

By Senator Clary

4-1744A-04

1                                   A bill to be entitled  
2           An act relating to trust funds; terminating  
3           specified trust funds within the Department of  
4           Environmental Protection, the Department of  
5           Financial Services, the Office of Financial  
6           Regulation, the Department of Management  
7           Services, the Department of Revenue, and the  
8           Department of Business and Professional  
9           Regulation; providing for the disposition of  
10          balances in and revenues of such trust funds;  
11          prescribing procedures for terminating such  
12          trust funds; terminating a trust fund within  
13          the Department of Environmental Protection on  
14          the date that the bonds secured by the fund  
15          mature; requiring the department to notify the  
16          Chief Financial Officer and the Legislature  
17          following such termination; requiring a report  
18          to the Legislature if the fund is not  
19          terminated by a date certain; declaring the  
20          findings of the Legislature that specified  
21          trust funds within the Department of  
22          Environmental Protection, the Department of  
23          Agriculture and Consumer Services, the  
24          Department of Management Services, the  
25          Department of Revenue, the Department of  
26          Financial Services, the State Board of  
27          Administration, and the Division of Bond  
28          Finance are exempt from the termination  
29          requirements of s. 19(f), Art. III of the State  
30          Constitution; renaming specified trust funds  
31          within the Department of Financial Services and

1 the Office of Financial Regulation; amending s.  
2 17.43, F.S.; renaming a trust fund within the  
3 Department of Financial Services; repealing s.  
4 20.2553, F.S., relating to the Federal Law  
5 Enforcement Trust Fund within the Department of  
6 Environmental Protection; repealing s.  
7 110.151(7), F.S., relating to the State  
8 Employee Child Care Revolving Trust Fund within  
9 the Department of Management Services; amending  
10 s. 199.292, F.S.; requiring that proceeds of  
11 the intangible personal property tax be  
12 deposited into the General Revenue Fund rather  
13 than a special trust fund; deleting provisions  
14 requiring that a portion of such proceeds be  
15 used for enforcement purposes; amending ss.  
16 121.011, 121.031, and 121.141, F.S.; providing  
17 for payment of certain social security  
18 contributions to the Internal Revenue Service  
19 rather than the Social Security Contribution  
20 Trust Fund; repealing s. 122.13, F.S., relating  
21 to certain payments made into a retirement  
22 trust fund, to conform; amending ss. 122.26 and  
23 122.27, F.S., and repealing s. 122.30, F.S.;  
24 deleting references to the Social Security  
25 Contribution Trust Fund, to conform; amending  
26 s. 122.35, F.S., and repealing s. 122.351,  
27 F.S.; deleting obsolete provisions relating to  
28 payments made to the Social Security  
29 Contribution Trust Fund; amending s. 199.292,  
30 F.S.; providing for the deposit of intangible  
31 personal property taxes into the Administrative

1 Trust Fund of the Department of Revenue;  
2 revising the allocation of such revenues;  
3 repealing s. 213.31, F.S., relating to the  
4 Corporation Tax Administration Trust Fund;  
5 amending s. 215.20, F.S., relating to the  
6 service charge imposed on state trust funds;  
7 conforming provisions to changes made by the  
8 act; amending s. 215.32, F.S.; providing  
9 requirements for state agencies with respect to  
10 the use of various trust funds; requiring an  
11 agency to recommend the creation of a trust  
12 fund under certain circumstances; amending s.  
13 253.03, F.S.; deleting provisions referencing  
14 the Forfeited Property Trust Fund in the  
15 Department of Environmental Protection;  
16 amending s. 287.064, F.S.; deleting provisions  
17 referencing the Consolidated Payment Trust Fund  
18 of the Chief Financial Officer; repealing s.  
19 440.501, F.S., relating to the Workers'  
20 Compensation Administration Trust Fund within  
21 the Department of Business and Professional  
22 Regulation; amending s. 450.155, F.S., relating  
23 to the Child Labor Law Trust Fund; providing  
24 for the transfer of moneys to the Professional  
25 Regulation Trust Fund of the Department of  
26 Financial Services; creating s. 450.165, F.S.;  
27 requiring separate accounts for child labor  
28 enforcement and farm labor registration  
29 activities; amending ss. 450.30 and 450.31,  
30 F.S.; deleting provisions referencing the Crew  
31 Chief Registration Trust Fund; amending ss.

1 494.0017, 494.0041, and 494.0072, F.S. ;  
2 deleting provisions referencing the Mortgage  
3 Brokerage Guaranty Fund; amending s. 501.2101,  
4 F.S.; designating trust funds for the deposit  
5 of moneys received by certain enforcing  
6 authorities; repealing s. 569.205, F.S.,  
7 relating to the Department of Business and  
8 Professional Regulation Tobacco Settlement  
9 Trust Fund; amending ss. 650.04 and 650.05,  
10 F.S., and repealing s. 650.06, F.S., relating  
11 to payments to the Social Security Contribution  
12 Trust Fund; conforming provisions to changes  
13 made by the act; amending ss. 895.09 and  
14 932.7055, F.S.; deleting provisions referencing  
15 the Forfeited Property Trust Fund to conform to  
16 changes made by the act; providing an effective  
17 date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21 Section 1. (1) The following trust funds within the  
22 following departments are terminated:

23 (a) Within the Department of Environmental Protection:

24 1. The Forfeited Property Trust Fund, FLAIR number  
25 37-2-267. The current balance remaining in, and all revenues  
26 of, the trust fund shall be transferred to the Internal  
27 Improvement Trust Fund, FLAIR number 37-2-408.

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

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

5           (b) Within the Department of Financial Services:

6           1. The Consolidated Payment Trust Fund, FLAIR number  
7 43-2-140.

8           2. The Self-Insurance Assessment Trust Fund, FLAIR  
9 number 43-2-630, which was re-created by chapter 2000-72, Laws  
10 of Florida, in the Department of Labor and Employment  
11 Security; transferred by section 1 of chapter 2002-194, Laws  
12 of Florida, to the Department of Insurance; and transferred by  
13 subparagraph (3)(b)2. of section 3 of chapter 2002-404, Laws  
14 of Florida, to the Department of Financial Services.

15           (c) Within the Office of Financial Regulation, the  
16 Mortgage Brokerage Guaranty Fund, FLAIR number 43-2-485. The  
17 current balance remaining in, and all revenues of, the trust  
18 fund shall be transferred to the Regulatory Trust Fund within  
19 the Office of Financial Regulation, FLAIR number 43-2-573.

20           (d) Within the Department of Management Services:

21           1. Motor Vehicle Operating Trust Fund, FLAIR number  
22 72-2-486. The current balance remaining in, and all revenues  
23 of, the trust fund shall be transferred to the Grants and  
24 Donations Trust Fund, FLAIR number 72-2-339.

25           2. The Social Security Contribution Trust Fund, FLAIR  
26 number 72-2-638.

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

31

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           (f) Within the Department of Business and Professional  
17 Regulation:  
18           1. The Child Labor Trust Fund, FLAIR number 79-2-106.  
19 The current balance remaining in, and all revenues of, the  
20 trust fund shall be transferred to the Professional Regulation  
21 Trust Fund, FLAIR number 79-2-547.  
22           2. The Crew Chief Registration Trust Fund, FLAIR  
23 number 79-2-147. The current balance remaining in, and all  
24 revenues of, the trust fund shall be transferred to the  
25 Professional Regulation Trust Fund, FLAIR number 79-2-547.  
26           3. The Tobacco Settlement Trust Fund within the  
27 Department of Business and Professional Regulation, FLAIR  
28 number 79-2-375, which was terminated on July 1, 2003,  
29 pursuant to Section 19(f), Article III of the State  
30 Constitution.  
31

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

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

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

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

27           Section 3. The Legislature finds that the following  
28 trust funds are exempt from termination pursuant to Section  
29 19(f), Article III of the State Constitution:

30           (1) Within the Department of Environmental Protection:  
31

- 1           (a) The Florida Preservation 2000 Trust Fund, FLAIR  
2 number 37-2-332.
- 3           (b) The Florida Forever Trust Fund, FLAIR number  
4 37-2-348.
- 5           (c) The Land Acquisition Trust Fund, FLAIR number  
6 37-2-423.
- 7           (2) Within the Department of Agriculture and Consumer  
8 Services, the Florida Preservation 2000 Trust Fund, FLAIR  
9 number 42-2-332.
- 10           (3) Within the Department of Management Services:
- 11           (a) The Florida Retirement System Trust Fund, FLAIR  
12 number 72-2-309.
- 13           (b) The Florida Facilities Pool Clearing Trust Fund,  
14 FLAIR number 72-2-313.
- 15           (c) The Florida Retirement System Preservation of  
16 Benefits Plan Trust Fund, FLAIR number 72-2-345.
- 17           (d) The Institute of Food and Agricultural Sciences  
18 Supplemental Retirement Trust Fund, FLAIR number 72-2-379.
- 19           (e) The Senior Management Service Optional Annuity  
20 Program Trust Fund, FLAIR number 72-2-515.
- 21           (f) The Optional Retirement Program Trust Fund, FLAIR  
22 number 72-2-517.
- 23           (g) The Police and Firefighters' Premium Tax Trust  
24 Fund, FLAIR number 72-2-532.
- 25           (h) The State Employees Life Insurance Trust Fund,  
26 FLAIR number 72-2-667.
- 27           (i) The State Employees Health Insurance Trust Fund,  
28 FLAIR number 72-2-668.
- 29           (j) The State Employees Disability Insurance Trust  
30 Fund, FLAIR number 72-2-671.
- 31



- 1           (k) The Florida Retirement System Contributions  
2 Clearing Trust Fund, FLAIR number 72-2-705.
- 3           (l) The Retiree Health Insurance Subsidy Trust Fund,  
4 FLAIR number 72-2-583.
- 5           (4) Within the Department of Revenue:
- 6           (a) The Additional Court Costs Clearing Trust Fund,  
7 FLAIR number 73-2-013.
- 8           (b) The Apalachicola Bay Oyster Surcharge Clearing  
9 Trust Fund, FLAIR number 73-2-028.
- 10           (c) The Child Support Clearing Trust Fund, FLAIR  
11 number 73-2-081.
- 12           (d) The Convention Development Tax Clearing Trust  
13 Fund, FLAIR number 73-2-132.
- 14           (e) The Revenue Sharing Trust Fund for Counties, FLAIR  
15 number 73-2-144.
- 16           (f) The Documentary Stamp Tax Clearing Trust Fund,  
17 FLAIR number 73-2-166.
- 18           (g) The Revenue-Fuel Tax Refund Payments Trust Fund,  
19 FLAIR number 73-2-317.
- 20           (h) The Fuel Tax Collection Trust Fund, FLAIR number  
21 73-2-319.
- 22           (i) The Local Option Fuel Tax Trust Fund, FLAIR number  
23 73-2-448.
- 24           (j) The Local Alternative Fuel User Fee Clearing Trust  
25 Fund, FLAIR number 73-2-449.
- 26           (k) Local Government Half-cent Sales Tax Clearing  
27 Trust Fund, FLAIR number 73-2-455.
- 28           (l) The Discretionary Sales Surtax Clearing Trust  
29 Fund, FLAIR number 73-2-459.
- 30           (m) The Local Option Tourist Development Trust Fund,  
31 FLAIR number 73-2-460.

- 1           (n) The Communications Services Tax Clearing Trust  
2 Fund, FLAIR number 73-2-465.
- 3           (o) The Motor Vehicle Warranty Trust Fund, FLAIR  
4 number 73-2-492.
- 5           (p) The Municipal Financial Assistance Trust Fund,  
6 FLAIR number 73-2-493.
- 7           (q) The Motor Vehicle Rental Surcharge Clearing Trust  
8 Fund, FLAIR number 73-2-494.
- 9           (r) The Revenue Sharing Trust Fund for Municipalities,  
10 FLAIR number 73-2-501.
- 11           (s) The Oil and Gas Tax Trust Fund, FLAIR number  
12 73-2-508.
- 13           (t) The Pollutant Tax Clearing Trust Fund, FLAIR  
14 number 73-2-544.
- 15           (u) The Secondhand Dealer and Secondary Metals  
16 Recycler Clearing Trust Fund, FLAIR number 73-2-617.
- 17           (v) The State Alternative Fuel User Fee Clearing Trust  
18 Fund, FLAIR number 73-2-618.
- 19           (w) The Security Deposits Trust Fund, FLAIR number  
20 73-2-625.
- 21           (x) The Severance Tax Solid Mineral Trust Fund, FLAIR  
22 number 73-2-636.
- 23           (y) The Solid Waste Management Clearing Trust Fund,  
24 FLAIR number 73-2-645.
- 25           (z) The Local Communications Services Tax Clearing  
26 Trust Fund, FLAIR number 73-2-662.
- 27           (aa) The Department of Revenue Premium Tax Clearing  
28 Trust Fund, FLAIR number 73-2-733.
- 29           (bb) The Ninth-cent Fuel Tax Trust Fund, FLAIR number  
30 73-2-777.
- 31           (5) Within the Department of Financial Services:

- 1           (a) The Agents and Solicitors County Tax Trust Fund,  
2 FLAIR number 43-2-024.
- 3           (b) The Child Support Clearing Trust Fund, FLAIR  
4 number 43-2-081.
- 5           (c) The Collections Internal Revenue Clearing Trust  
6 Fund, FLAIR number 43-2-101.
- 7           (d) The Tobacco Settlement Clearing Trust Fund, FLAIR  
8 number 43-2-123.
- 9           (e) The Consolidated Miscellaneous Deductions Clearing  
10 Trust Fund, FLAIR number 43-2-139.
- 11           (f) The Deferred Compensation Trust Fund, FLAIR number  
12 43-2-155.
- 13           (g) The Electronic Funds Transfer Clearing Trust Fund,  
14 FLAIR number 43-2-188.
- 15           (h) The Employee Refund Clearing Trust Fund, FLAIR  
16 number 43-2-194.
- 17           (i) The Federal Tax Levy Clearing Trust Fund, FLAIR  
18 number 43-2-274.
- 19           (j) The Florida Retirement Clearing Trust Fund, FLAIR  
20 number 43-2-323.
- 21           (k) The Hospital Insurance Tax Clearing Trust Fund,  
22 FLAIR number 43-2-370.
- 23           (l) The Prison Industries Trust Fund, FLAIR number  
24 43-2-385.
- 25           (m) The State Treasurer Escrow Trust Fund, FLAIR  
26 number 43-2-622.
- 27           (n) The Social Security Contribution Trust Fund, FLAIR  
28 number 43-2-643.
- 29           (o) The Treasury Cash Deposit Trust Fund, FLAIR number  
30 43-2-720.
- 31

- 1           (p) The Treasurer Investment Trust Fund, FLAIR number  
2 43-2-728.
- 3           (6) Within the State Board of Administration:
- 4           (a) The Debt Service Trust Fund, which has no FLAIR  
5 number.
- 6           (b) The Florida Hurricane Catastrophe Fund, which has  
7 no FLAIR number.
- 8           (c) The Florida Prepaid College Trust Fund, which has  
9 no FLAIR number.
- 10           (d) The funds of the Inland Protection Financing  
11 Corporation, created under section 376.3075, Florida Statutes,  
12 which have no FLAIR numbers.
- 13           (e) The funds of the Investment Fraud Restoration  
14 Financing Corporation, created under section 517.1204, Florida  
15 Statutes, which have no FLAIR numbers.
- 16           (f) The Gas Tax Fund, which has no FLAIR number.
- 17           (g) The Lawton Chiles Endowment Fund, which has no  
18 FLAIR number.
- 19           (h) The Local Government Surplus Trust Funds, which  
20 have no FLAIR numbers.
- 21           (i) The Public Employee Optional Retirement Program,  
22 which has no FLAIR number.
- 23           (7) Within the Division of Bond Finance, the Bonds  
24 Proceeds Trust Fund, which has no FLAIR number.
- 25           Section 4. The following trust funds are renamed:
- 26           (1) Within the Department of Financial Services:
- 27           (a) The Agents and Solicitors County Tax Trust Fund,  
28 FLAIR number 43-2-024, is renamed the Agents County Tax Trust  
29 Fund.
- 30
- 31

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

4           (c) The Treasurer Investment Trust Fund, FLAIR number  
5 43-2-728, is renamed the Treasury Investment Trust Fund.

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

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

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

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

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

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

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

1           Section 7. Subsection (7) of section 110.151, Florida  
2 Statutes, is repealed.

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

5           199.292 Disposition of intangible personal property  
6 taxes.--All intangible personal property taxes collected  
7 pursuant to this chapter shall be deposited in the General  
8 Revenue Fund.~~placed in a special fund designated as the~~  
9 ~~"Intangible Tax Trust Fund." The fund shall be disbursed as~~  
10 ~~follows:~~

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

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

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

24           Section 9. Paragraph (e) of subsection (3) of section  
25 121.011, Florida Statutes, is amended to read:

26           121.011 Florida Retirement System.--

27           (3) PRESERVATION OF RIGHTS.--

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

1 retirement service credit for the period of time from the date  
2 of suspension to the date of reinstatement, provided:

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

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

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

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

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

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

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

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

8 121.141 Appropriation.--

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

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

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

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

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

29 122.27 Contributions.--From and after the date of the  
30 execution of the agreement, the officer or board paying the  
31



1 salary of a member of division B shall withhold the following  
2 from such salary:

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

11 Section 15. Section 122.30, Florida Statutes, is  
12 repealed.

13 Section 16. Section 122.35, Florida Statutes, is  
14 amended to read:

15 122.35 Funding.--

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

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

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

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

8           (2) The monthly payments required by subsection (1)  
9 shall be payable within 10 days after the first day of each  
10 calendar month after July 1, 1967, for all state agencies and  
11 October 1, 1967, for all other agencies. The state funds  
12 required to be paid hereunder shall be provided and paid from  
13 the sources as set forth in subsection ~~subsections~~ (3) ~~and~~  
14 ~~(4)~~.

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

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

29           (5) Effective January 1987, social security  
30 contributions withheld on behalf of a member of division B of  
31 this chapter and employer matching social security

1 contributions paid on behalf of such member shall be submitted  
2 to the Internal Revenue Service as required by the Social  
3 Security Administration.

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

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

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

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

31

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

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

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

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

30           ~~2. The balance remaining in account B of the~~  
31 ~~Intangible Tax Trust Fund after the retirement and social~~

1 ~~security contributions have been matched and the allocations~~  
2 ~~to each county have been paid as provided in this act, shall~~  
3 ~~be paid over to the General Revenue Fund of the state.~~

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

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

29 ~~(e) Should any officer or board other than a state~~  
30 ~~officer or board, for whom the tax collector collects taxes,~~  
31 ~~fail to make the retirement and social security contributions~~

1 ~~required by this act, the tax collector, at the request of the~~  
2 ~~Department of Revenue and upon receipt of a certificate from~~  
3 ~~him or her showing the amount owed account B by the officer or~~  
4 ~~board, shall deduct the amount so certified from any taxes~~  
5 ~~collected for the officer or board and remit the amount to the~~  
6 ~~Department of Revenue for deposit in account B of the~~  
7 ~~Intangible Tax Trust Fund.~~

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

15 Section 17. Section 122.351, Florida Statutes, is  
16 repealed.

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

19 199.292 Disposition of intangible personal property  
20 taxes.--All intangible personal property taxes collected  
21 pursuant to this chapter shall be placed in the Administrative  
22 a special fund designated as the "Intangible Tax Trust Fund of  
23 the Department of Revenue and." ~~The fund shall be disbursed~~  
24 as follows:

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

29 ~~(2) There is hereby appropriated annually out of the~~  
30 ~~fund the amount necessary for the effective and efficient~~  
31 ~~administration and enforcement by the department of the~~

1 ~~provisions of chapters 192, 193, 194, 195, 196, 197, and 198~~  
2 ~~and this chapter.~~

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

6       Section 19. Section 213.31, Florida Statutes, is  
7 repealed.

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

10       215.20 Certain income and certain trust funds to  
11 contribute to the General Revenue Fund.--

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

16       (k) Within the Department of Financial Services:

- 17       1. The Agents ~~and Solicitors~~ County Tax Trust Fund.
- 18       2. The Insurance Regulatory Trust Fund.
- 19       3. The Special Disability Trust Fund.
- 20       4. The Workers' Compensation Administration Trust  
21 Fund.

22       (o) Within the Department of Management Services:

- 23       1. The Administrative Trust Fund.
- 24       2. The Architects Incidental Trust Fund.
- 25       3. The Bureau of Aircraft Trust Fund.
- 26       4. The Florida Facilities Pool Working Capital Trust  
27 Fund.
- 28       5. The Grants and Donations Trust Fund.
- 29       ~~6. The Motor Vehicle Operating Trust Fund.~~
- 30       6.7. The Police and Firefighters' Premium Tax Trust  
31 Fund.

1           7.8. The Public Employees Relations Commission Trust  
2 Fund.

3           8.9. The State Personnel System Trust Fund.

4           9.10. The Supervision Trust Fund.

5           10.11. The Working Capital Trust Fund.

6           (x) Within the Office of Financial Regulation of the  
7 Financial Services Commission:

8                 1. The Administrative Trust Fund.

9                 2. The Anti-Fraud Trust Fund.

10                3. The Financial Institutions' Regulatory Trust Fund.

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

12                4.5. The Regulatory Trust Fund.

13

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

22           Section 21. Paragraph (b) of subsection (2) of section  
23 215.32, Florida Statutes, is amended to read:

24                 215.32 State funds; segregation.--

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

27                 (b)1. The trust funds shall consist of moneys received  
28 by the state which under law or under trust agreement are  
29 segregated for a purpose authorized by law. The state agency  
30 or branch of state government receiving or collecting such  
31 moneys shall be responsible for their proper expenditure as



1 provided by law. Upon the request of the state agency or  
2 branch of state government responsible for the administration  
3 of the trust fund, the Chief Financial Officer may establish  
4 accounts within the trust fund at a level considered necessary  
5 for proper accountability. Once an account is established  
6 within a trust fund, the Chief Financial Officer may authorize  
7 payment from that account only upon determining that there is  
8 sufficient cash and releases at the level of the account.

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

13 a. Operations or operating trust fund, for use as a  
14 depository for funds to be used for program operations funded  
15 by program revenues.

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

18 c. Administrative trust fund, for use as a depository  
19 for funds to be used for management activities that are  
20 departmental in nature and funded by indirect cost earnings  
21 and assessments against trust funds.

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

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

28 f. Clearing funds trust fund, for use as a depository  
29 for funds to account for collections pending distribution to  
30 lawful recipients.

31

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

4  
5 To the extent possible, each agency must adjust its internal  
6 accounting to use existing trust funds consistent with the  
7 requirements of this subparagraph. If an agency does not have  
8 trust funds listed in this subparagraph and cannot make such  
9 adjustment, the agency must recommend the creation of the  
10 necessary trust funds to the Legislature no later than the  
11 next scheduled review of the agency's trust funds pursuant to  
12 s. 215.3206.

13           ~~2. In order to maintain a minimum number of trust~~  
14 ~~funds in the State Treasury, each state agency or the judicial~~  
15 ~~branch may consolidate, if permitted under the terms and~~  
16 ~~conditions of their receipt, the trust funds administered by~~  
17 ~~it; provided, however, the agency or judicial branch employs~~  
18 ~~effectively a uniform system of accounts sufficient to~~  
19 ~~preserve the integrity of such trust funds; and provided,~~  
20 ~~further, that consolidation of trust funds is approved by the~~  
21 ~~Governor or the Chief Justice.~~

22           3. All such moneys are hereby appropriated to be  
23 expended in accordance with the law or trust agreement under  
24 which they were received, subject always to the provisions of  
25 chapter 216 relating to the appropriation of funds and to the  
26 applicable laws relating to the deposit or expenditure of  
27 moneys in the State Treasury.

28           4.a. Notwithstanding any provision of law restricting  
29 the use of trust funds to specific purposes, unappropriated  
30 cash balances from selected trust funds may be authorized by  
31

1 the Legislature for transfer to the Budget Stabilization Fund  
2 and Working Capital Fund in the General Appropriations Act.

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

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

23 253.03 Board of trustees to administer state lands;  
24 lands enumerated.--

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

29 (12)~~(13)~~ The Board of Trustees of the Internal  
30 Improvement Trust Fund is hereby authorized to administer,  
31 manage, control, conserve, protect, and sell all real property

1 forfeited to the state pursuant to ss. 895.01-895.09 or  
2 acquired by the state pursuant to s. 607.0505 or s. 620.192.  
3 The board is directed to immediately determine the value of  
4 all such property and shall ascertain whether the property is  
5 in any way encumbered. If the board determines that it is in  
6 the best interest of the state to do so, funds from the  
7 Internal Improvement ~~Forfeited Property~~ Trust Fund may be used  
8 to satisfy any such encumbrances. If forfeited property  
9 receipts are not ~~the Forfeited Property Trust Fund does not~~  
10 ~~contain a balance~~ sufficient to satisfy encumbrances on the  
11 property and expenses permitted under this section, funds from  
12 the Land Acquisition Trust Fund may be used to satisfy any  
13 such encumbrances and expenses. All property acquired by the  
14 board pursuant to s. 607.0505, s. 620.192, or ss.  
15 895.01-895.09 shall be sold as soon as commercially feasible  
16 unless the Attorney General recommends and the board  
17 determines that retention of the property in public ownership  
18 would effectuate one or more of the following policies of  
19 statewide significance: protection or enhancement of  
20 floodplains, marshes, estuaries, lakes, rivers, wilderness  
21 areas, wildlife areas, wildlife habitat, or other  
22 environmentally sensitive natural areas or ecosystems; or  
23 preservation of significant archaeological or historical sites  
24 identified by the Secretary of State. In such event the  
25 property shall remain in the ownership of the board, to be  
26 controlled, managed, and disposed of in accordance with this  
27 chapter, and the Internal Improvement ~~Forfeited Property~~ Trust  
28 Fund shall be reimbursed from the Land Acquisition Trust Fund,  
29 or other appropriate fund designated by the board, for any  
30 funds expended from the Internal Improvement ~~Forfeited~~  
31 ~~Property~~ Trust Fund pursuant to this subsection in regard to

1 such property. Upon the recommendation of the Attorney  
2 General, the board may reimburse the investigative agency for  
3 its investigative expenses, costs, and attorneys' fees, and  
4 may reimburse law enforcement agencies for actual expenses  
5 incurred in conducting investigations leading to the  
6 forfeiture of such property from funds deposited in the  
7 Internal Improvement ~~Forfeited Property~~ Trust Fund of the  
8 Department of Environmental Protection. The proceeds of the  
9 sale of property acquired under s. 607.0505, s. 620.192, or  
10 ss. 895.01-895.09 shall be distributed as follows:

11 (a) After satisfaction of any valid claims arising  
12 under the provisions of s. 895.09(1)(a) or (b), any moneys  
13 used to satisfy encumbrances and expended as costs of  
14 administration, appraisal, management, conservation,  
15 protection, sale, and real estate sales services and any  
16 interest earnings lost to the Land Acquisition Trust Fund as  
17 of a date certified by the Department of Environmental  
18 Protection shall be replaced first in the Land Acquisition  
19 Trust Fund, if those funds were used, and then in the  
20 Forfeited Property Trust Fund; and

21 (b) The remainder shall be distributed as set forth in  
22 s. 895.09.

23 (13)~~(14)~~ For applications not reviewed pursuant to s.  
24 373.427, the department must review applications for the use  
25 of state-owned submerged lands, including a purchase, lease,  
26 easement, disclaimer, or other consent to use such lands and  
27 must request submittal of all additional information necessary  
28 to process the application. Within 30 days after receipt of  
29 the additional information, the department must review the  
30 information submitted and may request only that information  
31 needed to clarify the additional information, to process the

1 appropriate form of approval indicated by the additional  
2 information, or to answer those questions raised by, or  
3 directly related to, the additional information. An  
4 application for the authority to use state-owned submerged  
5 land must be approved, denied, or submitted to the board of  
6 trustees for approval or denial within 90 days after receipt  
7 of the original application or the last item of timely  
8 requested additional information. This time is tolled by any  
9 notice requirements of s. 253.115 or any hearing held under  
10 ss. 120.569 and 120.57. If the review of the application is  
11 not completed within the 90-day period, the department must  
12 report quarterly to the board the reasons for the failure to  
13 complete the report and provide an estimated date by which the  
14 application will be approved or denied. Failure to comply with  
15 these time periods shall not result in approval by default.

16 (14)~~(15)~~ Where necessary to establish a price for the  
17 sale or other disposition of state lands, including leases or  
18 easements, the Division of State Lands may utilize appropriate  
19 appraiser selection and contracting procedures established  
20 under s. 253.025. The board of trustees may adopt rules to  
21 implement this subsection.

22 (15)~~(16)~~ The Board of Trustees of the Internal  
23 Improvement Trust Fund, and the state through its agencies,  
24 may not control, regulate, permit, or charge for any severed  
25 materials which are removed from the area adjacent to an  
26 intake or discharge structure pursuant to an exemption  
27 authorized in s. 403.813(2)(f) and (r).

28 Section 23. Subsection (6) of section 287.064, Florida  
29 Statutes, as amended by section 10 of chapter 2003-399, Laws  
30 of Florida, is amended to read:

31

1           287.064 Consolidated financing of deferred-payment  
2 purchases.--

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

12           Section 24. Section 440.501, Florida Statutes, is  
13 repealed.

14           Section 25. Section 450.155, Florida Statutes, is  
15 amended to read:

16           450.155 Funding of the Child Labor Law program Trust  
17 Fund.--

18           ~~(1) There is created in the State Treasury an account~~  
19 ~~to be known as the Child Labor Law program Trust Fund. Subject~~  
20 ~~to such appropriations made by as the Legislature shall be~~  
21 ~~used may make therefor from time to time, disbursements from~~  
22 ~~this account may be made by the division, subject to the~~  
23 ~~approval of the department, in order to carry out the proper~~  
24 responsibilities of administering the Child Labor Law, to  
25 protect the working youth of the state, and to provide  
26 education about the Child Labor Law to employers, public  
27 school employees, the general public, and working youth. ~~The~~  
28 ~~Child Labor Law Trust Fund and the moneys deposited therein~~  
29 ~~shall be under the direct supervision and control of the~~  
30 ~~department, and such moneys may be disbursed by the Chief~~

31

1 ~~Financial Officer from time to time as determined by the~~  
2 ~~department.~~

3           (2) Moneys for the administration of the child labor  
4 program shall be transferred to the Professional Regulation  
5 Trust Fund from the Workers' Compensation Administration Trust  
6 Fund of the Department of Financial Services pursuant to  
7 nonoperating transfers.~~Notwithstanding the provisions of s.~~  
8 ~~216.292, the Child Labor Law Trust Fund shall not be available~~  
9 ~~for transfer for any purposes other than those provided for in~~  
10 ~~this section.~~

11           Section 26. Section 450.165, Florida Statutes, is  
12 created to read:

13           450.165 Child labor law and farm labor accounts.--The  
14 department shall maintain separate accounts in the  
15 Professional Regulation Trust Fund for child labor law  
16 enforcement and administration activities and for farm labor  
17 registration activities. The department shall account for the  
18 expenditure of moneys received from the Workers' Compensation  
19 Administration Trust Fund of the Department of Financial  
20 Services. To the maximum extent possible, the department shall  
21 directly charge all expenses to the appropriate account.

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

24           450.30 Requirement of certificate of registration;  
25 education and examination program.--

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

30           Section 28. Paragraph (c) of subsection (1) of section  
31 450.31, Florida Statutes, is amended to read:



1           450.31 Issuance, revocation, and suspension of, and  
2 refusal to issue or renew, certificate of registration.--

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

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

13           Section 29. Section 494.0017, Florida Statutes, is  
14 amended to read:

15           494.0017 Regulatory Trust Mortgage Brokerage Guaranty  
16 Fund.--

17           (1) The office shall ~~make transfers from the~~  
18 ~~Regulatory Trust Fund to the Mortgage Brokerage Guaranty Fund~~  
19 ~~to pay valid claims arising under former ss. 494.042, 494.043,~~  
20 ~~and 494.044, as provided in former s. 494.00171~~ from the  
21 Regulatory Trust Fund.

22           ~~(2) Any money paid to the Mortgage Brokerage Guaranty~~  
23 ~~Fund in excess of any liability to claimants against the~~  
24 ~~Mortgage Brokerage Guaranty Fund shall be transferred to the~~  
25 ~~Regulatory Trust Fund.~~

26           ~~(2)(3)~~ Funds from the Regulatory Trust ~~The Mortgage~~  
27 ~~Brokerage Guaranty Fund shall be disbursed as provided in~~  
28 ~~former s. 494.044, upon approval by the office, to any party~~  
29 ~~to a mortgage financing transaction who:~~

30           (a) Is adjudged by a court of competent jurisdiction  
31 of this state to have suffered monetary damages as a result of

1 any violation of chapter 494 in effect prior to October 1,  
2 1991, committed by a licensee or registrant;

3 (b) Has filed a claim for recovery prior to January 1,  
4 1992; and

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

7 (3)~~(4)~~ Notwithstanding s. 215.965, the office may  
8 disburse funds to a court or court-appointed person for  
9 distribution, if the conditions precedent for recovery exist  
10 and the distribution would be the fairest and most equitable  
11 manner of distributing the funds.

12 Section 30. Paragraph (d) of subsection (2) of section  
13 494.0041, Florida Statutes, is amended to read:

14 494.0041 Administrative penalties and fines; license  
15 violations.--

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

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

26 Section 31. Paragraph (d) of subsection (2) of section  
27 494.0072, Florida Statutes, is amended to read:

28 494.0072 Administrative penalties and fines; license  
29 violations.--

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

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

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

13           501.2101 Enforcing authorities; moneys received in  
14 certain proceedings.--

15           (1) Any moneys received by an enforcing authority for  
16 attorney's fees and costs of investigation or litigation in  
17 proceedings brought under the provisions of s. 501.207, s.  
18 501.208, or s. 501.211 shall be deposited as received in the  
19 Legal Affairs Revolving Trust Fund if the action is brought by  
20 the Department of Legal Affairs, and in the Consumer Frauds  
21 Trust Fund of the Justice Administrative Commission if the  
22 action is brought by a state attorney in the State Treasury.

23           Section 33. Section 569.205, Florida Statutes, as  
24 amended by section 734 of chapter 2003-261, Laws of Florida,  
25 is repealed.

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

28           650.04 Contributions by state employees.--

29           (1) Every employee of the state whose services are  
30 covered by an agreement entered into under s. 650.03 shall be  
31 required to pay for the period of such coverage, ~~into the~~

1 ~~Social Security Contribution Trust Fund established by s.~~  
2 ~~650.06~~, contributions, with respect to wages as defined in s.  
3 650.02, equal to the amount of the employee tax which would be  
4 imposed by the Federal Insurance Contributions Act if such  
5 services constituted employment within the meaning of that  
6 act. Such liability shall arise in consideration of the  
7 employee's retention in the service of the state, or the  
8 employee's entry upon such service, after the enactment of  
9 this chapter.

10 (2) The contribution imposed by this section shall be  
11 collected by deducting the amount of the contribution from  
12 wages as and when paid, but failure to make such deduction  
13 shall not relieve the employee from liability for such  
14 contribution. Effective January 1987, such contributions shall  
15 be submitted to the Internal Revenue Service as directed by  
16 the Social Security Administration.

17 Section 35. Section 650.05, Florida Statutes, is  
18 amended to read:

19 650.05 Plans for coverage of employees of political  
20 subdivisions.--

21 (1) Each political subdivision of the state is ~~hereby~~  
22 authorized to submit for approval by the state agency a plan  
23 for extending the benefits of Title II of the Social Security  
24 Act, in conformity with the applicable provisions of such act,  
25 to employees of such political subdivisions. Each such plan  
26 and any amendment thereof shall be approved by the state  
27 agency if it is found that such plan, or such plan as amended,  
28 is in conformity with such requirements as are provided in  
29 regulations of the state agency, except that no such plan  
30 shall be approved unless:

31

1 (a) It is in conformity with the requirements of the  
2 Social Security Act and with the agreement entered into under  
3 s. 650.03;

4 (b) It provides that all services which constitute  
5 employment as defined in s. 650.02 are performed in the employ  
6 of the political subdivisions by employees thereof, shall be  
7 covered by the plan, except such of those services set forth  
8 in s. 650.02(2)(c) as the political subdivision specifically  
9 elects to exclude;

10 (c) It specifies the source or sources from which the  
11 funds necessary to make the payments required by paragraph  
12 (3)(a) ~~and by subsection (4)~~ are expected to be derived and  
13 contains reasonable assurance that such sources will be  
14 adequate for such purpose;

15 (d) It provides for such methods of administration of  
16 the plan by the political subdivision as are found by the  
17 state agency to be necessary for the proper and efficient  
18 administration of the plan;

19 (e) It provides that the political subdivision will  
20 make such reports, in such form and containing such  
21 information, as the state agency may from time to time  
22 require, and comply with such provisions as the state agency  
23 or the Secretary of Health, Education, and Welfare may from  
24 time to time find necessary to assure the correctness and  
25 verification of such reports; and

26 (f) It authorizes the state agency to terminate the  
27 plan in its entirety, in the discretion of the state agency,  
28 if it finds that there has been a failure to comply  
29 substantially with any provisions contained in such plan, such  
30 termination to take effect at the expiration of such notice  
31 and on such conditions as may be provided by regulations of

1 the state agency and may be consistent with the provisions of  
2 the Social Security Act.

3 (2) The state agency shall not finally refuse to  
4 approve a plan submitted by a political subdivision under  
5 subsection (1), and shall not terminate an approved plan,  
6 without reasonable notice and opportunity for hearing to the  
7 political subdivision affected thereby. Any final decision of  
8 the state agency shall be subject to proper judicial review.

9 (3)(a) Each political subdivision as to which a plan  
10 has been approved under this section shall pay to the Internal  
11 Revenue Service ~~into the Social Security Contribution Trust~~  
12 ~~Fund~~, with respect to wages (as defined in s. 650.02), at such  
13 time or times as the Social Security Administration ~~state~~  
14 ~~agency~~ may ~~by regulation~~ prescribe, contributions in the  
15 amounts and at the rates specified in the applicable agreement  
16 entered into by the state agency under s. 650.03.

17 (b) Each political subdivision required to make  
18 payments under paragraph (a) is authorized, in consideration  
19 of the employee's retention in, or entry upon, employment  
20 after enactment of this chapter, to impose upon each of its  
21 employees, as to services which are covered by an approved  
22 plan, a contribution with respect to his or her wages as  
23 defined in s. 650.02 not exceeding the amount of the employee  
24 tax which would be imposed by the Federal Insurance  
25 Contributions Act if such services constituted employment  
26 within the meaning of that act, and to deduct the amount of  
27 such contribution from his or her wages as and when paid.  
28 Contributions so collected shall be paid to the Internal  
29 Revenue Service ~~into the Social Security Contribution Trust~~  
30 ~~Fund~~ in partial discharge of the liability of such political  
31 subdivision or instrumentality under paragraph (a). Failure

1 to deduct such contribution shall not relieve the employee or  
2 employer of liability therefor.

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

10 ~~(5) Each political subdivision as to which a plan has~~  
11 ~~been approved shall be liable to the state agency for a~~  
12 ~~proportionate part of the cost of administering this chapter.~~  
13 ~~Such proportionate cost shall be computed and paid in~~  
14 ~~accordance with such regulations relating thereto as may be~~  
15 ~~adopted by the state agency and shall be deposited in the~~  
16 ~~Social Security Administration Trust Fund; and, if any such~~  
17 ~~payment is not made when due, the amount thereof, with~~  
18 ~~interest of 0.5 percent for each calendar month or part~~  
19 ~~thereof past the due date, shall, upon request of the state~~  
20 ~~agency, be deducted from any other moneys payable to such~~  
21 ~~political subdivision by any officer, department, or agency of~~  
22 ~~the state, and forthwith paid to the state agency.~~  
23 ~~Withdrawals from the Social Security Administration Trust Fund~~  
24 ~~shall be made solely for the payment of costs of administering~~  
25 ~~this chapter, and any balance in excess of the amount~~  
26 ~~necessary for administering this chapter shall be transferred~~  
27 ~~to the state retirement system trust funds established~~  
28 ~~pursuant to chapter 121 to make up the actuarial deficit in~~  
29 ~~any of the state retirement systems consolidated thereunder,~~  
30 ~~and the necessary amounts are hereby appropriated from said~~  
31 ~~funds for these purposes.~~

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

10           (b) The grants-in-aid and other revenue referred to in  
11 paragraph (a) specifically include, but are not limited to,  
12 minimum foundation program grants to public school districts  
13 and community colleges; gasoline, motor fuel, intangible,  
14 cigarette, racing, and insurance premium taxes distributed to  
15 political subdivisions; and amounts specifically appropriated  
16 as grants-in-aid for mental health, mental retardation, and  
17 mosquito control programs.

18           Section 36. Section 650.06, Florida Statutes, as  
19 amended by section 1661 of chapter 2003-261, Laws of Florida,  
20 is repealed.

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

24           895.09 Disposition of funds obtained through  
25 forfeiture proceedings.--

26           (1) A court entering a judgment of forfeiture in a  
27 proceeding brought pursuant to s. 895.05 shall retain  
28 jurisdiction to direct the distribution of any cash or of any  
29 cash proceeds realized from the forfeiture and disposition of  
30 the property. The court shall direct the distribution of the  
31 funds in the following order of priority:



1           (c) Any claim by the Board of Trustees of the Internal  
2 Improvement Trust Fund on behalf of the Internal Improvement  
3 ~~Forfeited Property~~ Trust Fund or the Land Acquisition Trust  
4 Fund pursuant to s. 253.03(13), not including administrative  
5 costs of the Department of Environmental Protection previously  
6 paid directly from the Internal Improvement ~~Forfeited Property~~  
7 Trust Fund in accordance with legislative appropriation.

8           (2)(a) Following satisfaction of all valid claims  
9 under subsection (1), 25 percent of the remainder of the funds  
10 obtained in the forfeiture proceedings pursuant to s. 895.05  
11 shall be deposited as provided in paragraph (b) into the  
12 appropriate trust fund of the Department of Legal Affairs or  
13 state attorney's office which filed the civil forfeiture  
14 action; 25 percent shall be deposited as provided in paragraph  
15 (c) into the applicable law enforcement trust fund of the  
16 investigating law enforcement agency conducting the  
17 investigation which resulted in or significantly contributed  
18 to the forfeiture of the property; 25 percent shall be  
19 deposited as provided in paragraph (d) in the Substance Abuse  
20 Trust Fund of the Department of Children and Family Services;  
21 and the remaining 25 percent shall be deposited in the  
22 Internal Improvement ~~Forfeited Property~~ Trust Fund of the  
23 Department of Environmental Protection. When a forfeiture  
24 action is filed by the Department of Legal Affairs or a state  
25 attorney, the court entering the judgment of forfeiture shall,  
26 taking into account the overall effort and contribution to the  
27 investigation and forfeiture action by the agencies that filed  
28 the action, make a pro rata apportionment among such agencies  
29 of the funds available for distribution to the agencies filing  
30 the action as provided in this section. If multiple  
31 investigating law enforcement agencies have contributed to the

1 forfeiture of the property, the court which entered the  
2 judgment of forfeiture shall, taking into account the overall  
3 effort and contribution of the agencies to the investigation  
4 and forfeiture action, make a pro rata apportionment among  
5 such investigating law enforcement agencies of the funds  
6 available for distribution to the investigating agencies as  
7 provided in this section.

8 (e) On a quarterly basis, any excess funds from  
9 forfeited property receipts, including interest, over \$1  
10 million deposited in the Internal Improvement ~~Forfeited~~  
11 ~~Property~~ Trust Fund of the Department of Environmental  
12 Protection in accordance with paragraph (a) shall be deposited  
13 in the Substance Abuse Trust Fund of the Department of  
14 Children and Family Services.

15 Section 38. Paragraph (b) of subsection (5) of section  
16 932.7055, Florida Statutes, is amended to read:

17 932.7055 Disposition of liens and forfeited  
18 property.--

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

22 (b) The Department of Environmental Protection, the  
23 proceeds accrued pursuant to the provisions of the Florida  
24 Contraband Forfeiture Act shall be deposited into the Internal  
25 Improvement ~~Forfeited Property~~ Trust Fund ~~or into the~~  
26 ~~department's Federal Law Enforcement Trust Fund as provided in~~  
27 ~~s. 20.2553, as applicable.~~

28 Section 39. This act shall take effect July 1, 2004.  
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SENATE SUMMARY

Terminates specified trust funds within the Department of Environmental Protection, the Department of Financial Services, the Office of Financial Regulation, the Department of Management Services, the Department of Revenue, and the Department of Business and Professional Regulation and provides for disposition of the balances of those trust funds. Specifies the trust funds within the Department of Environmental Protection, the Department of Agriculture and Consumer Services, the Department of Management Services, the Department of Revenue, the Department of Financial Services, the State Board of Administration, and the Division of Bond Finance which are exempt from termination under s. 19(f), Art. III of the State Constitution. Renames various trust funds. Provides for certain social security contributions to be paid to the Internal Revenue Service rather than into the Social Security Contribution Trust Fund. Requires that state agencies, to the extent possible, use designated trust funds for specified purposes. (See bill for details.)