

1 A bill to be entitled
 2 An act relating to trust funds; creating the Clearing
 3 Funds Trust Fund within the Department of State; providing
 4 for sources of funds and purposes; providing for future
 5 review and termination or re-creation of the trust fund;
 6 amending ss. 99.092 and 99.093, F.S.; clarifying
 7 provisions requiring that election assessments be
 8 transferred to the Elections Commission Trust Fund within
 9 the Department of Legal Affairs; amending s. 105.031,
 10 F.S.; requiring that the filing fees for certain offices
 11 be transferred to the Department of Legal Affairs rather
 12 than the Department of Revenue for deposit into the
 13 Elections Commission Trust Fund; amending s. 106.24, F.S.;
 14 deleting an obsolete reference to the Division of
 15 Elections with respect to the use of funds in the
 16 Elections Commission Trust Fund; amending s. 610.104,
 17 F.S.; requiring that certain funds paid to the Department
 18 of State by cable or video providers be deposited into the
 19 Clearing Funds Trust Fund rather than the Operating Trust
 20 Fund; providing a contingent effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Clearing Funds Trust Fund.—

25 (1) The Clearing Funds Trust Fund is created within the
 26 Department of State.

27 (2) The trust fund is established for use as a depository
 28 for funds to account for collections pending distribution to

29 lawful recipients. Funds shall be expended only pursuant to
 30 legislative appropriation or an approved amendment to the
 31 department's operating budget pursuant to the provisions of
 32 chapter 216, Florida Statutes.

33 (3) In accordance with s. 19(f)(2), Article III of the
 34 State Constitution, the Clearing Funds Trust Fund shall, unless
 35 terminated sooner, be terminated on July 1, 2014. Before its
 36 scheduled termination, the trust fund shall be reviewed as
 37 provided in s. 215.3206(1) and (2), Florida Statutes.

38 Section 2. Subsection (1) of section 99.092, Florida
 39 Statutes, is amended to read:

40 99.092 Qualifying fee of candidate; notification of
 41 Department of State.—

42 (1) Each person seeking to qualify for nomination or
 43 election to any office, except a person seeking to qualify by
 44 the petition process pursuant to s. 99.095 and except a person
 45 seeking to qualify as a write-in candidate, shall pay a
 46 qualifying fee, which shall consist of a filing fee and election
 47 assessment, to the officer with whom the person qualifies, and
 48 any party assessment levied, and shall attach the original or
 49 signed duplicate of the receipt for his or her party assessment
 50 or pay the same, in accordance with the provisions of s.
 51 103.121, at the time of filing his or her other qualifying
 52 papers. The amount of the filing fee is 3 percent of the annual
 53 salary of the office. The amount of the election assessment is 1
 54 percent of the annual salary of the office sought. The election
 55 assessment shall be deposited into the Clearing Funds Trust Fund
 56 and transferred to the Elections Commission Trust Fund within

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57 | the Department of Legal Affairs. The amount of the party
58 | assessment is 2 percent of the annual salary. The annual salary
59 | of the office for purposes of computing the filing fee, election
60 | assessment, and party assessment shall be computed by
61 | multiplying 12 times the monthly salary, excluding any special
62 | qualification pay, authorized for such office as of July 1
63 | immediately preceding the first day of qualifying. No qualifying
64 | fee shall be returned to the candidate unless the candidate
65 | withdraws his or her candidacy before the last date to qualify.
66 | If a candidate dies prior to an election and has not withdrawn
67 | his or her candidacy before the last date to qualify, the
68 | candidate's qualifying fee shall be returned to his or her
69 | designated beneficiary, and, if the filing fee or any portion
70 | thereof has been transferred to the political party of the
71 | candidate, the Secretary of State shall direct the party to
72 | return that portion to the designated beneficiary of the
73 | candidate.

74 | Section 3. Subsection (1) of section 99.093, Florida
75 | Statutes, is amended to read:

76 | 99.093 Municipal candidates; election assessment.—

77 | (1) Each person seeking to qualify for nomination or
78 | election to a municipal office shall pay, at the time of
79 | qualifying for office, an election assessment. The election
80 | assessment shall be an amount equal to 1 percent of the annual
81 | salary of the office sought. Within 30 days after the close of
82 | qualifying, the qualifying officer shall forward all assessments
83 | collected pursuant to this section to the Department of State
84 | for transfer to ~~deposit in~~ the Elections Commission Trust Fund

85 within the Department of Legal Affairs.

86 Section 4. Subsection (3) of section 105.031, Florida
87 Statutes, is amended to read:

88 105.031 Qualification; filing fee; candidate's oath; items
89 required to be filed.—

90 (3) QUALIFYING FEE.—Each candidate qualifying for election
91 to a judicial office or the office of school board member,
92 except write-in judicial or school board candidates, shall,
93 during the time for qualifying, pay to the officer with whom he
94 or she qualifies a qualifying fee, which shall consist of a
95 filing fee and an election assessment, or qualify by the
96 petition process. The amount of the filing fee is 3 percent of
97 the annual salary of the office sought. The amount of the
98 election assessment is 1 percent of the annual salary of the
99 office sought. The Department of State shall transfer forward
100 all filing fees to the Department of Legal Affairs Revenue for
101 deposit in the Elections Commission Trust Fund. The supervisor
102 of elections shall forward all filing fees to the Elections
103 Commission Trust Fund. The election assessment shall be
104 deposited into the Elections Commission Trust Fund. The annual
105 salary of the office for purposes of computing the qualifying
106 fee shall be computed by multiplying 12 times the monthly salary
107 authorized for such office as of July 1 immediately preceding
108 the first day of qualifying. This subsection does ~~shall~~ not
109 apply to candidates qualifying for retention to judicial office.

110 Section 5. Subsection (6) of section 106.24, Florida
111 Statutes, is amended to read:

112 106.24 Florida Elections Commission; membership; powers;

113 duties.—

114 (6) There is ~~hereby~~ established in the State Treasury an
 115 Elections Commission Trust Fund to be used ~~utilized~~ by the
 116 ~~Division of Elections and~~ the Florida Elections Commission in
 117 order to carry out its ~~their~~ duties pursuant to ss. 106.24-
 118 106.28. The trust fund may also be used by the Secretary of
 119 State, pursuant to his or her authority under s. 97.012(14), to
 120 provide rewards for information leading to criminal convictions
 121 related to voter registration fraud, voter fraud, and vote
 122 scams.

123 Section 6. Subsection (12) of section 610.104, Florida
 124 Statutes, is amended to read:

125 610.104 State authorization to provide cable or video
 126 service.—

127 (12) Beginning 5 years after approval of the
 128 certificateholder's initial certificate of franchise issued by
 129 the department, and every 5 years thereafter, the
 130 certificateholder shall update the information contained in the
 131 original application for a certificate of franchise. At the time
 132 of filing the information update, the certificateholder shall
 133 pay a processing fee of \$1,000. Any certificateholder that fails
 134 to file the updated information and pay the processing fee on
 135 the 5-year anniversary dates shall be subject to cancellation of
 136 its state-issued certificate of franchise authority if, upon
 137 notice given to the certificateholder at its last address on
 138 file with the department, the certificateholder fails to file
 139 the updated information and pay the processing fee within 30
 140 days after the date notice was mailed. The application and

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141 processing fees imposed in this section shall be paid to the
142 Department of State for deposit into the Clearing Funds
143 ~~Operating~~ Trust Fund for immediate transfer by the Chief
144 Financial Officer to the General Inspection Trust Fund of the
145 Department of Agriculture and Consumer Services. The Department
146 of Agriculture and Consumer Services shall maintain a separate
147 account within the General Inspection Trust Fund to distinguish
148 cable franchise revenues from all other funds. The application,
149 any amendments to the certificate, or information updates must
150 be accompanied by a fee to the Department of State equal to that
151 for filing articles of incorporation pursuant to s. 607.0122(1).

152 Section 7. This act shall take effect July 1, 2010, but
153 this act shall not take effect unless it is enacted by a three-
154 fifths vote of the membership of each house of the Legislature.