

HOUSE OF REPRESENTATIVES TRUST FUND CREATION STAFF ANALYSIS

BILL #: HB 1769 PCB FC 05-30 Federal Grants Trust Fund

SPONSOR(S): Fiscal Council

TIED BILLS: IDEN./SIM. BILLS: CS/SB 1406

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Fiscal Council	22 Y, 0 N	Jensen-Friedman	Kelly
1) _____	_____	_____	_____
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

I. SUMMARY

This bill creates the Federal Grants Trust Fund in the Agency for Persons with Disabilities, effective July 1, 2005. Funds to be deposited into the trust fund will consist of receipts from federal grants. The funds will be used to provide health care services to agency clients and other related purposes. Balances remaining in the trust fund at the end of a fiscal year will remain in the trust fund to be carried forward to the next fiscal year.

This bill creates section 20.1971(5), Florida Statutes.

II. SUBSTANTIVE ANALYSIS

A. PRESENT SITUATION:

Chapter 2004-267, Laws of Florida, removed the Developmental Disabilities Program from the Department of Children and Families (DCF) and created the Agency for Persons with Disabilities (APD) to be administratively housed within DCF. The new agency was established as a separate budget entity not subject to the control, supervision, or the direction of DCF.

The agency has programmatic responsibility for the provision of all services for persons with developmental disabilities pursuant to Chapter 393, Florida Statutes. However, fiscal management of the home and community-based Medicaid waiver services is to be managed by the Agency for Health Care Administration (AHCA). APD administers the fiscal and programmatic management of the developmental disabilities institutions and those community-based services that are currently funded by general revenue and federal funds.

While Chapter 2004-267, Laws of Florida, created the new agency there were no provisions made for trust funds for the agency. Within the past two years, the Developmental Disabilities program within DCF utilized five trust funds including the Administrative Trust Fund, Tobacco Settlement Trust Fund, Federal Grants Trust Fund, Operations and Maintenance Trust Fund, and the Social Services Block Grant Trust Fund. In order to transition funds and programmatic services smoothly from DCF to the new APD, the agency needs trust funds to manage appropriated funds.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

Section 215.32, Florida Statutes, provides categories of trust funds to be utilized uniformly across all state agencies for specific purposes. The Federal Grants Trust Fund defined in section 215.32(2)(g), F.S., is designated as a depository for funds “to be used for allowable grant activities funded by restricted program revenues from federal sources.” The moneys transferred into the Federal Grants Trust Fund within APD will consist of funds received from federal grants granted to the agency which APD has received over the last three years.

B. EFFECT OF PROPOSED CHANGES:

The creation of this trust fund for the Agency for Persons with Disabilities will help support the smooth transition of funds and programmatic services from the Developmental Disabilities program within DCF to the new agency. It will also allow for the implementation of legislative appropriations and provide a mechanism to account for the moneys received by APD. This trust fund will be terminated in four years, on July 1, 2009, pursuant to section 19(f)(2), Article III, Florida Constitution, unless the fund is re-created prior to July 1, 2009.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

IV. COMMENTS

V. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES