

CHAPTER 99-205

Senate Bill No. 656

An act relating to trust funds; terminating specified trust funds within the Department of Agriculture and Consumer Services, Department of Environmental Protection, Department of Insurance, and Department of Revenue; providing for disposition of balances in and revenues of such trust funds; prescribing procedures for the termination of such trust funds; declaring the findings of the Legislature that specified trust funds within the Department of Agriculture and Consumer Services, Department of Banking and Finance, Department of Environmental Protection, Department of Insurance, and Department of Revenue are exempt from the termination requirements of s. 19(f), Art. III of the State Constitution; renaming specified trust funds within the Department of Banking and Finance and the Department of Environmental Protection; repealing s. 3, ch. 95-114, s. 3, ch. 95-115, s. 2, ch. 95-249, and s. 3, ch. 95-371, Laws of Florida; abrogating provisions relating to the termination of certain trust funds that are exempt from termination; amending s. 11.2423, F.S.; providing that acts declaring trust funds exempt from constitutional termination requirements are not repealed by the adoption of the Florida Statutes; amending ss. 253.781, 253.7824, 253.7829, and 253.783, F.S.; removing reference to the Cross Florida Barge Canal Trust Fund; providing for deposit of certain proceeds in the Land Acquisition Trust Fund; amending ss. 624.516, 633.445, 633.46, 633.461, and 633.50, F.S., and repealing s. 633.45(1)(r), F.S., relating to the Fire College Trust Fund, to abolish the trust fund and transfer its balance and responsibilities to the Insurance Commissioner's Regulatory Trust Fund; repealing s. 697.203, F.S., relating to the Home Equity Conversion Mortgage Guaranty Fund, and amending s. 697.205, F.S., to abolish the fund and transfer its balance and responsibilities to the Treasurer's Administrative and Investment Trust Fund; deleting obsolete provisions; repealing s. 61.182, F.S., relating to the Child Support Depository Trust Fund, to abolish the trust fund; amending ss. 206.606, 327.28, and 369.252, F.S.; renaming the Aquatic Plant Control Trust Fund; amending s. 215.551, F.S.; renaming the National Forest Trust Fund; amending ss. 403.1835 and 403.1836, F.S.; renaming the Sewage Treatment Revolving Loan Fund; providing effective dates.

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

Section 1. (1) The following trust funds within the following departments are terminated:

(a) Within the Department of Agriculture and Consumer Services, the Hurricane Andrew Disaster Relief Trust Fund, FLAIR number 42-2-200.

(b) Within the Department of Environmental Protection:

1. The Hurricane Andrew Disaster Relief Trust Fund, FLAIR number 37-2-200.

2. The Hurricane Andrew Recovery and Rebuilding Trust Fund, FLAIR number 37-2-205.

3. The Youth Conservation Corps Trust Fund, FLAIR number 37-2-803.

4. The Cross Florida Barge Canal Trust Fund, FLAIR number 37-2-888. The remaining balance and revenues in this fund shall be deposited in the Land Acquisition Trust Fund, FLAIR number 37-2-423.

(c) Within the Department of Insurance:

1. The Fire College Trust Fund, FLAIR number 46-2-288. The remaining balance and revenues in this fund shall be deposited in the Insurance Commissioner's Regulatory Trust Fund, FLAIR number 46-2-393.

2. The Home Equity Conversion Mortgage Guaranty Fund, FLAIR number 46-2-369. The remaining balance and revenues in this fund shall be deposited in the Treasurer's Administrative and Investment Trust Fund, FLAIR number 46-2-725.

(d) Within the Department of Revenue:

1. The Child Support Depository Trust Fund, FLAIR number 73-2-080.

2. The Child Support Trust Fund, FLAIR number 73-2-084.

3. The Minerals Trust Fund, FLAIR number 73-2-484.

(2) Unless otherwise provided, all current balances remaining in, and all revenues of, the trust funds terminated by this act shall be transferred to the General Revenue Fund.

(3) For each trust fund terminated by this act, the agency or branch that administers the trust fund shall pay any outstanding debts and obligations of the terminated fund as soon as practicable, and the Comptroller shall close out and remove the terminated fund from the various state accounting systems using generally accepted accounting principles concerning warrants outstanding, assets, and liabilities.

Section 2. The Legislature finds that the following trust funds are exempt from termination pursuant to Section 19(f), Article III of the State Constitution:

(1) Within the Department of Agriculture and Consumer Services, the Florida Preservation 2000 Trust Fund, FLAIR number 42-2-332.

(2) Within the Department of Banking and Finance:

(a) The Child Support Clearing Trust Fund, FLAIR number 44-2-081.

(b) The Collections Internal Revenue Clearing Trust Fund, FLAIR number 44-2-101.

(c) The Consolidated Miscellaneous Deductions Clearing Trust Fund, FLAIR number 44-2-139.

(d) The Electronic Funds Transfer Clearing Trust Fund, FLAIR number 44-2-188.

(e) The Employee Refund Clearing Trust Fund, FLAIR number 44-2-194.

(f) The Federal Tax Levy Clearing Trust Fund, FLAIR number 44-2-274.

(g) The Florida Retirement Clearing Trust Fund, FLAIR number 44-2-323.

(h) The Hospital Insurance Tax Clearing Trust Fund, FLAIR number 44-2-370.

(i) The Social Security Clearing Trust Fund, FLAIR number 44-2-643.

(3) Within the Department of Environmental Protection:

(a) The Florida Preservation 2000 Trust Fund, FLAIR number 37-2-332.

(b) The Land Acquisition Trust Fund, FLAIR number 37-2-423.

(c) The Project Construction Trust Fund, FLAIR number 37-2-549.

(4) Within the Department of Insurance:

(a) The Agents and Solicitors County Tax Trust Fund, FLAIR number 46-2-024.

(b) The Government Employees Deferred Compensation Trust Fund, FLAIR number 46-2-155.

(c) The State Treasurer Escrow Trust Fund, FLAIR number 46-2-622.

(d) The Treasury Cash Deposit Trust Fund, FLAIR number 46-2-720.

(e) The Treasurer Investment Trust Fund, FLAIR number 46-2-728.

(5) Within the Department of Revenue:

(a) The Additional Court Costs Clearing Trust Fund, FLAIR number 73-2-013.

(b) The Apalachicola Bay Oyster Surcharge Clearing Trust Fund, FLAIR number 73-2-028.

(c) The Child Support Clearing Trust Fund, FLAIR number 73-2-081.

(d) The Convention Development Tax Clearing Trust Fund, FLAIR number 73-2-132.

(e) The Revenue Sharing Trust Fund for Counties, FLAIR number 73-2-144.

(f) The Documentary Stamp Tax Clearing Trust Fund, FLAIR number 73-2-166.

(g) The Revenue-Fuel Tax Refund Payments Trust Fund, FLAIR number 73-2-317.

(h) The Fuel Tax Collection Trust Fund, FLAIR number 73-2-319.

(i) The Local Option Fuel Tax Trust Fund, FLAIR number 73-2-448.

(j) The Local Alternative Fuel User Fee Clearing Trust Fund, FLAIR number 73-2-449.

(k) The Local Government Half-cent Sales Tax Clearing Trust Fund, FLAIR number 73-2-455.

(l) The Discretionary Sales Surtax Clearing Trust Fund, FLAIR number 73-2-459.

(m) The Local Option Tourist Development Trust Fund, FLAIR number 73-2-460.

(n) The Mail Order Sales Tax Clearing Trust Fund, FLAIR number 73-2-465.

(o) The Motor Vehicle Warranty Trust Fund, FLAIR number 73-2-492.

(p) The Municipal Financial Assistance Trust Fund, FLAIR number 73-2-493.

(q) The Motor Vehicle Rental Surcharge Clearing Trust Fund, FLAIR number 73-2-494.

(r) The Revenue Sharing Trust Fund for Municipalities, FLAIR number 73-2-501.

(s) The Oil and Gas Tax Trust Fund, FLAIR number 73-2-508.

(t) The Pollutant Tax Clearing Trust Fund, FLAIR number 73-2-544.

(u) The Railroad and Private Car Tax Collection Clearing Trust Fund, FLAIR number 73-2-571.

(v) The Sales Tax Security Deposit Trust Fund, FLAIR number 73-2-607.

(w) The Secondhand Dealer and Secondary Metals Recycler Clearing Trust Fund, FLAIR number 73-2-617.

(x) The State Alternative Fuel User Fee Clearing Trust Fund, FLAIR number 73-2-618.

(y) The Highway Safety-Admin. Div. Security Deposits Trust Fund, FLAIR number 73-2-625.

(z) The Severance Tax Solid Mineral Trust Fund, FLAIR number 73-2-636.

(aa) The Solid Waste Management Clearing Trust Fund, FLAIR number 73-2-645.

(bb) The Department of Revenue Premium Tax Clearing Trust Fund, FLAIR number 73-2-733.

(cc) The Ninth-cent Fuel Tax Trust Fund, FLAIR number 73-2-777.

Section 3. (1) The following trust funds are renamed:

(a) Within the Department of Banking and Finance:

1. The Abandoned Property Trust Fund, FLAIR number 44-2-007, is renamed the Unclaimed Property Trust Fund.

2. The National Forest Trust Fund, FLAIR number 44-2-307, is renamed the Federal Use of State Lands Trust Fund.

(b) Within the Department of Environmental Protection:

1. The Aquatic Plant Control Trust Fund, FLAIR number 37-2-030, is renamed the Invasive Plant Control Trust Fund.

2. The Sewage Treatment Revolving Loan Fund, FLAIR number 37-2-661, is renamed the Wastewater Treatment and Stormwater Management Revolving Trust Fund.

(2) This section shall take effect July 1, 1999.

Section 4. Effective upon this act becoming a law, section 3 of chapter 95-114, section 3 of chapter 95-115, section 2 of chapter 95-249, and section 3 of chapter 95-371, Laws of Florida, are repealed.

Section 5. Section 11.2423, Florida Statutes, is amended to read:

11.2423 Laws or statutes not repealed.—

(1) No special or local statute, or statute, local, limited or special in its nature, shall be repealed by the Florida Statutes, now or hereafter adopted, and, for the purpose of this saving from repeal any statute of the following classes shall be taken to be included in such exception, namely:

(a) Any statutes for or concerning only a certain county or certain designated counties.

(b) Any statute for, or concerning or operative in only a portion of the state.

(c) Any statute for or concerning only a certain municipal corporation.

(d) Any statute for or concerning only a designated individual corporation or corporations.

(e) Any statute incorporating a designated individual corporation, or making a grant thereto.

- (f) Any statute of such limited or local application as makes its inclusion in a general statute impracticable or undesirable.
- (g) Road designation laws.
- (h) Severability section in any law.

(i) Any act of the Legislature declaring a trust fund to be exempt from termination pursuant to s. 19(f), Art. III of the State Constitution.

(2) The foregoing enumeration of classes of statutes not repealed shall not be construed to imply a repeal of other statutes which are local, limited or special in their nature.

Section 6. Subsection (3) of section 253.781, Florida Statutes, is amended to read:

253.781 Retention of state-owned lands along former Cross Florida Barge Canal route; creation of Cross Florida Greenways State Recreation and Conservation Area; authorizing transfer to the Federal Government for inclusion in Ocala National Forest.—

(3) The Board of Trustees of the Internal Improvement Trust Fund may acquire by purchase, exchange of other state lands, or the exercise of the power of eminent domain the fee title to lands acquired in less-than-fee title and to privately owned lands that break the continuity of publicly owned lands within the original canal corridor as specified in the University Planning Team Greenway Management Plan along the canal route, using canal authority assets transferred to the department ~~or~~; using state, local, or federal funds dedicated to acquiring lands for conservation and recreation; ~~or using funds from the Cross Florida Barge Canal Trust Fund.~~ The Legislature finds that such exercise of the power of eminent domain to accomplish the purposes of this section is necessary and for a public purpose. Such power of eminent domain must be exercised pursuant to chapter 73.

Section 7. Section 253.7824, Florida Statutes, is amended to read:

253.7824 Sale of products; proceeds.—The department may authorize the removal and sale of products from the land where environmentally appropriate, the proceeds from which shall be deposited in the Land Acquisition ~~Cross Florida Barge Canal Trust Fund.~~

Section 8. Subsection (1) of section 253.7829, Florida Statutes, is amended to read:

253.7829 Management plan for retention or disposition of former Cross Florida Barge Canal lands; authority to manage lands until disposition.—

(1) It is declared to be in the public interest that the department shall do and is hereby authorized to do any and all things and incur and pay from ~~the Cross Florida Barge Canal Trust Fund or from~~ the canal authority assets, for the public purposes described herein, any and all expenses necessary, convenient, and proper to:

(a) Develop a management plan for the retention or disposition of lands acquired for the Cross Florida Barge Canal to be submitted to the Governor and Cabinet no later than 2 years after the date of enactment of the Cross Florida Barge Canal deauthorization act, which plan shall reflect a consideration of alternatives for disposition as provided in this section of all lands in fee or less than fee owned by the Board of Trustees of the Internal Improvement Trust Fund, including those lands previously owned by the canal authority and the United States Army Corps of Engineers, and lands to be transferred to the state by the United States Army Corps of Engineers. The management plan shall establish a plan for delineating the specific boundaries of the Cross Florida Greenways State Recreation and Conservation Area. The Legislature intends that such boundaries include, at a minimum, a 300-yard-wide corridor, except where the original corridor is a lesser width or except in areas where bridges and roads cross the canal corridor, on former canal lands within the original canal corridor extending from the St. Johns River to the Gulf of Mexico, including all of the Oklawaha River Valley and Rodman Reservoir, and all canal works in all areas whether completed and in use or not, but excluding all parts of Lake Rousseau. Such boundaries may include other former canal lands according to the following criteria:

1. The proximity of the lands to former canal corridor lands.
2. The environmental sensitivity or importance of the lands or its characteristics as a unique or significant wildlife habitat.
3. The proximity of the lands to existing state or federal land which is maintained, at least in part, as natural wildlife habitat, so that the addition of the parcel would function as a wildlife corridor, or as additional habitat.
4. The potential of the lands to be developed as outdoor recreation lands.

Commercially valuable parcels, including those parcels near road crossings, within the canal corridor which do not meet the criteria of subparagraphs 1.-4. and other former canal lands which are not included within the boundaries of the Cross Florida Greenways State Recreation and Conservation Area under the criteria of subparagraphs 1.-4., may be disposed of as surplus lands pursuant to s. 253.783(2)(a)-(d). Such alternatives for disposition will include retention by the state or any agency thereof for the specific public purposes outlined in this paragraph or by the counties or adjacent municipalities for recreational or conservation purposes, and a declaration of lands not to be retained as surplus lands to be disposed of pursuant to s. 253.783(2)(a)-(d). The management plan shall also address any remedial measures necessary to correct any environmental or economic damage caused by works constructed as a part of or as a result of the Cross Florida Barge Canal.

(b) Operate and maintain existing lands and interests in lands, appurtenances, structures, and facilities. Operation and maintenance of water control structures may be delegated by the department to the St. Johns River Water Management District or the Southwest Florida Water Management District, as necessary. Rights-of-way necessary for the construction and maintenance of electric transmission lines may be authorized.

Section 9. Subsection (2) of section 253.783, Florida Statutes, is amended to read:

253.783 Additional powers and duties of the department; disposition of surplus lands; payments to counties.—

(2) It is declared to be in the public interest that the department shall do and is hereby authorized to do any and all things and incur and pay ~~from the Cross Florida Barge Canal Trust Fund~~, for the public purposes described herein, any and all expenses necessary, convenient, and proper to:

(a) Offer any land declared to be surplus, at current appraised value, to the counties in which the surplus land lies, for acquisition for specific public purposes. Any county, at its option, may elect to acquire any lands so offered without monetary payment. The fair market value of any parcels so transferred shall be subtracted from the county's reimbursement under paragraph (e). These offers will be made within 3 calendar months after the date the management plan is adopted and will be valid for 180 days after the date of the offer.

(b) Extend the second right of refusal, at current appraised value, to the original owner from whom the Canal Authority of the State of Florida or the United States Army Corps of Engineers acquired the land or the original owner's heirs. These offers shall be made by public advertisement in not fewer than three newspapers of general circulation within the area of the canal route, one of which shall be a newspaper in the county in which the lands declared to be surplus are located. The public advertisements shall be run for a period of 14 days. These offers will be valid for 30 days after the expiration date of any offers made under paragraph (a), or 30 days after the date publication begins, whichever is later.

(c) Extend the third right of refusal, at current appraised value, to any person having a leasehold interest in the land from the canal authority. These offers shall be advertised as provided in paragraph (b) and will be valid for 30 days after the expiration date of the offers made under paragraph (b), or 30 days after the date publication begins, whichever is later.

(d) Offer surplus lands not purchased or transferred under paragraphs (a)-(c) to the highest bidder at public sale. Such surplus lands and the public sale shall be described and advertised in a newspaper of general circulation within the county in which the lands are located not less than 14 calendar days prior to the date on which the public sale is to be held. The current appraised value of such surplus lands will be the minimum acceptable bid.

(e) Refund to the counties of the Cross Florida Canal Navigation District moneys pursuant to this paragraph ~~from the funds remaining in the Cross Florida Barge Canal Trust Fund~~ from the funds derived from the conveyance of lands of the project to the Federal Government or any agency thereof, pursuant to s. 253.781, and from the sales of surplus lands pursuant to this section. Following federal deauthorization of the project, such refunds shall consist of the \$9,340,720 principal in ad valorem taxes contributed by the counties and the interest which had accrued on that amount from the time of payment to June 30, 1985. In no event shall the counties be paid less than

the aggregate sum of \$32 million in cash or the appraised values of the surplus lands. Such refunds shall be in proportion to the ad valorem tax share paid to the Cross Florida Canal Navigation District by the respective counties. Should ~~the remaining funds in the Cross Florida Barge Canal Trust Fund~~ and the funds derived from the conveyance of lands of the project to the Federal Government for payment or from the sale of surplus land be inadequate to pay the total of the principal plus interest, first priority shall be given to repaying the principal and second priority shall be given to repaying the interest. Interest to be refunded to the counties shall be compounded annually at the following rates: 1937-1950, 4 percent; 1951-1960, 5 percent; 1961-1970, 6 percent; 1971-1975, 7 percent; 1976-June 30, 1985, 8 percent. In computing interest, amounts already repaid to the counties shall not be subject to further assessments of interest. Any partial repayments provided to the counties under this act shall be considered as contributing to the total repayment owed to the counties. Should the funds generated by conveyance to the Federal Government and sales of surplus lands be more than sufficient to repay said counties in accordance with this section, such excess funds may be used for the maintenance of the greenways corridor.

(f) Carry out the purposes of this act.

Section 10. Section 624.516, Florida Statutes, is amended to read:

624.516 State Fire Marshal regulatory assessment and surcharge; deposit and use of funds.—

(1) The regulatory assessment imposed under s. 624.515(1) and the surcharge imposed under s. 624.515(2) shall be deposited by the Department of Revenue, when received and audited, into the Insurance Commissioner's Regulatory Trust Fund. ~~The surcharge imposed under s. 624.515(2) shall be deposited by the Department of Revenue, when received and audited, into the Fire College Trust Fund.~~

(2) The moneys so received and deposited in the funds, as provided in subsection (1), are hereby appropriated for use by the State Treasurer as ex officio State Fire Marshal, hereinafter referred to as "State Fire Marshal," to defray the expenses of the State Fire Marshal in the discharge of her or his administrative and regulatory powers and duties as prescribed by law, including the maintaining of offices and necessary supplies therefor, essential equipment and other materials, salaries and expenses of required personnel, and all other legitimate expenses relating to the discharge of the administrative and regulatory powers and duties imposed in and charged to her or him under such laws.

(3) If, at the end of any fiscal year, a balance of funds remains in the Insurance Commissioner's Regulatory Trust Fund ~~or the Fire College Trust Fund, respectively,~~ such balance shall not revert to the general fund of the state, but shall be retained in the Insurance Commissioner's Regulatory Trust Fund ~~or the Fire College Trust Fund~~ to be used for the purposes for which the moneys are same is appropriated as set forth in subsection (2) above.

Section 11. Subsections (1), (2), (3), (9), and (10) of section 633.445, Florida Statutes, are amended to read:

633.445 State Fire Marshal Scholarship Grant Program.—

(1) All payments, gifts, or grants received pursuant to this section shall be deposited in the State Treasury to the credit of the Insurance Commissioner's Regulatory Fire College Trust Fund for the State Fire Marshal Scholarship Grant Program. Such funds shall provide, from grants to the state from moneys raised from public and private sources, scholarships for qualified applicants to the Florida State Fire College as created by s. 633.43.

(2) The Comptroller shall authorize expenditures from the Insurance Commissioner's Regulatory Fire College Trust Fund upon receipt of vouchers approved by the State Fire Marshal. All moneys collected from public and private sources pursuant to this section shall be deposited into the trust fund. Any balance in the trust fund at the end of any fiscal year shall remain therein and shall be available for carrying out the purposes of the fund in the ensuing year.

(3) All funds deposited into the Insurance Commissioner's Regulatory Fire College Trust Fund shall be invested pursuant to ~~the provisions of s. 18.125~~. Interest income accruing to moneys so invested shall increase the total funds available for the purposes for which the trust fund is created.

(9) After selection and approval of an applicant for a grant by the council, payment in the applicant's name for scholarship funds shall be transmitted from the Insurance Commissioner's Regulatory Fire College Trust Fund by the Comptroller upon receipt of vouchers authorized by the State Fire Marshal. If a recipient terminates her or his enrollment during the course of her or his curriculum at the State Fire College, unless excused by the council and allowed to resume training at a later time, any unused portion of the scholarship funds shall be refunded to the trust fund. A recipient who terminates her or his enrollment is not liable for any portion of a scholarship.

(10) The council may accept payments, gifts, and grants of money from any federal agency, private agency, county, city, town, corporation, partnership, or individual for deposit in the Insurance Commissioner's Regulatory Fire College Trust Fund to implement this section and for authorized expenses incurred by the council in performing its duties.

Section 12. Paragraph (r) of subsection (1) of section 633.45, Florida Statutes, is repealed.

Section 13. Section 633.46, Florida Statutes, is amended to read:

633.46 Fees.—The division may fix and collect admission fees and other fees which it deems necessary to be charged for training given. All fees so collected shall be deposited in the Insurance Commissioner's Regulatory Fire College Trust Fund.

Section 14. Section 633.461, Florida Statutes, is amended to read:

633.461 Insurance Commissioner's Regulatory Fire College Trust Fund.—The funds received from the Insurance Commissioner's Regulatory Fire College Trust Fund shall be used ~~utilized~~ by the staff of the Florida State Fire College to provide all necessary services, training, equipment, and supplies to carry out the college's responsibilities, including, but not limited to, the State Fire Marshal Scholarship Grant Program and the procurement of training films, videotapes, audiovisual equipment, and other useful information on fire, firefighting, and fire prevention, including public fire service information packages.

Section 15. Subsection (2) of section 633.50, Florida Statutes, is amended to read:

633.50 Division powers and duties; Florida State Fire College.—

(2) Funds generated by the formula per full-time equivalent student may not exceed the level of state funding per full-time equivalent student generated through the Florida Education Finance Program or the State Community College Program Fund for students enrolled in comparable education programs provided by public school districts and community colleges. Funds appropriated for education and operational costs shall be deposited in the Insurance Commissioner's Regulatory Fire College Trust Fund to be used solely for purposes specified in s. 633.461 and may not be transferred to any other budget entity for purposes other than education.

Section 16. Section 697.203, Florida Statutes, is repealed.

Section 17. Section 697.205, Florida Statutes, is amended to read:

697.205 Recoveries from the trust fund.—

(1)(a) Any person is eligible to seek recovery from the Treasurer's Administrative and Investment Trust Home Equity Conversion Mortgage Guaranty Fund if:

1. Such person was the mortgagee of a home equity conversion mortgage which was foreclosed upon termination, and the proceeds from the foreclosure sale were insufficient to repay the full loan amount due;

2. Such person has caused to be issued a writ of execution upon a decree rendered pursuant to chapter 702, and the officer executing the writ has made a return showing that no real or personal property of the judgment debtor can be found which is liable to be levied upon in satisfaction of the decree or that the amount realized on the sale of the judgment debtor's property pursuant to such execution was insufficient to satisfy the judgment;

3. Such person has made all searches and inquiries which are reasonable to ascertain whether the judgment debtor possesses real or personal property or other assets subject to being sold or applied in satisfaction of the judgment, and such person through her or his search has discovered no property or assets or has discovered property and assets and taken all necessary action and proceedings for the application of such property and

assets in satisfaction of the judgment but the amounts thereby realized were insufficient to satisfy the judgment;

4. Such person has applied any amounts recovered from the judgment debtor, or from any other source, to the deficiency decree; or

5. The mortgage on which recovery is sought was insured pursuant to s. 697.204 prior to July 1, 1993.

(b) Any person who meets all of the conditions prescribed in subsection (1) may apply to the department for payment to be made to such person from the Treasurer's Administrative and Investment Trust Home Equity Conversion Mortgage Guaranty Fund in an amount equal to the unsatisfied portion of such person's deficiency decree. ~~In no event shall~~ Such amount may not exceed the difference between the amount of the proceeds from a foreclosure sale and the loan amount due, including principal and interest.

(c) Upon receipt by the mortgagee of the payment from the Treasurer's Administrative and Investment Trust Home Equity Conversion Mortgage Guaranty Fund, the mortgagee shall assign to the department any additional right, title, and interest in the judgment, to the extent of such payment.

(2)

(a) ~~If In the event that~~ a search is made by the mortgagee to determine all of the debtor's real and personal property which may be applied towards payment of the debt and it is determined that foreclosure of the home equity conversion mortgage would not result in recovering any significant additional assets of the debtor which may be used to satisfy the mortgage, the mortgagee may still be able to recover from the fund without having to foreclose, provided that such mortgage was insured pursuant to s. 697.204 prior to July 1, 1993.

~~1. Such recovery shall be provided for by rule promulgated pursuant to s. 697.203; shall be conditioned on the mortgagee acquiring the mortgaged property by deed; and shall be based on a reasonable appraised value of the property. The rules promulgated for such recovery shall include provisions for requiring the mortgagee to determine the total assets of the debtor; provisions for determining whether foreclosure would result in recovering any additional assets of the debtor which may be used to satisfy the mortgage; and provisions for determining what constitutes a reasonable appraised value of the property.~~

~~2. The maximum recovery to be allowed by this section shall be the difference between the loan amount due, including principal and interest, and the appraised value of the property.~~

(b) Any person who meets all of the conditions set by rule for recovery under this subsection may apply to the department for payment to be made to such person from the Treasurer's Administrative and Investment Trust Home Equity Conversion Mortgage Guaranty Fund in an amount equal to the maximum recovery as provided herein.

Section 18. Section 61.182, Florida Statutes, is repealed.

Section 19. Effective July 1, 1999, paragraph (a) of subsection (1) of section 206.606, Florida Statutes, 1998 Supplement, as amended by chapters 98-114, 96-321, 95-417, and 94-146, Laws of Florida, is amended to read:

206.606 Distribution of certain proceeds.—

(1) Moneys collected pursuant to ss. 206.41(1)(g) and 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust Fund. Such moneys, after deducting the service charges imposed by s. 215.20, the refunds granted pursuant to s. 206.41, and the administrative costs incurred by the department in collecting, administering, enforcing, and distributing the tax, which administrative costs may not exceed 2 percent of collections, shall be distributed monthly to the State Transportation Trust Fund, except that:

(a) \$7.55 million shall be transferred to the Department of Environmental Protection in each fiscal year. The transfers must be made in equal monthly amounts beginning on July 1 of each fiscal year. \$1.25 million of the amount transferred shall be deposited annually in the Marine Resources Conservation Trust Fund and must be used by the department to fund special projects to provide recreational channel marking, public launching facilities, and other boating-related activities. The department shall annually determine where unmet needs exist for boating-related activities, and may fund such activities in counties where, due to the number of vessel registrations, insufficient financial resources are available to meet total water resource needs. The remaining proceeds of the annual transfer shall be deposited in the Invasive Aquatic Plant Control Trust Fund and must be used for aquatic plant management, including nonchemical control of aquatic weeds, research into nonchemical controls, and enforcement activities. Beginning in fiscal year 1993-1994, the department shall allocate at least \$1 million of such funds to the eradication of melaleuca.

Section 20. Effective July 1, 1999, paragraphs (c) and (e) of subsection (1) of section 327.28, Florida Statutes, are amended to read:

327.28 Marine Resources Conservation Trust Fund; vessel registration funds; appropriation and distribution.—

(1) Except as otherwise specified and less any administrative costs, all funds collected from the registration of vessels through the Department of Highway Safety and Motor Vehicles and the tax collectors of the state shall be deposited in the Marine Resources Conservation Trust Fund for recreational channel marking; public launching facilities; law enforcement and quality control programs; aquatic weed control; manatee protection, recovery, rescue, rehabilitation, and release; and marine mammal protection and recovery. The funds collected pursuant to s. 327.25(1) shall be transferred as follows:

(c) Two dollars from each noncommercial vessel registration fee, except that for class A-1 vessels, shall be transferred to the Invasive Aquatic Plant Control Trust Fund for aquatic weed research and control.

(e) Forty percent of the registration fees from commercial vessels shall be transferred to the Invasive Aquatic Plant Control Trust Fund for aquatic plant research and control.

Section 21. Effective July 1, 1999, section 369.252, Florida Statutes, is amended to read:

369.252 Invasive exotic plant control on public lands.—The department shall establish a program to:

(1) Achieve eradication or maintenance control of invasive exotic plants on public lands when the scientific data indicate that they are detrimental to the state's natural environment or when the Commissioner of Agriculture finds that such plants or specific populations thereof are a threat to the agricultural productivity of the state;

(2) Assist state and local government agencies in the development and implementation of coordinated management plans for the eradication or maintenance control of invasive exotic plant species on public lands;

(3) Contract, or enter into agreements, with entities in the State University System or other governmental or private sector entities for research concerning control agents; production and growth of biological control agents; and development of workable methods for the eradication or maintenance control of invasive exotic plants on public lands; and

(4) Use funds in the Invasive Aquatic Plant Control Trust Fund as authorized by the Legislature for carrying out activities under this section on public lands.

Section 22. Effective July 1, 1999, section 215.551, Florida Statutes, is amended to read:

215.551 Federal Use of State Lands ~~National Forest Trust Fund~~; county distribution.—

(1) The Comptroller may make distribution of the Federal Use of State Lands ~~National Forest Trust Fund~~, when so requested by the counties in interest, of such amounts as may be accumulated in that fund.

(2) The Comptroller shall ascertain, from the records of the General Land Office or other departments in Washington, D.C., the number of acres of land situated in the several counties in which the Apalachicola, Choctawhatchee, Ocala, and Osceola Forest Reserves are located, the number of acres of land of such forest reserve embraced in each of the counties in each of the reserves, and, also, the amount of money received by the United States Government from each of the reserves, respectively. The Comptroller shall apportion the money on hand to each county in each reserve, respectively and separately; such distribution shall be based upon the number of acres of land embraced in the Apalachicola Forest, Choctawhatchee Forest, Ocala Forest, and Osceola Forest, respectively, in each county and shall be further based upon the amount collected by the United States from each of such forests, so that such distribution, when made, will include for each county

the amount due each county, based upon the receipts for the particular forest and the acreage in the particular county in which such forest is located. The Comptroller shall issue two warrants on the Treasurer in each case, the sum of which shall be the amount due each of such counties from the fund. One warrant shall be payable to the county for the county general road fund, and one warrant, of equal amount, shall be payable to such county's district school board for the district school fund.

(3) In the event that actual figures of receipts from different reserves cannot be obtained by counties, so as to fully comply with subsections (1) and (2), the Comptroller may adjust the matter according to the United States statutes, or as may appear to him or her to be just and fair, and with the approval of all counties in interest.

(4) The moneys that may be received and credited to the Federal Use of State Lands National Forest Trust Fund are appropriated for the payment of the warrants of the Comptroller drawn on the Treasurer in pursuance of this section.

Section 23. Effective July 1, 1999, paragraph (a) of subsection (9) and subsection (10) of section 403.1835, Florida Statutes, 1998 Supplement, are amended to read:

403.1835 Sewage treatment facilities revolving loan program.—

(9) Funds for the loans and grants authorized under this section must be managed as follows:

(a) A nonlapsing trust fund with revolving loan provisions to be known as the "Wastewater Sewage Treatment and Stormwater Management Revolving Loan Trust Fund" is hereby established in the State Treasury to be used as a revolving fund by the department to carry out the purpose of this section. Any funds therein which are not needed on an immediate basis for loans may be invested pursuant to s. 215.49. The cost of administering the program shall be paid from federal funds, from reasonable service fees that may be imposed upon loans, and from proceeds from the sale of loans as permitted by federal law so as to enhance program perpetuity. Grants awarded by the Federal Government, state matching funds, and investment earnings thereon shall be deposited into the fund. Proceeds from the sale of loans must be deposited into the fund. All moneys available in the fund, including investment earnings, are hereby designated to carry out the purpose of this section. The principal and interest payments of all loans held by the fund shall be deposited into this fund.

(10) Because the Legislature has experienced revenue shortfalls in recent years and has been unable to provide enough funds to fully match available federal funds to help capitalize the Wastewater Sewage Treatment and Stormwater Management Revolving Loan Trust Fund, it is necessary for innovative approaches to be considered to help capitalize the revolving loan fund. The department shall evaluate potential innovative approaches that can generate funds to match available federal funds. The department may adopt approaches that will help ensure the continuing viability of the Wastewater Sewage Treatment and Stormwater Management Revolving

Loan Trust Fund. The department shall consider, among other possible alternatives, the option of implementing by rule a program to allow local governments to offer funds voluntarily to the state for use as a match to available federal funds to capitalize the Wastewater state sewage Treatment and Stormwater Management Revolving Loan Trust Fund.

Section 24. Effective July 1, 1999, section 403.1836, Florida Statutes, is amended to read:

403.1836 Wastewater Sewage Treatment and Stormwater Management Revolving Loan Trust Fund; stormwater management system construction.—~~Each Beginning in~~ fiscal year 1998-1999, the Department of Environmental Protection shall make available up to 10 percent of the annual revenue received in the Wastewater Sewage Treatment and Stormwater Management Revolving Loan Trust Fund for loans to local governmental agencies for constructing stormwater management systems authorized pursuant to s. 403.1835. During this period of time, if the department does not receive requests for projects to use the funds available for stormwater management systems, such funds shall be used for constructing sewage treatment facilities and other activities authorized by s. 403.1835.

Section 25. Except as otherwise provided herein, this act shall take effect July 1, 2000.

Approved by the Governor May 26, 1999.

Filed in Office Secretary of State May 26, 1999.