

PCB HCC 08-11

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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

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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 providing an effective date.

34

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

36

37 Section 1. (1) The Florida Center for Nursing Trust Fund,

38 FLAIR number 64-2-283, within the Department of Health is

39 terminated.

40 (2) All current balances remaining in, and all revenues

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

42 Donations Trust Fund within the Department of Health, FLAIR

43 number 64-2-339.

44 (3) The Department of Health shall pay any outstanding

45 debts and obligations of the terminated fund as soon as

46 practicable, and the Chief Financial Officer shall close out and

47 remove the terminated fund from the various state accounting

48 systems using generally accepted accounting principles

49 concerning warrants outstanding, assets, and liabilities.

50 Section 2. Section 20.435, Florida Statutes, is amended to

51 read:

52 20.435 Department of Health; trust funds.--

53 ~~(1) The following trust funds shall are hereby created, to~~

54 be administered by the Department of Health:

55 (1)~~(a)~~ Administrative Trust Fund.

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56        (a)1- Funds to be credited to the trust fund shall consist  
 57 of regulatory fees such as those pertaining to the licensing,  
 58 permitting, and inspection of septic tanks, food hygiene, onsite  
 59 sewage, Superfund compliance, solid waste management, tanning  
 60 facilities, mobile home and recreational vehicle park  
 61 inspection, other departmental regulatory and health care  
 62 programs, and indirect earnings from grants. Funds shall be used  
 63 for the purpose of supporting the regulatory activities of the  
 64 department and for other such purposes as may be appropriate and  
 65 shall be expended only pursuant to legislative appropriation or  
 66 an approved amendment to the department's operating budget  
 67 pursuant to the provisions of chapter 216.

68        (b)2- Notwithstanding the provisions of s. 216.301 and  
 69 pursuant to s. 216.351, any balance in the trust fund at the end  
 70 of any fiscal year shall remain in the trust fund at the end of  
 71 the year and shall be available for carrying out the purposes of  
 72 the trust fund.

73        (2)(b) Federal Grants Trust Fund.

74        (a)1- Funds to be credited to the trust fund shall consist  
 75 of grants and funding from the Federal Government and funds from  
 76 the Medicaid program. Funds shall be used for the purposes of  
 77 providing health and support services to department clients,  
 78 supporting regulatory activities of the department, and funding  
 79 disease surveillance and for other such purposes as may be  
 80 appropriate and shall be expended only pursuant to legislative  
 81 appropriation or an approved amendment to the department's  
 82 operating budget pursuant to the provisions of chapter 216.

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83            (b)2- Notwithstanding the provisions of s. 216.301 and  
 84 pursuant to s. 216.351, any balance in the trust fund at the end  
 85 of any fiscal year shall remain in the trust fund at the end of  
 86 the year and shall be available for carrying out the purposes of  
 87 the trust fund.

88            (3)(e) Grants and Donations Trust Fund.

89            (a)1- Funds to be credited to the trust fund shall consist  
 90 of restricted contractual revenue from public or private sources  
 91 such as receipts from Medicaid, funds from federal environmental  
 92 laws such as the Safe Drinking Water Act and the Superfund,  
 93 funds from other health and environmental programs, and funds  
 94 from private sources such as foundations. Funds shall be used  
 95 for the purpose of supporting the activities of the department  
 96 and shall be expended only pursuant to legislative appropriation  
 97 or an approved amendment to the department's operating budget  
 98 pursuant to the provisions of chapter 216.

99            (b)2- Notwithstanding the provisions of s. 216.301 and  
 100 pursuant to s. 216.351, any balance in the trust fund at the end  
 101 of any fiscal year shall remain in the trust fund at the end of  
 102 the year and shall be available for carrying out the purposes of  
 103 the trust fund.

104            (4)(d) Medical Quality Assurance Trust Fund.

105            (a)1- Funds to be credited to the trust fund shall consist  
 106 of fees and fines related to the licensing of health care  
 107 professionals. Funds shall be used for the purpose of providing  
 108 administrative support for the regulation of health care  
 109 professionals and for other such purposes as may be appropriate  
 110 and shall be expended only pursuant to legislative appropriation

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111 or an approved amendment to the department's operating budget  
 112 pursuant to the provisions of chapter 216.

113 (b)~~2~~. Notwithstanding the provisions of s. 216.301 and  
 114 pursuant to s. 216.351, any balance in the trust fund at the end  
 115 of any fiscal year shall remain in the trust fund at the end of  
 116 the year and shall be available for carrying out the purposes of  
 117 the trust fund.

118 (5)~~(e)~~ Operations and Maintenance Trust Fund.

119 (a)~~1~~. Funds to be credited to the trust fund shall consist  
 120 of receipts from third-party payors of health care services such  
 121 as Medicare and Medicaid. Funds shall be used for the purpose of  
 122 providing health care services to department clients and for  
 123 other such purposes as may be appropriate and shall be expended  
 124 only pursuant to legislative appropriation or an approved  
 125 amendment to the department's operating budget pursuant to the  
 126 provisions of chapter 216.

127 (b)~~2~~. Notwithstanding the provisions of s. 216.301 and  
 128 pursuant to s. 216.351, any balance in the trust fund at the end  
 129 of any fiscal year shall remain in the trust fund at the end of  
 130 the year and shall be available for carrying out the purposes of  
 131 the trust fund.

132 (6)~~(f)~~ Social Services Block Grant Trust Fund.

133 (a)~~1~~. Funds to be credited to the trust fund shall consist  
 134 of federal social services block grant funds. Funds shall be  
 135 used for the purpose of providing health care and support  
 136 services to department clients and for other such purposes as  
 137 may be appropriate and shall be expended only pursuant to  
 138 legislative appropriation or an approved amendment to the

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139 department's operating budget pursuant to the provisions of  
140 chapter 216.

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

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

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

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

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

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

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

176        (c)3- Notwithstanding s. 216.301 and pursuant to s.  
 177 216.351, any balance of any appropriation from the Biomedical  
 178 Research Trust Fund which is not disbursed but which is  
 179 obligated pursuant to contract or committed to be expended may  
 180 be carried forward for up to 3 years following the effective  
 181 date of the original appropriation.

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

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

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

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

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

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

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

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

217 (11) County Health Department Trust Fund.

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

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



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

225 (12) Donations Trust Fund.

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

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

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

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

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

245 (14) Emergency Medical Services Trust Fund.

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

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

254        (15) Epilepsy Services Trust Fund.

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

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

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

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

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

274        (17) Nursing Student Loan Forgiveness Trust Fund.

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

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

283 (18) Planning and Evaluation Trust Fund.

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

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

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

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

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

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303       (20) Radiation Protection Trust Fund.  
 304       (a) Funds to be credited to and uses of the trust fund  
 305 shall be administered in accordance with the provisions of  
 306 chapter 404 and part IV of chapter 468.  
 307       (b) Notwithstanding the provisions of s. 216.301 and  
 308 pursuant to s. 216.351, any balance in the trust fund at the end  
 309 of any fiscal year shall remain in the trust fund at the end of  
 310 the year and shall be available for carrying out the purposes of  
 311 the trust fund.  
 312       (21) Rape Crisis Program Trust Fund.  
 313       (a) Funds to be credited to and uses of the trust fund  
 314 shall be administered in accordance with the provisions of s.  
 315 794.056.  
 316       (b) Notwithstanding the provisions of s. 216.301 and  
 317 pursuant to s. 216.351, any balance in the trust fund at the end  
 318 of any fiscal year shall remain in the trust fund at the end of  
 319 the year and shall be available for carrying out the purposes of  
 320 the trust fund.  
 321       (22) United States Trust Fund.  
 322       (a) Funds to be credited to the trust fund shall consist  
 323 of federal funds from the Social Security Administration and  
 324 shall be used for the purpose of determining the eligibility of  
 325 Florida citizens applying for disability benefits under the  
 326 federal Social Security and Supplemental Security Income  
 327 Programs.  
 328       (b) Notwithstanding the provisions of s. 216.301 and  
 329 pursuant to s. 216.351, any balance in the trust fund at the end  
 330 of any fiscal year shall remain in the trust fund at the end of

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331 the year and shall be available for carrying out the purposes of  
 332 the trust fund.

333 Section 3. Paragraph (u) of subsection (1) of section  
 334 215.22, Florida Statutes, is amended to read:

335 215.22 Certain income and certain trust funds exempt.--

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

339 (u) Voluntary contributions collected pursuant to s.  
 340 464.0195(3) The Florida Center for Nursing Trust Fund.

341 Section 4. Paragraph (e) of subsection (5) of section  
 342 215.5601, Florida Statutes, is amended to read:

343 215.5601 Lawton Chiles Endowment Fund.--

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

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

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

354 464.0195 Florida Center for Nursing; goals.--

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

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

365 |         Section 6. Section 464.0198, Florida Statutes, is  
 366 | repealed.

367 |         Section 7. This act shall take effect July 1, 2008.