

By the Committee on Health and Human Services Appropriations;
and Senator Peadar

603-04983-08

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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 amending s. 794.055, F.S.; specifying limits on the uses
34 of the Rape Crisis Trust Fund; providing an effective
35 date.

36
37 Be It Enacted by the Legislature of the State of Florida:

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

42 (2) All current balances remaining in, and all revenues of,
43 the trust fund shall be transferred to the Grants and Donations
44 Trust Fund within the Department of Health, FLAIR number 64-2-
45 339.

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

52 Section 2. Section 20.435, Florida Statutes, is amended to
53 read:

54 20.435 Department of Health; trust funds.--

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

57 (1)(a) Administrative Trust Fund.

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58 (a)1- Funds to be credited to the trust fund shall consist
59 of regulatory fees such as those pertaining to the licensing,
60 permitting, and inspection of septic tanks, food hygiene, onsite
61 sewage, Superfund compliance, solid waste management, tanning
62 facilities, mobile home and recreational vehicle park inspection,
63 other departmental regulatory and health care programs, and
64 indirect earnings from grants. Funds shall be used for the
65 purpose of supporting the regulatory activities of the department
66 and for other such purposes as may be appropriate and shall be
67 expended only pursuant to legislative appropriation or an
68 approved amendment to the department's operating budget pursuant
69 to the provisions of chapter 216.

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

75 (2)(b) Federal Grants Trust Fund.

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

85 (b)2- Notwithstanding the provisions of s. 216.301 and
86 pursuant to s. 216.351, any balance in the trust fund at the end

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87 | of any fiscal year shall remain in the trust fund at the end of
88 | the year and shall be available for carrying out the purposes of
89 | the trust fund.

90 | (3)~~(e)~~ Grants and Donations Trust Fund.

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

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

106 | (4)~~(d)~~ Medical Quality Assurance Trust Fund.

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

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115 (b)2- Notwithstanding the provisions of s. 216.301 and
116 pursuant to s. 216.351, any balance in the trust fund at the end
117 of any fiscal year shall remain in the trust fund at the end of
118 the year and shall be available for carrying out the purposes of
119 the trust fund.

120 (5)(e) Operations and Maintenance Trust Fund.

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

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

134 (6)(f) Social Services Block Grant Trust Fund.

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

142 (b)2- Notwithstanding the provisions of s. 216.301 and
143 pursuant to s. 216.351, any balance in the trust fund at the end

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144 of any fiscal year shall remain in the trust fund at the end of
145 the year and shall be available for carrying out the purposes of
146 the trust fund.

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

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

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

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

160 (a)~~1.~~ Funds to be credited to the trust fund shall consist
161 of funds deposited pursuant to s. 215.5601 and any other funds
162 appropriated by the Legislature. Funds shall be used for the
163 purposes of the James and Esther King Biomedical Research Program
164 and the William G. "Bill" Bankhead, Jr., and David Coley Cancer
165 Research Program as specified in ss. 215.5602, 288.955, and
166 381.922. The trust fund is exempt from the service charges
167 imposed by s. 215.20.

168 (b)~~2.~~ Notwithstanding the provisions of s. 216.301 and
169 pursuant to s. 216.351, any balance in the trust fund at the end
170 of any fiscal year shall remain in the trust fund at the end of
171 the year and shall be available for carrying out the purposes of
172 the trust fund. The department may invest these funds

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173 independently through the Chief Financial Officer or may
174 negotiate a trust agreement with the State Board of
175 Administration for the investment management of any balance in
176 the trust fund.

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

183 ~~(9)(i)~~ Welfare Transition Trust Fund.

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

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

200 ~~2. In accordance with s. 19(f)(2), Art. III of the State~~
201 ~~Constitution, the Welfare Transition Trust Fund shall be~~

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202 ~~terminated on July 1, 2008, unless terminated sooner. Before its~~
203 ~~scheduled termination, the trust fund shall be reviewed as~~
204 ~~provided in s. 215.3206(1) and (2).~~

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

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

210 (a) Funds to be credited to and uses of the trust fund
211 shall be administered in accordance with the provisions of s.
212 381.79.

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

218 (11) County Health Department Trust Fund.

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

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

226 (12) Donations Trust Fund.

227 (a) Funds to be credited to the trust fund shall consist of
228 state and federal grant funds and fees collected and shall be
229 used for the purpose of providing health care and support

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230 services to department clients and for other such purposes as may
231 be appropriate.

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

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

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

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

246 (14) Emergency Medical Services Trust Fund.

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

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

255 (15) Epilepsy Services Trust Fund.

256 (a) Funds to be credited to and uses of the trust fund
257 shall be administered in accordance with the provisions of s.
258 385.207.

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259 (b) Notwithstanding the provisions of s. 216.301 and
260 pursuant to s. 216.351, any balance in the trust fund at the end
261 of any fiscal year shall remain in the trust fund at the end of
262 the year and shall be available for carrying out the purposes of
263 the trust fund.

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

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

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

275 (17) Nursing Student Loan Forgiveness Trust Fund.

276 (a) Funds to be credited to and uses of the trust fund
277 shall be administered in accordance with the provisions of s.
278 1009.66.

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

284 (18) Planning and Evaluation Trust Fund.

285 (a) Funds to be credited to and uses of the trust fund
286 shall be administered in accordance with the provisions of ss.
287 381.0202 and 382.0255.

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288 (b) Notwithstanding the provisions of s. 216.301 and
289 pursuant to s. 216.351, any balance in the trust fund at the end
290 of any fiscal year shall remain in the trust fund at the end of
291 the year and shall be available for carrying out the purposes of
292 the trust fund.

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

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

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

304 (20) Radiation Protection Trust Fund.

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

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

313 (21) Rape Crisis Program Trust Fund.

314 (a) Funds to be credited to and uses of the trust fund
315 shall be administered in accordance with the provisions of s.
316 794.056.

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317 (b) Notwithstanding the provisions of s. 216.301 and
318 pursuant to s. 216.351, any balance in the trust fund at the end
319 of any fiscal year shall remain in the trust fund at the end of
320 the year and shall be available for carrying out the purposes of
321 the trust fund.

322 (22) United States Trust Fund.

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

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

333 Section 3. Paragraph (u) of subsection (1) of section
334 215.22, Florida Statutes, is amended to read:

335 215.22 Certain income and certain trust funds exempt.--

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

339 (u) Voluntary contributions collected pursuant to s.
340 464.0195(3) ~~The Florida Center for Nursing Trust Fund.~~

341 Section 4. Paragraph (e) of subsection (5) of section
342 215.5601, Florida Statutes, is amended to read:

343 215.5601 Lawton Chiles Endowment Fund.--

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

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345 (e) Notwithstanding s. 216.301 and pursuant to s. 216.351,
346 all unencumbered balances of appropriations from each
347 department's respective Tobacco Settlement Trust Fund as of June
348 30 or undisbursed balances as of December 31 shall revert to the
349 endowment's principal. Unencumbered balances in the Biomedical
350 Research Trust Fund shall be managed as provided in s.
351 20.435 (8) (b) 2. ~~(1) (h) 2~~.

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

354 464.0195 Florida Center for Nursing; goals.--

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

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

366 Section 7. Subsection (3) of section 794.055, Florida
367 Statutes, is amended to read:

368 794.055 Access to services for victims of sexual battery.--

369 (3) (a) The department shall contract with the statewide
370 nonprofit association. The statewide nonprofit association shall
371 receive 95 percent of the moneys appropriated from the Rape
372 Crisis Program Trust Fund.

373 (b) Funds received under s. 938.085 shall be used to

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374 provide sexual battery recovery services to victims and their
375 families. Funds shall be distributed to rape crisis centers based
376 on an allocation formula that takes into account the population
377 and rural characteristics of each county. No more than 15 percent
378 of the funds shall be used by the statewide nonprofit association
379 for statewide initiatives. No more than 5 percent of the funds
380 may be used by the department for administrative costs.

381 (c) The department shall ensure that funds allocated under
382 this section are expended in a manner that is consistent with the
383 requirements of this section. The department may require an
384 annual audit of the expenditures and shall provide a report to
385 the Legislature by February 1 of each year.

386 Section 8. This act shall take effect July 1, 2008.