

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.;

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 Program Trust Fund; providing an

35 effective 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

43 of, the trust fund shall be transferred to the Grants and

44 Donations Trust Fund within the Department of Health, FLAIR

45 number 64-2-339.

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

51 concerning 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.

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
 63 inspection, other departmental regulatory and health care
 64 programs, and indirect earnings from grants. Funds shall be used
 65 for the purpose of supporting the regulatory activities of the
 66 department and for other such purposes as may be appropriate and
 67 shall be expended only pursuant to legislative appropriation or
 68 an approved amendment to the department's operating budget
 69 pursuant 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
 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,
 95 funds from other health and environmental programs, and funds
 96 from private sources such as foundations. Funds shall be used
 97 for the purpose of supporting the activities of the department
 98 and shall be expended only pursuant to legislative appropriation
 99 or an approved amendment to the department's operating budget
 100 pursuant 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.

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
137 used for the purpose of providing health care and support
138 services to department clients and for other such purposes as
139 may be appropriate and shall be expended only pursuant to
140 legislative appropriation or an approved amendment to the

141 department's operating budget pursuant to the provisions of
 142 chapter 216.

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

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

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

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

160 (8)(h) Biomedical Research Trust Fund.

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

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

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

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

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

HB 5025

2008

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

201 ~~2. In accordance with s. 19(f)(2), Art. III of the State~~
202 ~~Constitution, the Welfare Transition Trust Fund shall be~~
203 ~~terminated on July 1, 2008, unless terminated sooner. Before its~~
204 ~~scheduled termination, the trust fund shall be reviewed as~~
205 ~~provided in s. 215.3206(1) and (2).~~

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

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

211 (a) Funds to be credited to and uses of the trust fund
212 shall be administered in accordance with the provisions of s.
213 381.79.

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

219 (11) County Health Department Trust Fund.

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

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

224 of any fiscal year shall remain in the trust fund at the end of
 225 the year and shall be available for carrying out the purposes of
 226 the trust fund.

227 (12) Donations Trust Fund.

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

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

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

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

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

247 (14) Emergency Medical Services Trust Fund.

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

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

256 (15) Epilepsy Services Trust Fund.

257 (a) Funds to be credited to and uses of the trust fund
 258 shall be administered in accordance with the provisions of s.
 259 385.207.

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

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

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

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

276 (17) Nursing Student Loan Forgiveness Trust Fund.

277 (a) Funds to be credited to and uses of the trust fund
 278 shall be administered in accordance with the provisions of s.
 279 1009.66.

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

285 (18) Planning and Evaluation Trust Fund.

286 (a) Funds to be credited to and uses of the trust fund
 287 shall be administered in accordance with the provisions of ss.
 288 381.0202 and 382.0255.

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

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

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

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

305 (20) Radiation Protection Trust Fund.

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

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

314 (21) Rape Crisis Program Trust Fund.

315 (a) Funds to be credited to and uses of the trust fund
316 shall be administered in accordance with the provisions of s.
317 794.056.

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

323 (22) United States Trust Fund.

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

330 (b) Notwithstanding the provisions of s. 216.301 and
331 pursuant to s. 216.351, any balance in the trust fund at the end
332 of any fiscal year shall remain in the trust fund at the end of

333 the year and shall be available for carrying out the purposes of
 334 the trust fund.

335 Section 3. Paragraph (u) of subsection (1) of section
 336 215.22, Florida Statutes, is amended to read:

337 215.22 Certain income and certain trust funds exempt.--

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

341 (u) Voluntary contributions collected pursuant to s.
 342 464.0195(3) The Florida Center for Nursing Trust Fund.

343 Section 4. Paragraph (e) of subsection (5) of section
 344 215.5601, Florida Statutes, is amended to read:

345 215.5601 Lawton Chiles Endowment Fund.--

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

347 (e) Notwithstanding s. 216.301 and pursuant to s. 216.351,
 348 all unencumbered balances of appropriations from each
 349 department's respective Tobacco Settlement Trust Fund as of June
 350 30 or undisbursed balances as of December 31 shall revert to the
 351 endowment's principal. Unencumbered balances in the Biomedical
 352 Research Trust Fund shall be managed as provided in s.
 353 20.435 (8) (b) - (1) - (h) 2.

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

356 464.0195 Florida Center for Nursing; goals.--

357 (3) The Board of Nursing shall include on its initial and
 358 renewal application forms a question asking the nurse to
 359 voluntarily contribute to funding the Florida Center for Nursing
 360 in addition to paying the fees imposed at the time of licensure

HB 5025

2008

361 and licensure renewal. Revenues collected from nurses over and
362 above the required fees shall be transferred from the Medical
363 Quality Assurance Trust Fund to the Grants and Donations Trust
364 Fund within the Department of Health ~~Florida Center for Nursing~~
365 ~~Trust Fund~~ and shall be used solely to support and maintain the
366 goals and functions of the center.

367 Section 6. Section 464.0198, Florida Statutes, is
368 repealed.

369 Section 7. Paragraph (b) of subsection (3) of section
370 794.055, Florida Statutes, is amended to read:

371 794.055 Access to services for victims of sexual
372 battery.--

373 (3)

374 (b) Funds received under s. 938.085 shall be used to
375 provide sexual battery recovery services to victims and their
376 families. Funds shall be distributed to rape crisis centers
377 based on an allocation formula that takes into account the
378 population and rural characteristics of each county. No more
379 than 15 percent of the funds shall be used by the statewide
380 nonprofit association for statewide initiatives. No more than 5
381 percent of the funds may be used by the department for
382 administrative costs.

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