

By the Committee on Transportation and Economic Development
Appropriations; and Senator Fasano

606-02443-10

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

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

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26 Section 1. Clearing Funds Trust Fund.—

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

29 (2) The trust fund is established for use as a depository

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30 for funds to account for collections pending distribution to
31 lawful recipients. Funds shall be expended only pursuant to
32 legislative appropriation or an approved amendment to the
33 department's operating budget pursuant to the provisions of
34 chapter 216, Florida Statutes.

35 (3) In accordance with s. 19(f)(2), Article III of the
36 State Constitution, the Clearing Funds Trust Fund shall, unless
37 terminated sooner, be terminated on July 1, 2014. Before its
38 scheduled termination, the trust fund shall be reviewed as
39 provided in s. 215.3206(1) and (2), Florida Statutes.

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

42 99.092 Qualifying fee of candidate; notification of
43 Department of State.—

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

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59 the Department of Legal Affairs. The amount of the party
60 assessment is 2 percent of the annual salary. The annual salary
61 of the office for purposes of computing the filing fee, election
62 assessment, and party assessment shall be computed by
63 multiplying 12 times the monthly salary, excluding any special
64 qualification pay, authorized for such office as of July 1
65 immediately preceding the first day of qualifying. No qualifying
66 fee shall be returned to the candidate unless the candidate
67 withdraws his or her candidacy before the last date to qualify.
68 If a candidate dies prior to an election and has not withdrawn
69 his or her candidacy before the last date to qualify, the
70 candidate's qualifying fee shall be returned to his or her
71 designated beneficiary, and, if the filing fee or any portion
72 thereof has been transferred to the political party of the
73 candidate, the Secretary of State shall direct the party to
74 return that portion to the designated beneficiary of the
75 candidate.

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

78 99.093 Municipal candidates; election assessment.—

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

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

90 105.031 Qualification; filing fee; candidate's oath; items
91 required to be filed.—

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

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

114 106.24 Florida Elections Commission; membership; powers;
115 duties.—

116 (6) There is ~~hereby~~ established in the State Treasury an

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

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

127 610.104 State authorization to provide cable or video
128 service.-

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

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146 Financial Officer to the General Inspection Trust Fund of the
147 Department of Agriculture and Consumer Services. The Department
148 of Agriculture and Consumer Services shall maintain a separate
149 account within the General Inspection Trust Fund to distinguish
150 cable franchise revenues from all other funds. The application,
151 any amendments to the certificate, or information updates must
152 be accompanied by a fee to the Department of State equal to that
153 for filing articles of incorporation pursuant to s. 607.0122(1).

154 Section 7. This act shall take effect July 1, 2010, but
155 this act shall not take effect unless it is enacted by a three-
156 fifths vote of the membership of each house of the Legislature.