

CHAPTER 97-113

House Bill No. 863

An act relating to trust funds; creating s. 20.435(1)(d) and (2), F.S., relating to trust funds of the Department of Health; creating the Operations and Maintenance Trust Fund within the department; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a directive to the Division of Statutory Revision; providing an effective date.

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

Section 1. Paragraph (d) of subsection (1) and subsection (2) of section 20.435, Florida Statutes, are created to read:

20.435 Department of Health; trust funds.—

(1) The following trust funds are hereby created, to be administered by the Department of Health:

(d) Operations and Maintenance Trust Fund.

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

2. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

(2) Pursuant to the provisions of s. 19(f)(2), Art. III of the State Constitution, each trust fund listed in subsection (1) shall, unless terminated sooner, be terminated on July 1, 2001. However, prior to its scheduled termination, each trust fund listed in subsection (1) shall be reviewed as provided in s. 215.3206(1) and (2).

Section 2. In editing manuscript for the next edition of the official Florida Statutes, the Division of Statutory Revision of the Joint Legislative Management Committee shall incorporate within section 20.435, Florida Statutes, as created by this act, all trust funds created within the Department of Health by separate legislation, as required by Section 19(f)(1) of Article III of the State Constitution, during the 1997 Regular Session of the Legislature or any extension thereof.

Section 3. This act shall take effect July 1, 1997.

Became a law without the Governor's approval May 24, 1997.

Filed in Office Secretary of State May 23, 1997.