

By the Committee on Health and Human Services Appropriations;
and Senator Peadar

603-06501-08

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1 A bill to be entitled

2 An act implementing the 2008-2009 General Appropriations
3 Act; providing legislative intent; reenacting s.
4 215.32(2)(b), F.S., relating to the source and use of
5 certain trust funds in order to implement the transfer of
6 moneys in the General Revenue Fund from trust funds in the
7 2008-2009 General Appropriations Act; providing for
8 allocating funds for alcohol, drug abuse, and mental
9 health services to areas of the state having the greatest
10 demand for services and treatment capacity and as
11 specified in the General Appropriations Act; requiring the
12 Department of Children and Family Services to ensure
13 information is entered into the Florida Safe Families
14 Network; requiring coordination between the department and
15 the Office of the State Courts Administrator and the
16 Statewide Guardian Ad Litem Office to provide information
17 relating to child welfare cases; requiring a report to the
18 Governor and Legislature; providing for future expiration
19 of such provisions; providing for the effect of a veto of
20 one or more specific appropriations or proviso provisions
21 to which implementing language refers; providing for the
22 continued operation of certain provisions notwithstanding
23 a future repeal or expiration provided by the act;
24 providing for severability; providing for contingent
25 retroactive application; providing effective dates.

26
27 Be It Enacted by the Legislature of the State of Florida:
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29 Section 1. It is the intent of the Legislature that the
30 implementing and administering provisions of this act apply to
31 the act making appropriations for the 2008-2009 fiscal year.

32 Section 2. In order to implement the transfer of moneys to
33 the General Revenue Fund from trust funds in the 2008-2009
34 General Appropriations Act, paragraph (b) of subsection (2) of
35 section 215.32, Florida Statutes, is reenacted to read:

36 215.32 State funds; segregation.--

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

39 (b)1. The trust funds shall consist of moneys received by
40 the state which under law or under trust agreement are segregated
41 for a purpose authorized by law. The state agency or branch of
42 state government receiving or collecting such moneys shall be
43 responsible for their proper expenditure as provided by law. Upon
44 the request of the state agency or branch of state government
45 responsible for the administration of the trust fund, the Chief
46 Financial Officer may establish accounts within the trust fund at
47 a level considered necessary for proper accountability. Once an
48 account is established within a trust fund, the Chief Financial
49 Officer may authorize payment from that account only upon
50 determining that there is sufficient cash and releases at the
51 level of the account.

52 2. In addition to other trust funds created by law, to the
53 extent possible, each agency shall use the following trust funds
54 as described in this subparagraph for day-to-day operations:

55 a. Operations or operating trust fund, for use as a
56 depository for funds to be used for program operations funded by
57 program revenues, with the exception of administrative activities

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58 | when the operations or operating trust fund is a proprietary
59 | fund.

60 | b. Operations and maintenance trust fund, for use as a
61 | depository for client services funded by third-party payors.

62 | c. Administrative trust fund, for use as a depository for
63 | funds to be used for management activities that are departmental
64 | in nature and funded by indirect cost earnings and assessments
65 | against trust funds. Proprietary funds are excluded from the
66 | requirement of using an administrative trust fund.

67 | d. Grants and donations trust fund, for use as a depository
68 | for funds to be used for allowable grant or donor agreement
69 | activities funded by restricted contractual revenue from private
70 | and public nonfederal sources.

71 | e. Agency working capital trust fund, for use as a
72 | depository for funds to be used pursuant to s. 216.272.

73 | f. Clearing funds trust fund, for use as a depository for
74 | funds to account for collections pending distribution to lawful
75 | recipients.

76 | g. Federal grant trust fund, for use as a depository for
77 | funds to be used for allowable grant activities funded by
78 | restricted program revenues from federal sources.

79 |

80 | To the extent possible, each agency must adjust its internal
81 | accounting to use existing trust funds consistent with the
82 | requirements of this subparagraph. If an agency does not have
83 | trust funds listed in this subparagraph and cannot make such
84 | adjustment, the agency must recommend the creation of the
85 | necessary trust funds to the Legislature no later than the next
86 | scheduled review of the agency's trust funds pursuant to s.

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87 | 215.3206.

88 | 3. All such moneys are hereby appropriated to be expended
89 | in accordance with the law or trust agreement under which they
90 | were received, subject always to the provisions of chapter 216
91 | relating to the appropriation of funds and to the applicable laws
92 | relating to the deposit or expenditure of moneys in the State
93 | Treasury.

94 | 4.a. Notwithstanding any provision of law restricting the
95 | use of trust funds to specific purposes, unappropriated cash
96 | balances from selected trust funds may be authorized by the
97 | Legislature for transfer to the Budget Stabilization Fund and
98 | General Revenue Fund in the General Appropriations Act.

99 | b. This subparagraph does not apply to trust funds required
100 | by federal programs or mandates; trust funds established for bond
101 | covenants, indentures, or resolutions whose revenues are legally
102 | pledged by the state or public body to meet debt service or other
103 | financial requirements of any debt obligations of the state or
104 | any public body; the State Transportation Trust Fund; the trust
105 | fund containing the net annual proceeds from the Florida
106 | Education Lotteries; the Florida Retirement System Trust Fund;
107 | trust funds under the management of the State Board of Education
108 | or the Board of Governors of the State University System, where
109 | such trust funds are for auxiliary enterprises, self-insurance,
110 | and contracts, grants, and donations, as those terms are defined
111 | by general law; trust funds that serve as clearing funds or
112 | accounts for the Chief Financial Officer or state agencies; trust
113 | funds that account for assets held by the state in a trustee
114 | capacity as an agent or fiduciary for individuals, private
115 | organizations, or other governmental units; and other trust funds

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116 authorized by the State Constitution.

117 Section 3. In order to implement Specific Appropriation 464
118 of the 2008-2009 General Appropriations Act, and notwithstanding
119 s. 394.908(3) (a) and (b), Florida Statutes, \$92,566,551 from the
120 General Revenue Fund and \$13,295,722 from trust funds
121 appropriated in Specific Appropriation 464 shall be allocated to
122 the areas of the state having the greatest demand for services
123 and treatment capacity. This section expires July 1, 2009.

124 Section 4. In order to implement Specific Appropriation 397
125 of the 2008-2009 General Appropriations Act, and notwithstanding
126 s. 394.908(3) (a) and (b), Florida Statutes, \$29,619,045 from the
127 trust funds appropriated in Specific Appropriation 397 shall be
128 allocated as specified in the General Appropriations Act.

129 Section 5. In order to implement Specific Appropriations
130 302 and 314 of the 2008-2009 General Appropriations Act, the
131 Department of Children and Family Services shall ensure that all
132 public and private agencies and institutions participating in
133 child welfare cases enter information specified by rule of the
134 department into the Florida Safe Families Network in order to
135 maintain the accuracy and usefulness of the system. The Florida
136 Safe Families Network is intended to be the department's
137 automated child welfare case-management system designed to
138 provide child welfare workers with a mechanism for managing child
139 welfare cases more efficiently and tracking children and families
140 more effectively. The department shall coordinate with the Office
141 of the State Courts Administrator and the Statewide Guardian Ad
142 Litem Office for the purpose of providing any judge or magistrate
143 and any guardian ad litem assigned to a dependency court case
144 with access to information in the Florida Safe Families Network

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145 relating to a child welfare case which is required to be filed
146 with the court pursuant to chapter 39, Florida Statutes, by the
147 date of the network's release during the 2008-2009 fiscal year.
148 The department shall report to the Governor, the President of the
149 Senate, and the Speaker of the House of Representatives by
150 February 1, 2009, with respect to progress on providing access to
151 the Florida Safe Families Network as provided in this section.
152 This section expires July 1, 2009.

153 Section 6. Any section of this act which implements a
154 specific appropriation or specifically identified proviso
155 language in the act making appropriations for the 2008-2009
156 fiscal year is void if the specific appropriation or specifically
157 identified proviso language is vetoed. Any section of this act
158 which implements more than one specific appropriation or more
159 than one portion of specifically identified proviso language in
160 the act making appropriations for the 2008-2009 fiscal year is
161 void if all the specific appropriations or portions of
162 specifically identified proviso language are vetoed.

163 Section 7. If any other act passed in 2008 contains a
164 provision that is substantively the same as a provision in this
165 act, but that removes or is otherwise not subject to the future
166 repeal applied to such provision by this act, the Legislature
167 intends that the provision in the other act shall take precedence
168 and shall continue to operate, notwithstanding the future repeal
169 provided by this act.

170 Section 8. If any provision of this act or its application
171 to any person or circumstance is held invalid, the invalidity
172 does not affect other provisions or applications of the act which

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173 | can be given effect without the invalid provision or application,
174 | and to this end the provisions of this act are severable.

175 | Section 9. Except as otherwise expressly provided in this
176 | act, this act shall take effect July 1, 2008; or, if this act
177 | fails to become law until after that date, it shall take effect
178 | upon becoming a law and shall operate retroactively to July 1,
179 | 2008.