

By Senator Torres

15-01825-18

20181764__

1 A bill to be entitled
2 An act relating to trust funds; creating s. 408.971,
3 F.S.; creating the Healthy Florida Trust Fund in the
4 State Treasury to be administered by the Healthy
5 Florida Board created under SB ____; providing that
6 moneys in the fund must be continuously appropriated
7 without regard to fiscal year; authorizing unexpended
8 or unencumbered moneys in a fiscal year to be carried
9 forward to the next fiscal year; providing that moneys
10 in the fund may not be loaned, transferred, or
11 otherwise used by the state except for certain
12 purposes; requiring the board to establish and
13 maintain a prudent reserve in the fund; prohibiting
14 specified uses of moneys by the board or board staff;
15 requiring that moneys be used only for purposes
16 specified in the Healthy Florida Act created under SB
17 ____; requiring that interest earned on fund moneys be
18 retained in the fund; specifying the funds that will
19 be held in the trust fund; requiring that a federal
20 funds account be created within the trust fund to hold
21 federal funds; providing for future review and
22 termination or re-creation of the trust fund;
23 providing directives to the Division of Law Revision
24 and Information; providing a contingent effective
25 date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Section 408.971, Florida Statutes, is created to

15-01825-18

20181764__

30 read:

31 408.971 The Healthy Florida Trust Fund.—

32 (1) The Healthy Florida Trust Fund is created in the State
33 Treasury to be administered by the Healthy Florida Board in
34 accordance with this part. Notwithstanding chapter 216, all
35 moneys in the fund must be continuously appropriated without
36 regard to fiscal year. Any moneys in the fund that are
37 unexpended or unencumbered at the end of a fiscal year may be
38 carried forward to the next fiscal year.

39 (2) Notwithstanding any other law, moneys deposited in the
40 fund may not be loaned, transferred, or otherwise used by the
41 state for any purpose other than as provided under this part.

42 (3) The board shall establish and maintain a prudent
43 reserve in the fund.

44 (4) The board or staff of the board may not use moneys
45 intended for the administrative and operational expenses of the
46 board for staff retreats, promotional giveaways, excessive
47 executive compensation, or promotion of federal or state
48 legislative or regulatory modifications. Moneys in the fund may
49 be used only for the purposes specified in this part.

50 (5) Notwithstanding s. 215.20, all interest earned on the
51 moneys that have been deposited into the fund must be retained
52 in the fund.

53 (6) The trust fund consists of all of the following:

54 (a) All moneys obtained pursuant to legislation enacted as
55 proposed under s. 408.972.

56 (b) Federal payments received as a result of any waiver of
57 requirements granted or other arrangements agreed to by the
58 United States Secretary of Health and Human Services or other

15-01825-18

20181764__

59 appropriate federal officials for health care programs
60 established under Medicare, any federally matched public health
61 program, or the Affordable Care Act.

62 (c) The amounts paid by the Department of Health which are
63 equivalent to those amounts that are paid on behalf of residents
64 of this state under Medicare, any federally matched public
65 health program, or the Affordable Care Act for health benefits
66 that are equivalent to health benefits covered under Healthy
67 Florida.

68 (d) Federal and state funds for purposes of the provision
69 of services authorized under Title XX of the Social Security
70 Act, 42 U.S.C. ss. 1397 et seq., which would otherwise be
71 covered under Healthy Florida.

72 (e) State moneys that would otherwise be appropriated to
73 any governmental agency, office, program, instrumentality, or
74 institution that provides health care services and benefits
75 covered under Healthy Florida.

76
77 Payments to the fund pursuant to this subsection must be in an
78 amount equal to the money appropriated for those purposes in the
79 fiscal year beginning immediately preceding the effective date
80 of this act.

81 (7) A federal funds account must be created within the fund
82 to hold federal moneys under this section.

83 (8) In accordance with s. 19(f)(2), Art. III of the State
84 Constitution, unless terminated sooner, the Healthy Florida
85 Trust Fund shall be terminated 4 years after the effective date
86 of this act. Before its scheduled termination, the trust fund
87 shall be reviewed as provided under s. 215.3206(1) and (2).

15-01825-18

20181764__

88 Section 2. The Division of Law Revision and Information is
89 directed to replace the phrase "the effective date of this act"
90 where it occurs in this act with the date the act becomes a law.

91 Section 3. The Division of Law Revision and Information is
92 directed to replace the phrase "4 years after the effective date
93 of this act" where it occurs in this act with the date the trust
94 fund will terminate.

95 Section 4. This act shall take effect on the same date that
96 SB ____ or similar legislation takes effect, if such legislation
97 is adopted in the same legislative session or an extension
98 thereof and becomes a law.