

PCB HCC 08-03

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1                                   A bill to be entitled  
 2           An act relating to trust funds; re-creating the Tobacco  
 3           Settlement Trust Fund within the Agency for Persons with  
 4           Disabilities; carrying forward current balances and  
 5           continuing current sources and uses thereof; amending s.  
 6           20.1971, F.S.; revising a condition with respect to the  
 7           reversion of specified unencumbered balances; removing the  
 8           scheduled termination of the trust fund; providing an  
 9           effective date.

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

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

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

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

23  
 24           Section 1. (1) The Tobacco Settlement Trust Fund within  
 25           the Agency for Persons with Disabilities, FLAIR number 67-2-122,  
 26           which is to be terminated pursuant to Section 19(f), Article III  
 27           of the State Constitution on July 1, 2009, is re-created.

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

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

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

36        (1) The Administrative Trust Fund.

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

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

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

55        (2) The Operations and Maintenance Trust Fund.

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

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

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

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

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

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

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

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

92 (4) The Tobacco Settlement Trust Fund.

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

98 (b) Notwithstanding the provisions of s. 216.301 and  
 99 pursuant to s. 216.351, any unencumbered balance in the trust  
 100 fund at the end of any fiscal year and any encumbered balance  
 101 remaining undisbursed on September 30 ~~December 31~~ of the same  
 102 calendar year shall revert to the Department of Financial  
 103 Services Tobacco Settlement Clearing Trust Fund.

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

109 (5) The Federal Grants Trust Fund.

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

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

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

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

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