

By Senator Peaden

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1                   A bill to be entitled  
2           An act relating to trust funds of the Department of  
3           Health; terminating the Florida Center for Nursing Trust  
4           Fund within the Department of Health; providing for the  
5           disposition of the balances in and revenues of the trust  
6           fund; prescribing procedures for the termination of the  
7           trust fund; amending s. 20.435, F.S.; removing obsolete  
8           language; revising the date for reversion of specified  
9           balances in the Tobacco Settlement Trust Fund; removing  
10          the scheduled termination of the Welfare Transition Trust  
11          Fund; providing for the administration of the Brain and  
12          Spinal Cord Injury Program Trust Fund, the County Health  
13          Department Trust Fund, the Donations Trust Fund, the  
14          Florida Drug, Device, and Cosmetic Trust Fund, the  
15          Emergency Medical Services Trust Fund, the Epilepsy  
16          Services Trust Fund, the Maternal and Child Health Block  
17          Grant Trust Fund, the Nursing Student Loan Forgiveness  
18          Trust Fund, the Planning and Evaluation Trust Fund, the  
19          Preventive Health Services Block Grant Trust Fund, the  
20          Radiation Protection Trust Fund, the Rape Crisis Program  
21          Trust Fund, and the United States Trust Fund by the  
22          Department of Health; providing for sources of funds and  
23          purposes; providing for annual carryforward of funds;  
24          amending s. 215.22, F.S.; exempting voluntary  
25          contributions to the Florida Center for Nursing from the  
26          service charge imposed on income of a revenue nature  
27          deposited in trust funds; removing reference to the  
28          Florida Center for Nursing Trust Fund, to conform to the  
29          termination of the fund; amending s. 215.5601, F.S.;

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30 conforming a cross-reference; amending s. 464.0195, F.S.,  
31 to conform; repealing s. 464.0198, F.S., which creates the  
32 Florida Center for Nursing Trust Fund, to conform;  
33 providing an effective date.

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

36  
37 Section 1. (1) The Florida Center for Nursing Trust Fund,  
38 FLAIR number 64-2-283, within the Department of Health is  
39 terminated.

40 (2) All current balances remaining in, and all revenues of,  
41 the trust fund shall be transferred to the Grants and Donations  
42 Trust Fund within the Department of Health, FLAIR number 64-2-  
43 339.

44 (3) The Department of Health shall pay any outstanding  
45 debts and obligations of the terminated fund as soon as  
46 practicable, and the Chief Financial Officer shall close out and  
47 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. Section 20.435, Florida Statutes, is amended to  
51 read:

52 20.435 Department of Health; trust funds.--

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

55 ~~(1)(a)~~ Administrative Trust Fund.

56 ~~(a)1.~~ Funds to be credited to the trust fund shall consist  
57 of regulatory fees such as those pertaining to the licensing,  
58 permitting, and inspection of septic tanks, food hygiene, onsite

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59 sewage, Superfund compliance, solid waste management, tanning  
60 facilities, mobile home and recreational vehicle park inspection,  
61 other departmental regulatory and health care programs, and  
62 indirect earnings from grants. Funds shall be used for the  
63 purpose of supporting the regulatory activities of the department  
64 and for other such purposes as may be appropriate and shall be  
65 expended only pursuant to legislative appropriation or an  
66 approved amendment to the department's operating budget pursuant  
67 to the provisions of chapter 216.

68 (b)2- Notwithstanding the provisions of s. 216.301 and  
69 pursuant to s. 216.351, any balance in the trust fund at the end  
70 of any fiscal year shall remain in the trust fund at the end of  
71 the year and shall be available for carrying out the purposes of  
72 the trust fund.

73 (2)(b)- Federal Grants Trust Fund.

74 (a)1- Funds to be credited to the trust fund shall consist  
75 of grants and funding from the Federal Government and funds from  
76 the Medicaid program. Funds shall be used for the purposes of  
77 providing health and support services to department clients,  
78 supporting regulatory activities of the department, and funding  
79 disease surveillance and for other such purposes as may be  
80 appropriate and shall be expended only pursuant to legislative  
81 appropriation or an approved amendment to the department's  
82 operating budget pursuant to the provisions of chapter 216.

83 (b)2- Notwithstanding the provisions of s. 216.301 and  
84 pursuant to s. 216.351, any balance in the trust fund at the end  
85 of any fiscal year shall remain in the trust fund at the end of  
86 the year and shall be available for carrying out the purposes of  
87 the trust fund.

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88           (3)~~(e)~~ Grants and Donations Trust Fund.

89           (a)~~1.~~ Funds to be credited to the trust fund shall consist  
90 of restricted contractual revenue from public or private sources  
91 such as receipts from Medicaid, funds from federal environmental  
92 laws such as the Safe Drinking Water Act and the Superfund, funds  
93 from other health and environmental programs, and funds from  
94 private sources such as foundations. Funds shall be used for the  
95 purpose of supporting the activities of the department and shall  
96 be expended only pursuant to legislative appropriation or an  
97 approved amendment to the department's operating budget pursuant  
98 to the provisions of chapter 216.

99           (b)~~2.~~ Notwithstanding the provisions of s. 216.301 and  
100 pursuant to s. 216.351, any balance in the trust fund at the end  
101 of any fiscal year shall remain in the trust fund at the end of  
102 the year and shall be available for carrying out the purposes of  
103 the trust fund.

104           (4)~~(d)~~ Medical Quality Assurance Trust Fund.

105           (a)~~1.~~ Funds to be credited to the trust fund shall consist  
106 of fees and fines related to the licensing of health care  
107 professionals. Funds shall be used for the purpose of providing  
108 administrative support for the regulation of health care  
109 professionals and for other such purposes as may be appropriate  
110 and shall be expended only pursuant to legislative appropriation  
111 or an approved amendment to the department's operating budget  
112 pursuant to the provisions of chapter 216.

113           (b)~~2.~~ Notwithstanding the provisions of s. 216.301 and  
114 pursuant to s. 216.351, any balance in the trust fund at the end  
115 of any fiscal year shall remain in the trust fund at the end of

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116 the year and shall be available for carrying out the purposes of  
117 the trust fund.

118 (5)~~(e)~~ Operations and Maintenance Trust Fund.

119 (a)~~1.~~ Funds to be credited to the trust fund shall consist  
120 of receipts from third-party payors of health care services such  
121 as Medicare and Medicaid. Funds shall be used for the purpose of  
122 providing health care services to department clients and for  
123 other such purposes as may be appropriate and shall be expended  
124 only pursuant to legislative appropriation or an approved  
125 amendment to the department's operating budget pursuant to the  
126 provisions of chapter 216.

127 (b)~~2.~~ Notwithstanding the provisions of s. 216.301 and  
128 pursuant to s. 216.351, any balance in the trust fund at the end  
129 of any fiscal year shall remain in the trust fund at the end of  
130 the year and shall be available for carrying out the purposes of  
131 the trust fund.

132 (6)~~(f)~~ Social Services Block Grant Trust Fund.

133 (a)~~1.~~ Funds to be credited to the trust fund shall consist  
134 of federal social services block grant funds. Funds shall be used  
135 for the purpose of providing health care and support services to  
136 department clients and for other such purposes as may be  
137 appropriate and shall be expended only pursuant to legislative  
138 appropriation or an approved amendment to the department's  
139 operating budget pursuant to the provisions of chapter 216.

140 (b)~~2.~~ Notwithstanding the provisions of s. 216.301 and  
141 pursuant to s. 216.351, any balance in the trust fund at the end  
142 of any fiscal year shall remain in the trust fund at the end of  
143 the year and shall be available for carrying out the purposes of  
144 the trust fund.

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145 ~~(7)(g)~~ Department of Health Tobacco Settlement Trust Fund.

146 (a)1. Funds to be credited to the trust fund shall consist  
147 of funds disbursed, by nonoperating transfer, from the Department  
148 of Financial Services Tobacco Settlement Clearing Trust Fund in  
149 amounts equal to the annual appropriations made from this trust  
150 fund.

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

157 ~~(8)(h)~~ Biomedical Research Trust Fund.

158 (a)1. Funds to be credited to the trust fund shall consist  
159 of funds deposited pursuant to s. 215.5601 and any other funds  
160 appropriated by the Legislature. Funds shall be used for the  
161 purposes of the James and Esther King Biomedical Research Program  
162 and the William G. "Bill" Bankhead, Jr., and David Coley Cancer  
163 Research Program as specified in ss. 215.5602, 288.955, and  
164 381.922. The trust fund is exempt from the service charges  
165 imposed by s. 215.20.

166 (b)2. Notwithstanding the provisions of s. 216.301 and  
167 pursuant to s. 216.351, any balance in the trust fund at the end  
168 of any fiscal year shall remain in the trust fund at the end of  
169 the year and shall be available for carrying out the purposes of  
170 the trust fund. The department may invest these funds  
171 independently through the Chief Financial Officer or may  
172 negotiate a trust agreement with the State Board of

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173 Administration for the investment management of any balance in  
174 the trust fund.

175 (c)3. Notwithstanding s. 216.301 and pursuant to s.  
176 216.351, any balance of any appropriation from the Biomedical  
177 Research Trust Fund which is not disbursed but which is obligated  
178 pursuant to contract or committed to be expended may be carried  
179 forward for up to 3 years following the effective date of the  
180 original appropriation.

181 (9)(i) Welfare Transition Trust Fund.

182 (a)1. The Welfare Transition Trust Fund is created within  
183 the Department of Health for the purposes of receiving federal  
184 funds under the Temporary Assistance for Needy Families Program.  
185 Trust fund moneys shall be used exclusively for the purpose of  
186 providing services to individuals eligible for Temporary  
187 Assistance for Needy Families pursuant to the requirements and  
188 limitations of part A of Title IV of the Social Security Act, as  
189 amended, or any other applicable federal requirement or  
190 limitation. Funds credited to the trust fund consist of those  
191 funds collected from the Temporary Assistance for Needy Families  
192 Block Grant.

193 (b) Notwithstanding the provisions of s. 216.301 and  
194 pursuant to s. 216.351, any balance in the trust fund at the end  
195 of any fiscal year shall remain in the trust fund at the end of  
196 the year and shall be available for carrying out the purposes of  
197 the trust fund.

198 ~~2. In accordance with s. 19(f)(2), Art. III of the State~~  
199 ~~Constitution, the Welfare Transition Trust Fund shall be~~  
200 ~~terminated on July 1, 2008, unless terminated sooner. Before its~~

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201 ~~scheduled termination, the trust fund shall be reviewed as~~  
202 ~~provided in s. 215.3206(1) and (2).~~

203 ~~(2) Prior to its scheduled termination pursuant to the~~  
204 ~~provisions of s. 19(f)(2), Art. III of the State Constitution,~~  
205 ~~each trust fund listed in subsection (1) shall be reviewed as~~  
206 ~~provided in s. 215.3206(1) and (2).~~

207 (10) Brain and Spinal Cord Injury Program Trust Fund.

208 (a) Funds to be credited to and uses of the trust fund  
209 shall be administered in accordance with the provisions of s.  
210 381.79.

211 (b) Notwithstanding the provisions of s. 216.301 and  
212 pursuant to s. 216.351, any balance in the trust fund at the end  
213 of any fiscal year shall remain in the trust fund at the end of  
214 the year and shall be available for carrying out the purposes of  
215 the trust fund.

216 (11) County Health Department Trust Fund.

217 (a) Funds to be credited to and uses of the trust fund  
218 shall be administered in accordance with s. 154.02.

219 (b) Notwithstanding the provisions of s. 216.301 and  
220 pursuant to s. 216.351, any balance in the trust fund at the end  
221 of any fiscal year shall remain in the trust fund at the end of  
222 the year and shall be available for carrying out the purposes of  
223 the trust fund.

224 (12) Donations Trust Fund.

225 (a) Funds to be credited to the trust fund shall consist of  
226 state and federal grant funds and fees collected and shall be  
227 used for the purpose of providing health care and support  
228 services to department clients and for other such purposes as may  
229 be appropriate.



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230       (b) Notwithstanding the provisions of s. 216.301 and  
231 pursuant to s. 216.351, any balance in the trust fund at the end  
232 of any fiscal year shall remain in the trust fund at the end of  
233 the year and shall be available for carrying out the purposes of  
234 the trust fund.

235       (13) Florida Drug, Device, and Cosmetic Trust Fund.

236       (a) Funds to be credited to and uses of the trust fund  
237 shall be administered in accordance with the provisions of  
238 chapter 499.

239       (b) Notwithstanding the provisions of s. 216.301 and  
240 pursuant to s. 216.351, any balance in the trust fund at the end  
241 of any fiscal year shall remain in the trust fund at the end of  
242 the year and shall be available for carrying out the purposes of  
243 the trust fund.

244       (14) Emergency Medical Services Trust Fund.

245       (a) Funds to be credited to and uses of the trust fund  
246 shall be administered in accordance with the provisions of parts  
247 I and II of chapter 401.

248       (b) Notwithstanding the provisions of s. 216.301 and  
249 pursuant to s. 216.351, any balance in the trust fund at the end  
250 of any fiscal year shall remain in the trust fund at the end of  
251 the year and shall be available for carrying out the purposes of  
252 the trust fund.

253       (15) Epilepsy Services Trust Fund.

254       (a) Funds to be credited to and uses of the trust fund  
255 shall be administered in accordance with the provisions of s.  
256 385.207.

257       (b) Notwithstanding the provisions of s. 216.301 and  
258 pursuant to s. 216.351, any balance in the trust fund at the end

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259 of any fiscal year shall remain in the trust fund at the end of  
260 the year and shall be available for carrying out the purposes of  
261 the trust fund.

262 (16) Maternal and Child Health Block Grant Trust Fund.

263 (a) Funds to be credited to the trust fund shall consist of  
264 federal maternal and child block grant funds and shall be used  
265 for the purpose of providing health care and support services to  
266 department clients and for other such purposes as may be  
267 appropriate.

268 (b) Notwithstanding the provisions of s. 216.301 and  
269 pursuant to s. 216.351, any balance in the trust fund at the end  
270 of any fiscal year shall remain in the trust fund at the end of  
271 the year and shall be available for carrying out the purposes of  
272 the trust fund.

273 (17) Nursing Student Loan Forgiveness Trust Fund.

274 (a) Funds to be credited to and uses of the trust fund  
275 shall be administered in accordance with the provisions of s.  
276 1009.66.

277 (b) Notwithstanding the provisions of s. 216.301 and  
278 pursuant to s. 216.351, any balance in the trust fund at the end  
279 of any fiscal year shall remain in the trust fund at the end of  
280 the year and shall be available for carrying out the purposes of  
281 the trust fund.

282 (18) Planning and Evaluation Trust Fund.

283 (a) Funds to be credited to and uses of the trust fund  
284 shall be administered in accordance with the provisions of ss.  
285 381.0202 and 382.0255.

286 (b) Notwithstanding the provisions of s. 216.301 and  
287 pursuant to s. 216.351, any balance in the trust fund at the end

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288 of any fiscal year shall remain in the trust fund at the end of  
289 the year and shall be available for carrying out the purposes of  
290 the trust fund.

291 (19) Preventive Health Services Block Grant Trust Fund.

292 (a) Funds to be credited to the trust fund shall consist of  
293 federal preventive health services block grant funds and shall be  
294 used for the purpose of providing health care and support  
295 services to department clients and for other such purposes as may  
296 be appropriate.

297 (b) Notwithstanding the provisions of s. 216.301 and  
298 pursuant to s. 216.351, any balance in the trust fund at the end  
299 of any fiscal year shall remain in the trust fund at the end of  
300 the year and shall be available for carrying out the purposes of  
301 the trust fund.

302 (20) Radiation Protection Trust Fund.

303 (a) Funds to be credited to and uses of the trust fund  
304 shall be administered in accordance with the provisions of  
305 chapter 404 and part IV of chapter 468.

306 (b) Notwithstanding the provisions of s. 216.301 and  
307 pursuant to s. 216.351, any balance in the trust fund at the end  
308 of any fiscal year shall remain in the trust fund at the end of  
309 the year and shall be available for carrying out the purposes of  
310 the trust fund.

311 (21) Rape Crisis Program Trust Fund.

312 (a) Funds to be credited to and uses of the trust fund  
313 shall be administered in accordance with the provisions of s.  
314 794.056.

315 (b) Notwithstanding the provisions of s. 216.301 and  
316 pursuant to s. 216.351, any balance in the trust fund at the end

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317 of any fiscal year shall remain in the trust fund at the end of  
318 the year and shall be available for carrying out the purposes of  
319 the trust fund.

320 (22) United States Trust Fund.

321 (a) Funds to be credited to the trust fund shall consist of  
322 federal funds from the Social Security Administration and shall  
323 be used for the purpose of determining the eligibility of Florida  
324 citizens applying for disability benefits under the federal  
325 Social Security and Supplemental Security Income Programs.

326 (b) Notwithstanding the provisions of s. 216.301 and  
327 pursuant to s. 216.351, any balance in the trust fund at the end  
328 of any fiscal year shall remain in the trust fund at the end of  
329 the year and shall be available for carrying out the purposes of  
330 the trust fund.

331 Section 3. Paragraph (u) of subsection (1) of section  
332 215.22, Florida Statutes, is amended to read:

333 215.22 Certain income and certain trust funds exempt.--

334 (1) The following income of a revenue nature or the  
335 following trust funds shall be exempt from the appropriation  
336 required by s. 215.20(1):

337 (u) Voluntary contributions collected pursuant to s.  
338 464.0195(3) ~~The Florida Center for Nursing Trust Fund.~~

339 Section 4. Paragraph (e) of subsection (5) of section  
340 215.5601, Florida Statutes, is amended to read:

341 215.5601 Lawton Chiles Endowment Fund.--

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

343 (e) Notwithstanding s. 216.301 and pursuant to s. 216.351,  
344 all unencumbered balances of appropriations from each  
345 department's respective Tobacco Settlement Trust Fund as of June

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346 30 or undisbursed balances as of December 31 shall revert to the  
347 endowment's principal. Unencumbered balances in the Biomedical  
348 Research Trust Fund shall be managed as provided in s.  
349 20.435 (8) (b) (1) (h) 2.

350 Section 5. Subsection (3) of section 464.0195, Florida  
351 Statutes, is amended to read:

352 464.0195 Florida Center for Nursing; goals.--

353 (3) The Board of Nursing shall include on its initial and  
354 renewal application forms a question asking the nurse to  
355 voluntarily contribute to funding the Florida Center for Nursing  
356 in addition to paying the fees imposed at the time of licensure  
357 and licensure renewal. Revenues collected from nurses over and  
358 above the required fees shall be transferred from the Medical  
359 Quality Assurance Trust Fund to the Grants and Donations Trust  
360 Fund within the Department of Health ~~Florida Center for Nursing~~  
361 ~~Trust Fund~~ and shall be used solely to support and maintain the  
362 goals and functions of the center.

363 Section 6. Section 464.0198, Florida Statutes, is repealed.

364 Section 7. This act shall take effect July 1, 2008.