

PCB CGHC 09A-02

2009

1 A bill to be entitled

2 An act relating to implementing the 2008-2009 Special  
3 Appropriations Act; providing legislative intent;  
4 reenacting s. 215.32(2)(b), F.S., relating to the source  
5 and use of certain trust funds in order to implement the  
6 transfer of moneys to the General Revenue Fund from trust  
7 funds in the 2008-2009 Special Appropriations Act;  
8 amending s. 215.5601, F.S.; authorizing transfer of  
9 certain funds from the Lawton Chiles Endowment Fund to the  
10 General Revenue Fund and the Budget Stabilization Fund;  
11 repealing s. 47, ch. 2008-153, Laws of Florida, which  
12 authorized and provided conditions for the transfer of  
13 funds from the Budget Stabilization Fund or the Lawton  
14 Chiles Endowment Fund to the General Revenue Fund;  
15 providing for the effect of a veto of one or more specific  
16 appropriations or proviso to which implementing language  
17 refers; providing for the continued operation of certain  
18 provisions notwithstanding a future repeal or expiration  
19 provided by this act; providing for severability;  
20 providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24 Section 1. It is the intent of the Legislature that the  
25 implementing and administering provisions of this act apply to  
26 the Special Appropriations Act for the 2008-2009 fiscal year.

27 Section 2. In order to implement the transfer of moneys to  
28 the General Revenue Fund from trust funds in the 2008-2009

29 Special Appropriations Act, paragraph (b) of subsection (2) of  
 30 section 215.32, Florida Statutes, is reenacted to read:

31 215.32 State funds; segregation.--

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

34 (b)1. The trust funds shall consist of moneys received by  
 35 the state which under law or under trust agreement are  
 36 segregated for a purpose authorized by law. The state agency or  
 37 branch of state government receiving or collecting such moneys  
 38 shall be responsible for their proper expenditure as provided by  
 39 law. Upon the request of the state agency or branch of state  
 40 government responsible for the administration of the trust fund,  
 41 the Chief Financial Officer may establish accounts within the  
 42 trust fund at a level considered necessary for proper  
 43 accountability. Once an account is established within a trust  
 44 fund, the Chief Financial Officer may authorize payment from  
 45 that account only upon determining that there is sufficient cash  
 46 and releases at the level of the account.

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

50 a. Operations or operating trust fund, for use as a  
 51 depository for funds to be used for program operations funded by  
 52 program revenues, with the exception of administrative  
 53 activities when the operations or operating trust fund is a  
 54 proprietary fund.

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

57 | c. Administrative trust fund, for use as a depository for  
 58 | funds to be used for management activities that are departmental  
 59 | in nature and funded by indirect cost earnings and assessments  
 60 | against trust funds. Proprietary funds are excluded from the  
 61 | requirement of using an administrative trust fund.

62 | d. Grants and donations trust fund, for use as a  
 63 | depository for funds to be used for allowable grant or donor  
 64 | agreement activities funded by restricted contractual revenue  
 65 | from private and public nonfederal sources.

66 | e. Agency working capital trust fund, for use as a  
 67 | depository for funds to be used pursuant to s. 216.272.

68 | f. Clearing funds trust fund, for use as a depository for  
 69 | funds to account for collections pending distribution to lawful  
 70 | recipients.

71 | g. Federal grant trust fund, for use as a depository for  
 72 | funds to be used for allowable grant activities funded by  
 73 | restricted program revenues from federal sources.

74 |

75 | To the extent possible, each agency must adjust its internal  
 76 | accounting to use existing trust funds consistent with the  
 77 | requirements of this subparagraph. If an agency does not have  
 78 | trust funds listed in this subparagraph and cannot make such  
 79 | adjustment, the agency must recommend the creation of the  
 80 | necessary trust funds to the Legislature no later than the next  
 81 | scheduled review of the agency's trust funds pursuant to s.  
 82 | 215.3206.

83 | 3. All such moneys are hereby appropriated to be expended  
 84 | in accordance with the law or trust agreement under which they

PCB CGHC 09A-02

2009

85 | were received, subject always to the provisions of chapter 216  
86 | relating to the appropriation of funds and to the applicable  
87 | laws relating to the deposit or expenditure of moneys in the  
88 | State Treasury.

89 |       4.a. Notwithstanding any provision of law restricting the  
90 | use of trust funds to specific purposes, unappropriated cash  
91 | balances from selected trust funds may be authorized by the  
92 | Legislature for transfer to the Budget Stabilization Fund and  
93 | General Revenue Fund in the General Appropriations Act.

94 |       b. This subparagraph does not apply to trust funds  
95 | required by federal programs or mandates; trust funds  
96 | established for bond covenants, indentures, or resolutions whose  
97 | revenues are legally pledged by the state or public body to meet  
98 | debt service or other financial requirements of any debt  
99 | obligations of the state or any public body; the State  
100 | Transportation Trust Fund; the trust fund containing the net  
101 | annual proceeds from the Florida Education Lotteries; the  
102 | Florida Retirement System Trust Fund; trust funds under the  
103 | management of the State Board of Education or the Board of  
104 | Governors of the State University System, where such trust funds  
105 | are for auxiliary enterprises, self-insurance, and contracts,  
106 | grants, and donations, as those terms are defined by general  
107 | law; trust funds that serve as clearing funds or accounts for  
108 | the Chief Financial Officer or state agencies; trust funds that  
109 | account for assets held by the state in a trustee capacity as an  
110 | agent or fiduciary for individuals, private organizations, or  
111 | other governmental units; and other trust funds authorized by  
112 | the State Constitution.

113 Section 3. In order to implement section 20 of the 2008-  
 114 2009 Special Appropriations Act, paragraph (f) is added to  
 115 subsection (5) of section 215.5601, Florida Statutes, to read:

116 215.5601 Lawton Chiles Endowment Fund.--

117 (5) AVAILABILITY OF FUNDS; USES.--

118 (f) Notwithstanding any provision of this section to the  
 119 contrary, during the 2008-2009 fiscal year, up to \$400 million  
 120 may be transferred from the Lawton Chiles Endowment Fund to the  
 121 General Revenue Fund and up to \$600 million may be transferred  
 122 from the Lawton Chiles Endowment Fund to the Budget  
 123 Stabilization Fund. This paragraph expires June 30, 2009.

124 Section 4. Section 47 of chapter 2008-153, Laws of  
 125 Florida, is repealed.

126 Section 5. A section of this act that implements a  
 127 specific appropriation or specifically identified proviso  
 128 language in the 2008-2009 Special Appropriations Act is void if  
 129 the specific appropriation or specifically identified proviso  
 130 language is vetoed. A section of this act that implements more  
 131 than one specific appropriation or more than one portion of  
 132 specifically identified proviso language in the 2008-2009  
 133 Special Appropriations Act is void if all the specific  
 134 appropriations or portions of specifically identified proviso  
 135 language are vetoed.

136 Section 6. If any other act passed in 2009 contains a  
 137 provision that is substantively the same as a provision in this  
 138 act but that removes or is otherwise not subject to the future  
 139 repeal applied to such provision by this act, the Legislature  
 140 intends that the provision in the other act shall take

PCB CGHC 09A-02

2009

141 precedence and shall continue to operate notwithstanding the  
142 future repeal provided by this act.

143 Section 7. If any provision of this act or its application  
144 to any person or circumstance is held invalid, the invalidity  
145 does not affect other provisions or applications of the act  
146 which can be given effect without the invalid provision or  
147 application, and to this end the provisions of this act are  
148 severable.

149 Section 8. This act shall take effect upon becoming a law.