

By the Committee on Fiscal Policy and Senator Casas

309-1905-99

1 A bill to be entitled
2 An act relating to trust funds; creating s.
3 17.41, F.S.; creating the Department of Banking
4 and Finance Tobacco Settlement Clearing Trust
5 Fund; providing for sources of moneys;
6 providing for exemption from various service
7 charges; providing purposes; providing for
8 investment of such moneys; providing for
9 disbursement of funds to the tobacco settlement
10 trust funds of the various agencies;
11 proclaiming that the trust fund is exempt from
12 constitutional termination; providing an
13 effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Section 17.41, Florida Statutes, is created
18 to read:

19 17.41 Department of Banking and Finance Tobacco
20 Settlement Clearing Trust Fund.--

21 (1) The Department of Banking and Finance Tobacco
22 Settlement Clearing Trust Fund is created within that
23 department.

24 (2) Funds to be credited to the trust fund shall
25 consist of all annual payments received by the state from
26 settlement of State of Florida v. American Tobacco Co., Case
27 No. 95-1466AH, in the Circuit Court for the Fifteenth Judicial
28 Circuit, in and for Palm Beach County, Florida. All moneys
29 received from the settlement shall be deposited into the trust
30 fund and are exempt from the service charges imposed under s.

31

1 215.20. Funds shall be used for the purposes that are
2 permitted or required by the settlement.

3 (3) The State Board of Administration shall invest and
4 reinvest the moneys in the trust fund in accordance with ss.
5 215.44-215.53. Costs and fees of the State Board of
6 Administration for providing such investment services shall be
7 deducted from the earnings accruing to the trust fund.

8 (4) The department shall disburse funds, by
9 nonoperating transfer, from the clearing trust fund to the
10 tobacco settlement trust funds of the various agencies in
11 amounts equal to the annual appropriations made from those
12 trust funds in the General Appropriations Act.

13 (5) Pursuant to the provisions of s. 19(f)(3), Art.
14 III of the State Constitution, the trust fund is exempt from
15 the termination provisions of s. 19(f)(2), Art. III of the
16 State Constitution.

17 Section 2. This act shall take effect upon becoming a
18 law.

19
20
21
22
23
24
25
26
27
28
29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 1962

Creates the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund.

Funds credited to the trust fund shall consist of all annual payments received by the state from settlement of State of Florida v. American Tobacco Co., Case No. 95-1466AH, in the Circuit Court for the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida.

Funds deposited into the trust fund are exempt from the general revenue service charge under section 215.20, Florida Statutes.

The State Board of Administration is responsible for investing and reinvesting funds in the trust fund in accordance with sections 215.44 - 215.53, Florida Statutes. The costs and fees of the board for investment services are to be deducted from the earnings accruing to the trust fund.

Funds are to be disbursed from the clearing trust fund, by nonoperating transfer, to the various tobacco settlement trust funds in the agencies in amounts equal to the annual appropriations made in the General Appropriations Act.

The trust fund is not subject to termination under the State Constitution. The act is effective upon becoming a law.