

1 A bill to be entitled
 2 An act relating to trust funds; re-creating the Operations
 3 and Maintenance 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 Operations and Maintenance Trust Fund within the Agency for
 12 Persons with Disabilities, which is otherwise scheduled to be
 13 terminated 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
 16 to 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,

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

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 23 Section 1. (1) The Operations and Maintenance Trust Fund
 24 within the Agency for Persons with Disabilities, FLAIR number
 25 67-2-516, which is to be terminated pursuant to Section 19(f),
 26 Article III of the State Constitution on July 1, 2009, is re-
 27 created.

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
 32 to 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
 38 of 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
57 of receipts from third-party payors of health care services such
58 as Medicaid. Funds shall be used for the purpose of providing
59 health care services to agency clients and for other such
60 purposes as may be appropriate and shall be expended only
61 pursuant to legislative appropriation or an approved amendment
62 to the agency's operating budget pursuant to the provisions of
63 chapter 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
76 of federal social services block grant funds. These shall be
77 used for the purpose of providing health care and support
78 services to agency clients and for other such purposes as may be
79 appropriate and shall be expended only pursuant to legislative
80 appropriation or an approved amendment to the agency's operating
81 budget 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

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84 of any fiscal year shall remain in the trust fund at the end of
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
94 of funds disbursed, by nonoperating transfer, from the
95 Department of Financial Services Tobacco Settlement Clearing
96 Trust Fund in amounts equal to the annual appropriations made
97 from this trust 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 December 31 of the same calendar year
102 shall revert to the Department of Financial Services Tobacco
103 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
111 of receipts from federal grants. Funds shall be used for the

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112 | purpose of providing health care services to agency clients and
113 | for other such purposes as may be appropriate and shall be
114 | expended only pursuant to legislative appropriation or an
115 | approved amendment to the agency's operating budget pursuant to
116 | the provisions of 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.