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2 An act relating to trust funds; terminating
3 specified trust funds within the Department of
4 Revenue; providing for disposition of balances
5 in and revenues of such trust funds;
6 prescribing procedures for the termination of
7 such trust funds; amending s. 17.43, F.S.;
8 redesignating the Federal Equitable Sharing
9 Trust Fund within the Department of Financial
10 Services; amending s. 215.20, F.S., relating to
11 the service charge on income of trust funds;
12 conforming provisions to changes made by the
13 act; amending ss. 538.09 and 538.25, F.S.,
14 relating to the deposit of registration fees
15 from secondhand dealers and secondary metals
16 recyclers; conforming provisions to changes
17 made by the act; amending ss. 626.9893 and
18 932.7055, F.S.; redesignating the Federal
19 Equitable Sharing Trust Fund within the
20 Department of Financial Services; providing
21 effective dates.

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

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25 Section 1. (1) The following trust funds within the
26 Department of Revenue are terminated:

27 (a) The Apalachicola Bay Oyster Surcharge Clearing
28 Trust Fund, FLAIR number 73-2-028. All current balances
29 remaining in the Apalachicola Bay Oyster Surcharge Clearing
30 Trust Fund, FLAIR number 73-2-028 shall be transferred to the
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1 General Inspection Trust Fund within the Department of
2 Agriculture and Consumer Services, FLAIR number 42-2-321.

3 (b) Effective July 1, 2008, the Secondhand Dealer and
4 Secondary Metals Recycler Trust Fund, FLAIR number 73-2-617.
5 All current balances remaining in the trust fund on the date
6 of termination shall be transferred to the Operations Trust
7 Fund within the Department of Revenue.

8 (c) The Fuel Tax Refund Payments Clearing Trust Fund,
9 FLAIR number 73-2-317.

10 (2) The Department of Revenue shall pay any
11 outstanding debts and obligations of the terminated funds as
12 soon as practicable, and the Chief Financial Officer shall
13 close out and remove the terminated funds from various state
14 accounting systems using generally accepted accounting
15 principles concerning warrants outstanding, assets, and
16 liabilities.

17 Section 2. Subsection (1) of section 17.43, Florida
18 Statutes, is amended to read:

19 17.43 Federal Equitable Sharing Trust Fund.--

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

28 Section 3. Effective July 1, 2008, paragraph (p) of
29 subsection (4) of section 215.20, Florida Statutes, is amended
30 to read:

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1 215.20 Certain income and certain trust funds to
2 contribute to the General Revenue Fund.--

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

7 (p) Within the Department of Revenue:

8 1. The Additional Court Cost Clearing Trust Fund.

9 2. The Administrative Trust Fund.

10 ~~3. The Apalachicola Bay Oyster Surcharge Clearing~~
11 ~~Trust Fund.~~

12 3.4. The Certification Program Trust Fund.

13 4.5. The Fuel Tax Collection Trust Fund.

14 ~~6. The Land Reclamation Trust Fund.~~

15 5.7. The Local Alternative Fuel User Fee Clearing
16 Trust Fund.

17 6.8. The Local Option Fuel Tax Trust Fund.

18 7.9. The Motor Vehicle Rental Surcharge Clearing Trust
19 Fund.

20 ~~8.10.~~ The Motor Vehicle Warranty Trust Fund.

21 ~~9.11.~~ The Oil and Gas Tax Trust Fund.

22 10. The Operations Trust Fund.

23 ~~12. The Secondhand Dealer and Secondary Metals~~
24 ~~Recycler Clearing Trust Fund.~~

25 11.13. The Severance Tax Solid Mineral Trust Fund.

26 12.14. The State Alternative Fuel User Fee Clearing
27 Trust Fund.

28 13.15. All taxes levied on motor fuels other than
29 gasoline levied pursuant to the provisions of s. 206.87(1)(a).

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1 The enumeration of the foregoing moneys or trust funds shall
2 not prohibit the applicability thereto of s. 215.24 should the
3 Governor determine that for the reasons mentioned in s. 215.24
4 the money or trust funds should be exempt herefrom, as it is
5 the purpose of this law to exempt income from its force and
6 effect when, by the operation of this law, federal matching
7 funds or contributions or private grants to any trust fund
8 would be lost to the state.

9 Section 4. Effective July 1, 2008, subsection (1) of
10 section 538.09, Florida Statutes, is amended to read:

11 538.09 Registration.--

12 (1) A secondhand dealer shall not engage in the
13 business of purchasing, consigning, or trading secondhand
14 goods from any location without registering with the
15 Department of Revenue. A fee equal to the federal and state
16 costs for processing required fingerprints must be submitted
17 to the department with each application for registration. One
18 application is required for each dealer. If a secondhand
19 dealer is the owner of more than one secondhand store
20 location, the application must list each location, and the
21 department shall issue a duplicate registration for each
22 location. For purposes of subsections (4) and (5) of this
23 section, these duplicate registrations shall be deemed
24 individual registrations. A dealer shall pay a fee of \$6 per
25 location at the time of registration and an annual renewal fee
26 of \$6 per location on October 1 of each year. All fees
27 collected, less costs of administration, shall be transferred
28 into the Operations ~~a trust fund to be established and~~
29 ~~entitled the Secondhand Dealer and Secondary Metals Recycler~~
30 ~~Clearing~~ Trust Fund. The Department of Revenue shall forward
31 the full set of fingerprints to the Department of Law

1 Enforcement for state and federal processing, provided the
2 federal service is available, to be processed for any criminal
3 justice information as defined in s. 943.045. The cost of
4 processing such fingerprints shall be payable to the
5 Department of Law Enforcement by the Department of Revenue.
6 The department may issue a temporary registration to each
7 location pending completion of the background check by state
8 and federal law enforcement agencies, but shall revoke such
9 temporary registration if the completed background check
10 reveals a prohibited criminal background. An applicant for a
11 secondhand dealer registration must be a natural person who
12 has reached the age of 18 years.

13 (a) If the applicant is a partnership, all the
14 partners must apply.

15 (b) If the applicant is a joint venture, association,
16 or other noncorporate entity, all members of such joint
17 venture, association, or other noncorporate entity must make
18 application for registration as natural persons.

19 (c) If the applicant is a corporation, the
20 registration must include the name and address of such
21 corporation's registered agent for service of process in the
22 state and a certified copy of statement from the Secretary of
23 State that the corporation is duly organized in the state or,
24 if the corporation is organized in a state other than Florida,
25 a certified copy of statement from the Secretary of State that
26 the corporation is duly qualified to do business in this
27 state. If the dealer has more than one location, the
28 application must list each location owned by the same legal
29 entity and the department shall issue a duplicate registration
30 for each location.

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1 Section 5. Effective July 1, 2008, paragraph (a) of
2 subsection (1) of section 538.25, Florida Statutes, is amended
3 to read:

4 538.25 Registration.--

5 (1) No person shall engage in business as a secondary
6 metals recycler at any location without registering with the
7 department.

8 (a) A fee equal to the federal and state costs for
9 processing required fingerprints must be submitted to the
10 department with each application for registration. One
11 application is required for each secondary metals recycler. If
12 a secondary metals recycler is the owner of more than one
13 secondary metals recycling location, the application must list
14 each location, and the department shall issue a duplicate
15 registration for each location. For purposes of subsections
16 (3), (4), and (5), these duplicate registrations shall be
17 deemed individual registrations. A secondary metals recycler
18 shall pay a fee of \$6 per location at the time of registration
19 and an annual renewal fee of \$6 per location on October 1 of
20 each year. All fees collected, less costs of administration,
21 shall be transferred into the Operations Trust Fund ~~Secondhand~~
22 ~~Dealer and Secondary Metals Recycler Clearing Trust Fund~~
23 ~~established pursuant to s. 538.09.~~

24 Section 6. Subsection (1) of section 626.9893, Florida
25 Statutes, is amended to read:

26 626.9893 Disposition of revenues; criminal or
27 forfeiture proceedings.--

28 (1) The Division of Insurance Fraud of the Department
29 of Financial Services may deposit revenues received as a
30 result of criminal proceedings or forfeiture proceedings,
31 other than revenues deposited into the Department of Financial

1 Services' Federal Law Enforcement ~~Equitable Sharing~~ Trust Fund
2 under s. 17.43, into the Insurance Regulatory Trust Fund.
3 Moneys deposited pursuant to this section shall be separately
4 accounted for and shall be used solely for the division to
5 carry out its duties and responsibilities.

6 Section 7. Paragraph (n) of subsection (6) of section
7 932.7055, Florida Statutes, is amended to read:

8 932.7055 Disposition of liens and forfeited
9 property.--

10 (6) If the seizing agency is a state agency, all
11 remaining proceeds shall be deposited into the General Revenue
12 Fund. However, if the seizing agency is:

13 (n) The Division of Insurance Fraud of the Department
14 of Financial Services, the proceeds accrued pursuant to the
15 provisions of the Florida Contraband Forfeiture Act shall be
16 deposited into the Insurance Regulatory Trust Fund as provided
17 in s. 626.9893 or into the Department of Financial Services'
18 Federal Law Enforcement ~~Equitable Sharing~~ Trust Fund as
19 provided in s. 17.43, as applicable.

20 Section 8. Except as otherwise expressly provided in
21 this act, this act shall take effect July 1, 2007.

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