

By Senator Peaden

2-03659-08

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1 A bill to be entitled

2 An act relating to trust funds of the Department of
3 Elderly Affairs; creating s. 20.415, F.S.; providing for
4 the administration of the Administrative Trust Fund, the
5 Tobacco Settlement Trust Fund, the Federal Grants Trust
6 Fund, the Grants and Donations Trust Fund, and the
7 Operations and Maintenance Trust Fund by the department;
8 providing for sources of funds and purposes; providing for
9 annual carryforward of funds; providing for reversion of
10 funds in the Tobacco Settlement Trust Fund; providing for
11 certification of undisbursed obligated general revenue
12 appropriation balances in the Grants and Donations Trust
13 Fund for a specified period of time; repealing s. 430.41,
14 F.S., which creates the Grants and Donations Trust Fund,
15 to conform; repealing s. 430.42, F.S., which creates the
16 Department of Elderly Affairs Tobacco Settlement Trust
17 Fund, to conform; providing an effective date.

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19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Section 20.415, Florida Statutes, is created to
22 read:

23 20.415 Department of Elderly Affairs; trust funds.--The
24 following trust funds shall be administered by the Department of
25 Elderly Affairs:

26 (1) Administrative Trust Fund.

27 (a) Funds to be credited to and uses of the trust fund
28 shall be administered in accordance with ss. 215.32, 744.534, and
29 744.7021.

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30 (b) Notwithstanding the provisions of s. 216.301 and
31 pursuant to s. 216.351, any balance in the trust fund at the end
32 of any fiscal year shall remain in the trust fund at the end of
33 the year and shall be available for carrying out the purposes of
34 the trust fund.

35 (2) Tobacco Settlement Trust Fund.

36 (a) Funds to be credited to the trust fund shall consist of
37 funds disbursed, by nonoperating transfer, from the Department of
38 Financial Services Tobacco Settlement Clearing Trust Fund in
39 amounts equal to the annual appropriations made from this trust
40 fund.

41 (b) Notwithstanding the provisions of s. 216.301 and
42 pursuant to s. 216.351, any unencumbered balance in the trust
43 fund at the end of any fiscal year and any encumbered balance
44 remaining undisbursed on September 30 of the same calendar year
45 shall revert to the Department of Financial Services Tobacco
46 Settlement Clearing Trust Fund.

47 (3) Federal Grants Trust Fund.

48 (a) Funds to be credited to and uses of the trust fund
49 shall be administered in accordance with s. 215.32.

50 (b) Notwithstanding the provisions of s. 216.301 and
51 pursuant to s. 216.351, any balance in the trust fund at the end
52 of any fiscal year shall remain in the trust fund at the end of
53 the year and shall be available for carrying out the purposes of
54 the trust fund.

55 (4) Grants and Donations Trust Fund.

56 (a) Funds to be credited to the trust fund shall include
57 all public and private grants and donations to the department,
58 except for grants provided by the Federal Government and other

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59 earnings that are deposited into the Operations and Maintenance
60 Trust Fund of the department. Funds from the Grants and Donations
61 Trust Fund shall be used to fulfill agreements made with grantors
62 and contributors and such other purposes as may be appropriate
63 and shall be expended only pursuant to legislative appropriation
64 or an approved amendment to the department's operating budget
65 pursuant to chapter 216.

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

71 (c) Notwithstanding the provisions of s. 216.301 and
72 pursuant to s. 216.351, any balance of any general revenue
73 appropriation to the Grants and Donations Trust Fund that is not
74 disbursed but that is obligated pursuant to contract or committed
75 to be expended may be certified by the Governor for up to 3 years
76 following the effective date of the original appropriation.

77 (5) Operations and Maintenance Trust Fund.

78 (a) Funds to be credited to and uses of the trust fund
79 shall be administered in accordance with s. 215.32.

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

85 Section 2. Sections 430.41 and 430.42, Florida Statutes,
86 are repealed.

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