

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 5025 PCB HCC 08-11 Trust Funds of the Department of Health
SPONSOR(S): Healthcare Council and Bean
TIED BILLS: IDEN./SIM. BILLS: SB 2122

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR. Row 1: Orig. Comm.: Healthcare Council, 17 Y, 0 N, Hamrick/Massengale, Gormley. Row 2: 1) Policy & Budget Council, Leznoff, Hansen. Rows 3-5 are blank.

I. SUMMARY ANALYSIS

The bill terminates the Florida Center for Nursing Trust Fund, FLAIR number 64-2-283, within the Department of Health and requires that all current balances and revenue in the trust fund be transferred to the Grants and Donations Trust Fund, FLAIR number 64-2-339, within the Department of Health. The bill amends cross-references, repeals the Florida Center for Nursing Trust Fund and provides for the disposition of remaining unobligated funds.

The bill codifies into section 20.435, Florida Statutes, all of the remaining trust funds administered by the Department of Health that were re-created in the 2004 Session and specifies that all remaining funds are carried forward.

The bill revises the date for the reversion of encumbered balances remaining undisbursed in the Tobacco Settlement Trust Fund from December 31 to September 30 in accordance with section 216.301, Florida Statutes. The bill also deletes the scheduled termination date of the Welfare Transition Trust Fund in section 20.435, Florida Statutes.

The bill takes effect July 1, 2008.

## II. SUBSTANTIVE ANALYSIS

### A. PRESENT SITUATION:

To implement section 19(f), Article III of the State Constitution, section 215.3208(1), Florida Statutes, specifies that a schedule for review of trust funds be included in the legislative budget instructions developed pursuant to section 216.023, Florida Statutes. The trust funds in the Department of Health are scheduled for review this year.

The Florida Center for Nursing Trust Fund was created on July 1, 2004, by chapter 2004-226, Laws of Florida, to receive funds from nurses who voluntarily contribute monies at the time of licensure and licensure renewal to support and maintain the goals and functions of the Florida Center for Nursing. Funds may also be deposited into the trust fund from other sources such as federal funds, grants and donations. The total receipts into this fund in Fiscal Year 2006-07 were \$13,589. The appropriations to the fund in Fiscal Year 2007-08 total \$23,946.

Currently, there are nine trust funds that are administered by the Department of Health, which are created in section 20.435, Florida Statutes, and thirteen trust funds that are located in different sections of the Florida Statutes.

### B. EFFECT OF PROPOSED CHANGES:

The bill terminates the Florida Center for Nursing Trust Fund in the Department of Health and transfers all current balances and future voluntary contributions to the Grants and Donations Trust Fund. The Department of Health is required to pay any outstanding debts and obligations of the Florida Center for Nursing Trust Fund and the Chief Financial Officer is required to close out and remove the Florida Center for Nursing Trust Fund from the various state accounting systems. The bill amends cross-references in section 464.0195, Florida Statutes, and repeals section 464.0198, Florida Statutes. Because of the nominal balance in the trust fund, voluntary contributions are exempted from taxation required by section 215.20, Florida Statutes.

The bill amends section 20.435, Florida Statutes, to provide a consolidated list of all of the trust funds administered by the Department of Health. The trust funds that were added include the following: Brain and Spinal Cord Injury Program Trust Fund; County Health Department Trust Fund; Donations Trust Fund; Florida Drug, Device, and Cosmetic Trust Fund; Emergency Medical Services Trust Fund; Epilepsy Services Trust Fund; Maternal and Child Health Block Grant Trust Fund; Nursing Student Loan Forgiveness Trust Fund; Planning and Evaluation Trust Fund; Preventative Health Services Block Grant Trust Fund; Radiation Protection Trust Fund; Rape Crisis Program Trust Fund; and the United States Trust Fund. Additionally, the bill specifies that the remaining balance in any of the trust funds listed in section 20.435, Florida Statutes, are available for carrying out the purposes of the fund and are carried forward to the next fiscal year.

The bill specifies that the remaining undisbursed funds in the Tobacco Settlement Trust Fund in the Department of Health are to be reverted to the Department of Financial Services by September 30 instead of December 31 in accordance with section 216.301, Florida Statutes.

## III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

The bill will have no fiscal impact on state agencies or state funds, on local governments as a whole or on the private sector.

#### **IV. COMMENTS**

#### **V. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**

On March 4, 2008, the Healthcare Council adopted one amendment to the bill that specifies the limits on the uses of the Rape Crisis Trust Fund.