

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7077 PCB HCA 09-01 Trust Funds/Grants and Donations
Trust/AHCA/DCFS/Lawton Chiles Endowment Fund
SPONSOR(S): Health Care Appropriations Committee and Ambler
TIED BILLS: IDEN./SIM. BILLS: SB 1346

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR. Rows include committee references and bill numbers (1-5) with corresponding action dates and staff names.

SUMMARY ANALYSIS

The bill revises multiple sections of Florida Statutes relating to various trust funds within the Agency for Health Care Administration and the Department of Children and Families including the following:

- Provides a cross-reference to nursing facility Medicaid underpayments and overpayments that are deposited into the Grants and Donations Trust Fund within the Agency for Health Care Administration (AHCA).
Modifies the date for the reversion of the encumbered balances remaining undisbursed in the Tobacco Settlement Trust Fund from December 31 to September 30 in accordance with chapter 216, Florida Statutes.
Directs revenues from Medicaid underpayments and overpayments to be deposited into the Grants and Donations Trust Fund within AHCA.
Requires the deposit of Medicaid provider quality assessments and grants and donations received from state, counties, local governments, public entities and taxing districts into the Grants and Donations Trust Fund within AHCA.
Deletes an obsolete reference to the Community Alcohol and Other Drug Abuse Services Grants and Donations Trust fund within the Department of Children and Families (DCF).
Directs assessments for assistance grants for alcohol and other drug abuse programs to be deposited into the Grants and Donations Trust Fund within DCF to reflect current practice.

This bill does not appear to have a fiscal impact on state or local governments. The bill has an effective date of July 1, 2009.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The bill provides a cross-reference to the nursing facility Medicaid overpayments and underpayments that are deposited into the Grants and Donations Trust Fund within AHCA under s. 400.179, F.S.

The bill changes the date that undisbursed balances in the Tobacco Settlement Trust Funds within the AHCA, APD (Agency for Persons with Disabilities), DCF, DOH (Department of Health) and DEA (Department of Elder Affairs) revert back to the Lawton Chiles Endowment Fund. The agencies' appropriations for their respective Tobacco Settlement Trust Funds are funded from the Lawton Chiles Endowment Fund.

The bill deletes language authorizing Medicaid overpayment and underpayment fees to be deposited into the Health Care Trust Fund within AHCA and then transferred to the Grants and Donations Trust Fund and allows the fees to be directly deposited into the Grants and Donations Trust Fund within AHCA.

The bill codifies into s. 409.916, F.S., that fees collected from Medicaid provider assessments, intergovernmental transfers, and nursing home facility overpayments are to be deposited into the Grants and Donations Trust Fund within AHCA to reflect current practice.

The bill removes reference to the Community Alcohol and Other Drug Abuse Services Grants and Donations Trust Fund within DCF and requires assessments collected pursuant to paragraph 893.165(3)(b), F.S., and subsection 938.23(2), F.S., to be deposited into the Grants and Donations Trust Fund within DCF to reflect current practice.

B. SECTION DIRECTORY:

Section 1. Amends s. 20.425, F.S., providing an additional source of funds for the Grants and Donations Trust Fund within the AHCA.

Section 2. Amends s. 215.5601, F.S., relating to the Lawton Chiles Endowment Fund; revising the date of reversion of undisbursed balances in the fund.

Section 3. Amends s. 400.179, F.S., requiring that a leasehold licensee fee be deposited into the Grants and Donations Trust Fund within the AHCA instead of depositing the leasehold licensee fee into the AHCA Health Care Trust Fund and then transferring the fee to the AHCA Grants and Donations Trust Fund.

Section 4. Amends s. 409.916, F.S., requiring that funds from Medicaid provider quality assessments, certain grants and donations, and leasehold licensee fees be deposited into the AHCA Grants and Donations Trust Fund.

Sections 5. Amends s. 893.165, F.S., to delete reference to the Community Alcohol and Other Drug Abuse Services Grants and Donations Trust Fund and require the deposit of fees into the Grants and Donations Trust Fund within DCF.

Section 6. Amends s. 938.23, F.S., to delete reference to the Community Alcohol and Other Drug Abuse Services Grants and Donations Trust Fund and require the deposit of fees into the Grants and Donations Trust Fund within DCF.

Section 7. Provides an effective date of July 1, 2009.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This legislation does not appear to require counties or municipalities to take an action requiring the expenditure of funds; reduce the authority that municipalities or counties have to raise revenue in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The agency has sufficient rulemaking authority to implement the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES