

STORAGE NAME: h0911a.hhs

DATE: April 9, 1999

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
HEALTH AND HUMAN SERVICES APPROPRIATIONS
ANALYSIS**

BILL #: HB 911

RELATING TO: Federally funded services for children

SPONSOR(S): Representative Sanderson

COMPANION BILL(S): SB 2462

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) CHILDREN & FAMILIES YEAS 7 NAYS 0
 - (2) HEALTH AND HUMAN SERVICES APPROPRIATIONS YEAS 9 NAYS 0
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

Section 409.26731, F.S., authorizes the Department of Children and Family Services to certify local funds as a match for eligible Title IV-E expenditures for eligible children in the state's care. The current language limits eligible expenditures to those that are made for ". . . children under the supervision **and** custody of the state." The statute excludes children as eligible who are under protective supervision of the state and not court ordered into foster care. Federal Title IV-E permits reimbursement for expenditures for children under protective supervision.

The bill changes the current language on eligible expenditures to read ". . . children under the supervision **or** custody of the state." The bill will significantly increase the amount of money that is eligible to be certified as state match for Title IV-E expenditures for eligible children in the state's care. However, the amount of the increase in federal funds from this bill would be dependent on eligible local funds and cannot be determined in advance.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Currently local governments provide funding for programs to serve children under the supervision or custody of the state. House Bill 1837 by the 1997 Legislature created section 409.26731, F.S., to authorize the Department of Children and Family Services to certify these local funds, in an amount not to exceed \$5 million, as a match for eligible Title IV-E funds for eligible children in the state's care. Federal matching funds are automatically passed through to the local jurisdiction that provided the certified local match and do not result in a reduction of General Revenue for the local area receiving the federal matching funds.

The current language limits eligible expenditures to those that are made for ". . . children under the supervision **and** custody of the state." The statute excludes children as eligible who are under protective supervision of the state and **not** court ordered into foster care. Because of these limitations, this statute has had minimal impact. Federal Title IV-E permits reimbursement for expenditures for all children under protective supervision.

B. EFFECT OF PROPOSED CHANGES:

The bill changes the current language on eligible expenditures to read ". . . children under the supervision **or** custody of the state." This change will significantly increase the amount of money that is eligible to be certified as state match and earn federal funds. However, the amount of the increase in federal funds from this bill would be dependent on eligible local funds and cannot be determined in advance.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

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(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Section 409.26731, F.S., related to certification of local funds as a state match for federally funded services.

E. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 409.26731, F.S.

Changes the current language on eligible expenditures to read “. . . children under the supervision or custody of the state.” The bill will significantly increase the amount of money that is eligible to be certified as state match for Title IV-E expenditures for eligible children in the state’s care. However, the amount of the increase in federal funds from this bill would be dependent on eligible local funds and cannot be determined in advance.

Section 2. Provides that the act shall take effect upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

The bill would increase federal Title IV-E funds available to local governments. However, the amount of the increase in federal funds from this bill would be dependent on eligible local funds and cannot be determined in advance.

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

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A. **APPLICABILITY OF THE MANDATES PROVISION:**

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. **REDUCTION OF REVENUE RAISING AUTHORITY:**

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. **REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:**

This bill does not reduce the percentage of a state tax shared with counties or municipalities

V. **COMMENTS:**

N/A

VI. **AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:**

On April 9, 1999, the Committee on Health and Human Services Appropriations adopted a "strike everything" amendment to this bill which: eliminates the \$5.0 million cap on the certified local match; expands the local certified match to all eligible Title IV-E services; revises language to allow for the excess earnings over and above that required to fund the department's appropriated level to be reimbursed to local entities; eliminates authorization for the Agency for Health Care Administration to seek a federal waiver modifying the state Medicaid plan regarding optional Medicaid in home and therapeutic services for Medicaid eligible children; and requires an annual report to the Legislature regarding the previous years activities.

VII. **SIGNATURES:**

COMMITTEE ON CHILDREN AND FAMILIES:

Prepared by:

Robert S. Cox

Staff Director:

Robert Barrios

AS REVISED BY THE COMMITTEE ON HEALTH AND HUMAN SERVICES APPROPRIATIONS:

Prepared by:

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