

Committee Substitute for Senate Bill No. 2646

An act relating to trust funds; terminating specified trust funds within the Department of State, the Department of Highway Safety and Motor Vehicles, and the Department of Community Affairs; providing for disposition of balances in and revenues of the trust funds; declaring findings of the Legislature that specified trust funds within the Executive Office of the Governor, the Department of Transportation, the Department of Community Affairs, and the Department of Highway Safety and Motor Vehicles are exempt from the termination requirements of s. 19(f), Art. III of the State Constitution; repealing s. 445.0324(5), F.S.; abrogating provisions relating to the termination of the Welfare Transition Trust Fund within the Agency for Workforce Innovation; amending s. 252.373, F.S.; revising provisions specifying the use of funds in the Emergency Management, Preparedness, and Assistance Trust Fund within the Department of Community Affairs; amending s. 120.55, F.S.; requiring that fees and moneys collected for the publication and distribution of the Florida Administrative Code and Florida Administrative Weekly be deposited in the Records Management Trust Fund of the Department of State; deleting provisions authorizing the Department of State to collect a surcharge for costs relating to publication of the Florida Administrative Weekly; amending s. 443.211, F.S.; requiring that funds collected for certain information services be deposited into the Employment Security Administration Trust Fund; amending ss. 322.08 and 320.02, F.S.; providing that certain contributions received in connection with a driver's license application or motor vehicle registration are not income of a revenue nature for purposes of a service charge imposed on certain trust funds; providing an effective date.

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 State:

1. The Publications Revolving Trust Fund, FLAIR number 45-2-561. All current balances remaining in, and all revenues of, the Publications Revolving Trust Fund shall be transferred to the Records Management Trust Fund, FLAIR number 45-2-572, within the Department of State.

2. The Ringling Museum Investment Trust Fund, FLAIR number 45-2-411.

3. The Library Construction Trust Fund, FLAIR number 45-2-447.

(b) Within the Department of Highway Safety and Motor Vehicles, the Civil Fines Clearing Trust Fund, FLAIR number 76-2-094.

(c) Within the Department of Community Affairs:

1. The Coastal Zone Management Trust Fund, FLAIR number 52-2-096.
2. The Governor's Council on Criminal Justice Trust Fund, FLAIR number 52-2-333.

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

(3) For each trust fund terminated by this act, the agency that administers the trust fund shall pay any outstanding debts and obligations of the terminated fund as soon as practicable, and the Chief Financial Officer 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 Executive Office of the Governor, the Administered Funds Trust Fund, FLAIR number 31-2-732. This trust fund, created by section 216.273, Florida Statutes, was previously known as the Trust Funds Trust Fund.

(2) Within the Department of Transportation:

- (a) The Central Florida Beltway Trust Fund, FLAIR number 55-2-074.
- (b) The Everglades Parkway Construction Trust Fund, FLAIR number 55-2-199.
- (c) The Turnpike Renewal and Replacement Trust Fund, FLAIR number 55-2-324.
- (d) The Turnpike General Reserve Trust Fund, FLAIR number 55-2-326.
- (e) The Turnpike Bond Construction Trust Fund, FLAIR number 55-2-340.
- (f) The Jacksonville Transportation Authority Project Construction Trust Fund, FLAIR number 55-2-413.
- (g) The Jefferson County 1992 Project Construction Trust Fund, FLAIR number 55-2-418.
- (h) State Transportation Trust Fund, FLAIR number 55-2-540.
- (i) The Right-of-Way Acquisition and Bridge Construction Trust Fund, FLAIR number 55-2-586.

(3) Within the Department of Community Affairs:

- (a) The Florida Preservation 2000 Trust Fund, FLAIR number 52-2-332.
- (b) The Florida Forever Program Trust Fund, FLAIR number 52-2-349.
- (4) Within the Department of Highway Safety and Motor Vehicles:
 - (a) The International Registration Clearing Trust Fund, FLAIR number 76-2-410.
 - (b) The License Tax Collection Trust Fund, FLAIR number 76-2-452.
 - (c) The Motor Vehicle License Clearing Trust Fund, FLAIR number 76-2-488.
 - (d) The Security Deposits Trust Fund, FLAIR number 76-2-625.

Section 3. Subsection (5) of section 445.0325, Florida Statutes, is repealed.

Section 4. Section 252.373, Florida Statutes, is amended to read:

252.373 Allocation of funds; rules.—

(1)(a) Funds appropriated from the Emergency Management, Preparedness, and Assistance Trust Fund shall be allocated by the Department of Community Affairs for the following purposes as follows:

1. ~~Sixty percent~~ To implement and administer state and local emergency management programs, including administration, training, and operations of which 20 percent shall be used by the division and 80 percent shall be allocated to local emergency management agencies and programs. Of this 80 percent, at least 80 percent shall be allocated to counties.

2. ~~Twenty percent~~ to provide for state relief assistance for nonfederally declared disasters, including but not limited to grants and below-interest-rate loans to businesses for uninsured losses resulting from a disaster.

2.3. ~~Twenty percent~~ For grants and loans to state or regional agencies, local governments, and private organizations to implement projects that will further state and local emergency management objectives. These projects must include, but need not be limited to, projects that will promote public education on disaster preparedness and recovery issues, enhance coordination of relief efforts of statewide private sector organizations, and improve the training and operations capabilities of agencies assigned lead or support responsibilities in the state comprehensive emergency management plan, including the State Fire Marshal's Office for coordinating the Florida fire services. The division shall establish criteria and procedures for competitive allocation of these funds by rule. No more than 5 percent of any award made pursuant to this subparagraph may be used for administrative expenses. This competitive criteria must give priority consideration to hurricane evacuation shelter retrofit projects.

3. To meet any matching requirements imposed as a condition of receiving federal disaster relief assistance.

(b) Notwithstanding the provisions of paragraph (a), and for the 2003-2004 fiscal year only, the use of the Emergency Management, Preparedness, and Assistance Trust Fund shall be as provided in the General Appropriations Act. This paragraph expires on July 1, 2004.

(c) Notwithstanding the provisions of paragraph (a), and for the 2003-2004 fiscal year only, the Department of Community Affairs shall conduct a review of funds available in the Emergency Management, Preparedness, and Assistance Trust Fund. By December 31, 2003, when actual receipts for the 2002-2003 fiscal year are determined, the Department of Community Affairs may identify any funds that were unspent or unencumbered in the 2002-2003 fiscal year, and such funds may be transferred to the Grants and Donations Trust Fund to be used for the state portion of the match requirements for federally approved disaster projects. This paragraph expires July 1, 2004.

~~(2) The distribution formula provided in subsection (1) may be adjusted proportionally when necessary to meet any matching requirements imposed as a condition of receiving federal disaster relief assistance or planning funds.~~

~~(2)(3)~~ The department shall allocate funds from the Emergency Management, Preparedness, and Assistance Trust Fund to local emergency management agencies and programs pursuant to criteria specified in rule. Such rules shall include, but are not limited to:

(a) Requiring that, at a minimum, a local emergency management agency either:

1. Have a program director who works at least 40 hours a week in that capacity; or

2. If the county has fewer than 75,000 population or is party to an inter-jurisdictional emergency management agreement entered into pursuant to s. 252.38(3)(b), that is recognized by the Governor by executive order or rule, have an emergency management coordinator who works at least 20 hours a week in that capacity.

(b) Specifying a formula that establishes a base grant allocation and weighted factors for funds to be allocated over the base grant amount.

(c) Specifying match requirements.

(d) Preferential funding to provide incentives to counties and municipalities to participate in mutual aid agreements.

~~(3)(4)~~ If adequate funds are available as determined by the division, every county shall receive funds at least sufficient to fund a dedicated, full-time emergency preparedness officer position.

Section 5. Subsection (5) of section 120.55, Florida Statutes, is amended to read:

120.55 Publication.—

(5)(a) ~~There is hereby created in the State Treasury a revolving fund to be known as the “Publication Revolving Trust Fund” of the Department of State.~~

(a)(b) All fees and moneys collected by the Department of State under this chapter shall be deposited in the Records Management revolving Trust Fund for the purpose of paying for the publication and distribution of the Florida Administrative Code and the Florida Administrative Weekly and for associated costs incurred by the department in carrying out this chapter.

(b)(e) The unencumbered balance in the Records Management Trust Fund for fees collected pursuant to this chapter revolving trust fund at the beginning of each fiscal year shall not exceed \$300,000 at the beginning of each fiscal year, and any excess shall be transferred to the General Revenue Fund.

(c) ~~(d)~~ It is the intent of the Legislature that the Florida Administrative Weekly be supported entirely from funds collected for subscriptions to and advertisements in the Florida Administrative Weekly. ~~To that end, the Department of State is authorized to add a surcharge of 10 percent to any charge relating to the Florida Administrative Weekly until such time as the Publication Revolving Trust Fund has transferred to the General Revenue Fund an amount equal to all funds appropriated to the trust fund.~~

Section 6. Subsection (1) of section 443.211, Florida Statutes, is amended to read:

443.211 Employment Security Administration Trust Fund; appropriation; reimbursement.—

(1) EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.— There is created in the State Treasury the “Employment Security Administration Trust Fund.” All moneys deposited into this fund remain continuously available to the Agency for Workforce Innovation for expenditure in accordance with this chapter and do not revert at any time and may not be transferred to any other fund. All moneys in this fund which are received from the Federal Government or any federal agency or which are appropriated by this state under ss. 443.171 and 443.181, except money received under s. 443.191(5)(c), must be expended solely for the purposes and in the amounts found necessary by the authorized cooperating federal agencies for the proper and efficient administration of this chapter. The fund consists of: all moneys appropriated by this state; all moneys received from the United States or any federal agency; all moneys received from any other source for the administration of this chapter; any funds collected for enhanced, specialized, or value-added labor market information services; any moneys received from any agency of the United States or any other state as compensation for services or facilities supplied to that agency; any amounts received from any surety bond or insurance policy or from other sources for losses sustained by the Employment Security Administration Trust Fund or by reason of damage to equipment or supplies purchased from moneys in the fund; and any proceeds from the sale or disposition of such equipment or supplies. All

money requisitioned and deposited in this fund under s. 443.191(5)(c) remains part of the Unemployment Compensation Trust Fund and must be used only in accordance with s. 443.191(5). All moneys in this fund must be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as provided by law for other trust funds in the State Treasury. These moneys must be secured by the depository in which they are held to the same extent and in the same manner as required by the general depository law of the state, and collateral pledged must be maintained in a separate custody account. All payments from the Employment Security Administration Trust Fund must be approved by the Agency for Workforce Innovation or by an authorized agent and must be made by the Chief Financial Officer. Any balances in this fund do not revert at any time and must remain continuously available to the Agency for Workforce Innovation for expenditure consistent with this chapter.

Section 7. Subsection (6) of section 322.08, Florida Statutes, is amended to read:

322.08 Application for license.—

(6) The application form for a driver's license or duplicate thereof shall include language permitting the following:

(a) A voluntary contribution of \$5 per applicant, which contribution shall be transferred into the Election Campaign Financing Trust Fund.

(b) A voluntary contribution of \$1 per applicant, which contribution shall be deposited into the Florida Organ and Tissue Donor Education and Procurement Trust Fund for organ and tissue donor education and for maintaining the organ and tissue donor registry.

(c) A voluntary contribution of \$1 per applicant, which contribution shall be distributed to the Florida Council of the Blind.

(d) A voluntary contribution of \$2 per applicant, which shall be distributed to the Hearing Research Institute, Incorporated, for the purpose of infant hearing screening in Florida.

(e) A voluntary contribution of \$1 per applicant, which shall be distributed to the Juvenile Diabetes Foundation International.

A statement providing an explanation of the purpose of the trust funds shall also be included. For the purpose of applying the service charge provided in s. 215.20, contributions received under paragraphs (c), (d), and (e) and under s. 322.18(9)(a) are not income of a revenue nature.

Section 8. Subsection (18) is added to section 320.02, Florida Statutes, to read:

320.02 Registration required; application for registration; forms.—

(18) For the purpose of applying the service charge provided in s. 215.20, contributions received under subsections (16) and (17) are not income of a revenue nature.

Section 9. This act shall take effect July 1, 2004.

Approved by the Governor May 25, 2004.

Filed in Office Secretary of State May 25, 2004.