

By Senator Peaden

2-03654-08

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1 A bill to be entitled

2 An act relating to trust funds; re-creating the Tobacco  
3 Settlement Trust Fund within the Agency for Persons with  
4 Disabilities; carrying forward current balances and  
5 continuing current sources and uses thereof; amending s.  
6 20.1971, F.S.; revising a condition with respect to the  
7 reversion of specified unencumbered balances; removing the  
8 scheduled termination of the trust fund; providing an  
9 effective date.

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

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

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

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

23  
24 Section 1. (1) The Tobacco Settlement Trust Fund within  
25 the Agency for Persons with Disabilities, FLAIR number 67-2-122,  
26 which is to be terminated pursuant to Section 19(f), Article III  
27 of the State Constitution on July 1, 2009, is re-created.

2-03654-08

20082106\_\_

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

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

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

36       (1) The Administrative Trust Fund.

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

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

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

55       (2) The Operations and Maintenance Trust Fund.

2-03654-08

20082106\_\_

56 (a) Funds to be credited to the trust fund shall consist of  
57 receipts from third-party payors of health care services such as  
58 Medicaid. Funds shall be used for the purpose of providing health  
59 care services to agency clients and for other such purposes as  
60 may be appropriate and shall be expended only pursuant to  
61 legislative appropriation or an approved amendment to the  
62 agency's operating budget pursuant to the provisions of chapter  
63 216.

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

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

74 (3) The Social Services Block Grant Trust Fund.

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

82 (b) Notwithstanding the provisions of s. 216.301 and  
83 pursuant to s. 216.351, any balance in the trust fund at the end  
84 of any fiscal year shall remain in the trust fund at the end of

2-03654-08

20082106\_\_

85 the year and shall be available for carrying out the purposes of  
86 the trust fund.

87 (c) In accordance with s. 19(f)(2), Art. III of the State  
88 Constitution, the Social Services Block Grant Trust Fund shall,  
89 unless terminated earlier, be terminated on July 1, 2009. Before  
90 its scheduled termination, the trust fund shall be reviewed as  
91 provided in s. 215.3206(1) and (2).

92 (4) The Tobacco Settlement Trust Fund.

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

98 (b) Notwithstanding the provisions of s. 216.301 and  
99 pursuant to s. 216.351, any unencumbered balance in the trust  
100 fund at the end of any fiscal year and any encumbered balance  
101 remaining undisbursed on September 30 ~~December 31~~ of the same  
102 calendar year shall revert to the Department of Financial  
103 Services Tobacco Settlement Clearing Trust Fund.

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

109 (5) The Federal Grants Trust Fund.

110 (a) Funds to be credited to the trust fund shall consist of  
111 receipts from federal grants. Funds shall be used for the purpose  
112 of providing health care services to agency clients and for other  
113 such purposes as may be appropriate and shall be expended only

2-03654-08

20082106\_\_

114 | pursuant to legislative appropriation or an approved amendment to  
115 | the agency's operating budget pursuant to the provisions of  
116 | chapter 216.

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

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

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