

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.

11  
 12 Be It Enacted by the Legislature of the State of Florida:

13  
 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 45-2-561. 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  
31

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.

31

1           3. To meet any matching requirements imposed as a  
2 condition of receiving federal disaster relief assistance.

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

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

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

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

29           (a) Requiring that, at a minimum, a local emergency  
30 management agency either:

31

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

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

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

12           (c) Specifying match requirements.

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

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

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

22           120.55 Publication.--

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

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

1            ~~(b)(e)~~ The unencumbered balance in the Records  
 2 Management Trust Fund for fees collected pursuant to this  
 3 ~~chapter revolving trust fund at the beginning of each fiscal~~  
 4 ~~year~~ shall not exceed \$300,000 at the beginning of each fiscal  
 5 year, and any excess shall be transferred to the General  
 6 Revenue Fund.

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

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

18            443.211 Employment Security Administration Trust Fund;  
 19 appropriation; reimbursement.--

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



1 the proper and efficient administration of this chapter. The  
2 fund consists of: all moneys appropriated by this state; all  
3 moneys received from the United States or any federal agency;  
4 all moneys received from any other source for the  
5 administration of this chapter; any funds collected for  
6 enhanced, specialized, or value-added labor market information  
7 services; any moneys received from any agency of the United  
8 States or any other state as compensation for services or  
9 facilities supplied to that agency; any amounts received from  
10 any surety bond or insurance policy or from other sources for  
11 losses sustained by the Employment Security Administration  
12 Trust Fund or by reason of damage to equipment or supplies  
13 purchased from moneys in the fund; and any proceeds from the  
14 sale or disposition of such equipment or supplies. All money  
15 requisitioned and deposited in this fund under s.  
16 443.191(5)(c) remains part of the Unemployment Compensation  
17 Trust Fund and must be used only in accordance with s.  
18 443.191(5). All moneys in this fund must be deposited,  
19 administered, and disbursed in the same manner and under the  
20 same conditions and requirements as provided by law for other  
21 trust funds in the State Treasury. These moneys must be  
22 secured by the depository in which they are held to the same  
23 extent and in the same manner as required by the general  
24 depository law of the state, and collateral pledged must be  
25 maintained in a separate custody account. All payments from  
26 the Employment Security Administration Trust Fund must be  
27 approved by the Agency for Workforce Innovation or by an  
28 authorized agent and must be made by the Chief Financial  
29 Officer. Any balances in this fund do not revert at any time  
30 and must remain continuously available to the Agency for  
31

1 Workforce Innovation for expenditure consistent with this  
2 chapter.

3 Section 7. Subsection (6) of section 322.08, Florida  
4 Statutes, is amended to read:

5 322.08 Application for license.--

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

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

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

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

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

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

27  
28 A statement providing an explanation of the purpose of the  
29 trust funds shall also be included. For the purpose of  
30 applying the service charge provided in s. 215.20,  
31

1 contributions received under paragraphs (c), (d), and (e) and  
2 under s. 322.18(9)(a) are not income of a revenue nature.

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

5 320.02 Registration required; application for  
6 registration; forms.--

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

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

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31