

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 a contingent effective date.

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

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 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

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29 lawful recipients. Funds shall be expended only pursuant to  
 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), Article III of the  
 34 State Constitution, the Clearing Funds Trust Fund shall, unless  
 35 terminated sooner, be terminated on July 1, 2014. 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  
 44 the 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.  
 51 103.121, at the time of filing his or her other qualifying  
 52 papers. The amount of the filing fee is 3 percent of the annual  
 53 salary of the office. The amount of the election assessment is 1  
 54 percent of the annual salary of the office sought. The election  
 55 assessment shall be deposited into the Clearing Funds Trust Fund  
 56 and transferred to the Elections Commission Trust Fund within

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66 | If a candidate dies prior to an election and has not withdrawn  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

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

76 | 99.093 Municipal candidates; election assessment.—

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

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85 within the Department of Legal Affairs.

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

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

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

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

112 106.24 Florida Elections Commission; membership; powers;

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113 duties.—

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

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

125 610.104 State authorization to provide cable or video  
 126 service.—

127 (12) Beginning 5 years after approval of the  
 128 certificateholder's initial certificate of franchise issued by  
 129 the department, and every 5 years thereafter, the  
 130 certificateholder shall update the information contained in the  
 131 original application for a certificate of franchise. At the time  
 132 of filing the information update, the certificateholder shall  
 133 pay a processing fee of \$1,000. Any certificateholder that fails  
 134 to file the updated information and pay the processing fee on  
 135 the 5-year anniversary dates shall be subject to cancellation of  
 136 its state-issued certificate of franchise authority if, upon  
 137 notice given to the certificateholder at its last address on  
 138 file with the department, the certificateholder fails to file  
 139 the updated information and pay the processing fee within 30  
 140 days after the date notice was mailed. The application and

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141 processing fees imposed in this section shall be paid to the  
142 Department of State for deposit into the Clearing Funds  
143 ~~Operating~~ Trust Fund for immediate transfer by the Chief  
144 Financial Officer to the General Inspection Trust Fund of the  
145 Department of Agriculture and Consumer Services. The Department  
146 of Agriculture and Consumer Services shall maintain a separate  
147 account within the General Inspection Trust Fund to distinguish  
148 cable franchise revenues from all other funds. The application,  
149 any amendments to the certificate, or information updates must  
150 be accompanied by a fee to the Department of State equal to that  
151 for filing articles of incorporation pursuant to s. 607.0122(1).

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