

1                                   A bill to be entitled  
 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,

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29 400.966, and 765.515, F.S., to conform; repealing s.  
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  
39 Health Care Administration, FLAIR number 68-2-509, is  
40 terminated.

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

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

52 Section 2. (1) The Resident Protection Trust Fund within  
53 the Agency for Health Care Administration, FLAIR number 68-2-  
54 522, is terminated.

55 (2) All current balances remaining in, and all revenues  
56 of, the trust fund shall be transferred to the Health Care Trust

57 Fund within the Agency for Health Care Administration, FLAIR  
 58 number 68-2-003.

59 (3) The Agency for Health Care Administration shall pay  
 60 any outstanding debts and obligations of the terminated fund as  
 61 soon as practicable, and the Chief Financial Officer shall close  
 62 out and remove the terminated fund from the various state  
 63 accounting systems using generally accepted accounting  
 64 principles concerning warrants outstanding, assets, and  
 65 liabilities.

66 Section 3. Section 20.425, Florida Statutes, is amended to  
 67 read:

68 20.425 Agency for Health Care Administration; trust funds  
 69 ~~Tobacco Settlement Trust Fund.~~ --The following trust funds shall  
 70 be administered by the Agency for Health Care Administration:

71 (1) Administrative Trust Fund.

72 (a) Funds to be credited to and uses of the trust fund  
 73 shall be administered in accordance with the provisions of s.  
 74 215.32.

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

80 (2) Grants and Donations Trust Fund.

81 (a) Funds to be credited to and uses of the trust fund  
 82 shall be administered in accordance with the provisions of ss.  
 83 215.32 and 409.916.

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

89 (3) Health Care Trust Fund.

90 (a) Funds to be credited to and uses of the trust fund  
91 shall be administered in accordance with the provisions of ss.  
92 400.063 and 408.16.

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

98 (4) Medical Care Trust Fund.

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

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

110 (5) Public Medical Assistance Trust Fund.

111 (a) Funds to be credited to and uses of the trust fund  
 112 shall be administered in accordance with the provisions of ss.  
 113 394.4786 and 409.918.

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

119 (6) Quality of Long-Term Care Facility Improvement Trust  
 120 Fund.

121 (a) Funds to be credited to and uses of the trust fund  
 122 shall be administered in accordance with the provisions of s.  
 123 400.0239.

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

129 (7) Refugee Assistance Trust Fund.

130 (a) Funds to be credited to the trust fund shall consist  
 131 of federal grant funds under the Refugee Resettlement Program  
 132 and the Cuban/Haitian Entrant Program and shall be used for the  
 133 purpose of providing medical assistance to individuals eligible  
 134 pursuant to the requirements and limitations of 45 C.F.R. parts  
 135 400 and 401, as amended, or any other applicable federal  
 136 requirement or limitation.

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

139 of any fiscal year shall remain in the trust fund at the end of  
 140 the year and shall be available for carrying out the purposes of  
 141 the trust fund.

142 (8) Tobacco Settlement Trust Fund.

143 (a) The Agency for Health Care Administration Tobacco  
 144 Settlement Trust Fund is created within the agency. Funds to be  
 145 credited to the trust fund shall consist of funds disbursed, by  
 146 nonoperating transfer, from the Department of Financial Services  
 147 Tobacco Settlement Clearing Trust Fund in amounts equal to the  
 148 annual appropriations made from this trust fund.

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

155 Section 4. Paragraph (a) of subsection (4) of section  
 156 215.20, Florida Statutes, is amended to read:

157 215.20 Certain income and certain trust funds to  
 158 contribute to the General Revenue Fund.--

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

163 (a) Within the Agency for Health Care Administration, +

164 ~~1. The Florida Organ and Tissue Donor Education and~~  
 165 ~~Procurement Trust Fund.~~

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

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

168  
 169       The enumeration of the foregoing moneys or trust funds shall not  
 170       prohibit the applicability thereto of s. 215.24 should the  
 171       Governor determine that for the reasons mentioned in s. 215.24  
 172       the money or trust funds should be exempt herefrom, as it is the  
 173       purpose of this law to exempt income from its force and effect  
 174       when, by the operation of this law, federal matching funds or  
 175       contributions or private grants to any trust fund would be lost  
 176       to the state.

177           Section 5. Section 320.08047, Florida Statutes, is amended  
 178       to read:

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

187           Section 6. Paragraph (b) of subsection (6) of section  
 188       322.08, Florida Statutes, is amended to read:

189           322.08 Application for license.--

190           (6) The application form for a driver's license or  
 191       duplicate thereof shall include language permitting the  
 192       following:

193           (b) A voluntary contribution of \$1 per applicant, which  
 194       contribution shall be deposited into the Health Care Trust Fund

195 ~~Florida Organ and Tissue Donor Education and Procurement Trust~~  
 196 ~~Fund~~ for organ and tissue donor education and for maintaining  
 197 the organ and tissue donor registry.

198  
 199 A statement providing an explanation of the purpose of the trust  
 200 funds shall also be included. For the purpose of applying the  
 201 service charge provided in s. 215.20, contributions received  
 202 under paragraphs (c), (d), (e), and (f) and under s.  
 203 322.18(9)(a) are not income of a revenue nature.

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

206 393.0673 Denial, suspension, revocation of license;  
 207 moratorium on admissions; administrative fines; procedures.--

208 (3) The agency, as a part of any final order issued by it  
 209 under this chapter, may impose such fine as it deems proper,  
 210 except that such fine may not exceed \$1,000 for each violation.  
 211 Each day a violation of this chapter occurs constitutes a  
 212 separate violation and is subject to a separate fine, but in no  
 213 event may the aggregate amount of any fine exceed \$10,000. Fines  
 214 paid by any facility licensee under the provisions of this  
 215 subsection shall be deposited in the Health Care Trust Fund  
 216 ~~Resident Protection Trust Fund~~ and expended as provided in s.  
 217 400.063.

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

220 393.0678 Receivership proceedings.--

221 (11) Nothing in this section shall be deemed to relieve  
 222 any owner, operator, or employee of a facility placed in



223 receivership of any civil or criminal liability incurred, or any  
 224 duty imposed by law, by reason of acts or omissions of the  
 225 owner, operator, or employee before the appointment of a  
 226 receiver; nor shall anything contained in this section be  
 227 construed to suspend during the receivership any obligation of  
 228 the owner, operator, or employee for payment of taxes or other  
 229 operating and maintenance expenses of the facility or any  
 230 obligation of the owner, operator, or employee or any other  
 231 person for the payment of mortgages or liens. The owner shall  
 232 retain the right to sell or mortgage any facility under  
 233 receivership, subject to the approval of the court which ordered  
 234 the receivership. A receivership imposed under the provisions of  
 235 this chapter shall be subject to the Health Care Trust Fund  
 236 ~~Resident Protection Trust Fund~~ pursuant to s. 400.063. The owner  
 237 of a facility placed in receivership by the court shall be  
 238 liable for all expenses and costs incurred by the Health Care  
 239 Trust Fund ~~Resident Protection Trust Fund~~ which occur as a  
 240 result of the receivership.

241 Section 9. Subsection (11) of section 394.903, Florida  
 242 Statutes, is amended to read:

243 394.903 Receivership proceedings.--

244 (11) Nothing in this section shall be construed to relieve  
 245 any owner, operator, or employee of a unit or facility placed in  
 246 receivership of any civil or criminal liability incurred, or any  
 247 duty imposed by law, by reason of acts or omissions of the  
 248 owner, operator, or employee prior to the appointment of a  
 249 receiver; nor shall anything contained in this section be  
 250 construed to suspend during the receivership any obligation of

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251 the owner, operator, or employee for payment of taxes or other  
252 operating and maintenance expenses of the unit or facility or of  
253 the owner, operator, or employee or any other person for the  
254 payment of mortgages or liens. The owner shall retain the right  
255 to sell or mortgage any unit or facility under receivership,  
256 subject to approval of the court which ordered the receivership.  
257 Receivership imposed under the provisions of this chapter shall  
258 be subject to the Health Care Trust Fund pursuant to s. 408.16  
259 ~~394.904~~. The owner of a facility placed in receivership by the  
260 court shall be liable for all expenses and costs incurred by the  
261 Health Care Trust Fund which occur as a result of the  
262 receivership.

263 Section 10. Section 394.904, Florida Statutes, is  
264 repealed.

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

267 400.062 License required; fee; disposition.--

268 (3) In accordance with s. 408.805, an applicant or  
269 licensee shall pay a fee for each license application submitted  
270 under this part, part II of chapter 408, and applicable rules.  
271 The license fee shall be comprised of two parts. Part I of the  
272 license fee shall be the basic license fee. The rate per bed for  
273 the basic license fee shall be established biennially and shall  
274 be \$100 per bed unless modified by rule. Part II of the license  
275 fee shall be the resident protection fee, which shall be at the  
276 rate of not less than 50 cents per bed. The rate per bed shall  
277 be the minimum rate per bed, and such rate shall remain in  
278 effect until the effective date of a rate per bed adopted by

279 rule by the agency pursuant to this part. At such time as the  
 280 amount on deposit in the Health Care Trust Fund Resident  
 281 ~~Protection Trust Fund~~ for resident protection is less than \$1  
 282 million, the agency may adopt rules to establish a rate which  
 283 may not exceed \$20 per bed. The rate per bed shall revert back  
 284 to the minimum rate per bed when the amount on deposit in the  
 285 Health Care Trust Fund Resident Protection Trust Fund for  
 286 resident protection reaches \$1 million, except that any rate  
 287 established by rule shall remain in effect until such time as  
 288 the rate has been equally required for each license issued under  
 289 this part. Any amount in the fund in excess of \$2 million ~~shall~~  
 290 ~~revert to the Health Care Trust Fund and~~ may not be expended  
 291 without prior approval of the Legislature. The agency may  
 292 prorate the biennial license fee for those licenses which it  
 293 issues under this part for less than 2 years. The resident  
 294 protection fee collected shall be deposited in the Health Care  
 295 Trust Fund Resident Protection Trust Fund for the sole purpose  
 296 of paying, in accordance with the provisions of s. 400.063, for  
 297 the appropriate alternate placement, care, and treatment of a  
 298 resident removed from a nursing home facility on a temporary,  
 299 emergency basis or for the maintenance and care of residents in  
 300 a nursing home facility pending removal and alternate placement.

301 Section 12. Subsections (1), (2), and (3) of section  
 302 400.063, Florida Statutes, are amended to read:

303 400.063 Resident protection ~~Trust Fund~~.--

304 (1) The Health Care Trust Fund ~~A Resident Protection Trust~~  
 305 ~~Fund~~ shall be used ~~established~~ for the purpose of collecting and  
 306 disbursing funds generated from the license fees and

307 administrative fines as provided for in ss. 393.0673 (3) ~~(2)~~,  
 308 400.062(3), 400.121(2), and 400.23(8). Such funds shall be for  
 309 the sole purpose of paying for the appropriate alternate  
 310 placement, care, and treatment of residents who are removed from  
 311 a facility licensed under this part or a facility specified in  
 312 s. 393.0678(1) in which the agency determines that existing  
 313 conditions or practices constitute an immediate danger to the  
 314 health, safety, or security of the residents. If the agency  
 315 determines that it is in the best interest of the health,  
 316 safety, or security of the residents to provide for an orderly  
 317 removal of the residents from the facility, the agency may  
 318 utilize such funds to maintain and care for the residents in the  
 319 facility pending removal and alternative placement. The  
 320 maintenance and care of the residents shall be under the  
 321 direction and control of a receiver appointed pursuant to s.  
 322 393.0678(1) or s. 400.126(1). However, funds may be expended in  
 323 an emergency upon a filing of a petition for a receiver, upon  
 324 the declaration of a state of local emergency pursuant to s.  
 325 252.38(3)(a)5., or upon a duly authorized local order of  
 326 evacuation of a facility by emergency personnel to protect the  
 327 health and safety of the residents.

328 (2) The agency is authorized to establish for each  
 329 facility, subject to intervention by the agency, a separate bank  
 330 account for the deposit to the credit of the agency of any  
 331 moneys received from the Health Care Trust Fund Resident  
 332 ~~Protection Trust Fund~~ or any other moneys received for the  
 333 maintenance and care of residents in the facility, and the  
 334 agency is authorized to disburse moneys from such account to pay

335 obligations incurred for the purposes of this section. The  
 336 agency is authorized to requisition moneys from the Health Care  
 337 Trust Fund ~~Resident Protection Trust Fund~~ in advance of an  
 338 actual need for cash on the basis of an estimate by the agency  
 339 of moneys to be spent under the authority of this section. Any  
 340 bank account established under this section need not be approved  
 341 in advance of its creation as required by s. 17.58, but shall be  
 342 secured by depository insurance equal to or greater than the  
 343 balance of such account or by the pledge of collateral security  
 344 in conformance with criteria established in s. 18.11. The agency  
 345 shall notify the Chief Financial Officer of any such account so  
 346 established and shall make a quarterly accounting to the Chief  
 347 Financial Officer for all moneys deposited in such account.

348 (3) Funds authorized under this section shall be expended  
 349 on behalf of all residents transferred to an alternate  
 350 placement, at the usual and customary charges of the facility  
 351 used for the alternate placement, provided no other source of  
 352 private or public funding is available. However, such funds may  
 353 not be expended on behalf of a resident who is eligible for  
 354 Title XIX of the Social Security Act, if the alternate placement  
 355 accepts Title XIX of the Social Security Act. Funds shall be  
 356 utilized for maintenance and care of residents in a facility in  
 357 receivership only to the extent private or public funds,  
 358 including funds available under Title XIX of the Social Security  
 359 Act, are not available or are not sufficient to adequately  
 360 manage and operate the facility, as determined by the agency.  
 361 The existence of the Health Care Trust Fund ~~Resident Protection~~  
 362 ~~Trust Fund~~ shall not make the agency liable for the maintenance

363 of any resident in any facility. The state shall be liable for  
 364 the cost of alternate placement of residents removed from a  
 365 deficient facility, or for the maintenance of residents in a  
 366 facility in receivership, only to the extent that funds are  
 367 available in the Health Care Trust Fund ~~Resident Protection~~  
 368 ~~Trust Fund~~.

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

371 400.121 Denial, suspension, revocation of license;  
 372 administrative fines; procedure; order to increase staffing.--

373 (2) Except as provided in s. 400.23(8), a \$500 fine shall  
 374 be imposed for each violation. Each day a violation of this part  
 375 or part II of chapter 408 occurs constitutes a separate  
 376 violation and is subject to a separate fine, but in no event may  
 377 any fine aggregate more than \$5,000. A fine may be levied  
 378 pursuant to this section in lieu of and notwithstanding the  
 379 provisions of s. 400.23. Fines paid shall be deposited in the  
 380 Health Care Trust Fund ~~Resident Protection Trust Fund~~ and  
 381 expended as provided in s. 400.063.

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

384 400.126 Receivership proceedings.--

385 (11) Nothing in this section shall be deemed to relieve  
 386 any owner, administrator, or employee of a facility placed in  
 387 receivership of any civil or criminal liability incurred, or of  
 388 any duty imposed by law, by reason of acts or omissions of the  
 389 owner, administrator, or employee prior to the appointment of a  
 390 receiver; nor shall anything contained in this section be

391 construed to suspend during the receivership any obligation of  
 392 the owner, administrator, or employee for payment of taxes or  
 393 other operating and maintenance expenses of the facility, or of  
 394 the owner, administrator, employee, or any other person for the  
 395 payment of mortgages or liens. The owner shall retain the right  
 396 to sell or mortgage any facility under receivership, subject to  
 397 approval of the court which ordered the receivership. A licensee  
 398 that is placed in receivership by the court is liable for all  
 399 expenses and costs incurred by the Health Care Trust Fund  
 400 ~~Resident Protection Trust Fund~~ that are related to capital  
 401 improvement and operating costs and are no more than 10 percent  
 402 above the facility's Medicaid rate which occur as a result of  
 403 the receivership.

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

406 400.162 Property and personal affairs of residents.--

407 (6) In the event of the death of a resident, a licensee  
 408 shall return all refunds and funds held in trust to the  
 409 resident's personal representative, if one has been appointed at  
 410 the time the nursing home disburses such funds, and if not, to  
 411 the resident's spouse or adult next of kin named in a  
 412 beneficiary designation form provided by the nursing home to the  
 413 resident. In the event the resident has no spouse or adult next  
 414 of kin or such person cannot be located, funds due to the  
 415 resident shall be placed in an interest-bearing account in a  
 416 bank, savings association, trust company, or credit union  
 417 located in this state and, if possible, located within the same  
 418 district in which the facility is located, which funds shall not

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419 | be represented as part of the assets of the facility on a  
420 | financial statement, and the licensee shall maintain such  
421 | account until such time as the trust funds are disbursed  
422 | pursuant to the provisions of the Florida Probate Code. All  
423 | other property of a deceased resident being held in trust by the  
424 | licensee shall be returned to the resident's personal  
425 | representative, if one has been appointed at the time the  
426 | nursing home disburses such property, and if not, to the  
427 | resident's spouse or adult next of kin named in a beneficiary  
428 | designation form provided by the nursing home to the resident.  
429 | In the event the resident has no spouse or adult next of kin or  
430 | such person cannot be located, property being held in trust  
431 | shall be safeguarded until such time as the property is  
432 | disbursed pursuant to the provisions of the Florida Probate  
433 | Code. The trust funds and property of deceased residents shall  
434 | be kept separate from the funds and the property of the licensee  
435 | and from the funds and property of the residents of the  
436 | facility. The nursing home needs to maintain only one account in  
437 | which the trust funds amounting to less than \$100 of deceased  
438 | residents are placed. However, it shall be the obligation of the  
439 | nursing home to maintain adequate records to permit compilation  
440 | of interest due each individual resident's account. Separate  
441 | accounts shall be maintained with respect to trust funds of  
442 | deceased residents equal to or in excess of \$100. In the event  
443 | the trust funds of the deceased resident are not disbursed  
444 | pursuant to the provisions of the Florida Probate Code within 2  
445 | years of the death of the resident, the trust funds shall be  
446 | deposited in the Health Care Trust Fund Resident Protection



447 ~~Trust Fund~~ and expended as provided for in s. 400.063,  
 448 notwithstanding the provisions of any other law of this state.  
 449 Any other property of a deceased resident held in trust by a  
 450 licensee which is not disbursed in accordance with the  
 451 provisions of the Florida Probate Code shall escheat to the  
 452 state as provided by law.

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

455 400.966 Receivership proceeding.--

456 (14) This section does not relieve any owner, operator, or  
 457 employee of a facility placed in receivership of any civil or  
 458 criminal liability incurred, or any duty imposed by law, by  
 459 reason of acts or omissions of the owner, operator, or employee  
 460 before the appointment of a receiver, and this section does not  
 461 suspend during the receivership any obligation of the owner,  
 462 operator, or employee for payment of taxes or other operating  
 463 and maintenance expenses of the facility or any obligation of  
 464 the owner, operator, or employee or any other person for the  
 465 payment of mortgages or liens. The owner shall retain the right  
 466 to sell or mortgage any facility under receivership, subject to  
 467 the approval of the court that ordered the receivership. A  
 468 receivership imposed under this section is subject to the Health  
 469 Care Trust Fund ~~Resident Protection Trust Fund~~ pursuant to s.  
 470 400.063. The owner of a facility placed in receivership by the  
 471 court is liable for all expenses and costs incurred by the  
 472 Health Care Trust Fund ~~Resident Protection Trust Fund~~ which  
 473 occur as a result of the receivership.

474 Section 17. Subsection (4) of section 765.515, Florida  
 475 Statutes, is amended to read:

476 765.515 Delivery of document; organ and tissue donor  
 477 registry.--

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

497 Section 18. Section 765.52155, Florida Statutes, is  
 498 repealed.

499 Section 19. Subsection (3) of section 765.544, Florida  
 500 Statutes, is amended to read:

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501           765.544 Fees; ~~Florida~~ organ and tissue donor education and  
502 procurement ~~Trust Fund~~.--

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

507           (b) Moneys deposited in the trust fund pursuant to this  
508 section must be used exclusively for the implementation,  
509 administration, and operation of the certification program and  
510 the advisory board, for maintaining the organ and tissue donor  
511 registry, and for organ and tissue donor education.

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