

HOUSE OF REPRESENTATIVES TRUST FUND CREATION STAFF ANALYSIS

BILL #: HB 1811 PCB FC 05-27 Tobacco Settlement Trust Fund
SPONSOR(S): Fiscal Council
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 1412

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
<u>Orig. Comm.: Fiscal Council</u>	<u>22 Y, 0 N</u>	<u>Jensen-Friedman</u>	<u>Kelly</u>
1) _____	_____	_____	_____
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I. SUMMARY

This bill creates the Tobacco Settlement Trust Fund in the Agency for Persons with Disabilities (APD), effective July 1, 2005. Funds to be deposited into the trust fund will consist of funds disbursed, by nonoperating transfer, from the Department of Financial Services Tobacco Settlement Clearing Trust Fund in amounts equal to the annual appropriations made from this fund.

This bill creates section 20.1971(4), 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.

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