

PCB HCC 08-02

ORIGINAL

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1                                   A bill to be entitled  
 2           An act relating to trust funds; re-creating the  
 3           Administrative Trust Fund within the Agency for Persons  
 4           with Disabilities without modification; carrying forward  
 5           current balances and continuing current sources and uses  
 6           thereof; amending s. 20.1971, F.S.; removing the scheduled  
 7           termination of the trust fund; providing an effective  
 8           date.

9  
 10           WHEREAS, the Legislature wishes to extend the life of the  
 11           Administrative Trust Fund within the Agency for Persons with  
 12           Disabilities, which is otherwise scheduled to be terminated  
 13           pursuant to constitutional mandate, and

14           WHEREAS, the Legislature has reviewed the trust fund before  
 15           its scheduled termination date and has found that it continues  
 16           to meet an important public purpose, and

17           WHEREAS, the Legislature has found that existing public  
 18           policy concerning the trust fund sets adequate parameters for  
 19           its use, NOW, THEREFORE,

20  
 21           Be It Enacted by the Legislature of the State of Florida:

22  
 23           Section 1. (1) The Administrative Trust Fund within the  
 24           Agency for Persons with Disabilities, FLAIR number 67-2-021,  
 25           which is to be terminated pursuant to Section 19(f), Article III  
 26           of the State Constitution on July 1, 2009, is re-created.

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27 (2) All current balances of the trust fund are carried  
 28 forward, and all current sources and uses of the trust fund are  
 29 continued.

30 Section 2. Section 20.1971, Florida Statutes, is amended  
 31 to read:

32 20.1971 Agency for Persons with Disabilities; trust  
 33 funds.--The following trust funds ~~are created and~~ shall be  
 34 administered by the Agency for Persons with Disabilities:

35 (1) The Administrative Trust Fund.

36 (a) Funds to be credited to the trust fund shall consist  
 37 of federal matching funds provided for the administration of  
 38 Medicaid services. Funds shall be used for the purpose of  
 39 supporting the agency's administration of Medicaid programs and  
 40 for other such purposes as may be appropriate and shall be  
 41 expended only pursuant to legislative appropriation or an  
 42 approved amendment to the agency's operating budget pursuant to  
 43 the provisions of chapter 216.

44 (b) Notwithstanding the provisions of s. 216.301 and  
 45 pursuant to s. 216.351, any balance in the trust fund at the end  
 46 of any fiscal year shall remain in the trust fund at the end of  
 47 the year and shall be available for carrying out the purposes of  
 48 the trust fund.

49 ~~(c) In accordance with s. 19(f)(2), Art. III of the State~~  
 50 ~~Constitution, the Administrative Trust Fund shall, unless~~  
 51 ~~terminated earlier, be terminated on July 1, 2009. Before its~~  
 52 ~~scheduled termination, the trust fund shall be reviewed as~~  
 53 ~~provided in s. 215.3206(1) and (2).~~

54 (2) The Operations and Maintenance Trust Fund.

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55 (a) Funds to be credited to the trust fund shall consist  
 56 of receipts from third-party payors of health care services such  
 57 as Medicaid. Funds shall be used for the purpose of providing  
 58 health care services to agency clients and for other such  
 59 purposes as may be appropriate and shall be expended only  
 60 pursuant to legislative appropriation or an approved amendment  
 61 to the agency's operating budget pursuant to the provisions of  
 62 chapter 216.

63 (b) Notwithstanding the provisions of s. 216.301 and  
 64 pursuant to s. 216.351, any balance in the trust fund at the end  
 65 of any fiscal year shall remain in the trust fund at the end of  
 66 the year and shall be available for carrying out the purposes of  
 67 the trust fund.

68 (c) In accordance with s. 19(f)(2), Art. III of the State  
 69 Constitution, the Operations and Maintenance Trust Fund shall,  
 70 unless terminated earlier, be terminated on July 1, 2009. Before  
 71 its scheduled termination, the trust fund shall be reviewed as  
 72 provided in s. 215.3206(1) and (2).

73 (3) The Social Services Block Grant Trust Fund.

74 (a) Funds to be credited to the trust fund shall consist  
 75 of federal social services block grant funds. These shall be  
 76 used for the purpose of providing health care and support  
 77 services to agency clients and for other such purposes as may be  
 78 appropriate and shall be expended only pursuant to legislative  
 79 appropriation or an approved amendment to the agency's operating  
 80 budget pursuant to the provisions of chapter 216.

81 (b) Notwithstanding the provisions of s. 216.301 and  
 82 pursuant to s. 216.351, any balance in the trust fund at the end

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83 of any fiscal year shall remain in the trust fund at the end of  
 84 the year and shall be available for carrying out the purposes of  
 85 the trust fund.

86 (c) In accordance with s. 19(f)(2), Art. III of the State  
 87 Constitution, the Social Services Block Grant Trust Fund shall,  
 88 unless terminated earlier, be terminated on July 1, 2009. Before  
 89 its scheduled termination, the trust fund shall be reviewed as  
 90 provided in s. 215.3206(1) and (2).

91 (4) The Tobacco Settlement Trust Fund.

92 (a) Funds to be credited to the trust fund shall consist  
 93 of funds disbursed, by nonoperating transfer, from the  
 94 Department of Financial Services Tobacco Settlement Clearing  
 95 Trust Fund in amounts equal to the annual appropriations made  
 96 from this trust fund.

97 (b) Notwithstanding the provisions of s. 216.301 and  
 98 pursuant to s. 216.351, any unencumbered balance in the trust  
 99 fund at the end of any fiscal year and any encumbered balance  
 100 remaining undisbursed on December 31 of the same calendar year  
 101 shall revert to the Department of Financial Services Tobacco  
 102 Settlement Clearing Trust Fund.

103 (c) In accordance with s. 19(f)(2), Art. III of the State  
 104 Constitution, the Tobacco Settlement Trust Fund shall, unless  
 105 terminated earlier, be terminated on July 1, 2009. Before its  
 106 scheduled termination, the trust fund shall be reviewed as  
 107 provided in s. 215.3206(1) and (2).

108 (5) The Federal Grants Trust Fund.

109 (a) Funds to be credited to the trust fund shall consist  
 110 of receipts from federal grants. Funds shall be used for the

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111 | purpose of providing health care services to agency clients and  
 112 | for other such purposes as may be appropriate and shall be  
 113 | expended only pursuant to legislative appropriation or an  
 114 | approved amendment to the agency's operating budget pursuant to  
 115 | the provisions of chapter 216.

116 |       (b) Notwithstanding the provisions of s. 216.301 and  
 117 | pursuant to s. 216.351, any balance in the trust fund at the end  
 118 | of any fiscal year shall remain in the trust fund at the end of  
 119 | the year and shall be available for carrying out the purposes of  
 120 | the trust fund.

121 |       (c) In accordance with s. 19(f)(2), Art. III of the State  
 122 | Constitution, the Federal Grants Trust Fund shall, unless  
 123 | terminated earlier, be terminated on July 1, 2009. Before its  
 124 | scheduled termination, the trust fund shall be reviewed as  
 125 | provided in s. 215.3206(1) and (2).

126 |       Section 3. This act shall take effect July 1, 2008.