

By Senator Gardiner

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1 A bill to be entitled
2 An act relating to trust funds; terminating specified
3 trust funds within the Department of Economic
4 Opportunity; providing for the disposition of balances
5 in and revenues of such trust funds; prescribing
6 procedures for the termination of such trust funds;
7 amending ss. 17.61 and 420.36, F.S.; conforming
8 provisions to changes made by this act; providing an
9 effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. (1) The following trust funds within the
14 Department of Economic Opportunity are terminated:

15 (a) The Community Services Block Grant Trust Fund, FLAIR
16 number 40-2-118;

17 (b) The Energy Consumption Trust Fund, FLAIR number 40-2-
18 174; and

19 (c) The Low-Income Home Energy Assistance Program Block
20 Grant Trust Fund, FLAIR number 40-2-451.

21 (2) All current balances remaining in, and all the revenues
22 of, the trust funds shall be transferred to the Federal Grants
23 Trust Fund within the Department of Economic Opportunity.

24 (3) The Department of Economic Opportunity shall pay any
25 outstanding debts and obligations of the terminated trust funds
26 as soon as practicable, and the Chief Financial Officer shall
27 close out and remove the terminated trust funds from the various
28 state accounting systems using generally accepted accounting
29 principles concerning outstanding warrants, assets, and

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30 liabilities.

31 Section 2. (1) The Economic Development Transportation
32 Trust Fund within the Department of Economic Opportunity, FLAIR
33 number 40-2-175, is terminated.

34 (2) All current balances remaining in, and all the revenues
35 of, the trust fund shall be transferred to the State
36 Transportation Trust Fund within the Department of
37 Transportation.

38 (3) The Department of Economic Opportunity shall pay any
39 outstanding debts and obligations of the terminated trust fund
40 as soon as practicable, and the Chief Financial Officer shall
41 close out and remove the terminated trust fund from the various
42 state accounting systems using generally accepted accounting
43 principles concerning outstanding warrants, assets, and
44 liabilities.

45 Section 3. Paragraph (c) of subsection (3) of section
46 17.61, Florida Statutes, is amended to read:

47 17.61 Chief Financial Officer; powers and duties in the
48 investment of certain funds.—

49 (3)

50 (c) Except as provided in this paragraph and except for
51 moneys described in paragraph (d), the following agencies may
52 not invest trust fund moneys as provided in this section, but
53 shall retain such moneys in their respective trust funds for
54 investment, with interest appropriated to the General Revenue
55 Fund, pursuant to s. 17.57:

56 1. The Agency for Health Care Administration, except for
57 the Tobacco Settlement Trust Fund.

58 2. The Agency for Persons with Disabilities, except for:

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- 59 a. The Federal Grants Trust Fund.
- 60 b. The Tobacco Settlement Trust Fund.
- 61 3. The Department of Children and Families ~~Family Services~~,
- 62 except for:
 - 63 a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.
 - 64 b. The Social Services Block Grant Trust Fund.
 - 65 c. The Tobacco Settlement Trust Fund.
 - 66 d. The Working Capital Trust Fund.
- 67 4. The Department of Corrections.
- 68 5. The Department of Elderly Affairs, except for:
 - 69 a. The Federal Grants Trust Fund.
 - 70 b. The Tobacco Settlement Trust Fund.
 - 71 6. The Department of Health, except for:
 - 72 a. The Federal Grants Trust Fund.
 - 73 b. The Grants and Donations Trust Fund.
 - 74 c. The Maternal and Child Health Block Grant Trust Fund.
 - 75 d. The Tobacco Settlement Trust Fund.
 - 76 7. The Department of Highway Safety and Motor Vehicles,
 - 77 only for the Security Deposits Trust Fund.
 - 78 8. The Department of Juvenile Justice.
 - 79 9. The Department of Law Enforcement.
 - 80 10. The Department of Legal Affairs.
 - 81 11. The Department of State, only for:
 - 82 a. The Grants and Donations Trust Fund.
 - 83 b. The Records Management Trust Fund.
 - 84 12. The Department of Economic Opportunity, only for:
 - 85 ~~a. The Economic Development Transportation Trust Fund.~~
 - 86 ~~b.~~ the Economic Development Trust Fund.
 - 87 13. The Florida Public Service Commission, only for the

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88 Florida Public Service Regulatory Trust Fund.

89 14. The Justice Administrative Commission.

90 15. The state courts system.

91 Section 4. Paragraphs (a) and (c) of subsection (4) of
92 section 420.36, Florida Statutes, are amended to read:

93 420.36 Low-income Emergency Home Repair Program.—There is
94 established within the Department of Economic Opportunity the
95 Low-income Emergency Home Repair Program to assist low-income
96 persons, especially the elderly and physically disabled, in
97 making emergency repairs which directly affect their health and
98 safety.

99 (4) (a) Funds appropriated to the department for the program
100 shall be deposited in the Federal Grants ~~Energy Consumption~~
101 Trust Fund. Administrative and personnel costs incurred by the
102 department in implementing the provisions of this section may be
103 paid from the fund.

104 (c) Funds shall be distributed to grantees and subgrantees
105 as follows:

106 1. For each county, a base amount of at least \$3,000 shall
107 be set aside from the total funds available, and such amount
108 shall be deducted from the total amount appropriated by the
109 Legislature.

110 2. The balance of the funds appropriated by the Legislature
111 shall be divided by the total poverty population of the state,
112 and this quotient shall be multiplied by each county's share of
113 the poverty population. That amount plus the base of at least
114 \$3,000 constitutes ~~shall constitute~~ each county's share. A
115 grantee that ~~which~~ serves more than one county shall receive the
116 base amount plus the poverty population share for each county to

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117 be served. Contracts with grantees may be renewed annually.

118 3. The funds allocated to each county shall be offered
119 first to an existing weatherization assistance program grantee
120 in good standing, as determined by the department, which ~~that~~
121 can provide services to the target population of low-income
122 persons, low-income elderly persons, and low-income physically
123 disabled persons throughout the county.

124 4. If a weatherization assistance program grantee is not
125 available to serve the entire county area, the funds shall be
126 distributed through the following process:

127 a. An announcement of funding availability shall be
128 provided to the county. The county may elect to administer the
129 program.

130 b. If the county elects not to administer the program, the
131 department shall establish rules to address the selection of one
132 or more public or private not-for-profit agencies that are
133 experienced in weatherization, rehabilitation, or emergency
134 repair to administer the program.

135 5. If no eligible agency agrees to serve a county, the
136 funds for that county shall be distributed to grantees having
137 the best performance record as determined by department rule. At
138 the end of the contract year, any uncontracted or unexpended
139 funds shall be returned to the Federal Grants ~~Energy Consumption~~
140 Trust Fund and reallocated under the next year's contracting
141 cycle.

142 Section 5. This act shall take effect July 1, 2014.