

## CHAPTER 2016-29

### House Bill No. 7091

An act relating to trust funds; terminating the Working Capital Trust Fund within the Department of Children and Families and the Operations and Maintenance Trust Fund within the Department of Health; providing for the disposition of balances in, revenues of, and all outstanding appropriations of the trust funds; prescribing procedures for the termination of the trust funds; amending ss. 17.61, 20.195, and 20.435, F.S.; conforming provisions and removing a reference to the Nursing Student Loan Forgiveness Trust Fund within the Department of Health; amending s. 215.5601, F.S.; conforming a cross-reference; repealing s. 392.69, F.S., relating to appropriations, funding, and additional powers of the Department of Health regarding tuberculosis control, to conform; providing an effective date.

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

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

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

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

Section 2. (1) The Operations and Maintenance Trust Fund within the Department of Health, FLAIR number 20-2-516004, is terminated.

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

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

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

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

(3)

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

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

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

a. The Federal Grants Trust Fund.

b. The Tobacco Settlement Trust Fund.

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

a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.

b. The Social Services Block Grant Trust Fund.

c. The Tobacco Settlement Trust Fund.

~~d. The Working Capital Trust Fund.~~

4. The Department of Corrections.

5. The Department of Elderly Affairs, except for:

a. The Federal Grants Trust Fund.

b. The Tobacco Settlement Trust Fund.

6. The Department of Health, except for:

a. The Federal Grants Trust Fund.

b. The Grants and Donations Trust Fund.

c. The Maternal and Child Health Block Grant Trust Fund.

d. The Tobacco Settlement Trust Fund.

7. The Department of Highway Safety and Motor Vehicles, only for the Security Deposits Trust Fund.

8. The Department of Juvenile Justice.

9. The Department of Law Enforcement.

10. The Department of Legal Affairs.

- 11. The Department of State, only for:
  - a. The Grants and Donations Trust Fund.
  - b. The Records Management Trust Fund.

12. The Department of Economic Opportunity, only for the Economic Development Trust Fund.

13. The Florida Public Service Commission, only for the Florida Public Service Regulatory Trust Fund.

14. The Justice Administrative Commission.

15. The state courts system.

Section 4. Subsection (11) of section 20.195, Florida Statutes, is amended to read:

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

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

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

~~(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.~~

Section 5. Subsections (5) and (16) of section 20.435, Florida Statutes, are amended to read:

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

~~(5) 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 Medicare and Medicaid. Funds shall be used for the purpose of providing health care services to department 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 department’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.

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

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

~~(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.~~

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

215.5601 Lawton Chiles Endowment Fund.—

(5) AVAILABILITY OF FUNDS; USES.—

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

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

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

Approved by the Governor March 8, 2016.

Filed in Office Secretary of State March 8, 2016.