

Senate Bill No. 2106

An act relating to trust funds; re-creating the Tobacco Settlement Trust Fund within the Agency for Persons with Disabilities; carrying forward current balances and continuing current sources and uses thereof; amending s. 20.1971, F.S.; revising a condition with respect to the reversion of specified unencumbered balances; removing the scheduled termination of the trust fund; providing an effective date.

WHEREAS, the Legislature wishes to extend the life of the Tobacco Settlement Trust Fund within the Agency for Persons with Disabilities, which is otherwise scheduled to be terminated pursuant to constitutional mandate, and

WHEREAS, the Legislature has reviewed the trust fund before its scheduled termination date and has found that it continues to meet an important public purpose, and

WHEREAS, the Legislature has found that existing public policy concerning the trust fund sets adequate parameters for its use, NOW, THEREFORE,

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

Section 1. (1) The Tobacco Settlement Trust Fund within the Agency for Persons with Disabilities, FLAIR number 67-2-122, which is to be terminated pursuant to Section 19(f), Article III of the State Constitution on July 1, 2009, is re-created.

(2) All current balances of the trust fund are carried forward, and all current sources and uses of the trust fund are continued.

Section 2. Section 20.1971, Florida Statutes, is amended to read:

20.1971 Agency for Persons with Disabilities; trust funds.—The following trust funds ~~are created and~~ shall be administered by the Agency for Persons with Disabilities:

(1) The Administrative Trust Fund.

(a) Funds to be credited to the trust fund shall consist of federal matching funds provided for the administration of Medicaid services. Funds shall be used for the purpose of supporting the agency's administration of Medicaid programs and for other such purposes as may be appropriate and shall be expended only pursuant to legislative appropriation or an approved amendment to the agency's operating budget pursuant to the provisions of chapter 216.

(b) Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall

remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

(c) In accordance with s. 19(f)(2), Art. III of the State Constitution, the Administrative Trust Fund shall, unless terminated earlier, be terminated on July 1, 2009. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2).

(2) The Operations and Maintenance Trust Fund.

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

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

(c) In accordance with s. 19(f)(2), Art. III of the State Constitution, the Operations and Maintenance Trust Fund shall, unless terminated earlier, be terminated on July 1, 2009. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2).

(3) The Social Services Block Grant Trust Fund.

(a) Funds to be credited to the trust fund shall consist of federal social services block grant funds. These shall be used for the purpose of providing health care and support services to agency clients and for other such purposes as may be appropriate and shall be expended only pursuant to legislative appropriation or an approved amendment to the agency's operating budget pursuant to the provisions of chapter 216.

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

(c) In accordance with s. 19(f)(2), Art. III of the State Constitution, the Social Services Block Grant Trust Fund shall, unless terminated earlier, be terminated on July 1, 2009. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2).

(4) The Tobacco Settlement Trust Fund.

(a) Funds to be credited to the trust fund shall consist of funds disbursed, by nonoperating transfer, from the Department of Financial Services Tobacco Settlement Clearing Trust Fund in amounts equal to the annual appropriations made from this trust fund.

(b) Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any unencumbered balance in the trust fund at the end of any fiscal year and any encumbered balance remaining undisbursed on September 30 ~~December 31~~ of the same calendar year shall revert to the Department of Financial Services Tobacco Settlement Clearing Trust Fund.

~~(c) In accordance with s. 19(f)(2), Art. III of the State Constitution, the Tobacco Settlement Trust Fund shall, unless terminated earlier, be terminated on July 1, 2009. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2).~~

(5) The Federal Grants Trust Fund.

(a) Funds to be credited to the trust fund shall consist of receipts from federal grants. Funds shall be used for the purpose of providing health care services to agency clients and for other such purposes as may be appropriate and shall be expended only pursuant to legislative appropriation or an approved amendment to the agency's operating budget pursuant to the provisions of chapter 216.

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

~~(c) In accordance with s. 19(f)(2), Art. III of the State Constitution, the Federal Grants Trust Fund shall, unless terminated earlier, be terminated on July 1, 2009. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2).~~

Section 3. This act shall take effect July 1, 2008.

Approved by the Governor April 21, 2008.

Filed in Office Secretary of State April 21, 2008.