

By Senator Fasano

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

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

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25 Section 1. Clearing Funds Trust Fund.-

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

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

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

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

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

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

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

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

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

77 99.093 Municipal candidates; election assessment.—

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

87 Section 4. Subsection (3) of section 105.031, Florida

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88 Statutes, is amended to read:

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

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

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

113 106.24 Florida Elections Commission; membership; powers;
114 duties.-

115 (6) There is ~~hereby~~ established in the State Treasury an
116 Elections Commission Trust Fund to be used ~~utilized~~ by the

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

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

126 610.104 State authorization to provide cable or video
127 service.-

128 (12) Beginning 5 years after approval of the
129 certificateholder's initial certificate of franchise issued by
130 the department, and every 5 years thereafter, the
131 certificateholder shall update the information contained in the
132 original application for a certificate of franchise. At the time
133 of filing the information update, the certificateholder shall
134 pay a processing fee of \$1,000. Any certificateholder that fails
135 to file the updated information and pay the processing fee on
136 the 5-year anniversary dates shall be subject to cancellation of
137 its state-issued certificate of franchise authority if, upon
138 notice given to the certificateholder at its last address on
139 file with the department, the certificateholder fails to file
140 the updated information and pay the processing fee within 30
141 days after the date notice was mailed. The application and
142 processing fees imposed in this section shall be paid to the
143 Department of State for deposit into the Clearing Funds
144 ~~Operating~~ Trust Fund for immediate transfer by the Chief
145 Financial Officer to the General Inspection Trust Fund of the

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146 Department of Agriculture and Consumer Services. The Department
147 of Agriculture and Consumer Services shall maintain a separate
148 account within the General Inspection Trust Fund to distinguish
149 cable franchise revenues from all other funds. The application,
150 any amendments to the certificate, or information updates must
151 be accompanied by a fee to the Department of State equal to that
152 for filing articles of incorporation pursuant to s. 607.0122(1).
153 Section 7. This act shall take effect July 1, 2010.