

By the Committee on Appropriations; and Senator Clary

309-2349-04

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 General

1 Revenue Fund; providing an exception for
2 certain leasehold taxes; repealing s. 213.31,
3 F.S., relating to the Corporation Tax
4 Administration Trust Fund; amending s. 215.20,
5 F.S., relating to the service charge imposed on
6 state trust funds; conforming provisions to
7 changes made by the act; amending s. 215.32,
8 F.S.; providing requirements for state agencies
9 with respect to the use of various trust funds;
10 requiring an agency to recommend the creation
11 of a trust fund under certain circumstances;
12 amending s. 253.03, F.S.; deleting provisions
13 referencing the Forfeited Property Trust Fund
14 in the Department of Environmental Protection;
15 amending s. 287.064, F.S.; deleting provisions
16 referencing the Consolidated Payment Trust Fund
17 of the Chief Financial Officer; repealing s.
18 440.501, F.S., relating to the Workers'
19 Compensation Administration Trust Fund within
20 the Department of Business and Professional
21 Regulation; amending s. 450.155, F.S., relating
22 to the Child Labor Law Trust Fund; providing
23 for the transfer of moneys to the Professional
24 Regulation Trust Fund of the Department of
25 Financial Services; creating s. 450.165, F.S.;
26 requiring separate accounts for child labor
27 enforcement and farm labor registration
28 activities; amending ss. 450.30 and 450.31,
29 F.S.; deleting provisions referencing the Crew
30 Chief Registration Trust Fund; amending ss.
31 494.0017, 494.0041, and 494.0072, F.S.;

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

17

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

19

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

22 (a) Within the Department of Environmental Protection:

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

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

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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.

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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 (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.
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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:
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- 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.
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- 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.
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- 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 Funds Trust Fund,
20 which has no FLAIR number.
- 21 (i) The Public Employee Optional Retirement Program
22 Trust Fund, 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.
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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 Chief Financial Officer's Federal Equitable Sharing Trust
11 Fund, FLAIR number 43-2-719, is renamed the Federal Equitable
12 Sharing 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, except for revenues derived from the
8 annual tax on a leasehold described in s. 199.023(1)(d), shall
9 be deposited into the General Revenue Fund.~~placed in a~~
10 ~~special fund designated as the "Intangible Tax Trust Fund."~~
11 ~~The fund shall be disbursed as follows:~~

12 (1) Revenues derived from the annual tax on a
13 leasehold described in s. 199.023(1)(d) shall be returned to
14 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
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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.~~

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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.--

30
31

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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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2644

The committee substitute corrects the names of three trust funds.

The committee substitute corrects the transfer of funds to general revenue related to the termination of the Intangible Tax Trust Fund. This will allow the Department of Revenue to continue to distribute the tax on leaseholds back to the school board in the county for which the revenue was generated.