

1 A bill to be entitled
 2 An act relating to implementing the 2008-2009 Special
 3 Appropriations Act; providing legislative intent;
 4 reenacting s. 215.32(2)(b), F.S., relating to the source
 5 and use of certain trust funds in order to implement the
 6 transfer of moneys to the General Revenue Fund from trust
 7 funds in the 2008-2009 Special Appropriations Act;
 8 amending s. 215.5601, F.S.; authorizing transfer of
 9 certain funds from the Lawton Chiles Endowment Fund to the
 10 General Revenue Fund and the Budget Stabilization Fund;
 11 repealing s. 47, ch. 2008-153, Laws of Florida, which
 12 authorized and provided conditions for the transfer of
 13 funds from the Budget Stabilization Fund or the Lawton
 14 Chiles Endowment Fund to the General Revenue Fund;
 15 providing for the effect of a veto of one or more specific
 16 appropriations or proviso to which implementing language
 17 refers; providing for the continued operation of certain
 18 provisions notwithstanding a future repeal or expiration
 19 provided by this act; providing for severability;
 20 providing an effective date.

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

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 24 Section 1. It is the intent of the Legislature that the
 25 implementing and administering provisions of this act apply to
 26 the Special Appropriations Act for the 2008-2009 fiscal year.

27 Section 2. In order to implement the transfer of moneys to
 28 the General Revenue Fund from trust funds in the 2008-2009

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29 Special Appropriations Act, paragraph (b) of subsection (2) of
30 section 215.32, Florida Statutes, is reenacted to read:

31 215.32 State funds; segregation.--

32 (2) The source and use of each of these funds shall be as
33 follows:

34 (b)1. The trust funds shall consist of moneys received by
35 the state which under law or under trust agreement are
36 segregated for a purpose authorized by law. The state agency or
37 branch of state government receiving or collecting such moneys
38 shall be responsible for their proper expenditure as provided by
39 law. Upon the request of the state agency or branch of state
40 government responsible for the administration of the trust fund,
41 the Chief Financial Officer may establish accounts within the
42 trust fund at a level considered necessary for proper
43 accountability. Once an account is established within a trust
44 fund, the Chief Financial Officer may authorize payment from
45 that account only upon determining that there is sufficient cash
46 and releases at the level of the account.

47 2. In addition to other trust funds created by law, to the
48 extent possible, each agency shall use the following trust funds
49 as described in this subparagraph for day-to-day operations:

50 a. Operations or operating trust fund, for use as a
51 depository for funds to be used for program operations funded by
52 program revenues, with the exception of administrative
53 activities when the operations or operating trust fund is a
54 proprietary fund.

55 b. Operations and maintenance trust fund, for use as a
56 depository for client services funded by third-party payors.

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57 c. Administrative trust fund, for use as a depository for
58 funds to be used for management activities that are departmental
59 in nature and funded by indirect cost earnings and assessments
60 against trust funds. Proprietary funds are excluded from the
61 requirement of using an administrative trust fund.

62 d. Grants and donations trust fund, for use as a
63 depository for funds to be used for allowable grant or donor
64 agreement activities funded by restricted contractual revenue
65 from private and public nonfederal sources.

66 e. Agency working capital trust fund, for use as a
67 depository for funds to be used pursuant to s. 216.272.

68 f. Clearing funds trust fund, for use as a depository for
69 funds to account for collections pending distribution to lawful
70 recipients.

71 g. Federal grant trust fund, for use as a depository for
72 funds to be used for allowable grant activities funded by
73 restricted program revenues from federal sources.

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75 To the extent possible, each agency must adjust its internal
76 accounting to use existing trust funds consistent with the
77 requirements of this subparagraph. If an agency does not have
78 trust funds listed in this subparagraph and cannot make such
79 adjustment, the agency must recommend the creation of the
80 necessary trust funds to the Legislature no later than the next
81 scheduled review of the agency's trust funds pursuant to s.
82 215.3206.

83 3. All such moneys are hereby appropriated to be expended
84 in accordance with the law or trust agreement under which they

85 | were received, subject always to the provisions of chapter 216
86 | relating to the appropriation of funds and to the applicable
87 | laws relating to the deposit or expenditure of moneys in the
88 | State Treasury.

89 | 4.a. Notwithstanding any provision of law restricting the
90 | use of trust funds to specific purposes, unappropriated cash
91 | balances from selected trust funds may be authorized by the
92 | Legislature for transfer to the Budget Stabilization Fund and
93 | General Revenue Fund in the General Appropriations Act.

94 | b. This subparagraph does not apply to trust funds
95 | required by federal programs or mandates; trust funds
96 | established for bond covenants, indentures, or resolutions whose
97 | revenues are legally pledged by the state or public body to meet
98 | debt service or other financial requirements of any debt
99 | obligations of the state or any public body; the State
100 | Transportation Trust Fund; the trust fund containing the net
101 | annual proceeds from the Florida Education Lotteries; the
102 | Florida Retirement System Trust Fund; trust funds under the
103 | management of the State Board of Education or the Board of
104 | Governors of the State University System, where such trust funds
105 | are for auxiliary enterprises, self-insurance, and contracts,
106 | grants, and donations, as those terms are defined by general
107 | law; trust funds that serve as clearing funds or accounts for
108 | the Chief Financial Officer or state agencies; trust funds that
109 | account for assets held by the state in a trustee capacity as an
110 | agent or fiduciary for individuals, private organizations, or
111 | other governmental units; and other trust funds authorized by
112 | the State Constitution.

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113 Section 3. In order to implement section 20 of the 2008-
114 2009 Special Appropriations Act, paragraph (f) is added to
115 subsection (5) of section 215.5601, Florida Statutes, to read:

116 215.5601 Lawton Chiles Endowment Fund.--

117 (5) AVAILABILITY OF FUNDS; USES.--

118 (f) Notwithstanding any provision of this section to the
119 contrary, during the 2008-2009 fiscal year, up to \$400 million
120 may be transferred from the Lawton Chiles Endowment Fund to the
121 General Revenue Fund and up to \$600 million may be transferred
122 from the Lawton Chiles Endowment Fund to the Budget
123 Stabilization Fund. This paragraph expires June 30, 2009.

124 Section 4. Section 47 of chapter 2008-153, Laws of
125 Florida, is repealed.

126 Section 5. A section of this act that implements a
127 specific appropriation or specifically identified proviso
128 language in the 2008-2009 Special Appropriations Act is void if
129 the specific appropriation or specifically identified proviso
130 language is vetoed. A section of this act that implements more
131 than one specific appropriation or more than one portion of
132 specifically identified proviso language in the 2008-2009
133 Special Appropriations Act is void if all the specific
134 appropriations or portions of specifically identified proviso
135 language are vetoed.

136 Section 6. If any other act passed in 2009 contains a
137 provision that is substantively the same as a provision in this
138 act but that removes or is otherwise not subject to the future
139 repeal applied to such provision by this act, the Legislature
140 intends that the provision in the other act shall take

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141 precedence and shall continue to operate notwithstanding the
142 future repeal provided by this act.

143 Section 7. If any provision of this act or its application
144 to any person or circumstance is held invalid, the invalidity
145 does not affect other provisions or applications of the act
146 which can be given effect without the invalid provision or
147 application, and to this end the provisions of this act are
148 severable.

149 Section 8. This act shall take effect upon becoming a law.