

## Committee Substitute for Senate Bill No. 1806

An act relating to the service charge on income of trust funds; amending s. 215.20, F.S.; increasing the service charge on income of a revenue nature deposited into certain trust funds; deleting provisions providing a reduced service charge on the income of certain trust funds; amending s. 527.23, F.S.; increasing surcharge on income of a trust fund for income relating to marketing orders; amending s. 570.20, F.S.; increasing the service charge on income to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services; amending s. 601.15, F.S.; increasing the service charge on income to the Florida Citrus Advertising Trust Fund; providing for application of the act; providing an effective date.

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

Section 1. Section 215.20, Florida Statutes, is amended to read:

215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.—

(1) A service charge of 8 ~~7~~ percent, representing the estimated pro rata share of the cost of general government paid from the General Revenue Fund, is hereby appropriated from all income of a revenue nature deposited in all trust funds except those enumerated in s. 215.22. Income of a revenue nature shall include all earnings received or credited by such trust funds, including the interest or benefit received from the investment of the principal of such trust funds as may be permitted by law. This provision shall be construed in favor of the General Revenue Fund in each instance. All such appropriations shall be deposited in the General Revenue Fund.

(2) Notwithstanding the provisions of subsection (1):

(a) the trust funds of the Department of Citrus and the Department of Agriculture and Consumer Services, including funds collected in the General Inspection Trust Fund for marketing orders and in the Florida Citrus Advertising Trust Fund, shall be subject to a 4 percent ~~3-percent~~ service charge, which is hereby appropriated to the General Revenue Fund. This paragraph does not apply to the Conservation and Recreation Lands Program Trust Fund, the Citrus Inspection Trust Fund, the Florida Forever Program Trust Fund, the Market Improvements Working Capital Trust Fund, the Pest Control Trust Fund, the Plant Industry Trust Fund, or other funds collected in the General Inspection Trust Fund in the Department of Agriculture and Consumer Services.

~~(b) The Save the Manatee Trust Fund in the Fish and Wildlife Conservation Commission shall be subject to a 3-percent service charge, which is hereby appropriated to the General Revenue Fund.~~

~~(3) A service charge of 0.3 percent is hereby appropriated from income of a revenue nature deposited in the trust funds enumerated in subsection (4). Income of a revenue nature shall include all earnings received or credited by such trust funds, including the interest or benefit received from the investment of the principal of such trust funds as may be permitted by law. This provision shall be construed in favor of the General Revenue Fund in each instance. All such appropriations shall be deposited in the General Revenue Fund.~~

~~(4) The income of a revenue nature deposited in the following described trust funds, by whatever name designated, is that from which the appropriations authorized by subsection (3) shall be made:~~

~~(a) Within the Agency for Health Care Administration, the Health Care Trust Fund.~~

~~(b) Within the Agency for Workforce Innovation:~~

~~1. The Employment Security Administration Trust Fund.~~

~~2. The Special Employment Security Administration Trust Fund.~~

~~(c) Within the Department of Agriculture and Consumer Services:~~

~~1. The Conservation and Recreation Lands Program Trust Fund.~~

~~2. The General Inspection Trust Fund and subsidiary accounts thereof, unless a different percentage is authorized by s. 570.20.~~

~~3. The Division of Licensing Trust Fund.~~

~~(d) Within the Department of Business and Professional Regulation:~~

~~1. The Administrative Trust Fund.~~

~~2. The Alcoholic Beverage and Tobacco Trust Fund.~~

~~3. The Cigarette Tax Collection Trust Fund.~~

~~4. The Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund.~~

~~5. The Hotel and Restaurant Trust Fund, with the exception of those fees collected for the purpose of funding of the hospitality education program as stated in s. 509.302.~~

~~6. The Professional Regulation Trust Fund.~~

~~7. The trust funds administered by the Division of Pari-mutuel Wagering.~~

~~(e) Within the Department of Children and Family Services:~~

~~1. The Administrative Trust Fund.~~

- ~~2. The Child Welfare Training Trust Fund.~~
- ~~3. The Domestic Violence Trust Fund.~~
- ~~4. The Grants and Donations Trust Fund.~~
- ~~5. The Operations and Maintenance Trust Fund.~~

~~(f) Within the Department of Citrus, the Florida Citrus Advertising Trust Fund, including transfers from any subsidiary accounts thereof, unless a different percentage is authorized in s. 601.15(7).~~

~~(g) Within the Department of Community Affairs, the Operating Trust Fund.~~

~~(h) Within the Department of Education:~~

- ~~1. The Educational Certification and Service Trust Fund.~~
- ~~2. The Phosphate Research Trust Fund.~~

~~(i) Within the Department of Elderly Affairs:~~

- ~~1. The Administrative Trust Fund.~~
- ~~2. The Federal Grants Trust Fund.~~
- ~~3. The Grants and Donations Trust Fund.~~
- ~~4. The Operations and Maintenance Trust Fund.~~

~~(j) Within the Department of Environmental Protection:~~

- ~~1. The Administrative Trust Fund.~~
- ~~2. The Air Pollution Control Trust Fund.~~
- ~~3. The Conservation and Recreation Lands Trust Fund.~~
- ~~4. The Ecosystem Management and Restoration Trust Fund.~~
- ~~5. The Environmental Laboratory Trust Fund.~~
- ~~6. The Florida Coastal Protection Trust Fund.~~
- ~~7. The Florida Permit Fee Trust Fund.~~
- ~~8. The Grants and Donations Trust Fund.~~
- ~~9. The Inland Protection Trust Fund.~~
- ~~10. The Internal Improvement Trust Fund.~~
- ~~11. The Land Acquisition Trust Fund.~~
- ~~12. The Minerals Trust Fund.~~

~~13. The Nonmandatory Land Reclamation Trust Fund.~~

~~14. The State Park Trust Fund.~~

~~15. The Water Quality Assurance Trust Fund.~~

~~16. The Working Capital Trust Fund.~~

~~(k) Within the Department of Financial Services:~~

~~1. The Agents County Tax Trust Fund.~~

~~2. The Insurance Regulatory Trust Fund.~~

~~3. The Special Disability Trust Fund.~~

~~4. The Workers' Compensation Administration Trust Fund.~~

~~(l) Within the Department of Health:~~

~~1. The Administrative Trust Fund.~~

~~2. The Brain and Spinal Cord Injury Program Trust Fund.~~

~~3. The Donations Trust Fund.~~

~~4. The Emergency Medical Services Trust Fund.~~

~~5. The Epilepsy Services Trust Fund.~~

~~6. The Florida Drug, Device, and Cosmetic Trust Fund.~~

~~7. The Grants and Donations Trust Fund.~~

~~8. The Medical Quality Assurance Trust Fund.~~

~~9. The Nursing Student Loan Forgiveness Trust Fund.~~

~~10. The Planning and Evaluation Trust Fund.~~

~~11. The Radiation Protection Trust Fund.~~

~~(m) Within the Department of Highway Safety and Motor Vehicles, the  
DUI Programs Coordination Trust Fund.~~

~~(n) Within the Department of Legal Affairs, the Crimes Compensation  
Trust Fund.~~

~~(o) Within the Department of Management Services:~~

~~1. The Administrative Trust Fund.~~

~~2. The Architects Incidental Trust Fund.~~

~~3. The Bureau of Aircraft Trust Fund.~~

- ~~4. The Florida Facilities Pool Working Capital Trust Fund.~~
- ~~5. The Grants and Donations Trust Fund.~~
- ~~6. The Police and Firefighters' Premium Tax Trust Fund.~~
- ~~7. The Public Employees Relations Commission Trust Fund.~~
- ~~8. The State Personnel System Trust Fund.~~
- ~~9. The Supervision Trust Fund.~~
- ~~10. The Working Capital Trust Fund.~~

~~(p) Within the Department of Revenue:~~

- ~~1. The Additional Court Cost Clearing Trust Fund.~~
- ~~2. The Administrative Trust Fund.~~
- ~~3. The Certification Program Trust Fund.~~
- ~~4. The Fuel Tax Collection Trust Fund.~~
- ~~5. The Local Alternative Fuel User Fee Clearing Trust Fund.~~
- ~~6. The Local Option Fuel Tax Trust Fund.~~
- ~~7. The Motor Vehicle Rental Surcharge Clearing Trust Fund.~~
- ~~8. The Motor Vehicle Warranty Trust Fund.~~
- ~~9. The Oil and Gas Tax Trust Fund.~~
- ~~10. The Operations Trust Fund.~~
- ~~11. The Severance Tax Solid Mineral Trust Fund.~~
- ~~12. The State Alternative Fuel User Fee Clearing Trust Fund.~~
- ~~13. All taxes levied on motor fuels other than gasoline levied pursuant to the provisions of s. 206.87(1)(a).~~

~~(q) Within the Department of State:~~

- ~~1. The Records Management Trust Fund.~~
- ~~2. The trust funds administered by the Division of Historical Resources.~~

~~(r) Within the Department of Transportation, all income derived from outdoor advertising and overweight violations which is deposited in the State Transportation Trust Fund.~~

~~(s) Within the Department of Veterans' Affairs:~~

- ~~1. The Grants and Donations Trust Fund.~~

~~2. The Operations and Maintenance Trust Fund.~~

~~3. The State Homes for Veterans Trust Fund.~~

~~(t) Within the Division of Administrative Hearings, the Administrative Trust Fund.~~

~~(u) Within the Fish and Wildlife Conservation Commission:~~

~~1. The Conservation and Recreation Lands Program Trust Fund.~~

~~2. The Florida Panther Research and Management Trust Fund.~~

~~3. The Land Acquisition Trust Fund.~~

~~4. The Marine Resources Conservation Trust Fund, with the exception of those fees collected for recreational saltwater fishing licenses as provided in s. 379.354.~~

~~(v) Within the Florida Public Service Commission, the Florida Public Service Regulatory Trust Fund.~~

~~(w) Within the Justice Administrative Commission, the Indigent Criminal Defense Trust Fund.~~

~~(x) Within the Office of Financial Regulation of the Financial Services Commission:~~

~~1. The Administrative Trust Fund.~~

~~2. The Anti-Fraud Trust Fund.~~

~~3. The Financial Institutions' Regulatory Trust Fund.~~

~~4. The Regulatory Trust Fund.~~

~~(3) Subsection (1) does The enumeration of the foregoing moneys or trust funds shall not prohibit the applicability of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust funds should be exempt herefrom, as it is the purpose of this law to exempt income from its force and effect when, by the operation of this law, federal matching funds or contributions or private grants to any trust fund would be lost to the state.~~

~~(4)(5) There is appropriated from the proper respective trust funds from time to time such sums as may be necessary to pay to the General Revenue Fund the service charges imposed by this section.~~

Section 2. Paragraph (b) of subsection (9) of section 527.23, Florida Statutes, is amended to read:

527.23 Marketing orders; referendum requirements; assessments.—

(9)

(b) The collected assessments shall be deposited into the General Inspection Trust Fund and shall be used for the sole purpose of implementing the marketing order for which the assessment was collected. ~~Four~~ Three percent of all income of a revenue nature deposited in this fund, including transfers from any subsidiary accounts thereof and any interest income, shall be deposited in the General Revenue Fund pursuant to chapter 215. The department is not subject to the procedures found in s. 287.057 in the expenditure of these funds. However, the director of the Division of Marketing and Development shall file with the internal auditor of the department a certification of conditions and circumstances justifying each contract or agreement entered into without competitive bidding.

Section 3. Subsection (1) of section 570.20, Florida Statutes, is amended to read:

570.20 General Inspection Trust Fund.—

(1) All donations and all inspection fees and other funds authorized and received from whatever source in the enforcement of the inspection laws administered by the department shall be paid into the General Inspection Trust Fund of Florida, which is created in the office of the Chief Financial Officer. All expenses incurred in carrying out the provisions of the inspection laws shall be paid from this fund as other funds are paid from the State Treasury. A percentage of all revenue deposited in this fund, including transfers from any subsidiary accounts, shall be deposited in the General Revenue Fund pursuant to chapter 215, except that funds collected for marketing orders shall pay at the rate of ~~4~~ 3 percent.

Section 4. Paragraph (a) of subsection (7) of section 601.15, Florida Statutes, is amended to read:

601.15 Advertising campaign; methods of conducting; excise tax; emergency reserve fund; citrus research.—

(7) All excise taxes levied and collected under the provisions of this chapter shall be paid into the State Treasury on or before the 15th day of each month; such moneys shall be accounted for in a special fund to be designated as the Florida Citrus Advertising Trust Fund, and all moneys in such fund are hereby appropriated to the Department of Citrus for the following purposes:

(a) ~~Four~~ Three percent of all income of a revenue nature deposited in this fund, including transfers from any subsidiary accounts thereof and any interest income, shall be deposited in the General Revenue Fund pursuant to chapter 215.

Section 5. The amendments to sections 215.20, 527.23, 570.20, and 601.15, Florida Statutes, made by this act apply to all service charges deposited into the General Revenue Fund on or after July 1, 2009.

Section 6. This act shall take effect July 1, 2009.

Approved by the Governor May 27, 2009.

Filed in Office Secretary of State May 27, 2009.