

By Senator Webster

9-1438A-04

1 A bill to be entitled
2 An act relating to trust funds; terminating
3 specified trust funds within the Department of
4 State, the Department of Highway Safety and
5 Motor Vehicles, and the Department of Community
6 Affairs; providing for disposition of balances
7 in and revenues of the trust funds; declaring
8 findings of the Legislature that specified
9 trust funds within the Executive Office of the
10 Governor, the Department of Transportation, the
11 Department of Community Affairs, and the
12 Department of Highway Safety and Motor Vehicles
13 are exempt from the termination requirements of
14 s. 19(f), Art. III of the State Constitution;
15 repealing s. 445.0324(5), F.S.; abrogating
16 provisions relating to the termination of the
17 Welfare Transition Trust Fund within the Agency
18 for Workforce Innovation; amending s. 252.373,
19 F.S.; revising provisions specifying the use of
20 funds in the Emergency Management,
21 Preparedness, and Assistance Trust Fund within
22 the Department of Community Affairs; amending
23 s. 120.55, F.S.; requiring that fees and moneys
24 collected for the publication and distribution
25 of the Florida Administrative Code and Florida
26 Administrative Weekly be deposited in the
27 Records Management Trust Fund of the Department
28 of State; deleting provisions authorizing the
29 Department of State to collect a surcharge for
30 costs relating to publication of the Florida
31 Administrative Weekly; amending s. 443.211,

1 F.S.; requiring that funds collected for
2 certain information services be deposited into
3 the Employment Security Administration Trust
4 Fund; amending ss. 322.08 and 320.02, F.S.;
5 providing that certain contributions received
6 in connection with a driver's license
7 application or motor vehicle registration are
8 not income of a revenue nature for purposes of
9 a service charge imposed on certain trust
10 funds; providing an effective date.

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

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

16 (a) Within the Department of State:

17 1. The Publications Revolving Trust Fund, FLAIR number
18 45-2-2561. All current balances remaining in, and all revenues
19 of, the Publications Revolving Trust Fund shall be transferred
20 to the Records Management Trust Fund, FLAIR number 45-2-572,
21 within the Department of State.

22 2. The Ringling Museum Investment Trust Fund, FLAIR
23 number 45-2-411.

24 3. The Library Construction Trust Fund, FLAIR number
25 45-2-447.

26 (b) Within the Department of Highway Safety and Motor
27 Vehicles, the Civil Fines Clearing Trust Fund, FLAIR number
28 76-2-094.

29 (c) Within the Department of Community Affairs:

30 1. The Coastal Zone Management Trust Fund, FLAIR
31 number 52-2-096.

1 2. The Governor's Council on Criminal Justice Trust
2 Fund, FLAIR number 52-2-333.

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

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

14 Section 2. The Legislature finds that the following
15 trust funds are exempt from termination pursuant to Section
16 19(f), Article III of the State Constitution:

17 (1) Within the Executive Office of the Governor, the
18 Administered Funds Trust Fund, FLAIR number 31-2-732. This
19 trust fund, created by section 216.273, Florida Statutes, was
20 previously known as the Trust Funds Trust Fund.

21 (2) Within the Department of Transportation:

22 (a) The Central Florida Beltway Trust Fund, FLAIR
23 number 55-2-074.

24 (b) The Everglades Parkway Construction Trust Fund,
25 FLAIR number 55-2-199.

26 (c) The Turnpike Renewal and Replacement Trust Fund,
27 FLAIR number 55-2-324.

28 (d) The Turnpike General Reserve Trust Fund, FLAIR
29 number 55-2-326.

30 (e) The Turnpike Bond Construction Trust Fund, FLAIR
31 number 55-2-340.

1 (f) The Jacksonville Transportation Authority Project
2 Construction Trust Fund, FLAIR number 55-2-413.

3 (g) The Jefferson County 1992 Project Construction
4 Trust Fund, FLAIR number 55-2-418.

5 (h) State Transportation Trust Fund, FLAIR number
6 55-2-540.

7 (i) The Right-of-Way Acquisition and Bridge
8 Construction Trust Fund, FLAIR number 55-2-586.

9 (3) Within the Department of Community Affairs:

10 (a) The Florida Preservation 2000 Trust Fund, FLAIR
11 number 52-2-332.

12 (b) The Florida Forever Program Trust Fund, FLAIR
13 number 52-2-349.

14 (4) Within the Department of Highway Safety and Motor
15 Vehicles:

16 (a) The International Registration Clearing Trust
17 Fund, FLAIR number 76-2-410.

18 (b) The License Tax Collection Trust Fund, FLAIR
19 number 76-2-452.

20 (c) The Motor Vehicle License Clearing Trust Fund,
21 FLAIR number 76-2-488.

22 (d) The Security Deposits Trust Fund, FLAIR number
23 76-2-625.

24 Section 3. Subsection (5) of section 445.0325, Florida
25 Statutes, is repealed.

26 Section 4. Section 252.373, Florida Statutes, is
27 amended to read:

28 252.373 Allocation of funds; rules.--

29 (1)(a) Funds appropriated from the Emergency
30 Management, Preparedness, and Assistance Trust Fund shall be

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1 allocated by the Department of Community Affairs for the
2 following purposes as follows:

3 1. ~~Sixty percent~~ To implement and administer state and
4 local emergency management programs, including administration,
5 training, and operations ~~of which 20 percent shall be used by~~
6 ~~the division and 80 percent shall be allocated to local~~
7 ~~emergency management agencies and programs. Of this 80~~
8 ~~percent, at least 80 percent shall be allocated to counties.~~

9 2. ~~Twenty percent to provide for state relief~~
10 ~~assistance for nonfederally declared disasters, including but~~
11 ~~not limited to grants and below interest-rate loans to~~
12 ~~businesses for uninsured losses resulting from a disaster.~~

13 2.3. ~~Twenty percent~~ For grants and loans to state or
14 regional agencies, local governments, and private
15 organizations to implement projects that will further state
16 and local emergency management objectives. These projects
17 must include, but need not be limited to, projects that will
18 promote public education on disaster preparedness and recovery
19 issues, enhance coordination of relief efforts of statewide
20 private sector organizations, and improve the training and
21 operations capabilities of agencies assigned lead or support
22 responsibilities in the state comprehensive emergency
23 management plan, including the State Fire Marshal's Office for
24 coordinating the Florida fire services. The division shall
25 establish criteria and procedures for competitive allocation
26 of these funds by rule. No more than 5 percent of any award
27 made pursuant to this subparagraph may be used for
28 administrative expenses. This competitive criteria must give
29 priority consideration to hurricane evacuation shelter
30 retrofit projects.

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1 (b) Notwithstanding the provisions of paragraph (a),
2 and for the 2003-2004 fiscal year only, the use of the
3 Emergency Management, Preparedness, and Assistance Trust Fund
4 shall be as provided in the General Appropriations Act. This
5 paragraph expires on July 1, 2004.

6 (c) Notwithstanding the provisions of paragraph (a),
7 and for the 2003-2004 fiscal year only, the Department of
8 Community Affairs shall conduct a review of funds available in
9 the Emergency Management, Preparedness, and Assistance Trust
10 Fund. By December 31, 2003, when actual receipts for the
11 2002-2003 fiscal year are determined, the Department of
12 Community Affairs may identify any funds that were unspent or
13 unencumbered in the 2002-2003 fiscal year, and such funds may
14 be transferred to the Grants and Donations Trust Fund to be
15 used for the state portion of the match requirements for
16 federally approved disaster projects. This paragraph expires
17 July 1, 2004.

18 ~~(2) The distribution formula provided in subsection~~
19 ~~(1) may be adjusted proportionally when necessary to meet any~~
20 ~~matching requirements imposed as a condition of receiving~~
21 ~~federal disaster relief assistance or planning funds.~~

22 (2)~~(3)~~ The department shall allocate funds from the
23 Emergency Management, Preparedness, and Assistance Trust Fund
24 to local emergency management agencies and programs pursuant
25 to criteria specified in rule. Such rules shall include, but
26 are not limited to:

27 (a) Requiring that, at a minimum, a local emergency
28 management agency either:

29 1. Have a program director who works at least 40 hours
30 a week in that capacity; or

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1 2. If the county has fewer than 75,000 population or
2 is party to an interjurisdictional emergency management
3 agreement entered into pursuant to s. 252.38(3)(b), that is
4 recognized by the Governor by executive order or rule, have an
5 emergency management coordinator who works at least 20 hours a
6 week in that capacity.

7 (b) Specifying a formula that establishes a base grant
8 allocation and weighted factors for funds to be allocated over
9 the base grant amount.

10 (c) Specifying match requirements.

11 (d) Preferential funding to provide incentives to
12 counties and municipalities to participate in mutual aid
13 agreements.

14 ~~(3)(4)~~ If adequate funds are available as determined
15 by the division, every county shall receive funds at least
16 sufficient to fund a dedicated, full-time emergency
17 preparedness officer position.

18 Section 5. Subsection (5) of section 120.55, Florida
19 Statutes, is amended to read:

20 120.55 Publication.--

21 ~~(5)(a) There is hereby created in the State Treasury a~~
22 ~~revolving fund to be known as the "Publication Revolving Trust~~
23 ~~Fund" of the Department of State.~~

24 ~~(a)(b)~~ All fees and moneys collected by the Department
25 of State under this chapter shall be deposited in the Records
26 Management ~~revolving~~ Trust Fund for the purpose of paying for
27 the publication and distribution of the Florida Administrative
28 Code and the Florida Administrative Weekly and for associated
29 costs incurred by the department in carrying out this chapter.

30 ~~(b)(c)~~ The unencumbered balance in the Records
31 Management Trust Fund for fees collected pursuant to this

1 ~~chapter revolving trust fund at the beginning of each fiscal~~
2 ~~year shall not exceed \$300,000 at the beginning of each fiscal~~
3 ~~year, and any excess shall be transferred to the General~~
4 Revenue Fund.

5 ~~(c)(d)~~ It is the intent of the Legislature that the
6 Florida Administrative Weekly be supported entirely from funds
7 collected for subscriptions to and advertisements in the
8 Florida Administrative Weekly. ~~To that end, the Department of~~
9 ~~State is authorized to add a surcharge of 10 percent to any~~
10 ~~charge relating to the Florida Administrative Weekly until~~
11 ~~such time as the Publication Revolving Trust Fund has~~
12 ~~transferred to the General Revenue Fund an amount equal to all~~
13 ~~funds appropriated to the trust fund.~~

14 Section 6. Subsection (1) of section 443.211, Florida
15 Statutes, is amended to read:

16 443.211 Employment Security Administration Trust Fund;
17 appropriation; reimbursement.--

18 (1) EMPLOYMENT SECURITY ADMINISTRATION TRUST
19 FUND.--There is created in the State Treasury the "Employment
20 Security Administration Trust Fund." All moneys deposited into
21 this fund remain continuously available to the Agency for
22 Workforce Innovation for expenditure in accordance with this
23 chapter and do not revert at any time and may not be
24 transferred to any other fund. All moneys in this fund which
25 are received from the Federal Government or any federal agency
26 or which are appropriated by this state under ss. 443.171 and
27 443.181, except money received under s. 443.191(5)(c), must be
28 expended solely for the purposes and in the amounts found
29 necessary by the authorized cooperating federal agencies for
30 the proper and efficient administration of this chapter. The
31 fund consists of: all moneys appropriated by this state; all

1 moneys received from the United States or any federal agency;
2 all moneys received from any other source for the
3 administration of this chapter; any funds collected for
4 enhanced, specialized, or value-added labor market information
5 services; any moneys received from any agency of the United
6 States or any other state as compensation for services or
7 facilities supplied to that agency; any amounts received from
8 any surety bond or insurance policy or from other sources for
9 losses sustained by the Employment Security Administration
10 Trust Fund or by reason of damage to equipment or supplies
11 purchased from moneys in the fund; and any proceeds from the
12 sale or disposition of such equipment or supplies. All money
13 requisitioned and deposited in this fund under s.
14 443.191(5)(c) remains part of the Unemployment Compensation
15 Trust Fund and must be used only in accordance with s.
16 443.191(5). All moneys in this fund must be deposited,
17 administered, and disbursed in the same manner and under the
18 same conditions and requirements as provided by law for other
19 trust funds in the State Treasury. These moneys must be
20 secured by the depository in which they are held to the same
21 extent and in the same manner as required by the general
22 depository law of the state, and collateral pledged must be
23 maintained in a separate custody account. All payments from
24 the Employment Security Administration Trust Fund must be
25 approved by the Agency for Workforce Innovation or by an
26 authorized agent and must be made by the Chief Financial
27 Officer. Any balances in this fund do not revert at any time
28 and must remain continuously available to the Agency for
29 Workforce Innovation for expenditure consistent with this
30 chapter.
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1 Section 7. Subsection (6) of section 322.08, Florida
2 Statutes, is amended to read:

3 322.08 Application for license.--

4 (6) The application form for a driver's license or
5 duplicate thereof shall include language permitting the
6 following:

7 (a) A voluntary contribution of \$5 per applicant,
8 which contribution shall be transferred into the Election
9 Campaign Financing Trust Fund.

10 (b) A voluntary contribution of \$1 per applicant,
11 which contribution shall be deposited into the Florida Organ
12 and Tissue Donor Education and Procurement Trust Fund for
13 organ and tissue donor education and for maintaining the organ
14 and tissue donor registry.

15 (c) A voluntary contribution of \$1 per applicant,
16 which contribution shall be distributed to the Florida Council
17 of the Blind.

18 (d) A voluntary contribution of \$2 per applicant,
19 which shall be distributed to the Hearing Research Institute,
20 Incorporated, for the purpose of infant hearing screening in
21 Florida.

22 (e) A voluntary contribution of \$1 per applicant,
23 which shall be distributed to the Juvenile Diabetes Foundation
24 International.

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26 A statement providing an explanation of the purpose of the
27 trust funds shall also be included. For the purpose of
28 applying the service charge provided in s. 215.20,
29 contributions received under paragraphs (c), (d), and (e) and
30 under s. 322.18(9)(a) are not income of a revenue nature.

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1 Section 8. Subsection (18) is added to section 320.02,
2 Florida Statutes, to read:

3 320.02 Registration required; application for
4 registration; forms.--

5 (18) For the purpose of applying the service charge
6 provided in s. 215.20, contributions received under
7 subsections (16) and (17) are not income of a revenue nature.

8 Section 9. This act shall take effect July 1, 2004.

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11 SENATE SUMMARY

12 Terminates various trust funds within the Department of
13 State, the Department of Highway Safety and Motor
14 Vehicles, and the Department of Community Affairs.
15 Provides for disposition of the balances in the trust
16 funds. Specifies trust funds within the Executive Office
17 of the Governor, the Department of Transportation, the
18 Department of Community Affairs, and the Department of
19 Highway Safety and Motor Vehicles which are exempt from
20 termination under s. 19(f), Art. III of the State
21 Constitution. Revises purposes for which funds in the
22 Emergency Management, Preparedness, and Assistance Trust
23 Fund within the Department of Community Affairs may be
24 used. Revises requirements for the Department of State in
25 collecting fees and depositing moneys for the publication
26 of the Florida Administrative Code and the Florida
27 Administrative Weekly. Exempts certain contributions
28 received in connection with a driver's license
29 application or motor vehicle registration from the
30 service charge imposed on trust funds. (See bill for
31 details.)