

## **TRUST FUND BILLS**

### **CS/SB 2102 — Trust Funds/Agency for Health Care Administration**

by Health and Human Services Appropriations Committee and Senator Peadar

The bill (Chapter 2008-9, L.O.F.) terminates the Florida Organ and Tissue Donor Education and Procurement Trust Fund and the Resident Protection Trust Fund within 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 the remaining revenues and balances to be transferred to the Health Care Trust Fund.

The bill codifies into statute the following trust funds administered by the Agency for Health Care Administration: 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.

The bill 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.

These provisions were approved by the Governor and take effect July 1, 2008.

*Vote: Senate 36-0; House 112-0*

### **SB 2104 — Administrative Trust Fund/APD**

by Senator Peadar

This bill (Chapter 2008-10, L.O.F.) re-creates the Administrative Trust Fund within the Agency for Persons with Disabilities without modification, effective July 1, 2008. This fund was created effective July 1, 2005, by Chapter 2005-21, L.O.F.

These provisions were approved by the Governor and take effect July 1, 2008.

*Vote: Senate 36-0; House 112-0*

**SB 2106 — Tobacco Settlement Trust Fund/APD**

by Senator Peaden

This bill (Chapter 2008–11, L.O.F.) re-creates the Tobacco Settlement Trust Fund within the Agency for Persons with Disabilities without modification, effective July 1, 2008. This fund was created effective July 1, 2005, by chapter 2005-142, L.O.F.

These provisions were approved by the Governor and take effect July 1, 2008.

*Vote: Senate 36-0; House 112-0*

**SB 2108 — Federal Grants Trust Fund/APD**

by Senator Peaden

This bill (Chapter 2008-12, L.O.F.) re-creates the Federal Grants Trust Fund within the Agency for Persons with Disabilities without modification, effective July 1, 2008. This fund was created effective July 1, 2005, by chapter 2005-22, L.O.F.

These provisions were approved by the Governor and take effect July 1, 2008.

*Vote: Senate 36-0; House 112-0*

**SB 2110 — Operations and Maintenance Trust Fund/APD**

by Senator Peaden

This bill (Chapter 2008-13, L.O.F.) re-creates the Operations and Maintenance Trust Fund within the Agency for Persons with Disabilities without modification, effective July 1, 2008. This fund was created effective July 1, 2005, by chapter 2005-23, L.O.F.

These provisions were approved by the Governor and take effect July 1, 2008.

*Vote: Senate 36-0; House 112-0*

**SB 2112 — Social Services Block Grant Trust Fund/APD**

by Senator Peaden

This bill (Chapter 2008-14, L.O.F.) re-creates the Social Services Block Grant Trust Fund within the Agency for Persons with Disabilities without modification, effective July 1, 2008. This fund was created effective July 1, 2005, by chapter 2005-24, L.O.F.

These provisions were approved by the Governor and take effect July 1, 2008.

*Vote: Senate 36-0; House 112-0*

**SB 2114 — Welfare Transition Trust Fund/DCFS**

by Senator Peaden

The bill (Chapter 2008-15, L.O.F.) re-creates the Welfare Transition Trust Fund within the Department of Children and Family Services without modification, effective July 1, 2008. The Welfare Transition Trust Fund was created on July 1, 2004, by chapter 2004-364, L.O.F.

These provisions were approved by the Governor and take effect July 1, 2008.

*Vote: Senate 36-0; House 112-0*

**CS/SB 2116 — Trust Funds/DCFS**

by Health and Human Services Appropriations Committee and Senator Peaden

The bill (Chapter 2008-16, L.O.F.) codifies into statute all of the trust funds administered by the Department of Children and Family Services; terminates the Child Advocacy Trust Fund and the Refugee Assistance Trust Fund within the department and provides for the disposition of the cash balances in these funds; and revises the date for the reversion of encumbered balances remaining in the Tobacco Settlement Trust Fund from December 31 to September 30.

The bill redirects court fees designated for children's advocacy centers from the Child Advocacy Trust Fund to the Grants and Donations Trust Fund; and redirects revenues to the General Revenue Fund that had been deposited into a Substance Abuse Trust Fund, which was terminated in 2006.

The bill redirects a portion of the funds generated from forfeiture proceedings from the Substance Abuse Trust Fund to the General Revenue Fund.

These provisions were approved by the Governor and take effect July 1, 2008.

*Vote: Senate 36-0; House 116-0*

**SB 2118 — Welfare Transition Trust Fund/Department of Health**

by Senator Peaden

This bill (Chapter 2008-17, L.O.F.) re-creates the Welfare Transition Trust Fund within the Department of Health without modification, effective July 1, 2008. This fund was created effective July 1, 2004, by chapter 2004-363, L.O.F.

These provisions were approved by the Governor and take effect July 1, 2008.

*Vote: Senate 36-0; House 112-0*

## **SB 2120 — Trust Funds/Department of Veterans' Affairs**

by Senator Peaden

The bill (Chapter 2008-18, L.O.F.) codifies into statute all of the trust funds administered by the Department of Veterans' Affairs: Federal Grants Trust Fund; Grants and Donations Trust Fund; Operations and Maintenance Trust Fund; and the State Homes for Veterans Trust Fund. The bill provides for the sources and uses of the trust funds and the disposition of balances in the trust funds.

The bill also specifies an additional use of funds in the Grants and Donations Trust Fund for the benefit of veterans who are residents of the Veterans' Domiciliary Home or Veterans' Nursing Home that allows funds to be expended for goods and services offered or available to all residents.

These provisions were approved by the Governor and take effect July 1, 2008.

*Vote: Senate 36-0; House 112-0*

## **CS/SB 2122 — Trust Funds/Department of Health**

by Health and Human Services Appropriations Committee and Senator Peaden

The bill (Chapter 2008-19, L.O.F.) terminates the Florida Center for Nursing Trust Fund in the Department of Health and provides for the transfer of the balance of funds to the Grants and Donation Trust Fund. The bill revises the reversion date of encumbered balances remaining undisbursed in the Tobacco Settlement Trust Fund from December 31 to September 30 in accordance with chapter 216, F.S. The bill removes the scheduled termination date of the Welfare Transition Trust Fund.

The bill codifies into statute the following trust funds administered by the Department of Health: Brain and Spinal Cord Injury Program Trust Fund; County Health Department Trust Fund; Donations Trust Fund; Florida Drug, Device and Cosmetic Trust Fund; Emergency Medical Services Trust Fund; Epilepsy Services Trust Fund; Maternal and Child Health Block Grant Trust Fund; Nursing Student Loan Forgiveness Trust Fund; Planning and Evaluation Trust Fund; Preventive Health Services Block Grant Trust Fund; Radiation Protection Trust Fund; Rape Crisis Program Trust Fund; and United States Trust Fund.

The bill continues to exempt voluntary contributions to the Florida Center for Nursing from the general revenue service charge required by s. 215.20(1) F.S. The bill also specifies limits on the uses of funds in the Rape Crisis Trust Fund.

These provisions were approved by the Governor and take effect July 1, 2008.

*Vote: Senate 36-0; House 112-0*

## **SB 2124 — Trust Funds/Department of Elderly Affairs**

by Senator Peadar

The bill (Chapter 2008-20, L.O.F.) codifies into statute the following trust funds administered by the Department of Elderly Affairs: Administrative Trust Fund; Tobacco Settlement Trust Fund; Federal Grants Trust Fund; Grants, Donations Trust Fund; and Operations and Maintenance Trust Fund. The bill provides for the sources and uses of the trust funds and the disposition of balances in the trust funds.

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.

These provisions were approved by the Governor and take effect July 1, 2008.

*Vote: Senate 36-0; House 112-0*

## **OTHER BILLS**

### **HB 5085 — Health Care**

by Policy and Budget Council and Rep. Sansom

The bill provides statutory changes to conform to the FY 2008-2009 General Appropriations Act. Specifically, the bill:

- Amends s. 400.179, F.S., to authorize the transfer of leasehold licensee fees from the Health Care Trust Fund to the Grants and Donations Trust Fund;
- Amends s. 409.017, F.S., to authorize the Agency for Health Care Administration to procure a vendor to retrospectively and prospectively maximize federal revenues through administrative claims for federal matching funds for state provided educational services;
- Amends s. 409.904, F.S., to repeal obsolete language related to the Meds AD program; and to provide that the Meds AD program and the Medically Needy program, except for coverage for pregnant women and children, will expire June 30, 2009;
- Creates s. 409.906(26), F.S., to allow the Agency for Health Care Administration to pay for all services provided to a Medicaid recipient by an anesthesiologist assistant licensed under ss. 458.3475, F.S., or 459.023, F.S., at a reimbursement level no less than 80 percent of the reimbursement that would be paid to a physician providing the same service;
- Amends s. 409.908, F.S., as follows:
  - Eliminates the requirement that Medicaid will not pay coinsurance and deductibles for services that are not provided by Medicaid;

- Limits Medicaid payments for hospital Medicare Part A coinsurance to the Medicaid per diem rate less any amount paid by Medicare, but only up to the Medicare coinsurance amount;
- Requires Medicaid payment for all deductibles and coinsurance for portable X-ray Medicare Part B services provided in a nursing home;
- Reduces the Average Wholesale Price (AWP) component in the pharmacy reimbursement methodology from AWP minus 15.4 percent to AWP minus 16.4 percent; and reduces the Wholesale Acquisition Cost (WAC) pricing component in the pharmacy reimbursement methodology from WAC plus 5.75 percent to WAC plus 4.75 percent; and
- Requires the Agency for Health Care Administration to set rates for hospitals, nursing homes, community intermediate care facilities for the developmentally disabled, county health departments, and prepaid health plans in a manner that results in no automatic cost-based statewide expenditure increase for two fiscal years beginning July 1, 2009, and requires the establishment of a work group to evaluate alternate payment methods and provide a report to the Legislature by November 1, 2009;
- Amends s. 409.911, F.S., to update the years of audited data used in determining Medicaid and charity care days for each hospital in the Disproportionate Share program from 2000, 2001 and 2002 to 2002, 2003, and 2004; and to change the fiscal year that the audited data is used to distribute funding through the Disproportionate Share program from FY 2006-2007 to FY 2008-2009;
- Amends s. 409.9112, F.S., to continue the prohibition of the distribution of funds through the Regional Perinatal Intensive Care Disproportionate Share program in FY 2008-2009;
- Amends s. 409.9113, F.S., to allow for disproportionate share payments to statutorily defined teaching hospitals and family practice teaching hospitals in FY 2008-2009; and allows the distribution of funds for statutorily defined teaching hospitals to be distributed as provided in the General Appropriations Act;
- Amends s. 409.9117, F.S., to continue the prohibition of the distribution of funds through the Primary Care Disproportionate Share program in FY 2008-2009;
- Amends s. 409.912(4)(b), F.S., to allow Medicaid-eligible children in Hillsborough County receiving child welfare services in the HomeSafeNet system to receive behavioral health care services through the specialty prepaid plan operated by community-based lead agencies;
- Amends s. 409.912(39)(a), F.S., to reduce the Average Wholesale Price (AWP) component in the pharmacy reimbursement methodology from AWP minus 15.4 percent to AWP minus 16.4 percent, and reduce the Wholesale Acquisition Cost (WAC) pricing component in the pharmacy reimbursement methodology from WAC plus 5.75 percent to WAC plus 4.75 percent;

- Creates s. 409.912(53), F.S., to require the Agency for Health Care Administration to notify the Legislature before implementing programs authorized under the federal Deficit Reduction Act of 2005;
- Creates s. 409.91206, F.S., to allow the Governor, the President of the Senate, and the Speaker of the House of Representatives to convene workgroups to propose alternatives for cost-effective health and long-term care reforms, including, but not limited to, reforms for Medicaid;
- Amends s. 409.9122, F.S., to require recipients in the MediPass program in counties with two or more managed care plans, to be assigned to a managed care plan if they fail to make a choice during the annual choice period;
- Amends s. 409.9124, F.S., to eliminate the requirement that managed care per-member per-month rate averages do not exceed the amount in the General Appropriations Act for the fiscal year in which the rates are in effect;
- Amends s. 409.913, F.S., to exclude independent laboratory services and school-based services from the Medicaid explanation of benefits;
- Repeals s. 409.9061, F.S., to eliminate the authorization of a statewide laboratory services contract for Medicaid recipients; and
- Repeals s. 430.83, F.S., to eliminate the Sunshine for Seniors Program.

If approved by the Governor, these provisions take effect July 1, 2008.

*Vote: Senate 26-13; House 77-42*

## **HB 5087 — Agency for Persons with Disabilities**

by Policy and Budget Council and Rep. Sansom

Amends s. 393.0661, F.S., as follows:

- Revises the Tier 2 waiver system to specify that client service needs include moderate level of support for standard residential habilitation services or a minimal level of support for behavior focus residential habilitation services.
- Prohibits the expansion of additional services in the Tier 4 Family and Supported Living waiver until July 1, 2009.
- Provides for a phased-in reduction in the geographic differential percentage rate for residential habilitation services that are applied to Medicaid residential habilitation service rates in Miami-Dade, Broward, Palm Beach and Monroe counties through July 1, 2010.
- Directs the Agency for Persons with Disabilities to adjust a client's cost plan to reflect the amount of expenditures for the previous fiscal year plus 5 percent effective January 1,

2009 and provides a mechanism for adjustment if the client was not served the entire fiscal year.

- Amends s. 393.071, F.S. to enable the agency to deposit client fees in the Operations and Maintenance Trust Fund.

If approved by the Governor, these provisions take effect July 1, 2008.

*Vote: Senate 25-15; House 116-1*

### **CS/SB 1864 — Medical Research**

by Health and Human Services Appropriations Committee and Senator Peadar

This bill eliminates the annual appropriation to the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute.

If approved by the Governor, these provisions take effect July 1, 2008.

*Vote: Senate 37-2; House 88-31*



