

Bill No. CS for SB 2644

Amendment No. 2 Barcode 115442

CHAMBER ACTION

Senate

House

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The Conference Committee on CS for SB 2644 recommended the following amendment:

Conference Committee Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

(a) Within the Department of Environmental Protection:

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

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

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

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1 and Donations Trust Fund, FLAIR number 37-2-339.
2 4. The Save the Manatee Trust Fund, FLAIR number
3 37-2-611.
4 (b) Within the Department of Financial Services:
5 1. The Consolidated Payment Trust Fund, FLAIR number
6 43-2-140.
7 2. The Self-Insurance Assessment Trust Fund, FLAIR
8 number 43-2-630, which was re-created by chapter 2000-72, Laws
9 of Florida, in the Department of Labor and Employment
10 Security; transferred by section 1 of chapter 2002-194, Laws
11 of Florida, to the Department of Insurance; and transferred by
12 subparagraph (3)(b)2. of section 3 of chapter 2002-404, Laws
13 of Florida, to the Department of Financial Services.
14 3. The Working Capital Trust Fund, FLAIR number
15 43-2-792.
16 (c) Within the Office of Financial Regulation, the
17 Mortgage Brokerage Guaranty Fund, FLAIR number 43-2-485. The
18 current balance remaining in, and all revenues of, the trust
19 fund shall be transferred to the Regulatory Trust Fund within
20 the Office of Financial Regulation, FLAIR number 43-2-573.
21 (d) Within the Department of Management Services:
22 1. Motor Vehicle Operating Trust Fund, FLAIR number
23 72-2-486. The current balance remaining in, and all revenues
24 of, the trust fund shall be transferred to the Grants and
25 Donations Trust Fund, FLAIR number 72-2-339.
26 2. The Social Security Contribution Trust Fund, FLAIR
27 number 72-2-638.
28 3. The State Employee Child Care Revolving Trust Fund,
29 FLAIR number 72-2-670. The current balance remaining in, and
30 all revenues of, the trust fund shall be transferred to the
31 State Personnel System Trust Fund, FLAIR number 72-2-678.

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

3 (e) Within the Department of Revenue:

4 1. The Corporation Tax Administration Trust Fund,
5 FLAIR number 73-2-134.

6 2. The Drug Enforcement Trust Fund, FLAIR number
7 73-2-171.

8 3. The Intangible Tax Trust Fund, FLAIR number
9 73-2-399.

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

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

14 6. The Working Capital Trust Fund, FLAIR number
15 73-2-792.

16 7. The Municipal Financial Assistance Trust Fund,
17 FLAIR number 73-2-493.

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

20 1. The Child Labor Law Trust Fund, FLAIR number
21 79-2-106. The current balance remaining in, and all revenues
22 of, the trust fund shall be transferred to the Professional
23 Regulation Trust Fund, FLAIR number 79-2-547.

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

28 3. The Tobacco Settlement Trust Fund within the
29 Department of Business and Professional Regulation, FLAIR
30 number 79-2-122, which was terminated on July 1, 2003,
31 pursuant to Section 19(f), Article III of the State

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1 Constitution.

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

6 (a) Within the Department of Agriculture and Consumer
7 Services, the Working Capital Trust Fund, FLAIR number
8 42-2-792.

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

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

20 Section 2. The Project Construction Trust Fund, FLAIR
21 number 37-2-549, within the Department of Environmental
22 Protection, is terminated upon the date of maturity of all
23 bonds secured thereby. The department shall notify the Chief
24 Financial Officer, the President of the Senate, the Speaker of
25 the House of Representatives, and the chairs of the
26 legislative appropriations committees within 30 days after
27 such date. If the fund is not terminated prior to the 2008
28 regular legislative session, the department shall report the
29 status of the fund to the chairs of the legislative
30 appropriations committees.

31 Section 3. The Legislature finds that the following

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1 trust funds are exempt from termination pursuant to Section
2 19(f), Article III of the State Constitution:
3 (1) Within the Department of Environmental Protection:
4 (a) The Florida Preservation 2000 Trust Fund, FLAIR
5 number 37-2-332.
6 (b) The Florida Forever Trust Fund, FLAIR number
7 37-2-348.
8 (c) The Land Acquisition Trust Fund, FLAIR number
9 37-2-423.
10 (2) Within the Department of Agriculture and Consumer
11 Services, the Florida Preservation 2000 Trust Fund, FLAIR
12 number 42-2-332.
13 (3) Within the Department of Management Services:
14 (a) The Florida Retirement System Trust Fund, FLAIR
15 number 72-2-309.
16 (b) The Florida Facilities Pool Clearing Trust Fund,
17 FLAIR number 72-2-313.
18 (c) The Florida Retirement System Preservation of
19 Benefits Plan Trust Fund, FLAIR number 72-2-345.
20 (d) The Institute of Food and Agricultural Sciences
21 Supplemental Retirement Trust Fund, FLAIR number 72-2-379.
22 (e) The Senior Management Service Optional Annuity
23 Program Trust Fund, FLAIR number 72-2-515.
24 (f) The Optional Retirement Program Trust Fund, FLAIR
25 number 72-2-517.
26 (g) The Police and Firefighters' Premium Tax Trust
27 Fund, FLAIR number 72-2-532.
28 (h) The State Employees Life Insurance Trust Fund,
29 FLAIR number 72-2-667.
30 (i) The State Employees Health Insurance Trust Fund,
31 FLAIR number 72-2-668.

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- 1 (j) The State Employees Disability Insurance Trust
2 Fund, FLAIR number 72-2-671.
- 3 (k) The Florida Retirement System Contributions
4 Clearing Trust Fund, FLAIR number 72-2-705.
- 5 (l) The Retiree Health Insurance Subsidy Trust Fund,
6 FLAIR number 72-2-583.
- 7 (4) Within the Department of Revenue:
- 8 (a) The Additional Court Costs Clearing Trust Fund,
9 FLAIR number 73-2-013.
- 10 (b) The Apalachicola Bay Oyster Surcharge Clearing
11 Trust Fund, FLAIR number 73-2-028.
- 12 (c) The Child Support Clearing Trust Fund, FLAIR
13 number 73-2-081.
- 14 (d) The Convention Development Tax Clearing Trust
15 Fund, FLAIR number 73-2-132.
- 16 (e) The Revenue Sharing Trust Fund for Counties, FLAIR
17 number 73-2-144.
- 18 (f) The Documentary Stamp Tax Clearing Trust Fund,
19 FLAIR number 73-2-166.
- 20 (g) The Revenue-Fuel Tax Refund Payments Trust Fund,
21 FLAIR number 73-2-317.
- 22 (h) The Fuel Tax Collection Trust Fund, FLAIR number
23 73-2-319.
- 24 (i) The Local Option Fuel Tax Trust Fund, FLAIR number
25 73-2-448.
- 26 (j) The Local Alternative Fuel User Fee Clearing Trust
27 Fund, FLAIR number 73-2-449.
- 28 (k) Local Government Half-cent Sales Tax Clearing
29 Trust Fund, FLAIR number 73-2-455.
- 30 (l) The Discretionary Sales Surtax Clearing Trust
31 Fund, FLAIR number 73-2-459.

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- 1 (m) The Local Option Tourist Development Trust Fund,
2 FLAIR number 73-2-460.
- 3 (n) The Communications Services Tax Clearing Trust
4 Fund, FLAIR number 73-2-465.
- 5 (o) The Motor Vehicle Warranty Trust Fund, FLAIR
6 number 73-2-492.
- 7 (p) The Municipal Financial Assistance Trust Fund,
8 FLAIR number 73-2-493.
- 9 (q) The Motor Vehicle Rental Surcharge Clearing Trust
10 Fund, FLAIR number 73-2-494.
- 11 (r) The Revenue Sharing Trust Fund for Municipalities,
12 FLAIR number 73-2-501.
- 13 (s) The Oil and Gas Tax Trust Fund, FLAIR number
14 73-2-508.
- 15 (t) The Pollutant Tax Clearing Trust Fund, FLAIR
16 number 73-2-544.
- 17 (u) The Secondhand Dealer and Secondary Metals
18 Recycler Clearing Trust Fund, FLAIR number 73-2-617.
- 19 (v) The State Alternative Fuel User Fee Clearing Trust
20 Fund, FLAIR number 73-2-618.
- 21 (w) The Security Deposits Trust Fund, FLAIR number
22 73-2-625.
- 23 (x) The Severance Tax Solid Mineral Trust Fund, FLAIR
24 number 73-2-636.
- 25 (y) The Solid Waste Management Clearing Trust Fund,
26 FLAIR number 73-2-645.
- 27 (z) The Local Communications Services Tax Clearing
28 Trust Fund, FLAIR number 73-2-662.
- 29 (aa) The Department of Revenue Premium Tax Clearing
30 Trust Fund, FLAIR number 73-2-733.
- 31 (bb) The Ninth-cent Fuel Tax Trust Fund, FLAIR number

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1 73-2-777.

2 (5) Within the Department of Financial Services:

3 (a) The Agents and Solicitors County Tax Trust Fund,
4 FLAIR number 43-2-024.

5 (b) The Child Support Clearing Trust Fund, FLAIR
6 number 43-2-081.

7 (c) The Collections Internal Revenue Clearing Trust
8 Fund, FLAIR number 43-2-101.

9 (d) The Tobacco Settlement Clearing Trust Fund, FLAIR
10 number 43-2-123.

11 (e) The Consolidated Miscellaneous Deductions Clearing
12 Trust Fund, FLAIR number 43-2-139.

13 (f) The Deferred Compensation Trust Fund, FLAIR number
14 43-2-155.

15 (g) The Electronic Funds Transfer Clearing Trust Fund,
16 FLAIR number 43-2-188.

17 (h) The Employee Refund Clearing Trust Fund, FLAIR
18 number 43-2-194.

19 (i) The Federal Tax Levy Clearing Trust Fund, FLAIR
20 number 43-2-274.

21 (j) The Florida Retirement Clearing Trust Fund, FLAIR
22 number 43-2-323.

23 (k) The Hospital Insurance Tax Clearing Trust Fund,
24 FLAIR number 43-2-370.

25 (l) The Prison Industries Trust Fund, FLAIR number
26 43-2-385.

27 (m) The State Treasurer Escrow Trust Fund, FLAIR
28 number 43-2-622.

29 (n) The Social Security Contribution Trust Fund, FLAIR
30 number 43-2-643.

31 (o) The Treasury Cash Deposit Trust Fund, FLAIR number

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1 43-2-720.

2 (p) The Treasurer Investment Trust Fund, FLAIR number

3 43-2-728.

4 (6) Within the State Board of Administration:

5 (a) The Debt Service Trust Fund, which has no FLAIR

6 number.

7 (b) The Florida Hurricane Catastrophe Fund, which has

8 no FLAIR number.

9 (c) The Florida Prepaid College Trust Fund, which has

10 no FLAIR number.

11 (d) The funds of the Inland Protection Financing

12 Corporation, created under section 376.3075, Florida Statutes,

13 which have no FLAIR numbers.

14 (e) The funds of the Investment Fraud Restoration

15 Financing Corporation, created under section 517.1204, Florida

16 Statutes, which have no FLAIR numbers.

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

18 (g) The Lawton Chiles Endowment Fund, which has no

19 FLAIR number.

20 (h) The Local Government Surplus Funds Trust Fund,

21 which has no FLAIR number.

22 (i) The Public Employee Optional Retirement Program

23 Trust Fund, which has no FLAIR number.

24 (7) Within the Division of Bond Finance, the Bonds

25 Proceeds Trust Fund, which has no FLAIR number.

26 Section 4. The following trust funds are renamed:

27 (1) Within the Department of Financial Services:

28 (a) The Agents and Solicitors County Tax Trust Fund,

29 FLAIR number 43-2-024, is renamed the Agents County Tax Trust

30 Fund.

31 (b) The State Treasurer Escrow Trust Fund, FLAIR

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1 number 43-2-622, is renamed the State Treasury Escrow Trust
2 Fund.

3 (c) The Treasurer Investment Trust Fund, FLAIR number
4 43-2-728, is renamed the Treasury Investment Trust Fund.

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

8 (2) Within the Office of Financial Regulation, the
9 Chief Financial Officer's Federal Equitable Sharing Trust
10 Fund, FLAIR number 43-2-719, is renamed the Federal Equitable
11 Sharing Trust Fund.

12 Section 5. Section 17.43, Florida Statutes, is amended
13 to read:

14 17.43 ~~Chief Financial Officer's~~ Federal Equitable
15 Sharing Trust Fund.--

16 (1) The ~~Chief Financial Officer's~~ Federal Equitable
17 Sharing Trust Fund is created within the Department of
18 Financial Services. The department may deposit into the trust
19 fund receipts and revenues received as a result of federal
20 criminal, administrative, or civil forfeiture proceedings and
21 receipts and revenues received from federal asset-sharing
22 programs. The trust fund is exempt from the service charges
23 imposed by s. 215.20.

24 (2) Notwithstanding the provisions of s. 216.301 and
25 pursuant to s. 216.351, any balance in the trust fund at the
26 end of any fiscal year shall remain in the trust fund at the
27 end of the year and shall be available for carrying out the
28 purposes of the trust fund.

29 Section 6. Section 20.2553, Florida Statutes, is
30 repealed.

31 Section 7. Subsection (7) of section 110.151, Florida

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1 Statutes, is repealed.

2 Section 8. Section 199.292, Florida Statutes, is
3 amended to read:

4 199.292 Disposition of intangible personal property
5 taxes.--All intangible personal property taxes collected
6 pursuant to this chapter, except for revenues derived from the
7 annual tax on a leasehold described in s. 199.023(1)(d), shall
8 be deposited into the General Revenue Fund. placed in a
9 special fund designated as the "Intangible Tax Trust Fund."
10 ~~The fund shall be disbursed as follows:~~

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

15 (2) ~~There is hereby appropriated annually out of the~~
16 ~~fund the amount necessary for the effective and efficient~~
17 ~~administration and enforcement by the department of the~~
18 ~~provisions of chapters 192, 193, 194, 195, 196, 197, and 198~~
19 ~~and this chapter.~~

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

23 Section 9. Paragraph (e) of subsection (3) of section
24 121.011, Florida Statutes, is amended to read:

25 121.011 Florida Retirement System.--

26 (3) PRESERVATION OF RIGHTS.--

27 (e) Any member of the Florida Retirement System or any
28 member of an existing system under this chapter on July 1,
29 1975, who is not retired and who is, has been, or shall be,
30 suspended and reinstated without compensation shall receive
31 retirement service credit for the period of time from the date

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1 of suspension to the date of reinstatement, provided:

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

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

6 3. The member pays into the Retirement System Trust
7 Fund the total required employer contributions plus the total
8 employee contributions, if applicable, based on the member's
9 monthly compensation in effect for the pay period immediately
10 preceding the period of suspension, prorated for the said
11 period of suspension, plus interest thereon at a rate of 4
12 percent per annum compounded annually until July 1, 1975, and
13 6.5 percent interest thereafter until paid. If permitted by
14 federal law, the member may pay to the Internal Revenue
15 Service into the Social Security Trust Fund the total cost, if
16 any, of providing social security coverage for the period of
17 suspension if any social security payments have been made by
18 the employer for the benefit of the member during such period.
19 Should there be any conflict as to payment for social security
20 coverage, the payment for retirement service credit shall be
21 made and retirement service credit granted regardless of such
22 conflict.

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

25 121.031 Administration of system; appropriation;
26 oaths; actuarial studies; public records.--

27 (1) The Department of Management Services has the
28 authority to adopt rules pursuant to ss. 120.536(1) and 120.54
29 to implement the provisions of law conferring duties upon the
30 department and to adopt rules as are necessary for the
31 effective and efficient administration of this system. The

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1 funds to pay the expenses for administration of the system are
 2 hereby appropriated from the interest earned on investments
 3 made for the Retirement System Trust Fund ~~and social security~~
 4 ~~trust funds~~ and the assessments allowed under chapter 650.

5 Section 11. Subsection (1) of section 121.141, Florida
 6 Statutes, is amended to read:

7 121.141 Appropriation.--

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

12 Section 12. Section 122.13, Florida Statutes, is
 13 repealed.

14 Section 13. Section 122.26, Florida Statutes, is
 15 amended to read:

16 122.26 Funds.--There shall be paid into the State and
 17 County Officers and Employees' Retirement Trust Fund, provided
 18 in former s. 122.17, contributions by members of division B
 19 for benefits payable to members under this system, and all
 20 amounts appropriated for such purpose by the state. ~~There is~~
 21 ~~hereby created in the State Treasury a fund to be known as the~~
 22 ~~Social Security Contribution Trust Fund, into which shall be~~
 23 ~~deposited contributions required of members for social~~
 24 ~~security coverage, and such amounts as may be appropriated by~~
 25 ~~the state for that purpose.~~

26 Section 14. Subsection (2) of section 122.27, Florida
 27 Statutes, is amended to read:

28 122.27 Contributions.--From and after the date of the
 29 execution of the agreement, the officer or board paying the
 30 salary of a member of division B shall withhold the following
 31 from such salary:

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1 (2) The percentage of such salary, which shall
2 constitute the contribution of the member required for social
3 security coverage as now or hereafter fixed by relevant
4 federal statutes. The officer or board so withholding such
5 percentage of salary shall ~~submit deposit~~ the same without
6 delay to the Internal Revenue Fund as directed by the Social
7 Security Administration in the Social Security Contribution
8 ~~Trust Fund.~~

9 Section 15. Section 122.30, Florida Statutes, is
10 repealed.

11 Section 16. Section 122.35, Florida Statutes, is
12 amended to read:

13 122.35 Funding.--

14 (1) Commencing July 1, 1967, for all state agencies
15 and commencing October 1, 1967, for all other agencies with
16 employees who are members under this chapter, former ss.
17 122.17 and 122.30(4) shall be of no further force and effect
18 and each officer or board paying salaries to members and
19 withholding contributions required of members under this
20 chapter for purposes of providing retirement benefits and
21 social security benefits to or on behalf of such members,
22 shall budget, set aside and pay over to account B of the
23 intangible tax trust fund, herein created, matching payments
24 in the following specified amounts:

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

30 2. Commencing January 1, 1993, an additional amount
31 equal to 3.99 percent of each installment of salary to

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1 members; and

2 (b) An amount equal to the amount of member social
 3 security contributions withheld, to be paid to the Internal
 4 Revenue Service Social Security Contribution Trust Fund as
 5 specified in s. 122.27.

6 (2) The monthly payments required by subsection (1)
 7 shall be payable within 10 days after the first day of each
 8 calendar month after July 1, 1967, for all state agencies and
 9 October 1, 1967, for all other agencies. The state funds
 10 required to be paid hereunder shall be provided and paid from
 11 the sources as set forth in subsection ~~subsections~~ (3) and
 12 ~~(4)~~.

13 (3) The appropriations provided each state agency each
 14 fiscal year shall include sufficient amounts to pay the
 15 matching contributions for social security and retirement as
 16 required by this section and the matching contributions for
 17 retirement required of state agencies under s. 238.11(1)(a).
 18 No state agency, whether its funds are provided by state
 19 appropriation or not, shall employ any person or maintain any
 20 person on its payroll unless it has allotted for such person
 21 sufficient funds to meet these required payments.

22 (4) Effective December 1, 1970, officer and employee
 23 contributions and employer matching contributions required by
 24 division A and division B of this chapter shall be paid as
 25 required in accordance with s. 121.061 and procedures
 26 established therefor.

27 (5) Effective January 1987, social security
 28 contributions withheld on behalf of a member of division B of
 29 this chapter and employer matching social security
 30 contributions paid on behalf of such member shall be submitted
 31 to the Internal Revenue Service as required by the Social

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1 Security Administration.

2 ~~(4) Effective October 1, 1967, the proceeds of the~~
3 ~~intangible tax collections of the state remaining after the~~
4 ~~payment of administrative expenses, commissions which are~~
5 ~~applicable, and other costs incident to its collection shall~~
6 ~~be set aside into an account designated as account B of the~~
7 ~~Intangible Tax Trust Fund, which account shall also receive~~
8 ~~all of the matching payments for retirement and social~~
9 ~~security remitted by each officer or board as provided in~~
10 ~~subsection (1). The amounts received and deposited into~~
11 ~~account B of the Intangible Tax Trust Fund are appropriated~~
12 ~~and shall be used for the following purposes and paid out on~~
13 ~~the priority basis as shown below:~~

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

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

19 ~~2. To the State and County Officers and Employees'~~
20 ~~Retirement Fund, an amount equal to the retirement~~
21 ~~contributions withheld from the salaries of members and~~
22 ~~remitted by each officer or board to said fund as required by~~
23 ~~ss. 122.03 and 122.27, but excluding any additional~~
24 ~~contributions required of high hazard members under s. 122.34;~~
25 ~~provided, however, that during the 1967-1969 biennium the~~
26 ~~amount transferred to said account shall not exceed the total~~
27 ~~amount received in account B from the various state and county~~
28 ~~agencies for retirement matching purposes.~~

29 ~~(b) After the retirement and social security~~
30 ~~contributions of all members have been matched as provided in~~
31 ~~paragraph (a), the balance remaining in account B of the~~

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1 ~~Intangible Tax Trust Fund shall be distributed as follows:~~

2 ~~1. Each county shall receive each fiscal year ending~~
3 ~~June 30 an allocation in an amount equal to 55 percent of the~~
4 ~~total net intangible taxes collected and remitted to the~~
5 ~~Department of Revenue by the tax collector of the county~~
6 ~~during the prior fiscal year.~~

7 ~~a. Commencing October 1, 1967, and every October 1~~
8 ~~thereafter and continuing on the first day of each subsequent~~
9 ~~month through June 30 of each fiscal year each board of county~~
10 ~~commissions of the several counties of the state shall receive~~
11 ~~an allocation from account B of the Intangible Tax Trust~~
12 ~~Fund. This allocation shall not include the school boards of~~
13 ~~the several counties of the state. The amount of said monthly~~
14 ~~allocation shall be equal to the average amount required to be~~
15 ~~matched by the Intangible Tax Trust Fund for the corresponding~~
16 ~~months during the 1966-1967 fiscal year as computed by the~~
17 ~~Chief Financial Officer, or one-twelfth of the Chief Financial~~
18 ~~Officer's estimate of the county's allocation, whichever is~~
19 ~~smaller, and an adjustment to reconcile the monthly~~
20 ~~allocations with the actual amount to be received pursuant to~~
21 ~~this subparagraph, shall be made not later than 60 days after~~
22 ~~the end of the fiscal year.~~

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

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

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1 ~~(c) The amounts allocated to the several counties from~~
2 ~~account B of the Intangible Tax Trust Fund shall be paid by~~
3 ~~the Department of Revenue to the respective boards of county~~
4 ~~commissioners who shall deposit same in the general fund of~~
5 ~~the county, and may expend them for any lawful county purpose.~~
6 ~~These amounts may be used to assist any county officer or~~
7 ~~agency within the county including school boards to make the~~
8 ~~matching payments for retirement and social security as~~
9 ~~required by law. Provided, however, should the income of any~~
10 ~~constitutional fee officer in any year be insufficient to make~~
11 ~~the matching payments required by this act, the boards of~~
12 ~~county commissioners shall provide such fee officer sufficient~~
13 ~~funds from the allocation received under this law to make~~
14 ~~these required payments.~~

15 ~~(d) Should any officer or board other than a state~~
16 ~~officer or board fail to make the retirement and social~~
17 ~~security contributions required herein, the Department of~~
18 ~~Revenue shall deduct the amount owed by the officer or board~~
19 ~~from the allocation accruing to the credit of the county~~
20 ~~affected, or the Department of Revenue shall deduct the amount~~
21 ~~owed from any other funds to be distributed by him or her to~~
22 ~~the officer or board using the procedure he or she shall deem~~
23 ~~most appropriate. The amounts so deducted shall remain in or~~
24 ~~be transferred to account B of the Intangible Tax Trust Fund~~
25 ~~for further distribution in accordance with this subsection.~~

26 ~~(e) Should any officer or board other than a state~~
27 ~~officer or board, for whom the tax collector collects taxes,~~
28 ~~fail to make the retirement and social security contributions~~
29 ~~required by this act, the tax collector, at the request of the~~
30 ~~Department of Revenue and upon receipt of a certificate from~~
31 ~~him or her showing the amount owed account B by the officer or~~

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1 ~~board, shall deduct the amount so certified from any taxes~~
2 ~~collected for the officer or board and remit the amount to the~~
3 ~~Department of Revenue for deposit in account B of the~~
4 ~~Intangible Tax Trust Fund.~~

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

12 Section 17. Section 122.351, Florida Statutes, is
13 repealed.

14 Section 18. Paragraph (d) of subsection (6) of section
15 212.20, Florida Statutes, as amended by section 92 of chapter
16 2003-402, Laws of Florida, is amended to read:

17 212.20 Funds collected, disposition; additional powers
18 of department; operational expense; refund of taxes
19 adjudicated unconstitutionally collected.--

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

22 (d) The proceeds of all other taxes and fees imposed
23 pursuant to this chapter or remitted pursuant to s.
24 202.18(1)(b) and (2)(b) shall be distributed as follows:

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

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

4 3. After the distribution under subparagraphs 1. and
5 2., 8.814 percent of the amount remitted by a sales tax dealer
6 located within a participating county pursuant to s. 218.61
7 shall be transferred into the Local Government Half-cent Sales
8 Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to
9 be transferred pursuant to this subparagraph to the Local
10 Government Half-cent Sales Tax Clearing Trust Fund shall be
11 reduced by 0.1 percent, and the department shall distribute
12 this amount to the Public Employees Relations Commission Trust
13 Fund less \$5,000 each month, which shall be added to the
14 amount calculated in subparagraph 4. and distributed
15 accordingly.

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

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

24 6. After the distributions under subparagraphs 1., 2.,
25 3., and 4., 1.3409 percent of the available proceeds pursuant
26 to this paragraph shall be transferred monthly to the Revenue
27 Sharing Trust Fund for Municipalities pursuant to s. 218.215.

28 If the total revenue to be distributed pursuant to this
29 subparagraph is at least as great as the amount due from the
30 Revenue Sharing Trust Fund for Municipalities and the former
31 Municipal Financial Assistance Trust Fund in state fiscal year

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1 1999-2000, no municipality shall receive less than the amount
2 due from the Revenue Sharing Trust Fund for Municipalities and
3 the former Municipal Financial Assistance Trust Fund in state
4 fiscal year 1999-2000. If the total proceeds to be distributed
5 are less than the amount received in combination from the
6 Revenue Sharing Trust Fund for Municipalities and the former
7 Municipal Financial Assistance Trust Fund in state fiscal year
8 1999-2000, each municipality shall receive an amount
9 proportionate to the amount it was due in state fiscal year
10 1999-2000.

11 7. Of the remaining proceeds:

12 a. In each fiscal year, the sum of \$29,915,500 shall
13 be divided into as many equal parts as there are counties in
14 the state, and one part shall be distributed to each county.
15 The distribution among the several counties shall begin each
16 fiscal year on or before January 5th and shall continue
17 monthly for a total of 4 months. If a local or special law
18 required that any moneys accruing to a county in fiscal year
19 1999-2000 under the then-existing provisions of s. 550.135 be
20 paid directly to the district school board, special district,
21 or a municipal government, such payment shall continue until
22 such time that the local or special law is amended or
23 repealed. The state covenants with holders of bonds or other
24 instruments of indebtedness issued by local governments,
25 special districts, or district school boards prior to July 1,
26 2000, that it is not the intent of this subparagraph to
27 adversely affect the rights of those holders or relieve local
28 governments, special districts, or district school boards of
29 the duty to meet their obligations as a result of previous
30 pledges or assignments or trusts entered into which obligated
31 funds received from the distribution to county governments

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1 under then-existing s. 550.135. This distribution specifically
2 is in lieu of funds distributed under s. 550.135 prior to July
3 1, 2000.

4 b. The department shall distribute \$166,667 monthly
5 pursuant to s. 288.1162 to each applicant that has been
6 certified as a "facility for a new professional sports
7 franchise" or a "facility for a retained professional sports
8 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
9 distributed monthly by the department to each applicant that
10 has been certified as a "facility for a retained spring
11 training franchise" pursuant to s. 288.1162; however, not more
12 than \$208,335 may be distributed monthly in the aggregate to
13 all certified facilities for a retained spring training
14 franchise. Distributions shall begin 60 days following such
15 certification and shall continue for not more than 30 years.
16 Nothing contained in this paragraph shall be construed to
17 allow an applicant certified pursuant to s. 288.1162 to
18 receive more in distributions than actually expended by the
19 applicant for the public purposes provided for in s.
20 288.1162(6). However, a certified applicant is entitled to
21 receive distributions up to the maximum amount allowable and
22 undistributed under this section for additional renovations
23 and improvements to the facility for the franchise without
24 additional certification.

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

31 d. Beginning 30 days after notice by the Office of

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1 Tourism, Trade, and Economic Development to the Department of
2 Revenue that the applicant has been certified as the
3 International Game Fish Association World Center facility
4 pursuant to s. 288.1169, and the facility is open to the
5 public, \$83,333 shall be distributed monthly, for up to 168
6 months, to the applicant. This distribution is subject to
7 reduction pursuant to s. 288.1169. A lump sum payment of
8 \$999,996 shall be made, after certification and before July 1,
9 2000.

10 8. All other proceeds shall remain with the General
11 Revenue Fund.

12 Section 19. Section 213.31, Florida Statutes, is
13 repealed.

14 Section 20. Paragraphs (k), (o), and (x) of subsection
15 (4) of section 215.20, Florida Statutes, are amended to read:

16 215.20 Certain income and certain trust funds to
17 contribute to the General Revenue Fund.--

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

22 (k) Within the Department of Financial Services:

- 23 1. The Agents ~~and Solicitors~~ County Tax Trust Fund.
24 2. The Insurance Regulatory Trust Fund.
25 3. The Special Disability Trust Fund.
26 4. The Workers' Compensation Administration Trust
27 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.

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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 ~~6.7.~~ The Police and Firefighters' Premium Tax Trust
6 Fund.

7 ~~7.8.~~ The Public Employees Relations Commission Trust
8 Fund.

9 ~~8.9.~~ The State Personnel System Trust Fund.

10 ~~9.10.~~ The Supervision Trust Fund.

11 ~~10.11.~~ The Working Capital Trust Fund.

12 (x) Within the Office of Financial Regulation of the
13 Financial Services Commission:

14 1. The Administrative Trust Fund.

15 2. The Anti-Fraud Trust Fund.

16 3. The Financial Institutions' Regulatory Trust Fund.

17 ~~4. The Mortgage Brokerage Guaranty Fund.~~

18 ~~4.5.~~ The Regulatory Trust Fund.

19

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

28 Section 21. Paragraph (b) of subsection (2) of section
29 215.32, Florida Statutes, is amended to read:

30 215.32 State funds; segregation.--

31 (2) The source and use of each of these funds shall be

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1 as follows:

2 (b)1. The trust funds shall consist of moneys received
 3 by the state which under law or under trust agreement are
 4 segregated for a purpose authorized by law. The state agency
 5 or branch of state government receiving or collecting such
 6 moneys shall be responsible for their proper expenditure as
 7 provided by law. Upon the request of the state agency or
 8 branch of state government responsible for the administration
 9 of the trust fund, the Chief Financial Officer may establish
 10 accounts within the trust fund at a level considered necessary
 11 for proper accountability. Once an account is established
 12 within a trust fund, the Chief Financial Officer may authorize
 13 payment from that account only upon determining that there is
 14 sufficient cash and releases at the level of the account.

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

19 a. Operations or operating trust fund, for use as a
 20 depository for funds to be used for program operations funded
 21 by program revenues, with the exception of administrative
 22 activities when the operations or operating trust fund is a
 23 proprietary fund.

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

26 c. Administrative trust fund, for use as a depository
 27 for funds to be used for management activities that are
 28 departmental in nature and funded by indirect cost earnings
 29 and assessments against trust funds. Proprietary funds are
 30 excluded from the requirement of using an administrative trust
 31 fund.

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

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

7 f. Clearing funds trust fund, for use as a depository
8 for funds to account for collections pending distribution to
9 lawful recipients.

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

13
14 To the extent possible, each agency must adjust its internal
15 accounting to use existing trust funds consistent with the
16 requirements of this subparagraph. If an agency does not have
17 trust funds listed in this subparagraph and cannot make such
18 adjustment, the agency must recommend the creation of the
19 necessary trust funds to the Legislature no later than the
20 next scheduled review of the agency's trust funds pursuant to
21 s. 215.3206.

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

31 3. All such moneys are hereby appropriated to be

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1 expended in accordance with the law or trust agreement under
 2 which they were received, subject always to the provisions of
 3 chapter 216 relating to the appropriation of funds and to the
 4 applicable laws relating to the deposit or expenditure of
 5 moneys in the State Treasury.

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

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

29 Section 22. Subsections (12), (13), (14), (15), and
 30 (16) of section 253.03, Florida Statutes, are amended to read:

31 253.03 Board of trustees to administer state lands;

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1 lands enumerated.--

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

6 ~~(12)(13)~~ The Board of Trustees of the Internal
7 Improvement Trust Fund is hereby authorized to administer,
8 manage, control, conserve, protect, and sell all real property
9 forfeited to the state pursuant to ss. 895.01-895.09 or
10 acquired by the state pursuant to s. 607.0505 or s. 620.192.
11 The board is directed to immediately determine the value of
12 all such property and shall ascertain whether the property is
13 in any way encumbered. If the board determines that it is in
14 the best interest of the state to do so, funds from the
15 Internal Improvement Forfeited Property Trust Fund may be used
16 to satisfy any such encumbrances. If forfeited property
17 receipts are not ~~the Forfeited Property Trust Fund does not~~
18 ~~contain a balance~~ sufficient to satisfy encumbrances on the
19 property and expenses permitted under this section, funds from
20 the Land Acquisition Trust Fund may be used to satisfy any
21 such encumbrances and expenses. All property acquired by the
22 board pursuant to s. 607.0505, s. 620.192, or ss.
23 895.01-895.09 shall be sold as soon as commercially feasible
24 unless the Attorney General recommends and the board
25 determines that retention of the property in public ownership
26 would effectuate one or more of the following policies of
27 statewide significance: protection or enhancement of
28 floodplains, marshes, estuaries, lakes, rivers, wilderness
29 areas, wildlife areas, wildlife habitat, or other
30 environmentally sensitive natural areas or ecosystems; or
31 preservation of significant archaeological or historical sites

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1 identified by the Secretary of State. In such event the
 2 property shall remain in the ownership of the board, to be
 3 controlled, managed, and disposed of in accordance with this
 4 chapter, and the Internal Improvement ~~Forfeited Property~~ Trust
 5 Fund shall be reimbursed from the Land Acquisition Trust Fund,
 6 or other appropriate fund designated by the board, for any
 7 funds expended from the Internal Improvement ~~Forfeited~~
 8 ~~Property~~ Trust Fund pursuant to this subsection in regard to
 9 such property. Upon the recommendation of the Attorney
 10 General, the board may reimburse the investigative agency for
 11 its investigative expenses, costs, and attorneys' fees, and
 12 may reimburse law enforcement agencies for actual expenses
 13 incurred in conducting investigations leading to the
 14 forfeiture of such property from funds deposited in the
 15 Internal Improvement ~~Forfeited Property~~ Trust Fund of the
 16 Department of Environmental Protection. The proceeds of the
 17 sale of property acquired under s. 607.0505, s. 620.192, or
 18 ss. 895.01-895.09 shall be distributed as follows:

19 (a) After satisfaction of any valid claims arising
 20 under the provisions of s. 895.09(1)(a) or (b), any moneys
 21 used to satisfy encumbrances and expended as costs of
 22 administration, appraisal, management, conservation,
 23 protection, sale, and real estate sales services and any
 24 interest earnings lost to the Land Acquisition Trust Fund as
 25 of a date certified by the Department of Environmental
 26 Protection shall be replaced first in the Land Acquisition
 27 Trust Fund, if those funds were used, and then in the Internal
 28 Improvement ~~Forfeited Property~~ Trust Fund; and

29 (b) The remainder shall be distributed as set forth in
 30 s. 895.09.

31 ~~(13)~~~~(14)~~ For applications not reviewed pursuant to s.

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1 373.427, the department must review applications for the use
2 of state-owned submerged lands, including a purchase, lease,
3 easement, disclaimer, or other consent to use such lands and
4 must request submittal of all additional information necessary
5 to process the application. Within 30 days after receipt of
6 the additional information, the department must review the
7 information submitted and may request only that information
8 needed to clarify the additional information, to process the
9 appropriate form of approval indicated by the additional
10 information, or to answer those questions raised by, or
11 directly related to, the additional information. An
12 application for the authority to use state-owned submerged
13 land must be approved, denied, or submitted to the board of
14 trustees for approval or denial within 90 days after receipt
15 of the original application or the last item of timely
16 requested additional information. This time is tolled by any
17 notice requirements of s. 253.115 or any hearing held under
18 ss. 120.569 and 120.57. If the review of the application is
19 not completed within the 90-day period, the department must
20 report quarterly to the board the reasons for the failure to
21 complete the report and provide an estimated date by which the
22 application will be approved or denied. Failure to comply with
23 these time periods shall not result in approval by default.

24 ~~(14)(15)~~ Where necessary to establish a price for the
25 sale or other disposition of state lands, including leases or
26 easements, the Division of State Lands may utilize appropriate
27 appraiser selection and contracting procedures established
28 under s. 253.025. The board of trustees may adopt rules to
29 implement this subsection.

30 ~~(15)(16)~~ The Board of Trustees of the Internal
31 Improvement Trust Fund, and the state through its agencies,

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1 may not control, regulate, permit, or charge for any severed
2 materials which are removed from the area adjacent to an
3 intake or discharge structure pursuant to an exemption
4 authorized in s. 403.813(2)(f) and (r).

5 Section 23. Subsections (6) and (7) of section
6 287.064, Florida Statutes, as amended by section 10 of chapter
7 2003-399, Laws of Florida, are amended to read:

8 287.064 Consolidated financing of deferred-payment
9 purchases.--

10 (6) ~~There is created the Consolidated Payment Trust~~
11 ~~Fund in the Chief Financial Officer's office for the purpose~~
12 ~~of implementing the provisions of this act.~~ All funds debited
13 from each agency and each community college pursuant to the
14 provisions of this section may be deposited in the trust fund
15 and shall be used to meet the financial obligations incurred
16 pursuant to this act. Any income from the investment of funds
17 may be used to fund administrative costs associated with this
18 program.

19 (7) The Chief Financial Officer may borrow sufficient
20 amounts from trust funds to pay issuance expenses for the
21 purposes of administering this section. Such amounts shall be
22 subject to approval of the Executive Office of the Governor
23 and subject to the notice, review, and objection procedures of
24 s. 216.177. ~~The amounts approved pursuant to this subsection~~
25 ~~are hereby appropriated for transfer to the Consolidated~~
26 ~~Payment Trust Fund and appropriated from the Consolidated~~
27 ~~Payment Trust Fund to pay issuance expenses.~~ Amounts loaned
28 shall be repaid as soon as practicable not to exceed the
29 length of time obligations are issued to establish the master
30 equipment financing agreement.

31 Section 24. Section 440.501, Florida Statutes, is

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1 repealed.

2 Section 25. Section 450.155, Florida Statutes, is
3 amended to read:

4 450.155 Funding of the Child Labor Law program Trust
5 Fund.--

6 (1) ~~There is created in the State Treasury an account~~
7 ~~to be known as the Child Labor Law program Trust Fund. Subject~~
8 ~~to such appropriations made by as the Legislature shall be~~
9 ~~used may make therefor from time to time, disbursements from~~
10 ~~this account may be made by the division, subject to the~~
11 ~~approval of the department, in order to carry out the proper~~
12 ~~responsibilities of administering the Child Labor Law, to~~
13 ~~protect the working youth of the state, and to provide~~
14 ~~education about the Child Labor Law to employers, public~~
15 ~~school employees, the general public, and working youth. The~~
16 ~~Child Labor Law Trust Fund and the moneys deposited therein~~
17 ~~shall be under the direct supervision and control of the~~
18 ~~department, and such moneys may be disbursed by the Chief~~
19 ~~Financial Officer from time to time as determined by the~~
20 ~~department.~~

21 (2) Moneys for the administration of the child labor
22 program shall be transferred to the Professional Regulation
23 Trust Fund from the Workers' Compensation Administration Trust
24 Fund of the Department of Financial Services pursuant to
25 nonoperating transfers. Notwithstanding the provisions of s.
26 216.292, the Child Labor Law Trust Fund shall not be available
27 for transfer for any purposes other than those provided for in
28 this section.

29 Section 26. Section 450.165, Florida Statutes, is
30 created to read:

31 450.165 Child labor law and farm labor accounts.--The

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1 department shall maintain separate accounts in the
2 Professional Regulation Trust Fund for child labor law
3 enforcement and administration activities and for farm labor
4 registration activities. The department shall account for the
5 expenditure of moneys received from the Workers' Compensation
6 Administration Trust Fund of the Department of Financial
7 Services. To the maximum extent possible, the department shall
8 directly charge all expenses to the appropriate account.

9 Section 27. Subsection (7) of section 450.30, Florida
10 Statutes, is amended to read:

11 450.30 Requirement of certificate of registration;
12 education and examination program.--

13 (7) The department shall charge each applicant a \$35
14 fee for the education and examination program. Such fees shall
15 be deposited in the Professional Regulation ~~Crew Chief~~
16 ~~Registration~~ Trust Fund.

17 Section 28. Paragraph (c) of subsection (1) of section
18 450.31, Florida Statutes, is amended to read:

19 450.31 Issuance, revocation, and suspension of, and
20 refusal to issue or renew, certificate of registration.--

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

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

31 Section 29. Section 494.0017, Florida Statutes, is

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1 amended to read:

2 494.0017 Regulatory Trust ~~Mortgage Brokerage Guaranty~~
3 Fund.--

4 (1) The office shall ~~make transfers from the~~
5 ~~Regulatory Trust Fund to the Mortgage Brokerage Guaranty Fund~~
6 ~~to~~ pay valid claims arising under former ss. 494.042, 494.043,
7 and 494.044, as provided in former s. 494.00171 from the
8 Regulatory Trust Fund.

9 ~~(2) Any money paid to the Mortgage Brokerage Guaranty~~
10 ~~Fund in excess of any liability to claimants against the~~
11 ~~Mortgage Brokerage Guaranty Fund shall be transferred to the~~
12 ~~Regulatory Trust Fund.~~

13 ~~(2)(3)~~ Funds from the Regulatory Trust ~~The Mortgage~~
14 ~~Brokerage Guaranty~~ Fund shall be disbursed as provided in
15 former s. 494.044, upon approval by the office, to any party
16 to a mortgage financing transaction who:

17 (a) Is adjudged by a court of competent jurisdiction
18 of this state to have suffered monetary damages as a result of
19 any violation of chapter 494 in effect prior to October 1,
20 1991, committed by a licensee or registrant;

21 (b) Has filed a claim for recovery prior to January 1,
22 1992; and

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

25 ~~(3)(4)~~ Notwithstanding s. 215.965, the office may
26 disburse funds to a court or court-appointed person for
27 distribution, if the conditions precedent for recovery exist
28 and the distribution would be the fairest and most equitable
29 manner of distributing the funds.

30 Section 30. Paragraph (d) of subsection (2) of section
31 494.0041, Florida Statutes, is amended to read:

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1 494.0041 Administrative penalties and fines; license
2 violations.--

3 (2) Each of the following acts constitutes a ground
4 for which the disciplinary actions specified in subsection (1)
5 may be taken:

6 (d) Disbursement, or an act which has caused or will
7 cause disbursement, to any person in any amount from the
8 ~~Regulatory Trust Mortgage Brokerage Guaranty~~ Fund, the
9 Securities Guaranty Fund, or the Florida Real Estate Recovery
10 Fund, regardless of any repayment or restitution to the
11 disbursed fund by the licensee or any person acting on behalf
12 of the licensee or registrant.

13 Section 31. Paragraph (d) of subsection (2) of section
14 494.0072, Florida Statutes, is amended to read:

15 494.0072 Administrative penalties and fines; license
16 violations.--

17 (2) Each of the following acts constitutes a ground
18 for which the disciplinary actions specified in subsection (1)
19 may be taken:

20 (d) Disbursement, or an act which has caused or will
21 cause disbursement, to any person in any amount from the
22 ~~Regulatory Trust Mortgage Brokerage Guaranty~~ Fund, the
23 Securities Guaranty Fund, or the Florida Real Estate Recovery
24 Fund, regardless of any repayment or restitution to the
25 disbursed fund by the licensee or any person acting on behalf
26 of the licensee.

27 Section 32. Subsection (1) of section 501.2101,
28 Florida Statutes, is amended to read:

29 501.2101 Enforcing authorities; moneys received in
30 certain proceedings.--

31 (1) Any moneys received by an enforcing authority for

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1 attorney's fees and costs of investigation or litigation in
2 proceedings brought under the provisions of s. 501.207, s.
3 501.208, or s. 501.211 shall be deposited as received in the
4 Legal Affairs Revolving Trust Fund if the action is brought by
5 the Department of Legal Affairs, and in the Consumer Frauds
6 Trust Fund of the Justice Administrative Commission if the
7 action is brought by a state attorney in the State Treasury.

8 Section 33. Section 569.205, Florida Statutes, as
9 amended by section 734 of chapter 2003-261, Laws of Florida,
10 is repealed.

11 Section 34. Subsections (1) and (2) of section 650.04,
12 Florida Statutes, are amended to read:

13 650.04 Contributions by state employees.--

14 (1) Every employee of the state whose services are
15 covered by an agreement entered into under s. 650.03 shall be
16 required to pay for the period of such coverage, ~~into the~~
17 ~~Social Security Contribution Trust Fund established by s.~~
18 ~~650.06,~~ contributions, with respect to wages as defined in s.
19 650.02, equal to the amount of the employee tax which would be
20 imposed by the Federal Insurance Contributions Act if such
21 services constituted employment within the meaning of that
22 act. Such liability shall arise in consideration of the
23 employee's retention in the service of the state, or the
24 employee's entry upon such service, after the enactment of
25 this chapter.

26 (2) The contribution imposed by this section shall be
27 collected by deducting the amount of the contribution from
28 wages as and when paid, but failure to make such deduction
29 shall not relieve the employee from liability for such
30 contribution. Effective January 1987, such contributions shall
31 be submitted to the Internal Revenue Service as directed by

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1 the Social Security Administration.

2 Section 35. Section 650.05, Florida Statutes, is
3 amended to read:

4 650.05 Plans for coverage of employees of political
5 subdivisions.--

6 (1) Each political subdivision of the state is ~~hereby~~
7 authorized to submit for approval by the state agency a plan
8 for extending the benefits of Title II of the Social Security
9 Act, in conformity with the applicable provisions of such act,
10 to employees of such political subdivisions. Each such plan
11 and any amendment thereof shall be approved by the state
12 agency if it is found that such plan, or such plan as amended,
13 is in conformity with such requirements as are provided in
14 regulations of the state agency, except that no such plan
15 shall be approved unless:

16 (a) It is in conformity with the requirements of the
17 Social Security Act and with the agreement entered into under
18 s. 650.03;

19 (b) It provides that all services which constitute
20 employment as defined in s. 650.02 are performed in the employ
21 of the political subdivisions by employees thereof, shall be
22 covered by the plan, except such of those services set forth
23 in s. 650.02(2)(c) as the political subdivision specifically
24 elects to exclude;

25 (c) It specifies the source or sources from which the
26 funds necessary to make the payments required by paragraph
27 (3)(a) ~~and by subsection(4)~~ are expected to be derived and
28 contains reasonable assurance that such sources will be
29 adequate for such purpose;

30 (d) It provides for such methods of administration of
31 the plan by the political subdivision as are found by the

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1 | state agency to be necessary for the proper and efficient
 2 | administration of the plan;

3 | (e) It provides that the political subdivision will
 4 | make such reports, in such form and containing such
 5 | information, as the state agency may from time to time
 6 | require, and comply with such provisions as the state agency
 7 | or the Secretary of Health, Education, and Welfare may from
 8 | time to time find necessary to assure the correctness and
 9 | verification of such reports; and

10 | (f) It authorizes the state agency to terminate the
 11 | plan in its entirety, in the discretion of the state agency,
 12 | if it finds that there has been a failure to comply
 13 | substantially with any provisions contained in such plan, such
 14 | termination to take effect at the expiration of such notice
 15 | and on such conditions as may be provided by regulations of
 16 | the state agency and may be consistent with the provisions of
 17 | the Social Security Act.

18 | (2) The state agency shall not finally refuse to
 19 | approve a plan submitted by a political subdivision under
 20 | subsection (1), and shall not terminate an approved plan,
 21 | without reasonable notice and opportunity for hearing to the
 22 | political subdivision affected thereby. Any final decision of
 23 | the state agency shall be subject to proper judicial review.

24 | (3)(a) Each political subdivision as to which a plan
 25 | has been approved under this section shall pay to the Internal
 26 | Revenue Service ~~into the Social Security Contribution Trust~~
 27 | ~~Fund~~, with respect to wages (as defined in s. 650.02), at such
 28 | time or times as the Social Security Administration ~~state~~
 29 | ~~agency~~ may ~~by regulation~~ prescribe, contributions in the
 30 | amounts and at the rates specified in the applicable agreement
 31 | entered into by the state agency under s. 650.03.

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1 (b) Each political subdivision required to make
2 payments under paragraph(a) is authorized, in consideration of
3 the employee's retention in, or entry upon, employment after
4 enactment of this chapter, to impose upon each of its
5 employees, as to services which are covered by an approved
6 plan, a contribution with respect to his or her wages as
7 defined in s. 650.02 not exceeding the amount of the employee
8 tax which would be imposed by the Federal Insurance
9 Contributions Act if such services constituted employment
10 within the meaning of that act, and to deduct the amount of
11 such contribution from his or her wages as and when
12 paid. Contributions so collected shall be paid to the
13 Internal Revenue Service into the Social Security Contribution
14 ~~Trust Fund~~ in partial discharge of the liability of such
15 political subdivision or instrumentality under paragraph
16 (a). Failure to deduct such contribution shall not relieve
17 the employee or employer of liability therefor.

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

25 ~~(5) Each political subdivision as to which a plan has~~
26 ~~been approved shall be liable to the state agency for a~~
27 ~~proportionate part of the cost of administering this~~
28 ~~chapter. Such proportionate cost shall be computed and paid~~
29 ~~in accordance with such regulations relating thereto as may be~~
30 ~~adopted by the state agency and shall be deposited in the~~
31 ~~Social Security Administration Trust Fund; and, if any such~~

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1 ~~payment is not made when due, the amount thereof, with~~
2 ~~interest of 0.5 percent for each calendar month or part~~
3 ~~thereof past the due date, shall, upon request of the state~~
4 ~~agency, be deducted from any other moneys payable to such~~
5 ~~political subdivision by any officer, department, or agency of~~
6 ~~the state, and forthwith paid to the state~~
7 ~~agency. Withdrawals from the Social Security Administration~~
8 ~~Trust Fund shall be made solely for the payment of costs of~~
9 ~~administering this chapter, and any balance in excess of the~~
10 ~~amount necessary for administering this chapter shall be~~
11 ~~transferred to the state retirement system trust funds~~
12 ~~established pursuant to chapter 121 to make up the actuarial~~
13 ~~deficit in any of the state retirement systems consolidated~~
14 ~~thereunder, and the necessary amounts are hereby appropriated~~
15 ~~from said funds for these purposes.~~

16 ~~(4)(6)~~(a) Notwithstanding any other provision of this
17 chapter, effective January 1, 1972, all state political
18 subdivisions receiving financial aid that provide social
19 security coverage for their employees pursuant to the
20 provisions of this chapter and the provisions of the various
21 retirement systems as authorized by law shall, in addition to
22 other purposes, utilize all grants-in-aid and other revenue
23 received from the state to pay the employer's share of social
24 security cost.

25 (b) The grants-in-aid and other revenue referred to in
26 paragraph (a) specifically include, but are not limited to,
27 minimum foundation program grants to public school districts
28 and community colleges; gasoline, motor fuel, intangible,
29 cigarette, racing, and insurance premium taxes distributed to
30 political subdivisions; and amounts specifically appropriated
31 as grants-in-aid for mental health, mental retardation, and

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1 mosquito control programs.

2 Section 36. Section 650.06, Florida Statutes, as
3 amended by section 1661 of chapter 2003-261, Laws of Florida,
4 is repealed.

5 Section 37. Paragraph (c) of subsection (1) and
6 paragraphs (a) and (e) of subsection (2) of section 895.09,
7 Florida Statutes, are amended to read:

8 895.09 Disposition of funds obtained through
9 forfeiture proceedings.--

10 (1) A court entering a judgment of forfeiture in a
11 proceeding brought pursuant to s. 895.05 shall retain
12 jurisdiction to direct the distribution of any cash or of any
13 cash proceeds realized from the forfeiture and disposition of
14 the property. The court shall direct the distribution of the
15 funds in the following order of priority:

16 (c) Any claim by the Board of Trustees of the Internal
17 Improvement Trust Fund on behalf of the Internal Improvement
18 ~~Forfeited Property~~ Trust Fund or the Land Acquisition Trust
19 Fund pursuant to s. 253.03(13), not including administrative
20 costs of the Department of Environmental Protection previously
21 paid directly from the Internal Improvement ~~Forfeited Property~~
22 Trust Fund in accordance with legislative appropriation.

23 (2)(a) Following satisfaction of all valid claims
24 under subsection (1), 25 percent of the remainder of the funds
25 obtained in the forfeiture proceedings pursuant to s. 895.05
26 shall be deposited as provided in paragraph (b) into the
27 appropriate trust fund of the Department of Legal Affairs or
28 state attorney's office which filed the civil forfeiture
29 action; 25 percent shall be deposited as provided in paragraph
30 (c) into the applicable law enforcement trust fund of the
31 investigating law enforcement agency conducting the

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1 investigation which resulted in or significantly contributed
 2 to the forfeiture of the property; 25 percent shall be
 3 deposited as provided in paragraph (d) in the Substance Abuse
 4 Trust Fund of the Department of Children and Family Services;
 5 and the remaining 25 percent shall be deposited in the
 6 Internal Improvement Forfeited Property Trust Fund of the
 7 Department of Environmental Protection. When a forfeiture
 8 action is filed by the Department of Legal Affairs or a state
 9 attorney, the court entering the judgment of forfeiture shall,
 10 taking into account the overall effort and contribution to the
 11 investigation and forfeiture action by the agencies that filed
 12 the action, make a pro rata apportionment among such agencies
 13 of the funds available for distribution to the agencies filing
 14 the action as provided in this section. If multiple
 15 investigating law enforcement agencies have contributed to the
 16 forfeiture of the property, the court which entered the
 17 judgment of forfeiture shall, taking into account the overall
 18 effort and contribution of the agencies to the investigation
 19 and forfeiture action, make a pro rata apportionment among
 20 such investigating law enforcement agencies of the funds
 21 available for distribution to the investigating agencies as
 22 provided in this section.

23 (e) On a quarterly basis, any excess funds from
 24 forfeited property receipts, including interest, over \$1
 25 million deposited in the Internal Improvement Forfeited
 26 Property Trust Fund of the Department of Environmental
 27 Protection in accordance with paragraph (a) shall be deposited
 28 in the Substance Abuse Trust Fund of the Department of
 29 Children and Family Services.

30 Section 38. Paragraph (b) of subsection (5) of section
 31 932.7055, Florida Statutes, is amended to read:

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1 932.7055 Disposition of liens and forfeited
2 property.--

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

6 (b) The Department of Environmental Protection, the
7 proceeds accrued pursuant to the provisions of the Florida
8 Contraband Forfeiture Act shall be deposited into the Internal
9 Improvement Forfeited Property Trust Fund ~~or into the~~
10 ~~department's Federal Law Enforcement Trust Fund as provided in~~
11 ~~s. 20.2553, as applicable.~~

12 Section 39. This act shall take effect July 1, 2004.

13
14

15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 Delete everything before the enacting clause

18

19 and insert:

20

A bill to be entitled

21

An act relating to trust funds; terminating
22 specified trust funds within the Department of

23

Environmental Protection, the Department of

24

Financial Services, the Office of Financial

25

Regulation, the Department of Management

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Services, the Department of Revenue, the

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Department of Business and Professional

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Regulation and the Department of Agriculture

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and Consumer Services; providing for the

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disposition of balances in and revenues of such

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trust funds; prescribing procedures for

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1 terminating such trust funds; terminating a
2 trust fund within the Department of
3 Environmental Protection on the date that the
4 bonds secured by the fund mature; requiring the
5 department to notify the Chief Financial
6 Officer and the Legislature following such
7 termination; requiring a report to the
8 Legislature if the fund is not terminated by a
9 date certain; declaring the findings of the
10 Legislature that specified trust funds within
11 the Department of Environmental Protection, the
12 Department of Agriculture and Consumer
13 Services, the Department of Management
14 Services, the Department of Revenue, the
15 Department of Financial Services, the State
16 Board of Administration, and the Division of
17 Bond Finance are exempt from the termination
18 requirements of s. 19(f), Art. III of the State
19 Constitution; renaming specified trust funds
20 within the Department of Financial Services and
21 the Office of Financial Regulation; amending s.
22 17.43, F.S.; renaming a trust fund within the
23 Department of Financial Services; repealing s.
24 20.2553, F.S., relating to the Federal Law
25 Enforcement Trust Fund within the Department of
26 Environmental Protection; repealing s.
27 110.151(7), F.S., relating to the State
28 Employee Child Care Revolving Trust Fund within
29 the Department of Management Services; amending
30 s. 199.292, F.S.; requiring that proceeds of
31 the intangible personal property tax be

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1 deposited into the General Revenue Fund rather
2 than a special trust fund; deleting provisions
3 requiring that a portion of such proceeds be
4 used for enforcement purposes; amending ss.
5 121.011, 121.031, and 121.141, F.S.; providing
6 for payment of certain social security
7 contributions to the Internal Revenue Service
8 rather than the Social Security Contribution
9 Trust Fund; repealing s. 122.13, F.S., relating
10 to certain payments made into a retirement
11 trust fund, to conform; amending ss. 122.26 and
12 122.27, F.S., and repealing s. 122.30, F.S.;
13 deleting references to the Social Security
14 Contribution Trust Fund, to conform; amending
15 s. 122.35, F.S., and repealing s. 122.351,
16 F.S.; deleting obsolete provisions relating to
17 payments made to the Social Security
18 Contribution Trust Fund; amending s. 212.20,
19 F.S.; revising a reference to the Municipal
20 Financial Assistance Trust Fund, to conform;
21 repealing s. 213.31, F.S., relating to the
22 Corporation Tax Administration Trust Fund;
23 amending s. 215.20, F.S., relating to the
24 service charge imposed on state trust funds;
25 conforming provisions to changes made by the
26 act; amending s. 215.32, F.S.; providing
27 requirements for state agencies with respect to
28 the use of various trust funds; requiring an
29 agency to recommend the creation of a trust
30 fund under certain circumstances; amending s.
31 253.03, F.S.; deleting provisions referencing

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1 the Forfeited Property Trust Fund in the
2 Department of Environmental Protection;
3 amending s. 287.064, F.S.; deleting provisions
4 referencing the Consolidated Payment Trust Fund
5 of the Chief Financial Officer; repealing s.
6 440.501, F.S., relating to the Workers'
7 Compensation Administration Trust Fund within
8 the Department of Business and Professional
9 Regulation; amending s. 450.155, F.S., relating
10 to the Child Labor Law Trust Fund; providing
11 for the transfer of moneys to the Professional
12 Regulation Trust Fund of the Department of
13 Business and Professional Regulation; creating
14 s. 450.165, F.S.; requiring separate accounts
15 for child labor enforcement and farm labor
16 registration activities; amending ss. 450.30
17 and 450.31, F.S.; deleting provisions
18 referencing the Crew Chief Registration Trust
19 Fund; amending ss. 494.0017, 494.0041, and
20 494.0072, F.S.; deleting provisions referencing
21 the Mortgage Brokerage Guaranty Fund; amending
22 s. 501.2101, F.S.; designating trust funds for
23 the deposit of moneys received by certain
24 enforcing authorities; repealing s. 569.205,
25 F.S., relating to the Department of Business
26 and Professional Regulation Tobacco Settlement
27 Trust Fund; amending ss. 650.04 and 650.05,
28 F.S., and repealing s. 650.06, F.S., relating
29 to payments to the Social Security Contribution
30 Trust Fund; conforming provisions to changes
31 made by the act; amending ss. 895.09 and

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1 932.7055, F.S.; deleting provisions referencing
2 the Forfeited Property Trust Fund to conform to
3 changes made by the act; providing an effective
4 date.

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