

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7053 PCB HCAS 12-01 Florida Drug, Device, and Cosmetic Trust Fund

SPONSOR(S): Health Care Appropriations Subcommittee, Hudson

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Health Care Appropriations Subcommittee	13 Y, 0 N	Clark	Pridgeon
1) Appropriations Committee	22 Y, 0 N	Clark	Leznoff

SUMMARY ANALYSIS

This bill provides for the termination of the Florida Drug, Device and Cosmetic Trust Fund within the Department of Health. There are no anticipated future receipts, and any remaining cash balance will be transferred to the Florida Drug, Device and Cosmetic Trust Fund within the Department of Business and Professional Regulation.

The bill has no fiscal impact.

The bill has an effective date of July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Florida Drug, Device and Cosmetic Trust Fund, FLAIR number 64-2-173, was originally established within the Department of Health to provide for the deposit of revenues and the recording of expenditures related to the regulation and administration of the Florida Drug, Device and Cosmetic Act authorized in chapter 499, Florida Statutes. Revenues deposited into the trust fund consisted of application fees, permit fees, product registration fees, and administrative fines.¹

Section 27 of chapter 2010-161, Laws of Florida, transferred the administration of chapter 499, Florida Statutes from the Department of Health to the Department of Business and Professional Regulation, effective October 1, 2011. During the 2011 legislative session, the Florida Drug, Device and Cosmetic Program was transferred in the General Appropriations Act from the Department of Health to the Department of Business and Professional Regulation.

The Department of Health no longer has administrative responsibility for the Florida Drug, Device and Cosmetic Trust Fund. There are no anticipated future receipts for the Florida Drug, Device and Cosmetic Trust Fund within the Department of Health.

Effect of Proposed Changes

This bill terminates the Florida Drug, Device and Cosmetic Trust Fund within the Department of Health. The current remaining balance and any proceeds thereof will be transferred to the Florida Drug, Device and Cosmetic Trust Fund within the Department of Business and Professional Regulation, FLAIR number 79-2-173.

B. SECTION DIRECTORY:

- Section 1. Terminates the Florida Drug, Device and Cosmetic Trust Fund within the Department of Health.
- Section 2. Amends section 20.435, Florida Statutes.
- Section 3. Provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

- 1. Revenues:
None
- 2. Expenditures:
None

¹ Ch. 82-225, Laws of Fla.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES