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1
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.

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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:

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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.

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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.

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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

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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

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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.