

**FOR CONSIDERATION** By the Committee on Appropriations

576-02801-16

20167060pb

1                   A bill to be entitled  
2           An act relating to trust funds; terminating the  
3           Working Capital Trust Fund within the Department of  
4           Children and Families and the Operations and  
5           Maintenance Trust Fund within the Department of  
6           Health; providing for the disposition of balances in,  
7           revenues of, and all outstanding appropriations of the  
8           trust funds; prescribing procedures for the  
9           termination of the trust funds; amending ss. 17.61,  
10          20.195, and 20.435, F.S.; conforming provisions and  
11          removing a reference to the Nursing Student Loan  
12          Forgiveness Trust Fund in the Department of Health;  
13          amending s. 215.5601, F.S.; conforming a cross-  
14          reference; repealing s. 392.69, F.S., relating to  
15          appropriations, funding, and additional powers of the  
16          Department of Health regarding tuberculosis control,  
17          to conform; providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21           Section 1. (1) The Working Capital Trust Fund within the  
22 Department of Children and Families, FLAIR number 60-2-792014,  
23 is terminated.

24           (2) All current balances remaining in, and all revenues of,  
25 the trust fund shall be transferred to the Federal Grants Trust  
26 Fund within the Department of Children and Families.

27           (3) The Department of Children and Families shall pay any  
28 outstanding debts or obligations of the terminated fund as soon  
29 as practicable, and the Chief Financial Officer shall close out  
30 and remove the terminated fund from various state accounting  
31 systems using generally accepted accounting principles  
32 concerning warrants outstanding, assets, and liabilities.

576-02801-16

20167060pb

33           Section 2. (1) The Operations and Maintenance Trust Fund  
34 within the Department of Health, FLAIR number 20-2-516003, is  
35 terminated.

36           (2) All current balances remaining in, and all revenues of,  
37 the trust fund shall be transferred to the Federal Grants Trust  
38 Fund within the Department of Health.

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

59           a. The Federal Grants Trust Fund.

60           b. The Tobacco Settlement Trust Fund.

61           3. The Department of Children and Families, except for:

576-02801-16

20167060pb

- 62 a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.  
63 b. The Social Services Block Grant Trust Fund.  
64 c. The Tobacco Settlement Trust Fund.  
65 ~~d. The Working Capital Trust Fund.~~  
66 4. The Department of Corrections.  
67 5. The Department of Elderly Affairs, except for:  
68 a. The Federal Grants Trust Fund.  
69 b. The Tobacco Settlement Trust Fund.  
70 6. The Department of Health, except for:  
71 a. The Federal Grants Trust Fund.  
72 b. The Grants and Donations Trust Fund.  
73 c. The Maternal and Child Health Block Grant Trust Fund.  
74 d. The Tobacco Settlement Trust Fund.  
75 7. The Department of Highway Safety and Motor Vehicles,  
76 only for the Security Deposits Trust Fund.  
77 8. The Department of Juvenile Justice.  
78 9. The Department of Law Enforcement.  
79 10. The Department of Legal Affairs.  
80 11. The Department of State, only for:  
81 a. The Grants and Donations Trust Fund.  
82 b. The Records Management Trust Fund.  
83 12. The Department of Economic Opportunity, only for the  
84 Economic Development Trust Fund.  
85 13. The Florida Public Service Commission, only for the  
86 Florida Public Service Regulatory Trust Fund.  
87 14. The Justice Administrative Commission.  
88 15. The state courts system.  
89 Section 4. Subsection (11) of section 20.195, Florida  
90 Statutes, is amended to read:

576-02801-16

20167060pb

91 20.195 Department of Children and Families; trust funds.—  
92 The following trust funds shall be administered by the  
93 Department of Children and Families:

94 ~~(11) Working Capital Trust Fund.~~

95 ~~(a) Funds to be credited to and uses of the trust fund~~  
96 ~~shall be administered in accordance with the provisions of s.~~  
97 ~~215.32.~~

98 ~~(b) Notwithstanding the provisions of s. 216.301 and~~  
99 ~~pursuant to s. 216.351, any balance in the trust fund at the end~~  
100 ~~of any fiscal year shall remain in the trust fund at the end of~~  
101 ~~the year and shall be available for carrying out the purposes of~~  
102 ~~the trust fund.~~

103 Section 5. Present subsections (6) through (15) and present  
104 subsections (17) through (21) of section 20.435, Florida  
105 Statutes, are renumbered as subsections (5) through (19),  
106 respectively, and present subsections (5) and (16) of that  
107 section are amended, to read:

108 20.435 Department of Health; trust funds.—The following  
109 trust funds shall be administered by the Department of Health:

110 ~~(5) Operations and Maintenance Trust Fund.~~

111 ~~(a) Funds to be credited to the trust fund shall consist of~~  
112 ~~receipts from third-party payors of health care services such as~~  
113 ~~Medicare and Medicaid. Funds shall be used for the purpose of~~  
114 ~~providing health care services to department clients and for~~  
115 ~~other such purposes as may be appropriate and shall be expended~~  
116 ~~only pursuant to legislative appropriation or an approved~~  
117 ~~amendment to the department's operating budget pursuant to the~~  
118 ~~provisions of chapter 216.~~

119 ~~(b) Notwithstanding the provisions of s. 216.301 and~~

576-02801-16

20167060pb

120 ~~pursuant to s. 216.351, any balance in the trust fund at the end~~  
121 ~~of any fiscal year shall remain in the trust fund at the end of~~  
122 ~~the year and shall be available for carrying out the purposes of~~  
123 ~~the trust fund.~~

124 ~~(16) Nursing Student Loan Forgiveness Trust Fund.~~

125 ~~(a) Funds to be credited to and uses of the trust fund~~  
126 ~~shall be administered in accordance with the provisions of s.~~  
127 ~~1009.66.~~

128 ~~(b) Notwithstanding the provisions of s. 216.301 and~~  
129 ~~pursuant to s. 216.351, any balance in the trust fund at the end~~  
130 ~~of any fiscal year shall remain in the trust fund at the end of~~  
131 ~~the year and shall be available for carrying out the purposes of~~  
132 ~~the trust fund.~~

133 Section 6. Paragraph (e) of subsection (5) of section  
134 215.5601, Florida Statutes, is amended to read:

135 215.5601 Lawton Chiles Endowment Fund.—

136 (5) AVAILABILITY OF FUNDS; USES.—

137 (e) Notwithstanding s. 216.301 and pursuant to s. 216.351,  
138 all unencumbered balances of appropriations from each  
139 department's respective Tobacco Settlement Trust Fund as of June  
140 30 or undisbursed balances as of September 30 shall revert to  
141 the endowment's principal. Unencumbered balances in the  
142 Biomedical Research Trust Fund shall be managed as provided in  
143 s. 20.435(7)(b) ~~s. 20.435(8)(b)~~.

144 Section 7. Section 392.69, Florida Statutes, is repealed.

145 Section 8. This act shall take effect July 1, 2016.