

By the Committee on Fiscal Policy and Senator Casas

309-1910A-99

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A bill to be entitled
An act relating to trust funds; amending s.
20.435, F.S.; repealing s. 569.20, F.S.;
renaming the current Tobacco Settlement Trust
Fund as the Department of Health Tobacco
Settlement Trust Fund; providing for sources of
moneys and purposes; providing for reversion of
funds to the Department of Banking and Finance
Tobacco Settlement Clearing Trust Fund for
Children and Elders; providing an effective
date.

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

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

20.435 Department of Health; trust funds.--

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

(a) Administrative Trust Fund.

1. Funds to be credited to the trust fund shall
consist of regulatory fees such as those pertaining to the
licensing, permitting, and inspection of septic tanks, food
hygiene, onsite sewage, Super Act compliance, solid waste
management, tanning facilities, mobile home and recreational
vehicle park inspection, other departmental regulatory and
health care programs, and indirect earnings from grants.
Funds shall be used for the purpose of supporting the
regulatory activities of the department and for other such
purposes as may be appropriate and shall be expended only
pursuant to legislative appropriation or an approved amendment

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

10 (b) Federal Grants Trust Fund.

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

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

28 (c) Grants and Donations Trust Fund.

29 1. Funds to be credited to the trust fund shall
30 consist of restricted contractual revenue from public or
31 private sources such as receipts from Medicaid, funds from

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

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

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

16 (d) Medical Quality Assurance Trust Fund.

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

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

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

- 1 (e) Operations and Maintenance Trust Fund.
- 2 1. Funds to be credited to the trust fund shall
- 3 consist of receipts from third-party payors of health care
- 4 services such as Medicare and Medicaid. Funds shall be used
- 5 for the purpose of providing health care services to
- 6 department clients and for other such purposes as may be
- 7 appropriate and shall be expended only pursuant to legislative
- 8 appropriation or an approved amendment to the department's
- 9 operating budget pursuant to the 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 (f) Social Services Block Grant Trust Fund.
- 18 1. Funds to be credited to the trust fund shall
- 19 consist of federal social services block grant funds. Funds
- 20 shall be used for the purpose of providing health care and
- 21 support services to department clients and for other such
- 22 purposes as may be appropriate and shall be expended only
- 23 pursuant to legislative appropriation or an approved amendment
- 24 to the department's operating budget pursuant to the
- 25 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 (g) Department of Health Tobacco Settlement Trust
4 Fund.

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

12 2. Notwithstanding the provisions of s. 216.301 and
13 pursuant to s. 216.351, any unencumbered balance in the trust
14 fund at the end of any fiscal year and any encumbered balance
15 remaining undisbursed on December 31 of the same calendar year
16 shall revert to the Department of Banking and Finance Tobacco
17 Settlement Clearing Trust Fund.

18 3. The trust fund shall, unless terminated sooner, be
19 terminated on July 1, 2002.

20 (2) Prior to its scheduled termination pursuant to the
21 provisions of s. 19(f)(2), Art. III of the State Constitution,
22 each trust fund listed in subsection (1) shall be reviewed as
23 provided in s. 215.3206(1) and (2).

24 Section 2. Section 569.20, Florida Statutes, 1998
25 Supplement, is repealed.

26 Section 3. This act shall take effect upon becoming a
27 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 1960

The Statement of Substantial Change contains the following provisions:

Provides for a termination date of July 1, 2001 for the following trust funds: Administrative Trust Fund; Federal Grants Trust Fund; Grants and Donations Trust Fund; Operations and Maintenance Trust Fund; and the Social Services Block Grant Trust Fund.

Renames the Tobacco Settlement Trust Fund the Department of Health Tobacco Settlement Trust Fund.

Funds credited to the trust fund are to consist of funds disbursed, by nonoperating transfer, from the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund in amounts equal to the annual appropriations. Funds are to be used for the purposes that are permitted or required by the tobacco settlement.

Provides for the reversion of funds to the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund.

Provides that the trust fund is effective upon becoming law and will be terminated on July 1, 2002.