

**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 Regulation Committee

BILL: SB 1346  
 INTRODUCER: Senator Peaden  
 SUBJECT: Trust Funds  
 DATE: February 25, 2009      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bell	Wilson	HR	<b>Favorable</b>
2.	_____	_____	HA	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

The bill requires nursing home facility quality assessments to be deposited into the Grants and Donations Trust Fund administered by the Agency for Health Care Administration (AHCA). The bill makes several technical changes to align the AHCA Grants and Donations Trust Fund, Lawton Chiles Endowment Fund, and the Department of Children and Families (DCF) Grants and Donations Trust Fund with changes made to the health care trust funds during the 2008 Legislative Session, or to reflect current practice.

This bill substantially amends ss. 20.425, 215.5601, 400.179, 409.916, 893.165, and 938.23, F.S.

**II. Present Situation:**

**Trust Funds**

Section 19(f), Article III of the State Constitution requires that every trust fund be created or re-created by a three-fifths vote of the membership in each house of the Legislature in a separate bill for the sole purpose of creating that trust fund. The Constitution also provides that all newly created trust funds terminate not more than four years after the initial creation unless re-created.

During the 2008 Legislative Session, the Legislature re-created and revised several health care trust funds, pursuant to the required four-year review cycle. The 2008 Legislature passed these health care trust fund bills:

- SB 2102 - Trust Funds/AHCA;
- SB 2104 - Administrative Trust Fund/Agency for Persons with Disabilities (APD);
- SB 2106 - Tobacco Settlement Trust Fund/APD;

- SB 2108 - Federal Grants Trust Fund/APD;
- SB 2110 - Operations and Maintenance Trust Fund/APD;
- SB 2112 - Social Services Block Grant Trust Fund/APD;
- SB 2114 - Welfare Transition Trust Fund/DCF
- SB 2116 - Trust Funds/DCF;
- SB 2118 - Welfare Transition Trust Fund/Department of Health (DOH);
- SB 2120 - Trust Funds/Department of Veterans' Affairs (DVA);
- SB 2122 - Trust Funds/DOH; and
- SB 2124 - Trust Funds/Department of Elderly Affairs (DEA).

### **Nursing Home Facility Quality Assessment**

During the 2009 A Special Session, the Legislature passed SB 8-A directing the AHCA to implement quality assessments for nursing home facilities, codified in Chapter 2009-4, Laws of Florida. The bill requires the AHCA to calculate and impose a quality assessment on health care items or services provided by nursing facilities, and authorizes the AHCA to seek a federal waiver and state plan amendments to implement the nursing home facility quality assessments. The revenue generated from the nursing home quality assessments will be dispersed to nursing homes from the AHCA Grants and Donations Trust Fund, as provided in the general appropriations act.

### **III. Effect of Proposed Changes:**

**Section 1.** Amends s. 20.425, F.S., relating to the trust funds administered by the AHCA, to provide a cross-reference to the nursing facility Medicaid overpayments that are deposited into the AHCA Grants and Donations Trust Fund under s. 400.179, F.S., as amended in section 3 of the bill.

**Section 2.** Amends s. 215.5601, F.S., relating to the Lawton Chiles Endowment Fund, to reflect the changes in the date that undispersed balances in the AHCA, the APD, the DCF, the DOH, and the DEA Tobacco Settlement Trust Funds revert back to the Lawton Chiles Endowment Fund from December 31 to September 30. The Lawton Chiles Endowment Fund provided the AHCA, the APD, the DCF, the DOH, and the DEA appropriations for their respective Tobacco Settlement Trust Funds during FY 2008-2009.

**Section 3.** Amends s. 400.179, F.S., to specify that fees collected from nursing facilities for Medicaid overpayments are directly deposited into the AHCA Grants and Donations Trust Fund. The bill deletes language authorizing Medicaid overpayment fees to be deposited into the AHCA Health Care Trust Fund and then transferred to the AHCA Grants and Donations Trust Fund.

**Section 4.** Amends s. 409.916, F.S., relating to the AHCA Grants and Donations Trust Fund to codify that revenue collected from nursing home facility quality assessments, intergovernmental transfers and nursing home facility overpayments will be deposited into the AHCA Grants and Donations Trust Fund, to reflect current practice.

**Sections 5 & 6.** Amend ss. 893.165 and 938.23, F.S., to remove obsolete references to the DCF Community Alcohol and Other Drug Abuse Services Grants and Donations Trust Fund. The

DCF Community Alcohol and Other Drug Abuse Services Grants and Donations Trust Fund is a statutory remnant from when the 1996 Legislature dispersed and reallocated the duties formerly administered by the Department of Health and Rehabilitative Services. The bill requires assessments collected pursuant to paragraph 893.165(3)(b), F.S., and subsection 938.23(2), F.S., to be deposited into the DCF Grants and Donations Trust Fund, to reflect current practice.

**Section 7.** The bill provides an effective date of July 1, 2009.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The bill requires the funds from the newly established nursing home facility quality assessments to be deposited in the AHCA Grants and Donations Trust Fund. This significantly expands the funds to be credited to and the uses of the trust fund.

**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.)

None.

- B. **Amendments:**

None.

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

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