

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., and transferring and amending s.
4 569.20, F.S.; renaming the current Tobacco
5 Settlement Trust Fund as the Department of
6 Health Tobacco Settlement Trust Fund; providing
7 for sources of moneys and purposes; providing
8 for reversion of funds to the Lawton Chiles
9 Endowment Fund for Children and Elders;
10 providing an 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, and section 569.20, Florida Statutes, 1998
16 Supplement, is redesignated as paragraph (g) of subsection (1)
17 of said section and amended, to read:

18 20.435 Department of Health; trust funds.--
19 (1) The following trust funds are hereby created, to
20 be administered by the Department of Health:

21 (a) Administrative Trust Fund.
22 1. Funds to be credited to the trust fund shall
23 consist of regulatory fees such as those pertaining to the
24 licensing, permitting, and inspection of septic tanks, food
25 hygiene, onsite sewage, Super Act compliance, solid waste
26 management, tanning facilities, mobile home and recreational
27 vehicle park inspection, other departmental regulatory and
28 health care programs, and indirect earnings from grants.
29 Funds shall be used for the purpose of supporting the
30 regulatory activities of the department and for other such
31 purposes as may be appropriate and shall be expended only

1 pursuant to legislative appropriation or an approved amendment
2 to the department's operating budget pursuant to the
3 provisions of chapter 216.

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

9 3. The trust fund shall, unless terminated sooner, be
10 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. The trust fund shall, unless terminated sooner, be
28 terminated on July 1, 2001.

29 (c) Grants and Donations Trust Fund.

30 1. Funds to be credited to the trust fund shall
31 consist of restricted contractual revenue from public or

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

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

15 3. The trust fund shall, unless terminated sooner, be
16 terminated on July 1, 2001.

17 (d) Medical Quality Assurance Trust Fund.

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

26 2. Notwithstanding the provisions of s. 216.301 and
27 pursuant to s. 216.351, any balance in the trust fund at the
28 end of any fiscal year shall remain in the trust fund at the
29 end of the year and shall be available for carrying out the
30 purposes of the trust fund.

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1 3. The trust fund shall, unless terminated sooner, be
2 terminated on July 1, 2001.

3 (e) Operations and Maintenance Trust Fund.

4 1. Funds to be credited to the trust fund shall
5 consist of receipts from third-party payors of health care
6 services such as Medicare and Medicaid. Funds shall be used
7 for the purpose of providing health care services to
8 department clients and for other such purposes as may be
9 appropriate and shall be expended only pursuant to legislative
10 appropriation or an approved amendment to the department's
11 operating budget pursuant to the 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. The trust fund shall, unless terminated sooner, be
18 terminated on July 1, 2001.

19 (f) Social Services Block Grant Trust Fund.

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

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

3 3. The trust fund shall, unless terminated sooner, be
4 terminated on July 1, 2001.

5 (g)569.20 Department of Health Tobacco Settlement
6 Trust Fund.

7 1. Funds to be credited to the trust fund shall
8 consist of funds disbursed, by nonoperating transfer, from the
9 Department of Banking and Finance Tobacco Settlement Clearing
10 Trust Fund in amounts equal to the annual appropriations made
11 from this trust fund. Funds shall be used as appropriated for
12 any of the purposes that are permitted or required by the
13 tobacco settlement.

14 2. Notwithstanding the provisions of s. 216.301 and
15 pursuant to s. 216.351, any unencumbered balance in the trust
16 fund at the end of any fiscal year and any encumbered balance
17 remaining undisbursed on December 31 of the same calendar year
18 shall revert to the Lawton Chiles Endowment Fund for Children
19 and Elders.

20 ~~(1) The Tobacco Settlement Trust Fund is created to~~
21 ~~accept deposit of all funds received by the state as a result~~
22 ~~of the settlement of its lawsuit against the tobacco industry.~~

23 ~~(2) All funds transferred to and retained in the trust~~
24 ~~fund shall be invested pursuant to s. 18.125. All interest~~
25 ~~accruing to the trust fund shall be deposited in the trust~~
26 ~~fund and shall be subject to appropriation by the Legislature.~~

27 ~~3.(3) Pursuant to the provisions of s. 19(f)(2), Art.~~
28 ~~III of the State Constitution, The Tobacco Settlement trust~~
29 ~~fund shall, unless terminated sooner, be terminated on July 1,~~
30 ~~2002. Prior to its scheduled termination, the trust fund shall~~
31 ~~be reviewed as provided in s. 215.3206(1) and (2).~~

