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1 A bill to be entitled
 2 An act relating to trust funds; terminating specified
 3 trust funds within the Department of Children and Family
 4 Services; providing for disposition of balances in and
 5 revenues of the trust funds; amending ss. 17.61, 393.15
 6 and 984.22, F.S.; removing or revising references to the
 7 Community Resources Development Trust Fund, to conform;
 8 providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. (1) The following trust funds within the
 13 Department of Children and Family Services are terminated:

14 (a) The Child Care and Development Block Grant Trust Fund,
 15 FLAIR number 60-2-098.

16 (b) The Community Resources Development Trust Fund, FLAIR
 17 number 60-2-113.

18 (2) The current balances remaining in, and all revenues
 19 of, the trust funds terminated by this act shall be transferred
 20 to the Administrative Trust Fund within the Department of
 21 Children and Family Services.

22 (3) Except as otherwise provided herein, the Department of
 23 Children and Family Services shall pay any outstanding debts and
 24 obligations of the terminated trust funds as soon as
 25 practicable, and the Chief Financial Officer shall close out and
 26 remove the terminated trust funds from the various state
 27 accounting systems using generally accepted accounting
 28 principles concerning warrants outstanding, assets, and
 29 liabilities.

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30 Section 2. Paragraph (c) of subsection (3) of section
 31 17.61, Florida Statutes, is amended to read:

32 17.61 Chief Financial Officer; powers and duties in the
 33 investment of certain funds.--

34 (3)

35 (c) Except as provided in this paragraph and except for
 36 moneys described in paragraph (d), the following agencies shall
 37 not invest trust fund moneys as provided in this section, but
 38 shall retain such moneys in their respective trust funds for
 39 investment, with interest appropriated to the General Revenue
 40 Fund, pursuant to s. 17.57:

41 1. The Agency for Health Care Administration, except for
 42 the Tobacco Settlement Trust Fund.

43 2. The Department of Children and Family Services, except
 44 for:

45 a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.

46 b. The Administrative ~~Community Resources Development~~
 47 Trust Fund.

48 c. The Refugee Assistance Trust Fund.

49 d. The Social Services Block Grant Trust Fund.

50 e. The Tobacco Settlement Trust Fund.

51 f. The Working Capital Trust Fund.

52 3. The Department of Community Affairs, only for the
 53 Operating Trust Fund.

54 4. The Department of Corrections.

55 5. The Department of Elderly Affairs, except for:

56 a. The Federal Grants Trust Fund.

57 b. The Tobacco Settlement Trust Fund.

58 6. The Department of Health, except for:

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- 59 a. The Federal Grants Trust Fund.
- 60 b. The Grants and Donations Trust Fund.
- 61 c. The Maternal and Child Health Block Grant Trust Fund.
- 62 d. The Tobacco Settlement Trust Fund.
- 63 7. The Department of Highway Safety and Motor Vehicles,
- 64 only for:
 - 65 a. The DUI Programs Coordination Trust Fund.
 - 66 b. The Security Deposits Trust Fund.
 - 67 8. The Department of Juvenile Justice.
 - 68 9. The Department of Law Enforcement.
 - 69 10. The Department of Legal Affairs.
 - 70 11. The Department of State, only for:
 - 71 a. The Grants and Donations Trust Fund.
 - 72 b. The Records Management Trust Fund.
 - 73 12. The Executive Office of the Governor, only for:
 - 74 a. The Economic Development Transportation Trust Fund.
 - 75 b. The Economic Development Trust Fund.
 - 76 13. The Florida Public Service Commission, only for the
 - 77 Florida Public Service Regulatory Trust Fund.
 - 78 14. The Justice Administrative Commission.
 - 79 15. The state courts system.

80 Section 3. Subsections (3) and (6) of section 393.15,
 81 Florida Statutes, are amended to read:

82 393.15 Legislative intent; ~~Community Resources Development~~
 83 ~~Trust Fund.~~--

84 (3) Funds in the Administrative ~~There is created a~~
 85 ~~Community Resources Development~~ Trust Fund within ~~in the State~~
 86 ~~Treasury to be used by~~ the Department of Children and Family
 87 Services attributable to receipts under subsection (6) and s.

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88 984.22(4) shall be used for the purpose of granting loans to
89 eligible programs for the initial costs of development of the
90 programs. Loans shall be made only to those facilities which are
91 in compliance with the zoning regulations of the local
92 community. Costs of development may include structural
93 modification, the purchase of equipment and fire and safety
94 devices, preoperational staff training, and the purchase of
95 insurance. Such costs shall not include the actual construction
96 of a facility.

97 (6) If any program which has received a loan under this
98 section ceases to accept, or provide care, services, or
99 maintenance to, persons placed in the program by the department,
100 or if such program shall file papers of bankruptcy, at that
101 point in time the loan shall become an interest-bearing loan at
102 the rate of 5 percent per annum on the entire amount of the
103 initial loan which shall be repaid within a 1-year period from
104 the date on which the program ceases to provide care, services,
105 or maintenance, or files papers in bankruptcy, and the amount of
106 the loan due plus interest shall constitute a lien in favor of
107 the state against all real and personal property of the program.
108 The lien shall be perfected by the appropriate officer of the
109 department by executing and acknowledging a statement of the
110 name of the program and the amount due on the loan and a copy of
111 the promissory note, which shall be recorded by the department
112 with the clerk of the circuit court in the county wherein the
113 program is located. If the program has filed a petition for
114 bankruptcy, the department shall file and enforce the lien in
115 the bankruptcy proceedings. Otherwise, the lien shall be
116 enforced in the manner provided in s. 85.011. All funds received

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117 by the department from the enforcement of the lien shall be
 118 deposited in the Administrative Trust Fund within the Department
 119 of Children and Family Services ~~Community Resources Development~~
 120 ~~Trust Fund~~.

121 Section 4. Subsection (4) of section 984.22, Florida
 122 Statutes, is amended to read:

123 984.22 Powers of disposition.--

124 (4) All payments of fees made to the department pursuant
 125 to this chapter, or child support payments made to the
 126 department pursuant to subsection (3), shall be deposited in the
 127 General Revenue Fund. In cases in which the child is placed in
 128 foster care with the Department of Children and Family Services,
 129 such child support payments shall be deposited in the
 130 Administrative Trust Fund within the Department of Children and
 131 Family Services ~~Community Resources Development Trust Fund~~.

132 Section 5. This act shall take effect July 1, 2004.