

By Senator Fasano

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1 A bill to be entitled
2 An act relating to trust funds; creating the Clearing
3 Funds Trust Fund within the Department of State; providing
4 for sources of funds and purposes; providing for future
5 review and termination or re-creation of the trust fund;
6 amending ss. 99.092 and 99.093, F.S.; clarifying
7 provisions requiring that election assessments be
8 transferred to the Elections Commission Trust Fund within
9 the Department of Legal Affairs; amending s. 105.031,
10 F.S.; requiring that the filing fees for certain offices
11 be transferred to the Department of Legal Affairs rather
12 than the Department of Revenue for deposit into the
13 Elections Commission Trust Fund; amending s. 106.24, F.S.;
14 deleting an obsolete reference to the Division of
15 Elections with respect to the use of funds in the
16 Elections Commission Trust Fund; amending s. 610.104,
17 F.S.; requiring that certain funds paid to the Department
18 of State by cable or video providers be deposited into the
19 Clearing Funds Trust Fund rather than the Operating Trust
20 Fund; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Clearing Funds Trust Fund.--

25 (1) The Clearing Funds Trust Fund is created within the
26 Department of State.

27 (2) The trust fund is established for use as a depository
28 for funds to account for collections pending distribution to
29 lawful recipients. Funds shall be expended only pursuant to

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30 legislative appropriation or an approved amendment to the
31 department's operating budget pursuant to the provisions of
32 chapter 216, Florida Statutes.

33 (3) In accordance with s. 19(f)(2), Art. III of the State
34 Constitution, the Clearing Funds Trust Fund shall, unless
35 terminated sooner, be terminated on July 1, 2012. Before its
36 scheduled termination, the trust fund shall be reviewed as
37 provided in s. 215.3206(1) and (2), Florida Statutes.

38 Section 2. Subsection (1) of section 99.092, Florida
39 Statutes, is amended to read:

40 99.092 Qualifying fee of candidate; notification of
41 Department of State.--

42 (1) Each person seeking to qualify for nomination or
43 election to any office, except a person seeking to qualify by the
44 petition process pursuant to s. 99.095 and except a person
45 seeking to qualify as a write-in candidate, shall pay a
46 qualifying fee, which shall consist of a filing fee and election
47 assessment, to the officer with whom the person qualifies, and
48 any party assessment levied, and shall attach the original or
49 signed duplicate of the receipt for his or her party assessment
50 or pay the same, in accordance with the provisions of s. 103.121,
51 at the time of filing his or her other qualifying papers. The
52 amount of the filing fee is 3 percent of the annual salary of the
53 office. The amount of the election assessment is 1 percent of the
54 annual salary of the office sought. The election assessment shall
55 be deposited into the Clearing Funds Trust Fund and transferred
56 to the Elections Commission Trust Fund within the Department of
57 Legal Affairs. The amount of the party assessment is 2 percent of
58 the annual salary. The annual salary of the office for purposes

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59 of computing the filing fee, election assessment, and party
60 assessment shall be computed by multiplying 12 times the monthly
61 salary, excluding any special qualification pay, authorized for
62 such office as of July 1 immediately preceding the first day of
63 qualifying. No qualifying fee shall be returned to the candidate
64 unless the candidate withdraws his or her candidacy before the
65 last date to qualify. If a candidate dies prior to an election
66 and has not withdrawn his or her candidacy before the last date
67 to qualify, the candidate's qualifying fee shall be returned to
68 his or her designated beneficiary, and, if the filing fee or any
69 portion thereof has been transferred to the political party of
70 the candidate, the Secretary of State shall direct the party to
71 return that portion to the designated beneficiary of the
72 candidate.

73 Section 3. Subsection (1) of section 99.093, Florida
74 Statutes, is amended to read:

75 99.093 Municipal candidates; election assessment.--

76 (1) Each person seeking to qualify for nomination or
77 election to a municipal office shall pay, at the time of
78 qualifying for office, an election assessment. The election
79 assessment shall be an amount equal to 1 percent of the annual
80 salary of the office sought. Within 30 days after the close of
81 qualifying, the qualifying officer shall forward all assessments
82 collected pursuant to this section to the Department of State for
83 transfer to deposit in the Elections Commission Trust Fund within
84 the Department of Legal Affairs.

85 Section 4. Subsection (3) of section 105.031, Florida
86 Statutes, is amended to read:

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87 105.031 Qualification; filing fee; candidate's oath; items
88 required to be filed.--

89 (3) QUALIFYING FEE.--Each candidate qualifying for election
90 to a judicial office or the office of school board member, except
91 write-in judicial or school board candidates, shall, during the
92 time for qualifying, pay to the officer with whom he or she
93 qualifies a qualifying fee, which shall consist of a filing fee
94 and an election assessment, or qualify by the petition process.
95 The amount of the filing fee is 3 percent of the annual salary of
96 the office sought. The amount of the election assessment is 1
97 percent of the annual salary of the office sought. The Department
98 of State shall transfer ~~forward~~ all filing fees to the Department
99 of Legal Affairs Revenue for deposit in the Elections Commission
100 Trust Fund. The supervisor of elections shall forward all filing
101 fees to the Elections Commission Trust Fund. The election
102 assessment shall be deposited into the Elections Commission Trust
103 Fund. The annual salary of the office for purposes of computing
104 the qualifying fee shall be computed by multiplying 12 times the
105 monthly salary authorized for such office as of July 1
106 immediately preceding the first day of qualifying. This
107 subsection shall not apply to candidates qualifying for retention
108 to judicial office.

109 Section 5. Subsection (6) of section 106.24, Florida
110 Statutes, is amended to read:

111 106.24 Florida Elections Commission; membership; powers;
112 duties.--

113 (6) There is ~~hereby~~ established in the State Treasury an
114 Elections Commission Trust Fund to be used ~~utilized~~ by the
115 ~~Division of Elections and~~ the Florida Elections Commission in

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116 order to carry out its ~~their~~ duties pursuant to ss. 106.24-
117 106.28. The trust fund may also be used by the Secretary of
118 State, pursuant to his or her authority under s. 97.012(14), to
119 provide rewards for information leading to criminal convictions
120 related to voter registration fraud, voter fraud, and vote scams.

121 Section 6. Subsection (12) of section 610.104, Florida
122 Statutes, is amended to read:

123 610.104 State authorization to provide cable or video
124 service.--

125 (12) Beginning 5 years after approval of the
126 certificateholder's initial certificate of franchise issued by
127 the department, and every 5 years thereafter, the
128 certificateholder shall update the information contained in the
129 original application for a certificate of franchise. At the time
130 of filing the information update, the certificateholder shall pay
131 a processing fee of \$1,000. Any certificateholder that fails to
132 file the updated information and pay the processing fee on the 5-
133 year anniversary dates shall be subject to cancellation of its
134 state-issued certificate of franchise authority if, upon notice
135 given to the certificateholder at its last address on file with
136 the department, the certificateholder fails to file the updated
137 information and pay the processing fee within 30 days after the
138 date notice was mailed. The application and processing fees
139 imposed in this section shall be paid to the Department of State
140 for deposit into the Clearing Funds ~~Operating~~ Trust Fund for
141 immediate transfer by the Chief Financial Officer to the General
142 Inspection Trust Fund of the Department of Agriculture and
143 Consumer Services. The Department of Agriculture and Consumer
144 Services shall maintain a separate account within the General

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145 Inspection Trust Fund to distinguish cable franchise revenues
146 from all other funds. The application, any amendments to the
147 certificate, or information updates must be accompanied by a fee
148 to the Department of State equal to that for filing articles of
149 incorporation pursuant to s. 607.0122(1).

150 Section 7. This act shall take effect July 1, 2008.