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1 A bill to be entitled
 2 An act relating to trust funds; terminating specified
 3 trust funds within the Department of Revenue; providing
 4 for disposition of balances in and revenues of such trust
 5 funds; prescribing procedures for the termination of such
 6 trust funds; amending s. 215.20, F.S., relating to the
 7 service charge on income of trust funds; redesignating the
 8 Cooperative Agreement Trust Fund within the Department of
 9 Military Affairs; amending s. 250.175, F.S., relating to
 10 trust funds within the Department of Military Affairs;
 11 amending ss. 538.09 and 538.25, F.S., relating to the
 12 deposit of registration fees from secondhand dealers and
 13 secondary metals recyclers; conforming provisions to
 14 changes made by the act; providing effective dates.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. (1) The following trust funds within the
 19 Department of Revenue are terminated:

20 (a) The Apalachicola Bay Oyster Surcharge Clearing Trust
 21 Fund, FLAIR number 73-2-028. All current balances remaining in
 22 the Apalachicola Bay Oyster Surcharge Clearing Trust Fund, FLAIR
 23 number 73-2-028 shall be transferred to the General Inspection
 24 Trust Fund within the Department of Agriculture and Consumer
 25 Services, FLAIR number 42-2-321.

26 (b) Effective July 1, 2008, the Secondhand Dealer and
 27 Secondary Metals Recycler Clearing Trust Fund, FLAIR number 73-
 28 2-617. All current balances remaining in the trust fund on the

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29 date of termination shall be transferred to the Operations
 30 Trust Fund within the Department of Revenue.

31 (c) The Fuel Tax Refund Payments Trust Fund, FLAIR number
 32 73-2-317.

33 (2) The Department of Revenue shall pay any outstanding
 34 debts and obligations of the terminated funds as soon as
 35 practicable, and the Chief Financial Officer shall close out and
 36 remove the terminated funds from various state accounting
 37 systems using generally accepted accounting principles
 38 concerning warrants outstanding, assets, and liabilities.

39 Section 2. Effective July 1, 2008, paragraph (p) of
 40 subsection (4) of section 215.20, Florida Statutes, is amended to
 41 read:

42 215.20 Certain income and certain trust funds to contribute
 43 to the General Revenue Fund.--

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

48 (p) Within the Department of Revenue:

49 1. The Additional Court Cost Clearing Trust Fund.

50 2. The Administrative Trust Fund.

51 ~~3. The Apalachicola Bay Oyster Surcharge Clearing Trust~~
 52 ~~Fund.~~

53 34. The Certification Program Trust Fund.

54 45. The Fuel Tax Collection Trust Fund.

55 ~~6. The Land Reclamation Trust Fund.~~

56 57. The Local Alternative Fuel User Fee Clearing Trust
 57 Fund.

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- 58 68. The Local Option Fuel Tax Trust Fund.
- 59 79. The Motor Vehicle Rental Surcharge Clearing Trust Fund.
- 60 ~~810~~. The Motor Vehicle Warranty Trust Fund.
- 61 ~~911~~. The Oil and Gas Tax Trust Fund.
- 62 10. The Operations Trust Fund.
- 63 ~~12. The Secondhand Dealer and Secondary Metals Recycler~~
- 64 ~~Clearing Trust Fund.~~
- 65 ~~1113~~. The Severance Tax Solid Mineral Trust Fund.
- 66 ~~1214~~. The State Alternative Fuel User Fee Clearing Trust
- 67 Fund.
- 68 ~~1315~~. All taxes levied on motor fuels other than gasoline
- 69 levied pursuant to the provisions of s. 206.87(1) (a).

70

71 The enumeration of the foregoing moneys or trust funds shall not

72 prohibit the applicability thereto of s. 215.24 should the

73 Governor determine that for the reasons mentioned in s. 215.24

74 the money or trust funds should be exempt herefrom, as it is the

75 purpose of this law to exempt income from its force and effect

76 when, by the operation of this law, federal matching funds or

77 contributions or private grants to any trust fund would be lost

78 to the state.

79 Section 3. The Cooperative Agreement Trust Fund within the

80 Department of Military Affairs, FLAIR number 62-2-039, is renamed

81 to be the Federal Grants Trust Fund.

82 Section 4. Subsection (4) of section 250.175, Florida

83 Statutes, is amended to read:

84 250.175 Trust funds; authorization; name; purpose.--

85 (4) (a) The Federal Grants ~~Cooperative Agreement~~ Trust Fund

86 is created within the Department of Military Affairs. The

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87 department shall deposit into the trust fund federal funds
 88 received by the department under cooperative agreements between
 89 the federal and state governments, which shall be used to perform
 90 the functions and tasks specified in the agreements. The
 91 department shall also deposit into the trust fund other funds
 92 received by the department.

93 (b) Notwithstanding s. 216.301 and pursuant to s. 216.351,
 94 any balance in the trust fund at the end of any fiscal year shall
 95 remain in the trust fund and is available for carrying out the
 96 purposes of the trust fund.

97 Section 5. Effective July 1, 2008, subsection (1) of
 98 section 538.09, Florida Statutes, is amended to read:

99 538.09 Registration.--

100 (1) A secondhand dealer shall not engage in the business of
 101 purchasing, consigning, or trading secondhand goods from any
 102 location without registering with the Department of Revenue. A
 103 fee equal to the federal and state costs for processing required
 104 fingerprints must be submitted to the department with each
 105 application for registration. One application is required for
 106 each dealer. If a secondhand dealer is the owner of more than one
 107 secondhand store location, the application must list each
 108 location, and the department shall issue a duplicate registration
 109 for each location. For purposes of subsections (4) and (5) of
 110 this section, these duplicate registrations shall be deemed
 111 individual registrations. A dealer shall pay a fee of \$6 per
 112 location at the time of registration and an annual renewal fee of
 113 \$6 per location on October 1 of each year. All fees collected,
 114 less costs of administration, shall be transferred into the
 115 Operations ~~a trust fund to be established and entitled the~~

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116 ~~Secondhand Dealer and Secondary Metals Recycler Clearing~~ Trust
 117 Fund. The Department of Revenue shall forward the full set of
 118 fingerprints to the Department of Law Enforcement for state and
 119 federal processing, provided the federal service is available, to
 120 be processed for any criminal justice information as defined in
 121 s. 943.045. The cost of processing such fingerprints shall be
 122 payable to the Department of Law Enforcement by the Department of
 123 Revenue. The department may issue a temporary registration to
 124 each location pending completion of the background check by state
 125 and federal law enforcement agencies, but shall revoke such
 126 temporary registration if the completed background check reveals
 127 a prohibited criminal background. An applicant for a secondhand
 128 dealer registration must be a natural person who has reached the
 129 age of 18 years.

130 (a) If the applicant is a partnership, all the partners
 131 must apply.

132 (b) If the applicant is a joint venture, association, or
 133 other noncorporate entity, all members of such joint venture,
 134 association, or other noncorporate entity must make application
 135 for registration as natural persons.

136 (c) If the applicant is a corporation, the registration
 137 must include the name and address of such corporation's
 138 registered agent for service of process in the state and a
 139 certified copy of statement from the Secretary of State that the
 140 corporation is duly organized in the state or, if the corporation
 141 is organized in a state other than Florida, a certified copy of
 142 statement from the Secretary of State that the corporation is
 143 duly qualified to do business in this state. If the dealer has
 144 more than one location, the application must list each location

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145 owned by the same legal entity and the department shall issue a
 146 duplicate registration for each location.

147 Section 6. Effective July 1, 2008, paragraph (a) of
 148 subsection (1) of section 538.25, Florida Statutes, is amended to
 149 read:

150 538.25 Registration.--

151 (1) No person shall engage in business as a secondary
 152 metals recycler at any location without registering with the
 153 department.

154 (a) A fee equal to the federal and state costs for
 155 processing required fingerprints must be submitted to the
 156 department with each application for registration. One
 157 application is required for each secondary metals recycler. If a
 158 secondary metals recycler is the owner of more than one secondary
 159 metals recycling location, the application must list each
 160 location, and the department shall issue a duplicate registration
 161 for each location. For purposes of subsections (3), (4), and (5),
 162 these duplicate registrations shall be deemed individual
 163 registrations. A secondary metals recycler shall pay a fee of \$6
 164 per location at the time of registration and an annual renewal
 165 fee of \$6 per location on October 1 of each year. All fees
 166 collected, less costs of administration, shall be transferred
 167 into the Operations Trust Fund ~~Secondhand Dealer and Secondary~~
 168 ~~Metals Recycler Clearing Trust Fund established pursuant to s.~~
 169 ~~538.09.~~

170 Section 7. Except as otherwise expressly provided in this
 171 act, this act shall take effect July 1, 2007.