

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,

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

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

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. Only those funds deposited~~
 493 ~~into the Health Care Trust Fund pursuant to ss. 320.08047 and~~
 494 ~~322.08 Florida Organ and Tissue Donor Education and Procurement~~
 495 ~~Trust Fund~~ shall be utilized by the Agency for Health Care
 496 Administration for maintaining the organ and tissue donor
 497 registry and for organ and tissue donor education.

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 499 repealed.

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

CS/HB 5005

2008

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

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

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

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