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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/07/2010	.	
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	.	

The Committee on Transportation (Dockery) recommended the following:

Senate Amendment (with title amendment)

Between lines 28 and 29
insert:

Section 1. Paragraph (b) of subsection (2) of section
215.32, Florida Statutes, is amended to read:

215.32 State funds; segregation.-

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

(b)

1. The trust funds ~~shall~~ consist of moneys received by the
state which under law or under trust agreement are segregated



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13 for a purpose authorized by law. The state agency or branch of
14 state government receiving or collecting such moneys ~~is shall be~~
15 responsible for their proper expenditure as provided by law.
16 Upon the request of the state agency or branch of state
17 government responsible for the administration of the trust fund,
18 the Chief Financial Officer may establish accounts within the
19 trust fund at a level ~~considered~~ necessary for proper
20 accountability. Once an account is established within a trust
21 fund, the Chief Financial Officer may authorize payment from
22 that account only upon determining that there is sufficient cash
23 and releases at the level of the account.

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

27 a. Operations or operating trust fund, for use as a
28 depository for funds ~~to be~~ used for program operations funded by
29 program revenues, with the exception of administrative
30 activities when the operations or operating trust fund is a
31 proprietary fund.

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

34 c. Administrative trust fund, for use as a depository for
35 funds ~~to be~~ used for management activities that are departmental
36 in nature and funded by indirect cost earnings and assessments
37 against trust funds. Proprietary funds are excluded from the
38 requirement of using an administrative trust fund.

39 d. Grants and donations trust fund, for use as a depository
40 for funds ~~to be~~ used for allowable grant or donor agreement
41 activities funded by restricted contractual revenue from private



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42 and public nonfederal sources.

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

45 f. Clearing funds trust fund, for use as a depository for
46 funds to account for collections pending distribution to lawful
47 recipients.

48 g. Federal grant trust fund, for use as a depository for
49 funds ~~to be~~ used for allowable grant activities funded by
50 restricted program revenues from federal sources.

51
52 To the extent possible, each agency must adjust its internal
53 accounting to use existing trust funds consistent with the
54 requirements of this subparagraph. If an agency does not have
55 trust funds listed in this subparagraph and cannot make such
56 adjustment, the agency must recommend the creation of the
57 necessary trust funds to the Legislature by ~~no later than~~ the
58 next scheduled review of the agency's trust funds pursuant to s.
59 215.3206.

60 3. All such moneys are hereby appropriated to be expended
61 in accordance with the law or trust agreement under which they
62 were received, subject ~~always to the provisions of~~ chapter 216
63 relating to the appropriation of funds and to the applicable
64 laws relating to the deposit or expenditure of moneys in the
65 State Treasury.

66 4.a. Notwithstanding any provision of law restricting the
67 use of trust funds to specific purposes, unappropriated cash
68 balances from selected trust funds may be authorized by the
69 Legislature for transfer to the Budget Stabilization Fund and
70 General Revenue Fund in the General Appropriations Act.



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71 b. This subparagraph does not apply to trust funds required
72 by federal programs or mandates; trust funds established for
73 bond covenants, indentures, or resolutions whose revenues are
74 legally pledged by the state or public body to meet debt service
75 or other financial requirements of any debt obligations of the
76 state or any public body; the Inland Protection Trust Fund; the
77 State Transportation Trust Fund; the trust fund containing the
78 net annual proceeds from the Florida Education Lotteries; the
79 Florida Retirement System Trust Fund; trust funds under the
80 management of the State Board of Education or the Board of
81 Governors of the State University System ~~if, where~~ such trust
82 funds are for auxiliary enterprises, self-insurance, and
83 contracts, grants, and donations, as those terms are defined by
84 general law; trust funds that serve as clearing funds or
85 accounts for the Chief Financial Officer or state agencies;
86 trust funds that account for assets held by the state in a
87 trustee capacity as an agent or fiduciary for individuals,
88 private organizations, or other governmental units; and other
89 trust funds authorized by the State Constitution.

90
91 ===== T I T L E A M E N D M E N T =====

92 And the title is amended as follows:

93 Delete line 3

94 and insert:

95 cleanup; amending s. 215.32, F.S.; providing that
96 unappropriated cash in the Inland Protection Trust
97 Fund is not subject to certain transfers by the
98 Legislature; amending s. 376.3071, F.S.; revising