

**HOUSE OF REPRESENTATIVES TRUST FUND CREATION STAFF ANALYSIS**

**BILL #:** HB 1767 PCB FC 05-31 Administrative Trust Fund

**SPONSOR(S):** Fiscal Council

**TIED BILLS:** IDEN./SIM. BILLS: SB 1404

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Fiscal Council	22 Y, 0 N	Jensen-Friedman	Kelly
1) _____	_____	_____	_____
2) _____	_____	_____	_____
3) _____	_____	_____	_____
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**I. SUMMARY**

This bill creates the Administrative Trust Fund in the Agency for Persons with Disabilities, effective July 1, 2005. Funds that will be credited to the Administrative Trust Fund will consist of federal matching funds provided for the administration of Medicaid services. These funds will be used by the agency to administer Medicaid programs and other related purposes. All funds remaining in the fund at the end of any fiscal year will be carried forward to the next fiscal year.

This bill creates section 20.1971(1), Florida Statutes.

**II. SUBSTANTIVE ANALYSIS**

**A. PRESENT SITUATION:**

Chapter 2004-267, Laws of Florida, removed the Developmental Disabilities Program from the Department of Children and Families (DCF) and created the Agency for Persons with Disabilities (APD) to be administratively housed within DCF. The new agency was established as a separate budget entity not subject to the control, supervision, or the direction of DCF.

The agency has programmatic responsibility for the provision of all services for persons with developmental disabilities pursuant to Chapter 393, Florida Statutes. However, fiscal management of the home and community-based Medicaid waiver services is to be managed by the Agency for Health Care Administration (AHCA). APD administers the fiscal and programmatic management of the developmental disabilities institutions and those community-based services that are currently funded by general revenue and federal funds.

While Chapter 2004-267, Laws of Florida, created the new agency there were no provisions made for trust funds for the agency. Within the past two years, the Developmental Disabilities program within DCF utilized five trust funds including the Administrative Trust Fund, Tobacco Settlement Trust Fund, Federal Grants Trust Fund, Operations and Maintenance Trust Fund, and the Social Services Block

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Grant Trust Fund. In order to transition funds and programmatic services smoothly from DCF to the new APD, the agency needs trust funds to manage appropriated funds.

Section 215.32, Florida Statutes, provides categories of trust funds to be utilized uniformly across all state agencies for specific purposes. The Administrative Trust Fund defined in section 215.32(2)(c), F.S., is designated for depository of funds that are to be used for "management activities that are departmental in nature." The Administrative Trust Fund for APD will be used to administer Medicaid programs and other departmental programs.

**B. EFFECT OF PROPOSED CHANGES:**

The creation of this trust fund for the Agency for Persons with Disabilities will help support the smooth transition of funds and programmatic services from the Developmental Disabilities program within DCF to the new agency. It will also allow for the implementation of legislative appropriations and provide a mechanism to account for the moneys received by APD. This trust fund will be terminated in four years, on July 1, 2009, pursuant to section 19(f)(2), Article III, Florida Constitution, unless the fund is re-created prior to July 1, 2009.

**III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**IV. COMMENTS**

**V. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**