

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Health and Human Services Appropriations Committee

BILL: CS/SB 2102

INTRODUCER: Health and Human Services Appropriations and Senator Peaden

SUBJECT: Trust Funds/Agency for Health Care Administration

DATE: March 13, 2008 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dull	Peters	HA	Fav/CS
2.				
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

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|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The bill terminates the Florida Organ and Tissue Donor Education and Procurement Trust Fund and the Resident Protection Trust Fund in the Agency for Health Care Administration and replaces them with the Health Care Trust Fund. The bill repeals or amends cross references regarding the terminated trust funds, and requires their remaining revenues and balances to be transferred to the Health Care Trust Fund.

The bill codifies, all of the trust funds administered by the Agency for Health Care Administration that were re-created in the 2004 Session into section 20.425, Florida Statutes, which is consistent with the current placement of the Tobacco Settlement Trust Fund. The bill also revises the date for the reversion of encumbered balances remaining undisbursed in the Tobacco Settlement Trust Fund from December 31 to September 30 in accordance with chapter 216, F.S..

This bill substantially amends the following sections of the F.S.: 20.425, 215.20, 320.08047, 322.08, 393.0673, 393.0678, 394.903, 400.062, 400.063, 400.121, 400.126, 400.162, 400.966, 765.515, and 765.544.

This bill repeals sections 394.904 and 765.52155 of the F.S.

II. Present Situation:

To implement section 19(f), Article III of the State Constitution, section 215.3208(1), F.S., specifies that a schedule for review of trust funds be included in the legislative budget instructions developed pursuant to section 216.023, F.S. The trust funds in the Agency for Health Care Administration are scheduled for review this year.

The Resident Protection Trust Fund was re-created by chapter 2004-196, Laws of Florida, for the purpose of paying for the appropriate alternate placement, care and treatment of residents who are removed from a facility licensed under chapters 393 and 400, F.S.. The projected receipts for the current fiscal year are \$1,050,185. The Organ and Tissue Donor Education and Procurement Trust Fund was re-created by chapter 2004-195, Laws of Florida, for the purposes of maintaining the organ and tissue donor registry and for organ and tissue donor education. The projected receipts for the current fiscal year are \$439,224.

The Tobacco Settlement Trust Fund was re-created by chapter 2004-192, Laws of Florida, for the purpose of receiving funds from the Department of Financial Services Tobacco Settlement Clearing Trust Fund in amount equal to the annual appropriations made from this trust fund. The Tobacco Settlement Trust Fund was created in section 20.425, F.S., by chapter 1999-195, Laws of Florida.

All of the remaining trust funds administered by the Agency for Health Care Administration were re-created in the 2004 Session: Administrative Trust Fund; Grants and Donations Trust Fund; Health Care Trust Fund; Medical Care Trust Fund; Quality Long-Term Care Facility Improvement Trust Fund; and Refugee Assistance Trust Fund.

III. Effect of Proposed Changes:

Section 1. Terminates the Florida Organ and Tissue Donor Education and Procurement Trust Fund in the Agency for Health Care Administration and specifies that all remaining balances and revenues from the terminated fund be transferred to the Health Care Trust Fund.

Section 2. Terminates the Resident Protection Trust Fund in the Agency for Health Care Administration and specifies that all remaining balances and revenues from the terminated fund be transferred to the Health Care Trust Fund.

Section 3. Amends s. 20.425, F.S., to place the following trust funds administered by the Agency for Health Care Administration into statute: Administrative Trust Fund, Grants and Donations Trust Fund, Health Care Trust Fund, Medical Care Trust Fund, Public Medical Assistance Trust Fund, Quality of Long-Term Care Facility Improvement Trust Fund, and the Refugee Assistance Trust Fund; and to revise the date for the reversion of encumbered balances remaining undisbursed in the Tobacco Settlement Trust Fund from December 31 to September 30 in accordance with chapter 216, F.S..

Section 4. Amends s. 215.20, F.S., to repeal references to the Florida Organ and Tissue Donor Education and Procurement Trust Fund and the Resident Protection Trust Fund.

Section 5. Amends s. 320.08047, F.S., to eliminate references to the Florida Organ and Tissue Donor Education and Procurement Trust Fund and to replace it with the Health Care Trust Fund.

Section 6. Amends s. 322.08, F.S., to eliminate reference to the Florida Organ and Tissue Donor Education and Procurement Trust Fund and to replace it with the Health Care Trust Fund.

Section 7. Amends s. 393.0673, F.S., to eliminate reference to the Resident Protection Trust Fund and replacing it with the Health Care Trust Fund.

Section 8. Amends s. 393.0678, F.S., to eliminate references to the Resident Protection Trust Fund and replace them with the Health Care Trust Fund.

Section 9. Amends s. 394.903, F.S., to correct a cross reference.

Section 10. Repeals s. 394.904, F.S., to eliminate the Health Care Trust Fund which is reestablished in s. 20.425, F.S., in section 3 of this bill.

Section 11. Amends s. 400.062, F.S., to eliminate references to the Resident Protection Trust Fund and replace them with the Health Care Trust Fund.

Section 12. Amends s. 400.063, F.S., to eliminate references to the Resident Protection Trust Fund and replace them with the Health Care Trust Fund.

Section 13. Amends s. 400.121, F.S., to eliminate reference to the Resident Protection Trust Fund and replace it with the Health Care Trust Fund.

Section 14. Amends s. 400.126, F.S., to eliminate reference to the Resident Protection Trust Fund and replace it with the Health Care Trust Fund.

Section 15. Amends s. 400.162, F.S., to eliminate reference to the Resident Protection Trust Fund and replace it with the Health Care Trust Fund.

Section 16. Amends s. 400.966, F.S., to eliminate reference to the Resident Protection Trust Fund and replace it with the Health Care Trust Fund.

Section 17. Amends s. 765.515, F.S., to eliminate reference to the Florida Organ and Tissue Donor Education and Procurement Trust Fund and replace it with the Health Care Trust Fund.

Section 18. Repeals s.765.52155, F.S., to eliminate the Florida Organ and Tissue Donor Education and Procurement Trust Fund.

Section 19. Amends s. 765.544, F.S., to eliminate reference to the Florida Organ and Tissue Donor Education and Procurement Trust Fund and replace it with the Health Care Trust Fund.

Section 20. Provides the act shall take effect July 1, 2008.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None

C. Government Sector Impact:

None

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Health and Human Services Appropriations on March 13, 2008: A technical amendment was incorporated into the committee substitute, specifying that funds deposited into the Health Care Trust fund that come from the \$1 donation for the Organ and Tissue Donor Education and Procurement Trust will continue to be utilized for maintaining the organ and tissue donor registry and for organ and tissue donor education.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
