



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |                             |   |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

#### B. EFFECT OF PROPOSED CHANGES:

Except for the provision on the Florida Center for Nursing, the following provisions have been in proviso language in the General Appropriations Act or part of the implementing bills to the General Appropriations Act for the past several years. The purpose of this bill is to codify these provisions in the Florida Statutes.

##### **Authorized Positions**

Section 216.262(1) limits the total number of authorized positions to the number provided in the appropriations act unless otherwise expressly provided. Currently, section 216.341, Florida Statutes, provides an exception for positions funded from the County Health Department Trust Fund.

House Bill 1863 adds positions funded from the United States Trust Fund as an exception from the statute limiting authorized positions to those in the appropriations act. Positions that are funded by the United States Trust Fund are those in the Office of Disability Determinations in the Department of Health and are entirely funded by federal funds from the Social Security Administration. The 908 positions were eliminated from the General Appropriations Act for Fiscal Year 2003-04, but budget authority for salaries remains supported by federal funds.

##### **Onsite Sewage Treatment and Disposal System Research**

House Bill 1863 removes time restrictions for use of the \$5 fee imposed to new system construction permits for funding of onsite sewage treatment and disposal system research, demonstration, and training projects. This provision has been in the implementing bill to the General Appropriations Act since 1996.

##### **Epilepsy Services Trust Fund**

House Bill 1863 amends s. 385.207, F.S., to correct the title of a Department of Health official from "Deputy Assistant Secretary for Health" to "Deputy State Health Officer." It also removes the expiration date on when funds in the Epilepsy Services Trust fund may be appropriated for epilepsy case management services, and limits the administrative expenditure from the Epilepsy Services Trust Fund to 5 percent of annual receipts.

##### **Florida Infants and Toddlers Early Intervention Program**

House Bill 1863 creates the Florida Infants and Toddlers Early Intervention Program in statute. The authorization for the Department of Health to receive federal funds to establish the program has remained in proviso language to the General Appropriations Act since 1987. The purpose of the Infants and Toddlers Early Intervention (EI) Program is to enhance the development of Florida's infants and toddlers with developmental delays or established conditions that put them at risk of developmental

delay. The EI Program is administered by the Children's Medical Services (CMS) Program. The CMS Program within the Department of Health, Florida's Title V agency, serves the State's children who have special health care needs.

### **Florida Center for Nursing**

The Florida Center for Nursing and its trust fund were created in chapter 2002-228, Florida Statutes. The purpose of the Florida Center for Nursing is to address issues of supply and demand for nursing, including issues of recruitment, retention, and utilization of nurse workforce resources. Currently, the Board of Nursing must include on its initial and renewal application forms a question asking for voluntary contributions to the Florida Center for Nursing in addition to the required initial or renewal licensing fee. House Bill 1863 eliminates the voluntary contribution and requires that the Board of Nursing designate no more than \$5 of each renewal fee to provide ongoing support for the Florida Center for Nursing. In no case, however, can the renewal fee be increased beyond the renewal fee in place as of May 1, 2004.

#### **C. SECTION DIRECTORY:**

Section 1. Renumbers s. 216.341, F.S., to 216.2625, F.S., and amends this section relating to Department of Health trust funds.

Section 2. Amends s. 381.0066, F.S., relating to funding of onsite sewage treatment and disposal system research, demonstration, and training projects.

Section 3. Amends s. 385.207, F.S. and adds subsection (7), relating to an officer in the Department of Health and the Epilepsy Services Trust Fund.

Section 4. Creates s. 391.310, F.S., relating to the creation of the Florida Infants and Toddlers Early Intervention Program.

Section 5. Amends s. 464.0195, F.S., designating a portion of renewal licensing fees as funding for the Florida Center for Nursing.

Section 6. Provides an effective date.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

See D. FISCAL COMMENTS below.

2. Expenditures:

See D. FISCAL COMMENTS below.

#### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Persons applying for an initial or renewal nursing license will no longer be asked if they wish to voluntarily contribute any additional funds to the Florida Center for Nursing. A portion not more than \$5 of the renewal licensing fee will automatically be distributed to the Florida Center for Nursing Trust Fund. However, the renewal fee cannot be increased as a result of this bill.

Persons applying for a new onsite sewage treatment and disposal system construction permit will continue to pay an additional \$5 for research, demonstration and training projects.

D. FISCAL COMMENTS:

According to the Department of Health, a \$5 fee is assessed for every new onsite sewage construction permit. The fees collected support research projects selected by the Research Review and Advisory Committee. These research projects have explored the fate of contaminants in Florida's unique environment and improved sewage treatment processes in the Florida Keys and other sensitive and impacted areas. New system installations for the past three years are as follows:

2000-2001: 32,211 new systems - \$161,055

2001-2002: 33,672 new systems - \$168,360

2002-2003: 34,612 new systems - \$173,060

**Florida Center for Nursing**

Also according to the Department of Health, there are four renewal periods for nurses (two per year) with about 56,000 in each renewal period. About 80 percent or 44,800 actually renew on time each period. Therefore, during each fiscal year, about 89,600 would renew. The range of fees up to \$5 per renewal on the 89,600 renewals yields revenue from \$89,000 for a \$1 fee to \$448,000 for a \$5 fee.

The current recurring budget authority in House Bill 1835 (General Appropriations Act) for the Florida Center for Nursing Trust Fund is \$42,506.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This legislation does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds. The legislation does not reduce the percentage of a state tax shared with counties or municipalities. Finally, the legislation does not reduce the authority that municipalities have to raise revenues.

2. Other:

None

B. RULE-MAKING AUTHORITY:

The Department of Health's current rulemaking authority is sufficient to implement the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**