HB 1389 2018

A bill to be entitled

An act relating to trust funds; creating s. 638.655, F.S.; creating the Healthy Florida Trust Fund within the Office of Insurance Regulation; providing for purpose of trust fund and source of funds; providing for future review and termination or re-creation of trust fund; providing a contingent effective date.

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Be It Enacted by the Legislature of the State of Florida:

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Section 1. Effective upon the same date that HB 1385 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law, section 638.655, Florida Statutes, is created to read:

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638.655 THE HEALTHY FLORIDA TRUST FUND.—

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Office of Insurance Regulation for the purposes of this chapter.

Moneys in the fund that are unexpended or unencumbered at the end of a fiscal year may be carried forward to the next succeeding fiscal year.

The Healthy Florida Trust Fund is created within the

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(2) Moneys deposited in the fund may not be expended, loaned, or appropriated except as provided in this chapter.

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(3) The board must establish and maintain a prudent reserve in the fund.

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Page 1 of 3

HB 1389 2018

intended for the administrative and operational expenses of the board for staff retreats, promotional giveaways, excessive executive compensation, or promotion of federal or state legislative or regulatory modifications.

- (5) Notwithstanding any other law, interest earned on the moneys that have been deposited into the fund must be retained in the fund and used consistent with the purposes of the fund.
 - (6) The fund consists of all of the following:
- (a) Moneys obtained pursuant to legislation enacted as proposed under s. 638.657.
- (b) Federal payments received as a result of any waiver of requirements granted or other arrangements agreed to by the United States Secretary of Health and Human Services or other appropriate federal officials for health care programs established under Medicare, any federally matched public health program, or the Affordable Care Act as defined in this chapter.
- (c) The amounts paid by state agencies that are equivalent to those amounts that are paid on behalf of residents of this state under Medicare, any federally matched public health program, or the Affordable Care Act for health benefits that are equivalent to health benefits covered under Healthy Florida.
- (d) Federal and state funds for purposes of the provision of services authorized under Title XX of the federal Social Security Act, 42 U.S.C. s. 1397 et seq., that are covered under

HB 1389 2018

Healthy Florida.

- (e) State moneys that are appropriated to any governmental agency, office, program, instrumentality, or institution that provides health care services for services and benefits covered under Healthy Florida. Payments to the fund pursuant to this section must be in an amount equal to the money appropriated for those purposes in the 2017-2018 fiscal year.
- (7) All federal moneys must be placed into the Healthy Florida Federal Funds Account, which is hereby created within the Healthy Florida Trust Fund.
- (8) Moneys in the fund shall only be used for the purposes established in this chapter.
- (9) In accordance with s. 19(f)(2), Art. III of the State Constitution, the Healthy Florida Trust Fund shall, unless terminated sooner, be terminated on July 1, 2022. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2).
- Section 2. This act shall take effect on the same date that HB 1385 or similar legislation takes effect, if such legislation is enacted in the same legislative session or an extension thereof and becomes law, and only if this act is enacted by a three-fifths vote of the membership of each house of the Legislature.