

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** CS/HB 5005      PCB HCC 08-01      Trust Funds of the Agency for Health Care Administration

**SPONSOR(S):** Policy and Budget Council; Bean

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 2102

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Healthcare Council	16 Y, 0 N	Pridgeon/Massengale	Gormley
1) Policy & Budget Council	27 Y, 0 N, As CS	Leznoff	Hansen
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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**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, repeals or amends cross references, and provides for the disposition of remaining unobligated funds. The bill codifies, into section 20.425, Florida Statutes, all of the trust funds administered by the Agency for Health Care Administration that were re-created in the 2004 Session to be consistent with the placement in statute 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, Florida Statutes.

This legislation has an effective date of July 1, 2008.

## II. SUBSTANTIVE ANALYSIS

### A. PRESENT SITUATION:

To implement section 19(f), Article III of the State Constitution, section 215.3208(1), Florida Statutes, specifies that a schedule for review of trust funds be included in the legislative budget instructions developed pursuant to section 216.023, Florida Statutes. 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, Florida Statutes. 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, Florida Statutes, by chapter 1999-195, Laws of Florida.

All 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.

### B. EFFECT OF PROPOSED CHANGES:

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. Any remaining unobligated funds will be transferred to the Health Care Trust Fund to continue current activities. The bill amends or repeals cross references to the terminated trust funds throughout Florida Statutes.

The bill also codifies into section 20.425, Florida Statutes, all of the remaining trust funds administered by the Agency for Health Care Administration re-created in the 2004 Session to be consistent with the placement in statute 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 to September 30 in accordance with chapter 216, Florida Statutes.

## III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

This legislation has no fiscal impact on state agencies or state funds, on local governments as a whole or on the private sector.

## IV. COMMENTS

## V. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On March 25, 2008, the Policy and Budget Council adopted one amendment to the bill. The amendment clarifies that voluntary contributions donated for organ and tissue donor education and for maintaining the organ and tissue donor registry must be used by the agency for maintaining the organ and tissue donor registry and for organ and tissue donor education.

The bill was reported favorably as a Council Substitute. The analysis reflects the Council Substitute.