

By 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. Paragraph (b) of subsection (2) of section  
11   215.32, Florida Statutes, is reenacted to read:

12           215.32 State funds; segregation.--

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

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

28           2. In order to maintain a minimum number of trust  
29 funds in the State Treasury, each state agency or the judicial  
30 branch may consolidate, if permitted under the terms and  
31 conditions of their receipt, the trust funds administered by

1 it; provided, however, the agency or judicial branch employs  
2 effectively a uniform system of accounts sufficient to  
3 preserve the integrity of such trust funds; and provided,  
4 further, that consolidation of trust funds is approved by the  
5 Governor or the Chief Justice.

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

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

17 b. This subparagraph does not apply to trust funds  
18 required by federal programs or mandates; trust funds  
19 established for bond covenants, indentures, or resolutions  
20 whose revenues are legally pledged by the state or public body  
21 to meet debt service or other financial requirements of any  
22 debt obligations of the state or any public body; the State  
23 Transportation Trust Fund; the trust fund containing the net  
24 annual proceeds from the Florida Education Lotteries; the  
25 Florida Retirement System Trust Fund; trust funds under the  
26 management of the Board of Regents, where such trust funds are  
27 for auxiliary enterprises, self-insurance, and contracts,  
28 grants, and donations, as those terms are defined by general  
29 law; trust funds that serve as clearing funds or accounts for  
30 the Comptroller or state agencies; trust funds that account  
31 for assets held by the state in a trustee capacity as an agent

1 or fiduciary for individuals, private organizations, or other  
2 governmental units; and other trust funds authorized by the  
3 State Constitution.

4 Section 2. This act shall take effect upon becoming a  
5 law.

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8 HOUSE SUMMARY

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10 Reenacts s. 215.32(2)(b), F.S., to implement the transfer  
11 of moneys to the Working Capital Fund from certain trust  
12 funds.  
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