

HB 7053

2007

1                   A bill to be entitled  
2           An act relating to trust funds; terminating specified  
3           trust funds within the Department of Revenue; providing  
4           for disposition of balances in and revenues of such trust  
5           funds; prescribing procedures for the termination of such  
6           trust funds; amending s. 215.20, F.S.; revising references  
7           to trust funds terminated and transferred by the act;  
8           removing an obsolete reference; renaming a trust fund  
9           within the Department of Military Affairs; amending ss.  
10          250.175, 538.09, and 538.25, F.S., to conform; providing  
11          effective dates.

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

14  
15           Section 1. (1) The following trust funds within the  
16 Department of Revenue are terminated:

17           (a) The Apalachicola Bay Oyster Surcharge Clearing Trust  
18 Fund, FLAIR number 73-2-028. All current balances remaining in  
19 the Apalachicola Bay Oyster Surcharge Clearing Trust Fund shall  
20 be transferred to the General Inspection Trust Fund within the  
21 Department of Agriculture and Consumer Services, FLAIR number  
22 42-2-321.

23           (b) Effective July 1, 2008, the Secondhand Dealer and  
24 Secondary Metals Recycler Clearing Trust Fund, FLAIR number 73-  
25 2-617. All current balances remaining in the trust fund on the  
26 date of termination shall be transferred to the Operating Trust  
27 Fund within the Department of Revenue.

28           (c) The Fuel Tax Refund Payments Trust Fund, FLAIR number  
 29           73-2-317.

30           (2) The Department of Revenue shall pay any outstanding  
 31           debts and obligations of the terminated funds as soon as  
 32           practicable, and the Chief Financial Officer shall close out and  
 33           remove the terminated funds from various state accounting  
 34           systems using generally accepted accounting principles  
 35           concerning warrants outstanding, assets, and liabilities.

36           Section 2. Effective July 1, 2008, paragraph (p) of  
 37           subsection (4) of section 215.20, Florida Statutes, is amended  
 38           to read:

39           215.20 Certain income and certain trust funds to  
 40           contribute to the General Revenue Fund.--

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

45           (p) Within the Department of Revenue:

46           1. The Additional Court Cost Clearing Trust Fund.

47           2. The Administrative Trust Fund.

48           ~~3. The Apalachicola Bay Oyster Surcharge Clearing Trust~~  
 49           ~~Fund.~~

50           3.4. The Certification Program Trust Fund.

51           4.5. The Fuel Tax Collection Trust Fund.

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

53           5.7. The Local Alternative Fuel User Fee Clearing Trust  
 54           Fund.

55           6.8. The Local Option Fuel Tax Trust Fund.

- 56        ~~7.9.~~ The Motor Vehicle Rental Surcharge Clearing Trust
- 57 Fund.
- 58        ~~8.10.~~ The Motor Vehicle Warranty Trust Fund.
- 59        ~~9.11.~~ The Oil and Gas Tax Trust Fund.
- 60        10. The Operating Trust Fund.
- 61        ~~12.~~ ~~The Secondhand Dealer and Secondary Metals Recycler~~
- 62 ~~Clearing Trust Fund.~~
- 63        ~~11.13.~~ The Severance Tax Solid Mineral Trust Fund.
- 64        ~~12.14.~~ The State Alternative Fuel User Fee Clearing Trust
- 65 Fund.
- 66        ~~13.15.~~ All taxes levied on motor fuels other than gasoline
- 67 levied pursuant to the provisions of s. 206.87(1) (a).

68

69 The enumeration of the foregoing moneys or trust funds shall not

70 prohibit the applicability thereto of s. 215.24 should the

71 Governor determine that for the reasons mentioned in s. 215.24

72 the money or trust funds should be exempt herefrom, as it is the

73 purpose of this law to exempt income from its force and effect

74 when, by the operation of this law, federal matching funds or

75 contributions or private grants to any trust fund would be lost

76 to the state.

77        Section 3. The Cooperative Agreement Trust Fund within the

78 Department of Military Affairs, FLAIR number 62-2-039, is

79 renamed the Federal Grants Trust Fund within the Department of

80 Military Affairs.

81        Section 4. Subsection (4) of section 250.175, Florida

82 Statutes, is amended to read:

83        250.175 Trust funds; authorization; name; purpose.--

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84 (4) (a) The Federal Grants ~~Cooperative Agreement~~ Trust Fund  
85 is created within the Department of Military Affairs. The  
86 department shall deposit into the trust fund federal funds  
87 received by the department under cooperative agreements between  
88 the federal and state governments, which shall be used to  
89 perform the functions and tasks specified in the agreements. The  
90 department shall also deposit into the trust fund other funds  
91 received by the department.

92 (b) Notwithstanding s. 216.301 and pursuant to s. 216.351,  
93 any balance in the trust fund at the end of any fiscal year  
94 shall remain in the trust fund and is available for carrying out  
95 the purposes of the trust fund.

96 Section 5. Effective July 1, 2008, subsection (1) of  
97 section 538.09, Florida Statutes, is amended to read:

98 538.09 Registration.--

99 (1) A secondhand dealer shall not engage in the business  
100 of purchasing, consigning, or trading secondhand goods from any  
101 location without registering with the Department of Revenue. A  
102 fee equal to the federal and state costs for processing required  
103 fingerprints must be submitted to the department with each  
104 application for registration. One application is required for  
105 each dealer. If a secondhand dealer is the owner of more than  
106 one secondhand store location, the application must list each  
107 location, and the department shall issue a duplicate  
108 registration for each location. For purposes of subsections (4)  
109 and (5) of this section, these duplicate registrations shall be  
110 deemed individual registrations. A dealer shall pay a fee of \$6  
111 per location at the time of registration and an annual renewal

112 fee of \$6 per location on October 1 of each year. All fees  
 113 collected, less costs of administration, shall be transferred  
 114 into the Operating ~~a trust fund to be established and entitled~~  
 115 ~~the Secondhand Dealer and Secondary Metals Recycler Clearing~~  
 116 Trust Fund. The Department of Revenue shall forward the full set  
 117 of fingerprints to the Department of Law Enforcement for state  
 118 and federal processing, provided the federal service is  
 119 available, to be processed for any criminal justice information  
 120 as defined in s. 943.045. The cost of processing such  
 121 fingerprints shall be payable to the Department of Law  
 122 Enforcement by the Department of Revenue. The department may  
 123 issue a temporary registration to each location pending  
 124 completion of the background check by state and federal law  
 125 enforcement agencies, but shall revoke such temporary  
 126 registration if the completed background check reveals a  
 127 prohibited criminal background. An applicant for a secondhand  
 128 dealer registration must be a natural person who has reached the  
 129 age of 18 years.

130 (a) If the applicant is a partnership, all the partners  
 131 must apply.

132 (b) If the applicant is a joint venture, association, or  
 133 other noncorporate entity, all members of such joint venture,  
 134 association, or other noncorporate entity must make application  
 135 for registration as natural persons.

136 (c) If the applicant is a corporation, the registration  
 137 must include the name and address of such corporation's  
 138 registered agent for service of process in the state and a  
 139 certified copy of statement from the Secretary of State that the

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140 corporation is duly organized in the state or, if the  
141 corporation is organized in a state other than Florida, a  
142 certified copy of statement from the Secretary of State that the  
143 corporation is duly qualified to do business in this state. If  
144 the dealer has more than one location, the application must list  
145 each location owned by the same legal entity and the department  
146 shall issue a duplicate registration for each location.

147 Section 6. Effective July 1, 2008, paragraph (a) of  
148 subsection (1) of section 538.25, Florida Statutes, is amended  
149 to read:

150 538.25 Registration.--

151 (1) No person shall engage in business as a secondary  
152 metals recycler at any location without registering with the  
153 department.

154 (a) A fee equal to the federal and state costs for  
155 processing required fingerprints must be submitted to the  
156 department with each application for registration. One  
157 application is required for each secondary metals recycler. If a  
158 secondary metals recycler is the owner of more than one  
159 secondary metals recycling location, the application must list  
160 each location, and the department shall issue a duplicate  
161 registration for each location. For purposes of subsections (3),  
162 (4), and (5), these duplicate registrations shall be deemed  
163 individual registrations. A secondary metals recycler shall pay  
164 a fee of \$6 per location at the time of registration and an  
165 annual renewal fee of \$6 per location on October 1 of each year.  
166 All fees collected, less costs of administration, shall be  
167 transferred into the Operating Trust Fund ~~Secondhand Dealer and~~

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168 ~~Secondary Metals Recycler Clearing Trust Fund established~~  
169 ~~pursuant to s. 538.09.~~

170 Section 7. Except as otherwise expressly provided in this  
171 act, this act shall take effect July 1, 2007.