

By Senator Peaden

2-03653-08

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1 A bill to be entitled

2 An act relating to trust funds; re-creating the  
3 Administrative Trust Fund within the Agency for Persons  
4 with Disabilities without modification; carrying forward  
5 current balances and continuing current sources and uses  
6 thereof; amending s. 20.1971, F.S.; removing the scheduled  
7 termination of the trust fund; providing an effective  
8 date.

9  
10 WHEREAS, the Legislature wishes to extend the life of the  
11 Administrative Trust Fund within the Agency for Persons with  
12 Disabilities, which is otherwise scheduled to be terminated  
13 pursuant to constitutional mandate, and

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

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

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23 Section 1. (1) The Administrative Trust Fund within the  
24 Agency for Persons with Disabilities, FLAIR number 67-2-021,  
25 which is to be terminated pursuant to Section 19(f), Article III  
26 of the State Constitution on July 1, 2009, is re-created.

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

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

32 20.1971 Agency for Persons with Disabilities; trust  
33 funds.--The following trust funds ~~are created and~~ shall be  
34 administered by the Agency for Persons with Disabilities:

35 (1) The Administrative Trust Fund.

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

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

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

54 (2) The Operations and Maintenance Trust Fund.

55 (a) Funds to be credited to the trust fund shall consist of  
56 receipts from third-party payors of health care services such as  
57 Medicaid. Funds shall be used for the purpose of providing health  
58 care services to agency clients and for other such purposes as

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59 | may be appropriate and shall be expended only pursuant to  
60 | legislative appropriation or an approved amendment to the  
61 | agency's operating budget pursuant to the provisions of chapter  
62 | 216.

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

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

73 |       (3) The Social Services Block Grant Trust Fund.

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

81 |       (b) Notwithstanding the provisions of s. 216.301 and  
82 | pursuant to s. 216.351, any balance in the trust fund at the end  
83 | of any fiscal year shall remain in the trust fund at the end of  
84 | the year and shall be available for carrying out the purposes of  
85 | the trust fund.

86 |       (c) In accordance with s. 19(f)(2), Art. III of the State  
87 | Constitution, the Social Services Block Grant Trust Fund shall,

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88 unless terminated earlier, be terminated on July 1, 2009. Before  
89 its scheduled termination, the trust fund shall be reviewed as  
90 provided in s. 215.3206(1) and (2).

91 (4) The Tobacco Settlement Trust Fund.

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

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

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

108 (5) The Federal Grants Trust Fund.

109 (a) Funds to be credited to the trust fund shall consist of  
110 receipts from federal grants. Funds shall be used for the purpose  
111 of providing health care services to agency clients and for other  
112 such purposes as may be appropriate and shall be expended only  
113 pursuant to legislative appropriation or an approved amendment to  
114 the agency's operating budget pursuant to the provisions of  
115 chapter 216.

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

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

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