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1
2 An act relating to trust funds of the Agency for Health
3 Care Administration; terminating the Florida Organ and
4 Tissue Donor Education and Procurement Trust Fund and the
5 Resident Protection Trust Fund; providing for the
6 disposition of the balances in and revenues of the trust
7 funds; prescribing procedures for the termination of the
8 trust funds; amending s. 20.425, F.S.; providing for the
9 administration of the Administrative Trust Fund, the
10 Grants and Donations Trust Fund, the Health Care Trust
11 Fund, the Medical Care Trust Fund, the Public Medical
12 Assistance Trust Fund, the Quality of Long-Term Care
13 Facility Improvement Trust Fund, and the Refugee
14 Assistance Trust Fund by the Agency for Health Care
15 Administration; providing for sources of funds and
16 purposes; providing for annual carryforward of funds;
17 revising the date for reversion of specified balances in
18 the Tobacco Settlement Trust Fund; amending ss. 215.20,
19 320.08047, 322.08, 393.0673, and 393.0678, F.S., to
20 conform; amending s. 394.903, F.S.; conforming a cross-
21 reference; repealing s. 394.904, F.S., which creates the
22 Health Care Trust Fund, to conform; amending s. 400.062,
23 F.S., to conform; clarifying provisions with respect to
24 amounts on deposit in the Health Care Trust Fund which
25 control the setting of specified rates that comprise a
26 portion of licensing fees for nursing homes and general
27 health care licensing; removing obsolete language, to
28 conform; amending ss. 400.063, 400.121, 400.126, 400.162,
29 400.966, and 765.515, F.S., to conform; repealing s.

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30 765.52155, F.S., which creates the Florida Organ and
31 Tissue Donor Education and Procurement Trust Fund, to
32 conform; amending s. 765.544, F.S., to conform; providing
33 an effective date.

34
35 Be It Enacted by the Legislature of the State of Florida:

36
37 Section 1. (1) The Florida Organ and Tissue Donor
38 Education and Procurement Trust Fund within the Agency for Health
39 Care Administration, FLAIR number 68-2-509, is terminated.

40 (2) All current balances remaining in, and all revenues of,
41 the trust fund shall be transferred to the Health Care Trust Fund
42 within the Agency for Health Care Administration, FLAIR number
43 68-2-003.

44 (3) The Agency for Health Care Administration shall pay any
45 outstanding debts and obligations of the terminated fund as soon
46 as practicable, and the Chief Financial Officer shall close out
47 and remove the terminated fund from the various state accounting
48 systems using generally accepted accounting principles concerning
49 warrants outstanding, assets, and liabilities.

50 Section 2. (1) The Resident Protection Trust Fund within
51 the Agency for Health Care Administration, FLAIR number 68-2-522,
52 is terminated.

53 (2) All current balances remaining in, and all revenues of,
54 the trust fund shall be transferred to the Health Care Trust Fund
55 within the Agency for Health Care Administration, FLAIR number
56 68-2-003.

57 (3) The Agency for Health Care Administration shall pay any
58 outstanding debts and obligations of the terminated fund as soon

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59 as practicable, and the Chief Financial Officer shall close out
60 and remove the terminated fund from the various state accounting
61 systems using generally accepted accounting principles concerning
62 warrants outstanding, assets, and liabilities.

63 Section 3. Section 20.425, Florida Statutes, is amended to
64 read:

65 20.425 Agency for Health Care Administration; trust funds
66 ~~Tobacco Settlement Trust Fund.~~ --The following trust funds shall
67 be administered by the Agency for Health Care Administration:

68 (1) Administrative Trust Fund.

69 (a) Funds to be credited to and uses of the trust fund
70 shall be administered in accordance with the provisions of s.
71 215.32.

72 (b) Notwithstanding the provisions of s. 216.301 and
73 pursuant to s. 216.351, any balance in the trust fund at the end
74 of any fiscal year shall remain in the trust fund at the end of
75 the year and shall be available for carrying out the purposes of
76 the trust fund.

77 (2) Grants and Donations Trust Fund.

78 (a) Funds to be credited to and uses of the trust fund
79 shall be administered in accordance with the provisions of ss.
80 215.32 and 409.916.

81 (b) Notwithstanding the provisions of s. 216.301 and
82 pursuant to s. 216.351, any balance in the trust fund at the end
83 of any fiscal year shall remain in the trust fund at the end of
84 the year and shall be available for carrying out the purposes of
85 the trust fund.

86 (3) Health Care Trust Fund.

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87 (a) Funds to be credited to and uses of the trust fund
88 shall be administered in accordance with the provisions of ss.
89 400.063 and 408.16.

90 (b) Notwithstanding the provisions of s. 216.301 and
91 pursuant to s. 216.351, any balance in the trust fund at the end
92 of any fiscal year shall remain in the trust fund at the end of
93 the year and shall be available for carrying out the purposes of
94 the trust fund.

95 (4) Medical Care Trust Fund.

96 (a) Funds to be credited to the trust fund shall consist of
97 receipts from federal grants and shall be used for the purpose of
98 providing health care services to individuals eligible pursuant
99 to the requirement and limitation of Title XIX and Title XXI of
100 the Social Security Act, as amended, and for other such purposes
101 as may be appropriate.

102 (b) Notwithstanding the provisions of s. 216.301 and
103 pursuant to s. 216.351, any balance in the trust fund at the end
104 of any fiscal year shall remain in the trust fund at the end of
105 the year and shall be available for carrying out the purposes of
106 the trust fund.

107 (5) Public Medical Assistance Trust Fund.

108 (a) Funds to be credited to and uses of the trust fund
109 shall be administered in accordance with the provisions of ss.
110 394.4786 and 409.918.

111 (b) Notwithstanding the provisions of s. 216.301 and
112 pursuant to s. 216.351, any balance in the trust fund at the end
113 of any fiscal year shall remain in the trust fund at the end of
114 the year and shall be available for carrying out the purposes of
115 the trust fund.

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116 (6) Quality of Long-Term Care Facility Improvement Trust
117 Fund.

118 (a) Funds to be credited to and uses of the trust fund
119 shall be administered in accordance with the provisions of s.
120 400.0239.

121 (b) Notwithstanding the provisions of s. 216.301 and
122 pursuant to s. 216.351, any balance in the trust fund at the end
123 of any fiscal year shall remain in the trust fund at the end of
124 the year and shall be available for carrying out the purposes of
125 the trust fund.

126 (7) Refugee Assistance Trust Fund.

127 (a) Funds to be credited to the trust fund shall consist of
128 federal grant funds under the Refugee Resettlement Program and
129 the Cuban/Haitian Entrant Program and shall be used for the
130 purpose of providing medical assistance to individuals eligible
131 pursuant to the requirements and limitations of 45 C.F.R. parts
132 400 and 401, as amended, or any other applicable federal
133 requirement or limitation.

134 (b) Notwithstanding the provisions of s. 216.301 and
135 pursuant to s. 216.351, any balance in the trust fund at the end
136 of any fiscal year shall remain in the trust fund at the end of
137 the year and shall be available for carrying out the purposes of
138 the trust fund.

139 (8) Tobacco Settlement Trust Fund.

140 ~~(a) The Agency for Health Care Administration Tobacco~~
141 ~~Settlement Trust Fund is created within the agency.~~ Funds to be
142 credited to the trust fund shall consist of funds disbursed, by
143 nonoperating transfer, from the Department of Financial Services

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144 Tobacco Settlement Clearing Trust Fund in amounts equal to the
145 annual appropriations made from this trust fund.

146 (b) ~~(2)~~ Notwithstanding the provisions of s. 216.301 and
147 pursuant to s. 216.351, any unencumbered balance in the trust
148 fund at the end of any fiscal year and any encumbered balance
149 remaining undisbursed on September 30 ~~December 31~~ of the same
150 calendar year shall revert to the Department of Financial
151 Services Tobacco Settlement Clearing Trust Fund.

152 Section 4. Paragraph (a) of subsection (4) of section
153 215.20, Florida Statutes, is amended to read:

154 215.20 Certain income and certain trust funds to contribute
155 to the General Revenue Fund.--

156 (4) The income of a revenue nature deposited in the
157 following described trust funds, by whatever name designated, is
158 that from which the appropriations authorized by subsection (3)
159 shall be made:

160 (a) Within the Agency for Health Care Administration, ÷

161 ~~1. The Florida Organ and Tissue Donor Education and
162 Procurement Trust Fund.~~

163 ~~2. the Health Care Trust Fund.~~

164 ~~3. The Resident Protection Trust Fund.~~

165

166 The enumeration of the foregoing moneys or trust funds shall not
167 prohibit the applicability thereto of s. 215.24 should the
168 Governor determine that for the reasons mentioned in s. 215.24
169 the money or trust funds should be exempt herefrom, as it is the
170 purpose of this law to exempt income from its force and effect
171 when, by the operation of this law, federal matching funds or

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172 contributions or private grants to any trust fund would be lost
173 to the state.

174 Section 5. Section 320.08047, Florida Statutes, is amended
175 to read:

176 320.08047 Voluntary contribution for organ and tissue donor
177 education.--As a part of the collection process for license taxes
178 as specified in s. 320.08, individuals shall be permitted to make
179 a voluntary contribution of \$1, which contribution shall be
180 deposited into the Health Care Trust Fund ~~Florida Organ and~~
181 ~~Tissue Donor Education and Procurement Trust Fund~~ for organ and
182 tissue donor education and for maintaining the organ and tissue
183 donor registry.

184 Section 6. Paragraph (b) of subsection (6) of section
185 322.08, Florida Statutes, is amended to read:

186 322.08 Application for license.--

187 (6) The application form for a driver's license or
188 duplicate thereof shall include language permitting the
189 following:

190 (b) A voluntary contribution of \$1 per applicant, which
191 contribution shall be deposited into the Health Care Trust Fund
192 ~~Florida Organ and Tissue Donor Education and Procurement Trust~~
193 ~~Fund~~ for organ and tissue donor education and for maintaining the
194 organ and tissue donor registry.

195

196 A statement providing an explanation of the purpose of the trust
197 funds shall also be included. For the purpose of applying the
198 service charge provided in s. 215.20, contributions received
199 under paragraphs (c), (d), (e), and (f) and under s. 322.18(9)(a)
200 are not income of a revenue nature.

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201 Section 7. Subsection (3) of section 393.0673, Florida
202 Statutes, is amended to read:

203 393.0673 Denial, suspension, revocation of license;
204 moratorium on admissions; administrative fines; procedures.--

205 (3) The agency, as a part of any final order issued by it
206 under this chapter, may impose such fine as it deems proper,
207 except that such fine may not exceed \$1,000 for each violation.
208 Each day a violation of this chapter occurs constitutes a
209 separate violation and is subject to a separate fine, but in no
210 event may the aggregate amount of any fine exceed \$10,000. Fines
211 paid by any facility licensee under the provisions of this
212 subsection shall be deposited in the Health Care Trust Fund
213 ~~Resident Protection Trust Fund~~ and expended as provided in s.
214 400.063.

215 Section 8. Subsection (11) of section 393.0678, Florida
216 Statutes, is amended to read:

217 393.0678 Receivership proceedings.--

218 (11) Nothing in this section shall be deemed to relieve any
219 owner, operator, or employee of a facility placed in receivership
220 of any civil or criminal liability incurred, or any duty imposed
221 by law, by reason of acts or omissions of the owner, operator, or
222 employee before the appointment of a receiver; nor shall anything
223 contained in this section be construed to suspend during the
224 receivership any obligation of the owner, operator, or employee
225 for payment of taxes or other operating and maintenance expenses
226 of the facility or any obligation of the owner, operator, or
227 employee or any other person for the payment of mortgages or
228 liens. The owner shall retain the right to sell or mortgage any
229 facility under receivership, subject to the approval of the court

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230 | which ordered the receivership. A receivership imposed under the
231 | provisions of this chapter shall be subject to the Health Care
232 | Trust Fund ~~Resident Protection Trust Fund~~ pursuant to s. 400.063.
233 | The owner of a facility placed in receivership by the court shall
234 | be liable for all expenses and costs incurred by the Health Care
235 | Trust Fund ~~Resident Protection Trust Fund~~ which occur as a result
236 | of the receivership.

237 | Section 9. Subsection (11) of section 394.903, Florida
238 | Statutes, is amended to read:

239 | 394.903 Receivership proceedings.--

240 | (11) Nothing in this section shall be construed to relieve
241 | any owner, operator, or employee of a unit or facility placed in
242 | receivership of any civil or criminal liability incurred, or any
243 | duty imposed by law, by reason of acts or omissions of the owner,
244 | operator, or employee prior to the appointment of a receiver; nor
245 | shall anything contained in this section be construed to suspend
246 | during the receivership any obligation of the owner, operator, or
247 | employee for payment of taxes or other operating and maintenance
248 | expenses of the unit or facility or of the owner, operator, or
249 | employee or any other person for the payment of mortgages or
250 | liens. The owner shall retain the right to sell or mortgage any
251 | unit or facility under receivership, subject to approval of the
252 | court which ordered the receivership. Receivership imposed under
253 | the provisions of this chapter shall be subject to the Health
254 | Care Trust Fund pursuant to s. 408.16 ~~394.904~~. The owner of a
255 | facility placed in receivership by the court shall be liable for
256 | all expenses and costs incurred by the Health Care Trust Fund
257 | which occur as a result of the receivership.

258 | Section 10. Section 394.904, Florida Statutes, is repealed.

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259 Section 11. Subsection (3) of section 400.062, Florida
260 Statutes, is amended to read:

261 400.062 License required; fee; disposition.--

262 (3) In accordance with s. 408.805, an applicant or licensee
263 shall pay a fee for each license application submitted under this
264 part, part II of chapter 408, and applicable rules. The license
265 fee shall be comprised of two parts. Part I of the license fee
266 shall be the basic license fee. The rate per bed for the basic
267 license fee shall be established biennially and shall be \$100 per
268 bed unless modified by rule. Part II of the license fee shall be
269 the resident protection fee, which shall be at the rate of not
270 less than 50 cents per bed. The rate per bed shall be the minimum
271 rate per bed, and such rate shall remain in effect until the
272 effective date of a rate per bed adopted by rule by the agency
273 pursuant to this part. At such time as the amount on deposit in
274 the Health Care Trust Fund Resident Protection Trust Fund for
275 resident protection is less than \$1 million, the agency may adopt
276 rules to establish a rate which may not exceed \$20 per bed. The
277 rate per bed shall revert back to the minimum rate per bed when
278 the amount on deposit in the Health Care Trust Fund for resident
279 protection ~~Resident Protection Trust Fund~~ reaches \$1 million,
280 except that any rate established by rule shall remain in effect
281 until such time as the rate has been equally required for each
282 license issued under this part. Any amount in the fund in excess
283 of \$2 million ~~shall revert to the Health Care Trust Fund and may~~
284 not be expended without prior approval of the Legislature. The
285 agency may prorate the biennial license fee for those licenses
286 which it issues under this part for less than 2 years. The
287 resident protection fee collected shall be deposited in the

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288 ~~Health Care Trust Fund Resident Protection Trust Fund~~ for the
289 sole purpose of paying, in accordance with the provisions of s.
290 400.063, for the appropriate alternate placement, care, and
291 treatment of a resident removed from a nursing home facility on a
292 temporary, emergency basis or for the maintenance and care of
293 residents in a nursing home facility pending removal and
294 alternate placement.

295 Section 12. Section 400.063, Florida Statutes, is amended
296 to read:

297 400.063 Resident protection ~~Trust Fund~~.--

298 (1) The Health Care Trust Fund ~~A Resident Protection Trust~~
299 ~~Fund~~ shall be used ~~established~~ for the purpose of collecting and
300 disbursing funds generated from the license fees and
301 administrative fines as provided for in ss. 393.0673(3)~~(2)~~,
302 400.062(3), 400.121(2), and 400.23(8). Such funds shall be for
303 the sole purpose of paying for the appropriate alternate
304 placement, care, and treatment of residents who are removed from
305 a facility licensed under this part or a facility specified in s.
306 393.0678(1) in which the agency determines that existing
307 conditions or practices constitute an immediate danger to the
308 health, safety, or security of the residents. If the agency
309 determines that it is in the best interest of the health, safety,
310 or security of the residents to provide for an orderly removal of
311 the residents from the facility, the agency may utilize such
312 funds to maintain and care for the residents in the facility
313 pending removal and alternative placement. The maintenance and
314 care of the residents shall be under the direction and control of
315 a receiver appointed pursuant to s. 393.0678(1) or s. 400.126(1).
316 However, funds may be expended in an emergency upon a filing of a

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317 petition for a receiver, upon the declaration of a state of local
318 emergency pursuant to s. 252.38(3)(a)5., or upon a duly
319 authorized local order of evacuation of a facility by emergency
320 personnel to protect the health and safety of the residents.

321 (2) The agency is authorized to establish for each
322 facility, subject to intervention by the agency, a separate bank
323 account for the deposit to the credit of the agency of any moneys
324 received from the Health Care Trust Fund ~~Resident Protection~~
325 ~~Trust Fund~~ or any other moneys received for the maintenance and
326 care of residents in the facility, and the agency is authorized
327 to disburse moneys from such account to pay obligations incurred
328 for the purposes of this section. The agency is authorized to
329 requisition moneys from the Health Care Trust Fund ~~Resident~~
330 ~~Protection Trust Fund~~ in advance of an actual need for cash on
331 the basis of an estimate by the agency of moneys to be spent
332 under the authority of this section. Any bank account established
333 under this section need not be approved in advance of its
334 creation as required by s. 17.58, but shall be secured by
335 depository insurance equal to or greater than the balance of such
336 account or by the pledge of collateral security in conformance
337 with criteria established in s. 18.11. The agency shall notify
338 the Chief Financial Officer of any such account so established
339 and shall make a quarterly accounting to the Chief Financial
340 Officer for all moneys deposited in such account.

341 (3) Funds authorized under this section shall be expended
342 on behalf of all residents transferred to an alternate placement,
343 at the usual and customary charges of the facility used for the
344 alternate placement, provided no other source of private or
345 public funding is available. However, such funds may not be

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346 expended on behalf of a resident who is eligible for Title XIX of
347 the Social Security Act, if the alternate placement accepts Title
348 XIX of the Social Security Act. Funds shall be utilized for
349 maintenance and care of residents in a facility in receivership
350 only to the extent private or public funds, including funds
351 available under Title XIX of the Social Security Act, are not
352 available or are not sufficient to adequately manage and operate
353 the facility, as determined by the agency. The existence of the
354 Health Care Trust Fund ~~Resident Protection Trust Fund~~ shall not
355 make the agency liable for the maintenance of any resident in any
356 facility. The state shall be liable for the cost of alternate
357 placement of residents removed from a deficient facility, or for
358 the maintenance of residents in a facility in receivership, only
359 to the extent that funds are available in the Health Care Trust
360 Fund ~~Resident Protection Trust Fund~~.

361 (4) The agency is authorized to adopt rules necessary to
362 implement this section.

363 Section 13. Subsection (2) of section 400.121, Florida
364 Statutes, is amended to read:

365 400.121 Denial, suspension, revocation of license;
366 administrative fines; procedure; order to increase staffing.--

367 (2) Except as provided in s. 400.23(8), a \$500 fine shall
368 be imposed for each violation. Each day a violation of this part
369 or part II of chapter 408 occurs constitutes a separate violation
370 and is subject to a separate fine, but in no event may any fine
371 aggregate more than \$5,000. A fine may be levied pursuant to this
372 section in lieu of and notwithstanding the provisions of s.

373 400.23. Fines paid shall be deposited in the Health Care Trust

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374 ~~Fund Resident Protection Trust Fund~~ and expended as provided in
375 s. 400.063.

376 Section 14. Subsection (11) of section 400.126, Florida
377 Statutes, is amended to read:

378 400.126 Receivership proceedings.--

379 (11) Nothing in this section shall be deemed to relieve any
380 owner, administrator, or employee of a facility placed in
381 receivership of any civil or criminal liability incurred, or of
382 any duty imposed by law, by reason of acts or omissions of the
383 owner, administrator, or employee prior to the appointment of a
384 receiver; nor shall anything contained in this section be
385 construed to suspend during the receivership any obligation of
386 the owner, administrator, or employee for payment of taxes or
387 other operating and maintenance expenses of the facility, or of
388 the owner, administrator, employee, or any other person for the
389 payment of mortgages or liens. The owner shall retain the right
390 to sell or mortgage any facility under receivership, subject to
391 approval of the court which ordered the receivership. A licensee
392 that is placed in receivership by the court is liable for all
393 expenses and costs incurred by the Health Care Trust Fund
394 ~~Resident Protection Trust Fund~~ that are related to capital
395 improvement and operating costs and are no more than 10 percent
396 above the facility's Medicaid rate which occur as a result of the
397 receivership.

398 Section 15. Subsection (6) of section 400.162, Florida
399 Statutes, is amended to read:

400 400.162 Property and personal affairs of residents.--

401 (6) In the event of the death of a resident, a licensee
402 shall return all refunds and funds held in trust to the

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403 resident's personal representative, if one has been appointed at
404 the time the nursing home disburses such funds, and if not, to
405 the resident's spouse or adult next of kin named in a beneficiary
406 designation form provided by the nursing home to the resident. In
407 the event the resident has no spouse or adult next of kin or such
408 person cannot be located, funds due to the resident shall be
409 placed in an interest-bearing account in a bank, savings
410 association, trust company, or credit union located in this state
411 and, if possible, located within the same district in which the
412 facility is located, which funds shall not be represented as part
413 of the assets of the facility on a financial statement, and the
414 licensee shall maintain such account until such time as the trust
415 funds are disbursed pursuant to the provisions of the Florida
416 Probate Code. All other property of a deceased resident being
417 held in trust by the licensee shall be returned to the resident's
418 personal representative, if one has been appointed at the time
419 the nursing home disburses such property, and if not, to the
420 resident's spouse or adult next of kin named in a beneficiary
421 designation form provided by the nursing home to the resident. In
422 the event the resident has no spouse or adult next of kin or such
423 person cannot be located, property being held in trust shall be
424 safeguarded until such time as the property is disbursed pursuant
425 to the provisions of the Florida Probate Code. The trust funds
426 and property of deceased residents shall be kept separate from
427 the funds and the property of the licensee and from the funds and
428 property of the residents of the facility. The nursing home needs
429 to maintain only one account in which the trust funds amounting
430 to less than \$100 of deceased residents are placed. However, it
431 shall be the obligation of the nursing home to maintain adequate

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432 records to permit compilation of interest due each individual
433 resident's account. Separate accounts shall be maintained with
434 respect to trust funds of deceased residents equal to or in
435 excess of \$100. In the event the trust funds of the deceased
436 resident are not disbursed pursuant to the provisions of the
437 Florida Probate Code within 2 years of the death of the resident,
438 the trust funds shall be deposited in the Health Care Trust Fund
439 ~~Resident Protection Trust Fund~~ and expended as provided for in s.
440 400.063, notwithstanding the provisions of any other law of this
441 state. Any other property of a deceased resident held in trust by
442 a licensee which is not disbursed in accordance with the
443 provisions of the Florida Probate Code shall escheat to the state
444 as provided by law.

445 Section 16. Subsection (14) of section 400.966, Florida
446 Statutes, is amended to read:

447 400.966 Receivership proceeding.--

448 (14) This section does not relieve any owner, operator, or
449 employee of a facility placed in receivership of any civil or
450 criminal liability incurred, or any duty imposed by law, by
451 reason of acts or omissions of the owner, operator, or employee
452 before the appointment of a receiver, and this section does not
453 suspend during the receivership any obligation of the owner,
454 operator, or employee for payment of taxes or other operating and
455 maintenance expenses of the facility or any obligation of the
456 owner, operator, or employee or any other person for the payment
457 of mortgages or liens. The owner shall retain the right to sell
458 or mortgage any facility under receivership, subject to the
459 approval of the court that ordered the receivership. A
460 receivership imposed under this section is subject to the Health

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461 | Care Trust Fund ~~Resident Protection Trust Fund~~ pursuant to s.
462 | 400.063. The owner of a facility placed in receivership by the
463 | court is liable for all expenses and costs incurred by the Health
464 | Care Trust Fund ~~Resident Protection Trust Fund~~ which occur as a
465 | result of the receivership.

466 | Section 17. Subsection (4) of section 765.515, Florida
467 | Statutes, is amended to read:

468 | 765.515 Delivery of document; organ and tissue donor
469 | registry.--

470 | (4) The Agency for Health Care Administration and the
471 | Department of Highway Safety and Motor Vehicles shall develop and
472 | implement an organ and tissue donor registry which shall record,
473 | through electronic means, organ and tissue donation documents
474 | submitted through the driver license identification program or by
475 | other sources. The registry shall be maintained in a manner which
476 | will allow, through electronic and telephonic methods, immediate
477 | access to organ and tissue donation documents 24 hours a day, 7
478 | days a week. Hospitals, organ and tissue procurement agencies,
479 | and other parties identified by the agency by rule shall be
480 | allowed access through coded means to the information stored in
481 | the registry. Costs for the organ and tissue donor registry shall
482 | be paid from the Health Care Trust Fund ~~Florida Organ and Tissue~~
483 | ~~Donor Education and Procurement Trust Fund~~ created by s.
484 | ~~765.52155~~. Only those funds deposited into the Health Care Trust
485 | Fund pursuant to ss. 320.08047 and 322.08 ~~Florida Organ and~~
486 | ~~Tissue Donor Education and Procurement Trust Fund~~ shall be used
487 | ~~utilized~~ by the Agency for Health Care Administration for
488 | maintaining the organ and tissue donor registry and for organ and
489 | tissue donor education.

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490 Section 18. Section 765.52155, Florida Statutes, is
491 repealed.

492 Section 19. Section 765.544, Florida Statutes, is amended
493 to read:

494 765.544 Fees; ~~Florida~~ organ and tissue donor education and
495 procurement ~~Trust Fund~~.--

496 (1) In accordance with s. 408.805, an applicant or a
497 certificateholder shall pay a fee for each application submitted
498 under this part, part II of chapter 408, and applicable rules.
499 The amount of the fee shall be as follows:

500 (a) An initial application fee of \$1,000 from organ
501 procurement organizations and tissue banks and \$500 from eye
502 banks.

503 (b) Annual fees to be used, in the following order of
504 priority, for the certification program, the advisory board,
505 maintenance of the organ and tissue donor registry, and the organ
506 and tissue donor education program in the following amounts,
507 which may not exceed \$35,000 per organization:

508 1. Each general organ procurement organization shall pay
509 the greater of \$1,000 or 0.25 percent of its total revenues
510 produced from procurement activity in this state by the
511 certificateholder during its most recently completed fiscal year
512 or operational year.

513 2. Each bone and tissue procurement agency or bone and
514 tissue bank shall pay the greater of \$1,000 or 0.25 percent of
515 its total revenues from procurement and processing activity in
516 this state by the certificateholder during its most recently
517 completed fiscal year or operational year.

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518 3. Each eye bank shall pay the greater of \$500 or 0.25
519 percent of its total revenues produced from procurement activity
520 in this state by the certificateholder during its most recently
521 completed fiscal year or operational year.

522 (2) The Agency for Health Care Administration shall specify
523 by rule the administrative penalties for the purpose of ensuring
524 adherence to the standards of quality and practice required by
525 this chapter, part II of chapter 408, and applicable rules of the
526 agency for continued certification.

527 (3) (a) Proceeds from fees, administrative penalties, and
528 surcharges collected pursuant to this section must be deposited
529 into the Health Care Trust Fund ~~Florida Organ and Tissue Donor~~
530 ~~Education and Procurement Trust Fund~~ created by s. 765.52155.

531 (b) Moneys deposited in the trust fund pursuant to this
532 section must be used exclusively for the implementation,
533 administration, and operation of the certification program and
534 the advisory board, for maintaining the organ and tissue donor
535 registry, and for organ and tissue donor education.

536 (4) As used in this section, the term "procurement activity
537 in this state" includes the bringing into this state for
538 processing, storage, distribution, or transplantation of organs
539 or tissues that are initially procured in another state or
540 country.

541 Section 20. This act shall take effect July 1, 2008.