

By the Committee on Appropriations; and Senator Peadar

309-2355-04

1 A bill to be entitled
 2 An act relating to the Biomedical Research
 3 Trust Fund in the Department of Health;
 4 amending s. 17.41, F.S.; requiring the
 5 Department of Financial Services to disburse
 6 certain funds from the Tobacco Settlement
 7 Clearing Trust Fund to the Biomedical Research
 8 Trust Fund; amending s. 20.435, F.S.;
 9 authorizing the Department of Health to provide
 10 for the investment of funds in the Biomedical
 11 Research Trust Fund; authorizing the Governor
 12 to certify undisbursed funds for a specified
 13 period following appropriation; amending s.
 14 215.5601, F.S.; providing requirements for the
 15 management of unencumbered balances in the
 16 trust fund, to conform; providing an effective
 17 date.

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

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 21 Section 1. Subsection (5) of section 17.41, Florida
 22 Statutes, is amended to read:

23 17.41 Department of Financial Services Tobacco
 24 Settlement Clearing Trust Fund.--

25 (5) The department shall disburse funds, by
 26 nonoperating transfer, from the Tobacco Settlement Clearing
 27 Trust Fund to the tobacco settlement trust funds of the
 28 various agencies or to the Biomedical Research Trust Fund in
 29 the Department of Health, as appropriate, in amounts equal to
 30 the annual appropriations made from those agencies' trust
 31 funds in the General Appropriations Act.

1 Section 2. Paragraph (h) of subsection (1) of section
2 20.435, Florida Statutes, as amended by section 2 of chapter
3 2003-421, Laws of Florida, is amended to read:

4 20.435 Department of Health; trust funds.--

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

7 (h) Biomedical Research Trust Fund.

8 1. Funds to be credited to the trust fund shall
9 consist of funds deposited pursuant to s. 215.5601. Funds
10 shall be used for the purposes of the James and Esther King
11 Biomedical Research Program as specified in ss. 215.5602 and
12 288.955. The trust fund is exempt from the service charges
13 imposed by s. 215.20.

14 2. Notwithstanding the provisions of s. 216.301 and
15 pursuant to s. 216.351, any balance in the trust fund at the
16 end of any fiscal year shall remain in the trust fund at the
17 end of the year and shall be available for carrying out the
18 purposes of the trust fund. The department may invest these
19 funds independently through the Chief Financial Officer or may
20 negotiate a trust agreement with the State Board of
21 Administration for the investment management of any balance in
22 the trust fund.

23 3. Notwithstanding s. 216.301 and pursuant to s.
24 216.351, any balance of any appropriation from the Biomedical
25 Research Trust Fund which is not disbursed but which is
26 obligated pursuant to contract or committed to be expended may
27 be certified by the Governor for up to 3 years following the
28 effective date of the original appropriation.

29 ~~4.3.~~ The trust fund shall, unless terminated sooner,
30 be terminated on July 1, 2008.

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1 Section 3. Paragraph (e) of subsection (5) of section
2 215.5601, Florida Statutes, is amended to read:

3 215.5601 Lawton Chiles Endowment Fund.--

4 (5) AVAILABILITY OF FUNDS; USES.--

5 (e) Notwithstanding s. 216.301 and pursuant to s.
6 216.351, all unencumbered balances of appropriations from each
7 department's respective Tobacco Settlement Trust Fund as of
8 June 30 or undisbursed balances as of December 31 shall revert
9 to the endowment's principal. Unencumbered balances in the
10 Biomedical Research Trust Fund shall be managed as provided in
11 s. 20.435(1)(h)2. ~~Unencumbered or undisbursed balances~~
12 ~~appropriated for biomedical research shall revert to the~~
13 ~~principal in the separately reserved and accounted for portion~~
14 ~~of the endowment established for biomedical research~~
15 ~~activities.~~

16 Section 4. This act shall take effect July 1, 2004.

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18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
19 COMMITTEE SUBSTITUTE FOR
20 Senate Bill 1278

21 Provides additional clarification to the Department of
22 Financial Services to specify that the Biomedical Research
23 Trust Fund shall receive transfers from the Tobacco Settlement
24 Clearing Trust Fund.

25 Allows for the investment of Biomedical Research Trust Fund
26 balances either through the Chief Financial Officer or through
27 the State Board of Administration.

28 Allows the balances of appropriations from the Biomedical
29 Research Trust Fund to be expended over a period of three
30 years because of the long-term nature of biomedical research.
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