

By the Fiscal Responsibility Council and Representative Fasano

1 A bill to be entitled
2 An act relating to state funds; reenacting s.
3 215.32(2)(b), F.S., to implement the transfer
4 of moneys to the Working Capital Fund from
5 certain trust funds; providing an effective
6 date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. In order to implement the transfer of
11 moneys to the Working Capital Fund from trust funds specified
12 in section ___ of House Bill ___-B, 2001 Special Session B, or
13 similar legislation enacted in the same legislative session or
14 an extension thereof, paragraph (b) of subsection (2) of
15 section 215.32, Florida Statutes, is reenacted to read:

16 215.32 State funds; segregation.--

17 (2) The source and use of each of these funds shall be
18 as follows:

19 (b)1. The trust funds shall consist of moneys received
20 by the state which under law or under trust agreement are
21 segregated for a purpose authorized by law. The state agency
22 or branch of state government receiving or collecting such
23 moneys shall be responsible for their proper expenditure as
24 provided by law. Upon the request of the state agency or
25 branch of state government responsible for the administration
26 of the trust fund, the Comptroller may establish accounts
27 within the trust fund at a level considered necessary for
28 proper accountability. Once an account is established within a
29 trust fund, the Comptroller may authorize payment from that
30 account only upon determining that there is sufficient cash
31 and releases at the level of the account.

1 2. In order to maintain a minimum number of trust
2 funds in the State Treasury, each state agency or the judicial
3 branch may consolidate, if permitted under the terms and
4 conditions of their receipt, the trust funds administered by
5 it; provided, however, the agency or judicial branch employs
6 effectively a uniform system of accounts sufficient to
7 preserve the integrity of such trust funds; and provided,
8 further, that consolidation of trust funds is approved by the
9 Governor or the Chief Justice.

10 3. All such moneys are hereby appropriated to be
11 expended in accordance with the law or trust agreement under
12 which they were received, subject always to the provisions of
13 chapter 216 relating to the appropriation of funds and to the
14 applicable laws relating to the deposit or expenditure of
15 moneys in the State Treasury.

16 4.a. Notwithstanding any provision of law restricting
17 the use of trust funds to specific purposes, unappropriated
18 cash balances from selected trust funds may be authorized by
19 the Legislature for transfer to the Budget Stabilization Fund
20 and Working Capital Fund in the General Appropriations Act.

21 b. This subparagraph does not apply to trust funds
22 required by federal programs or mandates; trust funds
23 established for bond covenants, indentures, or resolutions
24 whose revenues are legally pledged by the state or public body
25 to meet debt service or other financial requirements of any
26 debt obligations of the state or any public body; the State
27 Transportation Trust Fund; the trust fund containing the net
28 annual proceeds from the Florida Education Lotteries; the
29 Florida Retirement System Trust Fund; trust funds under the
30 management of the Board of Regents, where such trust funds are
31 for auxiliary enterprises, self-insurance, and contracts,

1 grants, and donations, as those terms are defined by general
2 law; trust funds that serve as clearing funds or accounts for
3 the Comptroller or state agencies; trust funds that account
4 for assets held by the state in a trustee capacity as an agent
5 or fiduciary for individuals, private organizations, or other
6 governmental units; and other trust funds authorized by the
7 State Constitution.

8 Section 2. This act shall take effect upon becoming a
9 law.

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11 HOUSE SUMMARY

12 Reenacts s. 215.32(2)(b), F.S., to implement the transfer
13 of moneys to the Working Capital Fund from trust funds
14 specified in other legislation enacted in the same
15 legislative session or an extension thereof.

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