

By the Committee on Health & Human Services Appropriations
and Representative Sanderson

1 A bill to be entitled
2 An act relating to trust funds; amending s.
3 20.435, F.S., relating to trust funds of the
4 Department of Health; creating the Tobacco
5 Settlement Trust Fund within the department;
6 providing sources of moneys and purposes;
7 providing for annual carryforward of funds;
8 providing for future review and termination or
9 re-creation of the trust fund; providing an
10 effective date.

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

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14 Section 1. Section 20.435, Florida Statutes, is
15 amended to read:

16 20.435 Department of Health; trust funds.--

17 (1) The following trust funds are hereby created, to
18 be administered by the Department of Health:

19 (a) Administrative Trust Fund.

20 1. Funds to be credited to the trust fund shall
21 consist of regulatory fees such as those pertaining to the
22 licensing, permitting, and inspection of septic tanks, food
23 hygiene, onsite sewage, Super Act compliance, solid waste
24 management, tanning facilities, mobile home and recreational
25 vehicle park inspection, other departmental regulatory and
26 health care programs, and indirect earnings from grants.
27 Funds shall be used for the purpose of supporting the
28 regulatory activities of the department and for other such
29 purposes as may be appropriate and shall be expended only
30 pursuant to legislative appropriation or an approved amendment
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1 to the department's operating budget pursuant to the
2 provisions of chapter 216.

3 2. Notwithstanding the provisions of s. 216.301 and
4 pursuant to s. 216.351, any balance in the trust fund at the
5 end of any fiscal year shall remain in the trust fund at the
6 end of the year and shall be available for carrying out the
7 purposes of the trust fund.

8 3. Pursuant to the provisions of s. 19(f)(2), Art. III
9 of the State Constitution, the trust fund shall, unless
10 terminated sooner, be terminated on July 1, 2001.

11 (b) Federal Grants Trust Fund.

12 1. Funds to be credited to the trust fund shall
13 consist of grants and funding from the Federal Government and
14 funds from the Medicaid program. Funds shall be used for the
15 purposes of providing health and support services to
16 department clients, supporting regulatory activities of the
17 department, and funding disease surveillance and for other
18 such purposes as may be appropriate and shall be expended only
19 pursuant to legislative appropriation or an approved amendment
20 to the department's operating budget pursuant to the
21 provisions of chapter 216.

22 2. Notwithstanding the provisions of s. 216.301 and
23 pursuant to s. 216.351, any balance in the trust fund at the
24 end of any fiscal year shall remain in the trust fund at the
25 end of the year and shall be available for carrying out the
26 purposes of the trust fund.

27 3. Pursuant to the provisions of s. 19(f)(2), Art. III
28 of the State Constitution, the trust fund shall, unless
29 terminated sooner, be terminated on July 1, 2001.

30 (c) Grants and Donations Trust Fund.

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1 1. Funds to be credited to the trust fund shall
2 consist of restricted contractual revenue from public or
3 private sources such as receipts from Medicaid, funds from
4 federal environmental laws such as the Safe Drinking Water Act
5 and the Super Act, funds from other health and environmental
6 programs, and funds from private sources such as foundations.
7 Funds shall be used for the purpose of supporting the
8 activities of the department and shall be expended only
9 pursuant to legislative appropriation or an approved amendment
10 to the department's operating budget pursuant to the
11 provisions of chapter 216.

12 2. Notwithstanding the provisions of s. 216.301 and
13 pursuant to s. 216.351, any balance in the trust fund at the
14 end of any fiscal year shall remain in the trust fund at the
15 end of the year and shall be available for carrying out the
16 purposes of the trust fund.

17 3. Pursuant to the provisions of s. 19(f)(2), Art. III
18 of the State Constitution, the trust fund shall, unless
19 terminated sooner, be terminated on July 1, 2001.

20 (d) Medical Quality Assurance Trust Fund.

21 1. Funds to be credited to the trust fund shall
22 consist of fees and fines related to the licensing of health
23 care professionals. Funds shall be used for the purpose of
24 providing administrative support for the regulation of health
25 care professionals and for other such purposes as may be
26 appropriate and shall be expended only pursuant to legislative
27 appropriation or an approved amendment to the department's
28 operating budget pursuant to the provisions of chapter 216.

29 2. Notwithstanding the provisions of s. 216.301 and
30 pursuant to s. 216.351, any balance in the trust fund at the
31 end of any fiscal year shall remain in the trust fund at the

1 end of the year and shall be available for carrying out the
2 purposes of the trust fund.

3 3. Pursuant to the provisions of s. 19(f)(2), Art. III
4 of the State Constitution, the trust fund shall, unless
5 terminated sooner, be terminated on July 1, 2001.

6 (e) Operations and Maintenance Trust Fund.

7 1. Funds to be credited to the trust fund shall
8 consist of receipts from third-party payors of health care
9 services such as Medicare and Medicaid. Funds shall be used
10 for the purpose of providing health care services to
11 department clients and for other such purposes as may be
12 appropriate and shall be expended only pursuant to legislative
13 appropriation or an approved amendment to the department's
14 operating budget pursuant to the provisions of chapter 216.

15 2. Notwithstanding the provisions of s. 216.301 and
16 pursuant to s. 216.351, any balance in the trust fund at the
17 end of any fiscal year shall remain in the trust fund at the
18 end of the year and shall be available for carrying out the
19 purposes of the trust fund.

20 3. Pursuant to the provisions of s. 19(f)(2), Art. III
21 of the State Constitution, the trust fund shall, unless
22 terminated sooner, be terminated on July 1, 2001.

23 (f) Social Services Block Grant Trust Fund.

24 1. Funds to be credited to the trust fund shall
25 consist of federal social services block grant funds. Funds
26 shall be used for the purpose of providing health care and
27 support services to department clients and for other such
28 purposes as may be appropriate and shall be expended only
29 pursuant to legislative appropriation or an approved amendment
30 to the department's operating budget pursuant to the
31 provisions of chapter 216.

1 2. Notwithstanding the provisions of s. 216.301 and
2 pursuant to s. 216.351, any balance in the trust fund at the
3 end of any fiscal year shall remain in the trust fund at the
4 end of the year and shall be available for carrying out the
5 purposes of the trust fund.

6 3. Pursuant to the provisions of s. 19(f)(2), Art. III
7 of the State Constitution, the trust fund shall, unless
8 terminated sooner, be terminated on July 1, 2001.

9 (g) Tobacco Settlement Trust Fund.

10 1. Funds to be credited to the trust fund shall
11 consist of any portion of the initial payment of \$550 million
12 and all subsequent annual payments received by the state from
13 settlement of State of Florida v. American Tobacco Co., Case
14 No. 95-1466AH, in the Circuit Court for the Fifteenth Judicial
15 Circuit, in and for Palm Beach County, Florida, and deposited
16 under s. 17.41(1)(b), that are appropriated pursuant to
17 legislative appropriation or an approved amendment to the
18 department's operating budget pursuant to the provisions of
19 chapter 216. Funds shall be used as appropriated for any of
20 the purposes that are permitted or required by the settlement.

21 2. Notwithstanding the provisions of s. 216.301 and
22 pursuant to s. 216.351, any balance in the trust fund at the
23 end of any fiscal year shall remain in the trust fund at the
24 end of the year and shall be available for carrying out the
25 purposes of the trust fund.

26 3. Pursuant to the provisions of s. 19(f)(2), Art. III
27 of the State Constitution, the trust fund shall, unless
28 terminated sooner, be terminated on July 1, 2002.

29 ~~(2) Pursuant to the provisions of s. 19(f)(2), Art.~~
30 ~~III of the State Constitution, each trust fund listed in~~
31 ~~subsection (1) shall, unless terminated sooner, be terminated~~

1 ~~on July 1, 2001. However, prior to its scheduled termination,~~
2 Each trust fund listed in subsection (1) which is subject to
3 termination pursuant to the provisions of s. 19(f)(2), Art.
4 III of the State Constitution shall be reviewed prior to its
5 scheduled termination as provided in s. 215.3206(1) and (2).

6 Section 2. This act shall take effect July 1 of the
7 year in which enacted.

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HOUSE SUMMARY

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Creates the Tobacco Settlement Trust Fund within the
Department of Health. Provides its sources of moneys and
purposes. Provides for annual carryforward of funds.
Provides for future review and termination or re-creation
of the trust fund.

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