

CHAPTER 99-243

Senate Bill No. 602

An act relating to trust funds; terminating specified trust funds within the Department of Education; 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 Education are exempt from the termination requirements of s. 19(f), Art. III of the State Constitution; repealing s. 3, ch. 95-114, Laws of Florida, and s. 3, ch. 95-115, Laws of Florida, to eliminate future review and termination or re-creation of the Ancillary Facilities Construction Trust Fund and the Education—Contracts, Grants, and Donations Trust Fund; 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s. 11.2423, F.S.; providing that acts declaring trust funds exempt from constitutional termination requirements are not repealed by the adoption of the Florida Statutes; amending ss. 28.101, 446.52, 741.01, F.S.; correcting cross references; repealing ss. 236.1229 and 236.12295, F.S., relating to the Florida School Improvement and Academic Achievement Trust Fund and grants from the trust fund; amending ss. 240.235 and 240.243, F.S.; eliminating reference to the Incidental Trust Fund; revising provisions relating to deposit of revenues from the service charge assessed for payment of university tuition and fees in installments and redefining the term “state funds” for purposes of provisions relating to the number of classroom teaching hours required of university faculty members, to conform; amending s. 240.36, F.S.; revising funding provisions of the Dr. Philip Benjamin Academic Improvement Program; amending s. 240.334, F.S., to conform; repealing s. 240.3835, F.S., relating to the Community College Capital Facilities Matching Trust Fund; amending s. 240.383, F.S.; revising funding provisions of the Community College Capital Facilities Matching Program, to conform; repealing s. 240.408, F.S., relating to the Challenger Astronauts Memorial Undergraduate Scholarship Trust Fund; amending ss. 229.602 and 240.4082, F.S., relating to the teacher/quest partnership program and the Teacher/Quest Scholarship Program, to conform; providing an effective date.

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

Section 1. (1)(a) The following trust funds within the Department of Education are terminated:

1. The Community College Capital Facilities Matching Trust Fund, no FLAIR number.

2. The Florida School Improvement and Academic Achievement Trust Fund, no FLAIR number.

3. The Challenger Astronauts Memorial Undergraduate Scholarship Trust Fund, FLAIR number 48-2-082.

4. The Federal Rehabilitation Trust Fund, FLAIR number 48-2-270.

5. The Dr. Philip Benjamin Academic Improvement Trust Fund for Community Colleges, FLAIR number 48-2-297.

(b) The following trust funds within the Department of Education, Division of Universities, are terminated:

1. The University of Florida Institute of Food and Agricultural Sciences Relocation and Construction Trust Fund, FLAIR number 49-2-025.

2. The Hurricane Andrew Disaster Relief Trust Fund, FLAIR number 49-2-200.

3. The Hurricane Andrew Recovery and Rebuilding Trust Fund, FLAIR number 49-2-205.

4. The University of Florida Institute of Food and Agricultural Sciences Student Fee Trust Fund, FLAIR number 49-2-407. The current balance remaining in, and all revenues of, the trust fund shall be transferred to the Education and General Student and Other Fees Trust Fund.

5. The University of Florida Health Center Student Fee Trust Fund, FLAIR number 49-2-409. The current balance remaining in, and all revenues of, the trust fund shall be transferred to the Education and General Student and Other Fees Trust Fund.

6. The University of Florida Health Center Liability Insurance Trust Fund, FLAIR number 49-2-444.

7. The University of South Florida Medical Center Professional Medical Liability Self-Insurance Trust Fund, FLAIR number 49-2-477.

8. The University of Florida Health Center at Jacksonville Liability Insurance Trust Fund, FLAIR number 49-2-768.

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

(3) For each trust fund terminated by this section, 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 Education:

(a) The Construction Trust Fund, Florida School for the Deaf and the Blind, FLAIR number 48-2-137.

- (b) The Educational Enhancement Trust Fund, FLAIR number 48-2-178.
- (c) The State School Trust Fund, FLAIR number 48-2-543.
- (d) The Public Education Capital Outlay and Debt Service Trust Fund, FLAIR number 48-2-555.
- (e) The School District and Community College District Capital Outlay and Debt Service Trust Fund, FLAIR number 48-2-612.
- (2) Within the Department of Education, Division of Universities:
 - (a) The Ancillary Facilities Construction Trust Fund, FLAIR number 49-2-026.
 - (b) The Division of Universities Building Fee Trust Fund, FLAIR number 49-2-064.
 - (c) The Division of Universities Capital Improvement Fee Trust Fund, FLAIR number 49-2-071.
 - (d) The State University System Construction Trust Fund, FLAIR number 49-2-137.
 - (e) The Education—Contracts, Grants, and Donations Trust Fund, FLAIR number 49-2-153.
 - (f) The Educational Enhancement Trust Fund, FLAIR number 49-2-178.
 - (g) The Engineering Industrial Experimental Station Trust Fund, FLAIR number 49-2-186.
 - (h) The Auxiliary General Trust Fund, FLAIR number 49-2-330.
 - (i) The State University System Law Enforcement Trust Fund, FLAIR number 49-2-434.
 - (j) The Sponsored Research Trust Fund, FLAIR number 49-2-655.
 - (k) The Uniform Payroll Trust Fund, FLAIR number 49-2-766.
 - (l) The Developmental Research School Trust Fund, FLAIR number 49-2-999.

Section 3. Section 3 of chapter 95-114, Laws of Florida, and section 3 of chapter 95-115, Laws of Florida, are repealed.

Section 4. 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 statute 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 5. Paragraph (b) of subsection (1) of section 28.101, Florida Statutes, 1998 Supplement, is amended to read:

28.101 Petitions and records of dissolution of marriage; additional charges.—

(1) When a party petitions for a dissolution of marriage, in addition to the filing charges in s. 28.241, the clerk shall collect and receive:

(b) A charge of \$5. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the State Treasury for deposit in the Displaced Homemaker Trust Fund created in s. ~~446.50~~ 410.30. If a petitioner does not have sufficient funds with which to pay this fee and signs an affidavit so stating, all or a portion of the fee shall be waived subject to a subsequent order of the court relative to the payment of the fee.

Section 6. Section 446.52, Florida Statutes, is amended to read:

446.52 Confidentiality of information.—Information about displaced homemakers who receive services under ss. ~~446.50~~ 410.30 and ~~446.51~~ 410.30~~1~~ which is received through files, reports, inspections, or otherwise, by the division or by authorized employees of the division, by persons who volunteer services, or by persons who provide services to displaced homemakers under ss. ~~446.50~~ 410.30 and ~~446.51~~ 410.30~~1~~ through contracts with the division is confidential and exempt from the provisions of s. 119.07(1). Such information may not be disclosed publicly in such a manner as to

identify a displaced homemaker, unless such person or the person's legal guardian provides written consent.

Section 7. Subsection (3) of section 741.01, Florida Statutes, 1998 Supplement, is amended to read:

741.01 County court judge or clerk of the circuit court to issue marriage license; fee.—

(3) Further, the fee charged for each marriage license issued in the state shall be increased by an additional sum of \$7.50 to be collected upon receipt of the application for the issuance of a marriage license. The clerk shall transfer such funds monthly to the State Treasury for deposit in the Displaced Homemaker Trust Fund created in s. 446.50 440.30.

Section 8. Section 236.1229, Florida Statutes, 1998 Supplement, and section 236.12295, Florida Statutes, are repealed.

Section 9. Subsection (7) of section 240.235, Florida Statutes, 1998 Supplement, is amended to read:

240.235 Fees.—

(7) Each university may assess a service charge for the payment of tuition and fees in installments. Such service charge must be approved by the Board of Regents. The revenues from such service charges shall be deposited into a student fee trust fund the Legislature has established and assigned to the university for that purpose ~~the Incidental Trust Fund.~~

Section 10. Paragraph (a) of subsection (1) of section 240.243, Florida Statutes, is amended to read:

240.243 Required number of classroom teaching hours for university faculty members.—

(1) As used in this section:

(a) "State funds" means those funds appropriated annually in the General Appropriations Act from the General Revenue Fund and Incidental Trust Fund for institutional and research functions and, in the case of a health center, those funds appropriated from the General Revenue Fund and Operations and Maintenance Trust Fund for the same purposes. ~~from the General Revenue Fund and Incidental Trust Fund for institutional and research functions and, in the case of a health center, those funds appropriated from the General Revenue Fund and Operations and Maintenance Trust Fund for the same purposes.~~

Section 11. Section 240.36, Florida Statutes, 1998 Supplement, is amended to read:

240.36 Dr. Philip Benjamin Academic Improvement Program Trust Fund for Community Colleges.—

(1) There is created the Dr. Philip Benjamin Academic Improvement Program Trust Fund for Community Colleges to be administered according to rules of the State Board of Community Colleges. This program trust fund shall be used to encourage private support in enhancing public community colleges by providing the community college system with the opportunity to receive and match challenge grants.

~~(2) Funds appropriated shall be deposited in the trust fund and shall be invested pursuant to s. 18.125. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and interest income accruing to that portion of the trust fund not matched shall remain in the trust fund and shall increase the total funds available for challenge grants. At the end of a fiscal year, any unexpended balance of an appropriation in the trust fund will not revert to the fund from which appropriated, but will remain in the trust fund until used for the purposes specified in this section.~~

~~(2)(3)~~ For every year in which there is a legislative appropriation to the program trust fund, no less than \$25,000 must be reserved to permit each community college and the State Board of Community Colleges, which shall be an eligible community college entity for the purposes of this section, an opportunity to match challenge grants. The balance of the funds shall be available for matching by any eligible community college entity. Trust Funds which remain unmatched by contribution on March 1 of any year shall also be available for matching by any community college entity. The State Board of Community Colleges shall adopt rules providing all community college entities with an opportunity to apply for excess trust funds prior to the awarding of such funds. However, no community college may receive more than its percentage of the total full-time equivalent enrollment or 15 percent, whichever is greater, of the funds appropriated to the program trust fund for that fiscal year and, likewise, the State Board of Community Colleges may not receive more than 15 percent of the funds appropriated to the program trust fund for that fiscal year. A community college entity shall place all funds it receives in excess of the first challenge grant and its matching funds in its endowment fund and only the earnings on that amount may be spent for approved projects. A community college entity may spend the first challenge grant and its matching funds as cash for any approved project, except scholarships. If a community college entity proposes to use any amount of the grant or the matching funds for scholarships, it must deposit that amount in its endowment in its academic improvement trust fund and use the earnings of the endowment to provide scholarships.

~~(3)(4)~~ Challenge grants shall be proportionately allocated from the program trust fund on the basis of matching each \$4 of state funds with \$6 of local or private funds. To be eligible, a minimum of \$4,500 must be raised from private sources.

~~(4)(5)~~ Funds sufficient to provide the match shall be transferred from the state appropriation trust fund to the local community college foundation or the statewide community college foundation upon notification that a proportionate amount has been received and deposited by the community college entity in its own trust fund.

~~(5)(6)~~ Each community college entity shall establish its own academic improvement trust fund as a depository for the private contributions and matching state funds provided under this section fund established herein. The foundations of the community college entities are responsible for the maintenance, investment, and administration of their academic improvement trust funds.

(6)(7)(a) The board of trustees of the community college and the State Board of Community Colleges are responsible for determining the uses for the proceeds of their respective trust funds. Such uses of the proceeds shall be limited to expenditure of the funds for:

1. Scientific and technical equipment.
2. Other activities that will benefit future students as well as students currently enrolled at the community college and that will improve the quality of education at the community college or in the community college system.
3. Scholarships, loans, or need-based grants.

(b) If a community college includes scholarships, loans, or need-based grants in its proposal, it shall create an endowment in its academic improvement trust fund and use the earnings of the endowment to provide scholarships, loans, or need-based grants.

(c) Proposals for use of the trust fund shall be submitted to the State Board of Community Colleges for approval. Any proposal not acted upon in 60 days shall be considered not approved.

(7)(8) The State Board of Community Colleges shall establish rules to provide for the administration of this program fund. Such rules shall establish the minimum challenge grant reserved for each community college entity and the maximum amount which a community college entity may receive from a legislative appropriation in any fiscal year in accordance with the provisions of the General Appropriations Act.

Section 12. Subsection (5) of section 240.334, Florida Statutes, is amended to read:

240.334 Technology transfer centers at community colleges.—

(5) A technology transfer center shall be financed from the Academic Improvement Program Trust Fund or from moneys of a community college which are on deposit or received for use in the activities conducted in the center. Such moneys shall be deposited by the community college in a permanent technology transfer fund in a depository or depositories approved for the deposit of state funds and shall be accounted for and disbursed subject to regular audit by the Auditor General.

Section 13. Section 240.3835, Florida Statutes, is repealed.

Section 14. Subsections (3), (4), and (11) of section 240.383, Florida Statutes, are amended to read:

240.383 State Community College System Facility Enhancement Challenge Grant Program.—

(3) The Community College Capital Facilities Matching Program Trust Fund, ~~if created by law, otherwise the General Revenue Fund~~, shall provide funds to match private contributions for the development of high priority

instructional and community-related capital facilities, including common areas connecting such facilities, within the State Community College System. ~~All appropriated funds deposited in the trust fund, if created by law, otherwise the General Revenue Fund, shall be invested pursuant to the provisions of s. 18.125. Interest income accruing to that portion of the trust fund, if created by law, otherwise the General Revenue Fund, shall increase the total funds available for the challenge grant program. Interest income accruing from the private donations shall be returned to the participating direct support organization upon completion of the project.~~

(4) Within the direct-support organization of each community college there must be established a separate capital facilities matching account for the purpose of providing matching funds from the direct-support organization's unrestricted donations or other private contributions for the development of high priority instructional and community-related capital facilities, including common areas connecting such facilities. The Legislature shall appropriate funds ~~to be transferred to the Community College Capital Facilities Matching Trust Fund, if created by law, otherwise the General Revenue Fund,~~ for distribution to a community college after matching funds are certified by the direct-support organization and community college. The Public Education Capital Outlay and Debt Service Trust Fund shall not be used as the source of the state match for private contributions.

(11) Any project funds that are unexpended after a project is completed shall revert to the community college's direct-support organization capital facilities matching account. Fifty percent of such unexpended funds shall be reserved for the community college which originally received the private contribution for the purpose of providing private matching funds for future facility construction projects as provided in this section. The balance of such unexpended funds shall be returned to the ~~Community College Capital Facilities Matching Trust Fund, if created by law, otherwise the General Revenue Fund,~~ and be available to any community college for future facility construction projects conducted pursuant to this section.

Section 15. Section 240.408, Florida Statutes, is repealed.

Section 16. Subsection (10) of section 229.602, Florida Statutes, is amended to read:

229.602 Florida private sector and education partnerships.—

(10)(a) There is hereby created the teacher/quest partnership program. This program establishes a new education partnership with business, industry, or nonprofit or government agencies for the purpose of providing teachers with the opportunity to enhance their knowledge and improve their teaching skills in the areas of science, mathematics, and computer science.

(b) Teachers shall participate in a project in association with a business, industry, or agency partner. Teachers shall explore job-related science, mathematics, and computer skills, and the application of mathematical, scientific, and computing concepts to problems faced in business, industry, or agency settings. This experience will keep them current, provide them with a "real world" perspective and experiential knowledge, and enable

them to develop resource contacts from the participating organizations who could be invited to participate in classroom demonstrations or other learning experiences.

(c) The Department of Education is authorized to distribute grants to school districts for teacher/quest partnership projects. Each project shall provide salary stipends to teachers for the summer recess at their regular rate of pay. Each school district and participating business, industry, or agency shall reach a contractual agreement which shall be included in a proposal submitted to the Department of Education. A business, industry, or agency shall agree to hire teachers, and teacher recipients shall make a commitment to continue teaching or repay the cost of the stipend. The proposed projects shall be judged on their originality and the potential transfer of knowledge to learning opportunities for students. All projects shall require the participating business, industry, or agency to match state dollars one for one.

~~(d) The program shall be funded wholly or in part by the Challenger Astronauts Memorial Undergraduate Scholarship Trust Fund, pursuant to s. 240.408.~~

Section 17. Section 240.4082, Florida Statutes, is amended to read:

240.4082 Teacher/Quest Scholarship Program.—

(1) The Teacher/Quest Scholarship Program is created for the purpose of providing teachers with the opportunity to enhance their knowledge of science, mathematics, and computer applications in business, industry, and government. A school district or developmental research school may propose that one or more teachers be granted a Teacher/Quest Scholarship by submitting to the Department of Education:

(1)(a) A project proposal specifying activities a teacher will carry out to improve his or her:

(a)1. Understanding of mathematical, scientific, or computing concepts;

(b)2. Ability to apply and demonstrate such concepts through instruction;

(c)3. Knowledge of vocational requirements for competency in mathematics, science, and computing; and

(d)4. Ability to integrate and apply technological concepts from all three fields; and

(2)(b) A contractual agreement with a private corporation or governmental agency that implements the project proposal and guarantees employment to the teacher during a summer or other period when schools are out of session. The agreement must stipulate a salary rate that does not exceed regular rates of pay and a gross salary amount consistent with applicable statutory and contractual provisions for the teachers' employment. The teachers' compensation shall be provided for on an equally matched basis by ~~funds from the Challenger Astronauts Memorial Undergraduate Scholar-~~

ship Trust Fund, as provided for in s. 240.408, and funds from the employing corporation or agency.

~~(2) This section shall be administered subject to the availability of funds from the Challenger Astronauts Memorial Undergraduate Scholarship Trust Fund and such authority as may be exercised by the Challenger Astronauts Memorial Foundation over such fund.~~

Section 18. This act shall take effect July 1, 2000.

Approved by the Governor June 8, 1999.

Filed in Office Secretary of State June 8, 1999.