e. Agency working capital trust fund, for use as a
749 depository for funds to be used pursuant to s. 216.272.

750 f. Clearing funds trust fund, for use as a depository for
751 funds to account for collections pending distribution to lawful
752 recipients.

753 g. Federal grant trust fund, for use as a depository for
754 funds to be used for allowable grant activities funded by
755 restricted program revenues from federal sources.

756
757 To the extent possible, each agency must adjust its internal
758 accounting to use existing trust funds consistent with the
759 requirements of this subparagraph. If an agency does not have

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760 trust funds listed in this subparagraph and cannot make such
761 adjustment, the agency must recommend the creation of the
762 necessary trust funds to the Legislature no later than the next
763 scheduled review of the agency's trust funds pursuant to s.
764 215.3206.

765 ~~2. In order to maintain a minimum number of trust funds in~~
766 ~~the State Treasury, each state agency or the judicial branch may~~
767 ~~consolidate, if permitted under the terms and conditions of~~
768 ~~their receipt, the trust funds administered by it; provided,~~
769 ~~however, the agency or judicial branch employs effectively a~~
770 ~~uniform system of accounts sufficient to preserve the integrity~~
771 ~~of such trust funds; and provided, further, that consolidation~~
772 ~~of trust funds is approved by the Governor or the Chief Justice.~~

773 3. All such moneys are hereby appropriated to be expended
774 in accordance with the law or trust agreement under which they
775 were received, subject always to the provisions of chapter 216
776 relating to the appropriation of funds and to the applicable
777 laws relating to the deposit or expenditure of moneys in the
778 State Treasury.

779 4.a. Notwithstanding any provision of law restricting the
780 use of trust funds to specific purposes, unappropriated cash
781 balances from selected trust funds may be authorized by the
782 Legislature for transfer to the Budget Stabilization Fund and
783 Working Capital Fund in the General Appropriations Act.

784 b. This subparagraph does not apply to trust funds
785 required by federal programs or mandates; trust funds
786 established for bond covenants, indentures, or resolutions whose
787 revenues are legally pledged by the state or public body to meet

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788 debt service or other financial requirements of any debt
789 obligations of the state or any public body; the State
790 Transportation Trust Fund; the trust fund containing the net
791 annual proceeds from the Florida Education Lotteries; the
792 Florida Retirement System Trust Fund; trust funds under the
793 management of the Board of Regents, where such trust funds are
794 for auxiliary enterprises, self-insurance, and contracts,
795 grants, and donations, as those terms are defined by general
796 law; trust funds that serve as clearing funds or accounts for
797 the Chief Financial Officer or state agencies; trust funds that
798 account for assets held by the state in a trustee capacity as an
799 agent or fiduciary for individuals, private organizations, or
800 other governmental units; and other trust funds authorized by
801 the State Constitution.

802 Section 23. Subsections (12), (13), (14), (15), and (16)
803 of section 253.03, Florida Statutes, are amended to read:

804 253.03 Board of trustees to administer state lands; lands
805 enumerated.--

806 ~~(12) There is hereby established within the Department of~~
807 ~~Environmental Protection the Forfeited Property Trust Fund, to~~
808 ~~be used as a nonlapsing revolving fund exclusively for the~~
809 ~~purposes of subsection(13).~~

810 (12)~~(13)~~ The Board of Trustees of the Internal Improvement
811 Trust Fund is hereby authorized to administer, manage, control,
812 conserve, protect, and sell all real property forfeited to the
813 state pursuant to ss. 895.01-895.09 or acquired by the state
814 pursuant to s. 607.0505 or s. 620.192. The board is directed to
815 immediately determine the value of all such property and shall

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816 ascertain whether the property is in any way encumbered. If the
817 board determines that it is in the best interest of the state to
818 do so, funds from the Internal Improvement ~~Forfeited Property~~
819 Trust Fund may be used to satisfy any such encumbrances. If
820 forfeited property receipts are not ~~the Forfeited Property Trust~~
821 ~~Fund does not contain a balance~~ sufficient to satisfy
822 encumbrances on the property and expenses permitted under this
823 section, funds from the Land Acquisition Trust Fund may be used
824 to satisfy any such encumbrances and expenses. All property
825 acquired by the board pursuant to s. 607.0505, s. 620.192, or
826 ss. 895.01-895.09 shall be sold as soon as commercially feasible
827 unless the Attorney General recommends and the board determines
828 that retention of the property in public ownership would
829 effectuate one or more of the following policies of statewide
830 significance: protection or enhancement of floodplains, marshes,
831 estuaries, lakes, rivers, wilderness areas, wildlife areas,
832 wildlife habitat, or other environmentally sensitive natural
833 areas or ecosystems; or preservation of significant
834 archaeological or historical sites identified by the Secretary
835 of State. In such event the property shall remain in the
836 ownership of the board, to be controlled, managed, and disposed
837 of in accordance with this chapter, and the Internal Improvement
838 ~~Forfeited Property~~ Trust Fund shall be reimbursed from the Land
839 Acquisition Trust Fund, or other appropriate fund designated by
840 the board, for any funds expended from the Internal Improvement
841 ~~Forfeited Property~~ Trust Fund pursuant to this subsection in
842 regard to such property. Upon the recommendation of the Attorney
843 General, the board may reimburse the investigative agency for

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844 its investigative expenses, costs, and attorneys' fees, and may
845 reimburse law enforcement agencies for actual expenses incurred
846 in conducting investigations leading to the forfeiture of such
847 property from funds deposited in the Internal Improvement
848 ~~Forfeited Property~~ Trust Fund of the Department of Environmental
849 Protection. The proceeds of the sale of property acquired under
850 s. 607.0505, s. 620.192, or ss. 895.01-895.09 shall be
851 distributed as follows:

852 (a) After satisfaction of any valid claims arising under
853 the provisions of s. 895.09(1)(a) or (b), any moneys used to
854 satisfy encumbrances and expended as costs of administration,
855 appraisal, management, conservation, protection, sale, and real
856 estate sales services and any interest earnings lost to the Land
857 Acquisition Trust Fund as of a date certified by the Department
858 of Environmental Protection shall be replaced first in the Land
859 Acquisition Trust Fund, if those funds were used, and then in
860 the Forfeited Property Trust Fund; and

861 (b) The remainder shall be distributed as set forth in s.
862 895.09.

863 ~~(13)~~(14) For applications not reviewed pursuant to s.
864 373.427, the department must review applications for the use of
865 state-owned submerged lands, including a purchase, lease,
866 easement, disclaimer, or other consent to use such lands and
867 must request submittal of all additional information necessary
868 to process the application. Within 30 days after receipt of the
869 additional information, the department must review the
870 information submitted and may request only that information
871 needed to clarify the additional information, to process the

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872 appropriate form of approval indicated by the additional
873 information, or to answer those questions raised by, or directly
874 related to, the additional information. An application for the
875 authority to use state-owned submerged land must be approved,
876 denied, or submitted to the board of trustees for approval or
877 denial within 90 days after receipt of the original application
878 or the last item of timely requested additional information.
879 This time is tolled by any notice requirements of s. 253.115 or
880 any hearing held under ss. 120.569 and 120.57. If the review of
881 the application is not completed within the 90-day period, the
882 department must report quarterly to the board the reasons for
883 the failure to complete the report and provide an estimated date
884 by which the application will be approved or denied. Failure to
885 comply with these time periods shall not result in approval by
886 default.

887 ~~(14)(15)~~ Where necessary to establish a price for the sale
888 or other disposition of state lands, including leases or
889 easements, the Division of State Lands may utilize appropriate
890 appraiser selection and contracting procedures established under
891 s. 253.025. The board of trustees may adopt rules to implement
892 this subsection.

893 ~~(15)(16)~~ The Board of Trustees of the Internal Improvement
894 Trust Fund, and the state through its agencies, may not control,
895 regulate, permit, or charge for any severed materials which are
896 removed from the area adjacent to an intake or discharge
897 structure pursuant to an exemption authorized in s.
898 403.813(2)(f) and (r).

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899 Section 24. Subsection (6) of section 287.064, Florida
900 Statutes, as amended by section 10 of chapter 2003-399, Laws of
901 Florida, is amended to read:

902 287.064 Consolidated financing of deferred-payment
903 purchases.--

904 ~~(6) There is created the Consolidated Payment Trust Fund~~
905 ~~in the Chief Financial Officer's office for the purpose of~~
906 ~~implementing the provisions of this act. All funds debited from~~
907 ~~each agency and each community college pursuant to the~~
908 ~~provisions of this section may be deposited in the trust fund~~
909 ~~and shall be used to meet the financial obligations incurred~~
910 ~~pursuant to this act. Any income from the investment of funds~~
911 ~~may be used to fund administrative costs associated with this~~
912 ~~program.~~

913 Section 25. Section 440.501, Florida Statutes, is
914 repealed.

915 Section 26. Section 450.155, Florida Statutes, is amended
916 to read:

917 450.155 Funding of the Child Labor Law program Trust
918 Fund.--

919 ~~(1) There is created in the State Treasury an account to~~
920 ~~be known as the Child Labor Law program Trust Fund. Subject to~~
921 ~~such appropriations made by as the Legislature shall be used may~~
922 ~~make therefor from time to time, disbursements from this account~~
923 ~~may be made by the division, subject to the approval of the~~
924 ~~department, in order to carry out the proper responsibilities of~~
925 ~~administering the Child Labor Law, to protect the working youth~~
926 ~~of the state, and to provide education about the Child Labor Law~~

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927 to employers, public school employees, the general public, and
928 working youth. ~~The Child Labor Law Trust Fund and the moneys~~
929 ~~deposited therein shall be under the direct supervision and~~
930 ~~control of the department, and such moneys may be disbursed by~~
931 ~~the Chief Financial Officer from time to time as determined by~~
932 ~~the department.~~

933 (2) Moneys for the administration of the child labor
934 program shall be transferred to the Professional Regulation
935 Trust Fund from the Workers' Compensation Administration Trust
936 Fund of the Department of Financial Services pursuant to
937 nonoperating transfers. Notwithstanding the provisions of s.
938 216.292, the Child Labor Law Trust Fund shall not be available
939 for transfer for any purposes other than those provided for in
940 this section.

941 Section 27. Section 450.165, Florida Statutes, is created
942 to read:

943 450.165 Child labor law and farm labor accounts.--The
944 department shall maintain separate accounts in the Professional
945 Regulation Trust Fund for child labor law enforcement and
946 administration activities and for farm labor registration
947 activities. The department shall account for the expenditure of
948 moneys received from the Workers' Compensation Administration
949 Trust Fund of the Department of Financial Services. To the
950 maximum extent possible, the department shall directly charge
951 all expenses to the appropriate account.

952 Section 28. Subsection (7) of section 450.30, Florida
953 Statutes, is amended to read:

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954 450.30 Requirement of certificate of registration;
955 education and examination program.--

956 (7) The department shall charge each applicant a \$35 fee
957 for the education and examination program. Such fees shall be
958 deposited in the Professional Regulation Crew Chief Registration
959 Trust Fund.

960 Section 29. Paragraph (c) of subsection (1) of section
961 450.31, Florida Statutes, is amended to read:

962 450.31 Issuance, revocation, and suspension of, and
963 refusal to issue or renew, certificate of registration.--

964 (1) The department shall not issue to any person a
965 certificate of registration as a farm labor contractor, nor
966 shall it renew such certificate, until:

967 (c) Such person pays to the department, in cash, certified
968 check, or money order, a nonrefundable application fee of \$75.
969 Fees collected by the department under this subsection shall be
970 deposited in the State Treasury into the Professional Regulation
971 Crew Chief Registration Trust Fund, ~~which is hereby created, and~~
972 ~~shall be utilized for administration of this part.~~

973 Section 30. Section 494.0017, Florida Statutes, is amended
974 to read:

975 494.0017 Regulatory Trust Mortgage Brokerage Guaranty
976 Fund.--

977 (1) The office shall ~~make transfers from the Regulatory~~
978 ~~Trust Fund to the Mortgage Brokerage Guaranty Fund to pay valid~~
979 claims arising under former ss. 494.042, 494.043, and 494.044,
980 as provided in former s. 494.00171 from the Regulatory Trust
981 Fund.

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982 ~~(2) Any money paid to the Mortgage Brokerage Guaranty Fund~~
983 ~~in excess of any liability to claimants against the Mortgage~~
984 ~~Brokerage Guaranty Fund shall be transferred to the Regulatory~~
985 ~~Trust Fund.~~

986 (2)(3) Funds from the Regulatory Trust ~~The Mortgage~~
987 ~~Brokerage Guaranty Fund~~ shall be disbursed as provided in former
988 s. 494.044, upon approval by the office, to any party to a
989 mortgage financing transaction who:

990 (a) Is adjudged by a court of competent jurisdiction of
991 this state to have suffered monetary damages as a result of any
992 violation of chapter 494 in effect prior to October 1, 1991,
993 committed by a licensee or registrant;

994 (b) Has filed a claim for recovery prior to January 1,
995 1992; and

996 (c) Has suffered monetary damages as a result of an act
997 occurring prior to October 1, 1991.

998 (3)(4) Notwithstanding s. 215.965, the office may disburse
999 funds to a court or court-appointed person for distribution, if
1000 the conditions precedent for recovery exist and the distribution
1001 would be the fairest and most equitable manner of distributing
1002 the funds.

1003 Section 31. Paragraph (d) of subsection (2) of section
1004 494.0041, Florida Statutes, is amended to read:

1005 494.0041 Administrative penalties and fines; license
1006 violations.--

1007 (2) Each of the following acts constitutes a ground for
1008 which the disciplinary actions specified in subsection (1) may
1009 be taken:

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1010 (d) Disbursement, or an act which has caused or will cause
1011 disbursement, to any person in any amount from the Regulatory
1012 Trust Mortgage Brokerage Guaranty Fund, the Securities Guaranty
1013 Fund, or the Florida Real Estate Recovery Fund, regardless of
1014 any repayment or restitution to the disbursed fund by the
1015 licensee or any person acting on behalf of the licensee or
1016 registrant.

1017 Section 32. Paragraph (d) of subsection (2) of section
1018 494.0072, Florida Statutes, is amended to read:

1019 494.0072 Administrative penalties and fines; license
1020 violations.--

1021 (2) Each of the following acts constitutes a ground for
1022 which the disciplinary actions specified in subsection (1) may
1023 be taken:

1024 (d) Disbursement, or an act which has caused or will cause
1025 disbursement, to any person in any amount from the Regulatory
1026 Trust Mortgage Brokerage Guaranty Fund, the Securities Guaranty
1027 Fund, or the Florida Real Estate Recovery Fund, regardless of
1028 any repayment or restitution to the disbursed fund by the
1029 licensee or any person acting on behalf of the licensee.

1030 Section 33. Subsection (1) of section 501.2101, Florida
1031 Statutes, is amended to read:

1032 501.2101 Enforcing authorities; moneys received in certain
1033 proceedings.--

1034 (1) Any moneys received by an enforcing authority for
1035 attorney's fees and costs of investigation or litigation in
1036 proceedings brought under the provisions of s. 501.207, s.
1037 501.208, or s. 501.211 shall be deposited as received in the

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1038 | Legal Affairs Revolving Trust Fund if the action is brought by
1039 | the Department of Legal Affairs, and in the Consumer Frauds
1040 | Trust Fund of the Justice Administrative Commission if the
1041 | action is brought by a state attorney in the State Treasury.

1042 | Section 34. Section 569.205, Florida Statutes, as amended
1043 | by section 734 of chapter 2003-261, Laws of Florida, is
1044 | repealed.

1045 | Section 35. Subsections (1) and (2) of section 650.04,
1046 | Florida Statutes, are amended to read:

1047 | 650.04 Contributions by state employees.--

1048 | (1) Every employee of the state whose services are covered
1049 | by an agreement entered into under s. 650.03 shall be required
1050 | to pay for the period of such coverage, ~~into the Social Security~~
1051 | ~~Contribution Trust Fund established by s. 650.06,~~ contributions,
1052 | with respect to wages as defined in s. 650.02, equal to the
1053 | amount of the employee tax which would be imposed by the Federal
1054 | Insurance Contributions Act if such services constituted
1055 | employment within the meaning of that act. Such liability shall
1056 | arise in consideration of the employee's retention in the
1057 | service of the state, or the employee's entry upon such service,
1058 | after the enactment of this chapter.

1059 | (2) The contribution imposed by this section shall be
1060 | collected by deducting the amount of the contribution from wages
1061 | as and when paid, but failure to make such deduction shall not
1062 | relieve the employee from liability for such contribution.
1063 | Effective January 1987, such contributions shall be submitted to
1064 | the Internal Revenue Service as directed by the Social Security
1065 | Administration.

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1066 Section 36. Section 650.05, Florida Statutes, is amended
1067 to read:

1068 650.05 Plans for coverage of employees of political
1069 subdivisions.--

1070 (1) Each political subdivision of the state is ~~hereby~~
1071 authorized to submit for approval by the state agency a plan for
1072 extending the benefits of Title II of the Social Security Act,
1073 in conformity with the applicable provisions of such act, to
1074 employees of such political subdivisions. Each such plan and
1075 any amendment thereof shall be approved by the state agency if
1076 it is found that such plan, or such plan as amended, is in
1077 conformity with such requirements as are provided in regulations
1078 of the state agency, except that no such plan shall be approved
1079 unless:

1080 (a) It is in conformity with the requirements of the
1081 Social Security Act and with the agreement entered into under s.
1082 650.03;

1083 (b) It provides that all services which constitute
1084 employment as defined in s. 650.02 are performed in the employ
1085 of the political subdivisions by employees thereof, shall be
1086 covered by the plan, except such of those services set forth in
1087 s. 650.02(2)(c) as the political subdivision specifically elects
1088 to exclude;

1089 (c) It specifies the source or sources from which the
1090 funds necessary to make the payments required by paragraph
1091 (3)(a) ~~and by subsection(4)~~ are expected to be derived and
1092 contains reasonable assurance that such sources will be adequate
1093 for such purpose;

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1094 (d) It provides for such methods of administration of the
1095 plan by the political subdivision as are found by the state
1096 agency to be necessary for the proper and efficient
1097 administration of the plan;

1098 (e) It provides that the political subdivision will make
1099 such reports, in such form and containing such information, as
1100 the state agency may from time to time require, and comply with
1101 such provisions as the state agency or the Secretary of Health,
1102 Education, and Welfare may from time to time find necessary to
1103 assure the correctness and verification of such reports; and

1104 (f) It authorizes the state agency to terminate the plan
1105 in its entirety, in the discretion of the state agency, if it
1106 finds that there has been a failure to comply substantially with
1107 any provisions contained in such plan, such termination to take
1108 effect at the expiration of such notice and on such conditions
1109 as may be provided by regulations of the state agency and may be
1110 consistent with the provisions of the Social Security Act.

1111 (2) The state agency shall not finally refuse to approve a
1112 plan submitted by a political subdivision under subsection (1),
1113 and shall not terminate an approved plan, without reasonable
1114 notice and opportunity for hearing to the political subdivision
1115 affected thereby. Any final decision of the state agency shall
1116 be subject to proper judicial review.

1117 (3)(a) Each political subdivision as to which a plan has
1118 been approved under this section shall pay to the Internal
1119 Revenue Service ~~into the Social Security Contribution Trust~~
1120 ~~Fund~~, with respect to wages (as defined in s. 650.02), at such
1121 time or times as the Social Security Administration ~~state agency~~

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1122 may ~~by regulation~~ prescribe, contributions in the amounts and at
1123 the rates specified in the applicable agreement entered into by
1124 the state agency under s. 650.03.

1125 (b) Each political subdivision required to make payments
1126 under paragraph(a) is authorized, in consideration of the
1127 employee's retention in, or entry upon, employment after
1128 enactment of this chapter, to impose upon each of its employees,
1129 as to services which are covered by an approved plan, a
1130 contribution with respect to his or her wages as defined in s.
1131 650.02 not exceeding the amount of the employee tax which would
1132 be imposed by the Federal Insurance Contributions Act if such
1133 services constituted employment within the meaning of that act,
1134 and to deduct the amount of such contribution from his or her
1135 wages as and when paid. Contributions so collected shall be
1136 paid to the Internal Revenue Service ~~into the Social Security~~
1137 ~~Contribution Trust Fund~~ in partial discharge of the liability of
1138 such political subdivision or instrumentality under paragraph
1139 (a). Failure to deduct such contribution shall not relieve the
1140 employee or employer of liability therefor.

1141 ~~(4) Delinquent payments due under paragraph (3)(a) may,~~
1142 ~~with interest of 1 percent for each calendar month or part~~
1143 ~~thereof past the due date, be recovered by action in a court of~~
1144 ~~competent jurisdiction against the political subdivision liable~~
1145 ~~therefor or shall, at the request of the state agency, be~~
1146 ~~deducted from any other moneys payable to such subdivision by~~
1147 ~~any department or agency of the state.~~

1148 ~~(5) Each political subdivision as to which a plan has been~~
1149 ~~approved shall be liable to the state agency for a proportionate~~

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1150 ~~part of the cost of administering this chapter. Such~~
1151 ~~proportionate cost shall be computed and paid in accordance with~~
1152 ~~such regulations relating thereto as may be adopted by the state~~
1153 ~~agency and shall be deposited in the Social Security~~
1154 ~~Administration Trust Fund; and, if any such payment is not made~~
1155 ~~when due, the amount thereof, with interest of 0.5 percent for~~
1156 ~~each calendar month or part thereof past the due date, shall,~~
1157 ~~upon request of the state agency, be deducted from any other~~
1158 ~~moneys payable to such political subdivision by any officer,~~
1159 ~~department, or agency of the state, and forthwith paid to the~~
1160 ~~state agency. Withdrawals from the Social Security~~
1161 ~~Administration Trust Fund shall be made solely for the payment~~
1162 ~~of costs of administering this chapter, and any balance in~~
1163 ~~excess of the amount necessary for administering this chapter~~
1164 ~~shall be transferred to the state retirement system trust funds~~
1165 ~~established pursuant to chapter 121 to make up the actuarial~~
1166 ~~deficit in any of the state retirement systems consolidated~~
1167 ~~thereunder, and the necessary amounts are hereby appropriated~~
1168 ~~from said funds for these purposes.~~

1169 (4)~~(6)~~(a) Notwithstanding any other provision of this
1170 chapter, effective January 1, 1972, all state political
1171 subdivisions receiving financial aid that provide social
1172 security coverage for their employees pursuant to the provisions
1173 of this chapter and the provisions of the various retirement
1174 systems as authorized by law shall, in addition to other
1175 purposes, utilize all grants-in-aid and other revenue received
1176 from the state to pay the employer's share of social security
1177 cost.

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1178 (b) The grants-in-aid and other revenue referred to in
1179 paragraph (a) specifically include, but are not limited to,
1180 minimum foundation program grants to public school districts and
1181 community colleges; gasoline, motor fuel, intangible, cigarette,
1182 racing, and insurance premium taxes distributed to political
1183 subdivisions; and amounts specifically appropriated as grants-
1184 in-aid for mental health, mental retardation, and mosquito
1185 control programs.

1186 Section 37. Section 650.06, Florida Statutes, as amended
1187 by section 1661 of chapter 2003-261, Laws of Florida, is
1188 repealed.

1189 Section 38. Paragraph (c) of subsection (1) and paragraphs
1190 (a) and (e) of subsection (2) of section 895.09, Florida
1191 Statutes, are amended to read:

1192 895.09 Disposition of funds obtained through forfeiture
1193 proceedings.--

1194 (1) A court entering a judgment of forfeiture in a
1195 proceeding brought pursuant to s. 895.05 shall retain
1196 jurisdiction to direct the distribution of any cash or of any
1197 cash proceeds realized from the forfeiture and disposition of
1198 the property. The court shall direct the distribution of the
1199 funds in the following order of priority:

1200 (c) Any claim by the Board of Trustees of the Internal
1201 Improvement Trust Fund on behalf of the Internal Improvement
1202 ~~Forfeited Property~~ Trust Fund or the Land Acquisition Trust Fund
1203 pursuant to s. 253.03(13), not including administrative costs of
1204 the Department of Environmental Protection previously paid

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1205 directly from the Internal Improvement ~~Forfeited Property~~ Trust
1206 Fund in accordance with legislative appropriation.

1207 (2)(a) Following satisfaction of all valid claims under
1208 subsection (1), 25 percent of the remainder of the funds
1209 obtained in the forfeiture proceedings pursuant to s. 895.05
1210 shall be deposited as provided in paragraph (b) into the
1211 appropriate trust fund of the Department of Legal Affairs or
1212 state attorney's office which filed the civil forfeiture action;
1213 25 percent shall be deposited as provided in paragraph (c) into
1214 the applicable law enforcement trust fund of the investigating
1215 law enforcement agency conducting the investigation which
1216 resulted in or significantly contributed to the forfeiture of
1217 the property; 25 percent shall be deposited as provided in
1218 paragraph (d) in the Substance Abuse Trust Fund of the
1219 Department of Children and Family Services; and the remaining 25
1220 percent shall be deposited in the Internal Improvement ~~Forfeited~~
1221 ~~Property~~ Trust Fund of the Department of Environmental
1222 Protection. When a forfeiture action is filed by the Department
1223 of Legal Affairs or a state attorney, the court entering the
1224 judgment of forfeiture shall, taking into account the overall
1225 effort and contribution to the investigation and forfeiture
1226 action by the agencies that filed the action, make a pro rata
1227 apportionment among such agencies of the funds available for
1228 distribution to the agencies filing the action as provided in
1229 this section. If multiple investigating law enforcement agencies
1230 have contributed to the forfeiture of the property, the court
1231 which entered the judgment of forfeiture shall, taking into
1232 account the overall effort and contribution of the agencies to

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1233 the investigation and forfeiture action, make a pro rata
1234 apportionment among such investigating law enforcement agencies
1235 of the funds available for distribution to the investigating
1236 agencies as provided in this section.

1237 (e) On a quarterly basis, any excess funds from forfeited
1238 property receipts, including interest, over \$1 million deposited
1239 in the Internal Improvement Forfeited Property Trust Fund of the
1240 Department of Environmental Protection in accordance with
1241 paragraph (a) shall be deposited in the Substance Abuse Trust
1242 Fund of the Department of Children and Family Services.

1243 Section 39. Paragraph (b) of subsection (5) of section
1244 932.7055, Florida Statutes, is amended to read:

1245 932.7055 Disposition of liens and forfeited property.--

1246 (5) If the seizing agency is a state agency, all remaining
1247 proceeds shall be deposited into the General Revenue Fund.
1248 However, if the seizing agency is:

1249 (b) The Department of Environmental Protection, the
1250 proceeds accrued pursuant to the provisions of the Florida
1251 Contraband Forfeiture Act shall be deposited into the Internal
1252 Improvement Forfeited Property Trust Fund ~~or into the~~
1253 ~~department's Federal Law Enforcement Trust Fund as provided in~~
1254 ~~s. 20.2553, as applicable.~~

1255 Section 40. This act shall take effect July 1, 2004.

1256
1257
1258 ===== T I T L E A M E N D M E N T =====

1259 Remove the entire title and insert:
1260 A bill to be entitled

Amendment No. (for drafter's use only)

1261 An act relating to trust funds; terminating specified
1262 trust funds within the Department of Environmental
1263 Protection, the Department of Financial Services, the
1264 Office of Financial Regulation, the Department of
1265 Management Services, the Department of Revenue, the
1266 Department of Business and Professional Regulation and the
1267 Department of Agriculture and Consumer Services; providing
1268 for the disposition of balances in and revenues of such
1269 trust funds; prescribing procedures for terminating such
1270 trust funds; terminating a trust fund within the
1271 Department of Environmental Protection on the date that
1272 the bonds secured by the fund mature; requiring the
1273 department to notify the Chief Financial Officer and the
1274 Legislature following such termination; requiring a report
1275 to the Legislature if the fund is not terminated by a date
1276 certain; declaring the findings of the Legislature that
1277 specified trust funds within the Department of
1278 Environmental Protection, the Department of Agriculture
1279 and Consumer Services, the Department of Management
1280 Services, the Department of Revenue, the Department of
1281 Financial Services, the State Board of Administration, and
1282 the Division of Bond Finance are exempt from the
1283 termination requirements of s. 19(f), Art. III of the
1284 State Constitution; renaming specified trust funds within
1285 the Department of Financial Services and the Office of
1286 Financial Regulation; amending s. 17.43, F.S.; renaming a
1287 trust fund within the Department of Financial Services;
1288 repealing s. 20.2553, F.S., relating to the Federal Law

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Amendment No. (for drafter's use only)

1289 Enforcement Trust Fund within the Department of
1290 Environmental Protection; repealing s. 110.151(7), F.S.,
1291 relating to the State Employee Child Care Revolving Trust
1292 Fund within the Department of Management Services;
1293 amending s. 199.292, F.S.; requiring that proceeds of the
1294 intangible personal property tax be deposited into the
1295 General Revenue Fund rather than a special trust fund;
1296 deleting provisions requiring that a portion of such
1297 proceeds be used for enforcement purposes; amending ss.
1298 121.011, 121.031, and 121.141, F.S.; providing for payment
1299 of certain social security contributions to the Internal
1300 Revenue Service rather than the Social Security
1301 Contribution Trust Fund; repealing s. 122.13, F.S.,
1302 relating to certain payments made into a retirement trust
1303 fund, to conform; amending ss. 122.26 and 122.27, F.S.,
1304 and repealing s. 122.30, F.S.; deleting references to the
1305 Social Security Contribution Trust Fund, to conform;
1306 amending s. 122.35, F.S., and repealing s. 122.351, F.S.;
1307 deleting obsolete provisions relating to payments made to
1308 the Social Security Contribution Trust Fund; amending s.
1309 199.292, F.S.; providing for the deposit of intangible
1310 personal property taxes into the General Revenue Fund;
1311 providing an exception for certain leasehold taxes;
1312 amending s. 212.20, F.S.; revising a reference to the
1313 Municipal Financial Assistance Trust Fund, to conform;
1314 repealing s. 213.31, F.S., relating to the Corporation Tax
1315 Administration Trust Fund; amending s. 215.20, F.S.,
1316 relating to the service charge imposed on state trust

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HOUSE AMENDMENT

Bill No. CS/SB 2644

Amendment No. (for drafter's use only)

1317 funds; conforming provisions to changes made by the act;
1318 amending s. 215.32, F.S.; providing requirements for state
1319 agencies with respect to the use of various trust funds;
1320 requiring an agency to recommend the creation of a trust
1321 fund under certain circumstances; amending s. 253.03,
1322 F.S.; deleting provisions referencing the Forfeited
1323 Property Trust Fund in the Department of Environmental
1324 Protection; amending s. 287.064, F.S.; deleting provisions
1325 referencing the Consolidated Payment Trust Fund of the
1326 Chief Financial Officer; repealing s. 440.501, F.S.,
1327 relating to the Workers' Compensation Administration Trust
1328 Fund within the Department of Business and Professional
1329 Regulation; amending s. 450.155, F.S., relating to the
1330 Child Labor Law Trust Fund; providing for the transfer of
1331 moneys to the Professional Regulation Trust Fund of the
1332 Department of Financial Services; creating s. 450.165,
1333 F.S.; requiring separate accounts for child labor
1334 enforcement and farm labor registration activities;
1335 amending ss. 450.30 and 450.31, F.S.; deleting provisions
1336 referencing the Crew Chief Registration Trust Fund;
1337 amending ss. 494.0017, 494.0041, and 494.0072, F.S.;
1338 deleting provisions referencing the Mortgage Brokerage
1339 Guaranty Fund; amending s. 501.2101, F.S.; designating
1340 trust funds for the deposit of moneys received by certain
1341 enforcing authorities; repealing s. 569.205, F.S.,
1342 relating to the Department of Business and Professional
1343 Regulation Tobacco Settlement Trust Fund; amending ss.
1344 650.04 and 650.05, F.S., and repealing s. 650.06, F.S.,

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HOUSE AMENDMENT

Bill No. CS/SB 2644

Amendment No. (for drafter's use only)

1345 relating to payments to the Social Security Contribution
1346 Trust Fund; conforming provisions to changes made by the
1347 act; amending ss. 895.09 and 932.7055, F.S.; deleting
1348 provisions referencing the Forfeited Property Trust Fund
1349 to conform to changes made by the act; providing an
1350 effective date.

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