

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Health and Human Services Appropriations Committee

BILL: CS/SB 1408

SPONSOR: Health and Human Services Appropriations Committee and Senator Saunders

SUBJECT: Operations and Maintenance Trust Fund

DATE: February 24, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fabricant	Peters	HA	Fav/CS
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 1408 creates the Operations and Maintenance Trust Fund in the Agency for Persons with Disabilities, effective July 1, 2005. The fund will serve as repository for federal Medicaid funds used to provide services for agency clients. 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 the following section of the Florida Statutes: 20.1971(2).

II. Present Situation:

In the 2004 legislative session HB 1823 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.

While HB 1823 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.

Section 215.32, F.S., provides categories of trust funds to be utilized uniformly across all state agencies for specific purposes. The Operations and Maintenance Trust Fund defined in section 215.32(2)(b) is designated as depository for "client services funded by third-party payers." The moneys transferred into the Operations and Maintenance Trust Fund within APD will consist of receipts from third-party payers of health care services such as Medicaid.

III. 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.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

SB 1408, creating a new trust fund, must pass by a 3/5 vote of the membership of each house to become law pursuant to section 19(f)(1), Article III, Florida Constitution.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

VIII. Summary of Amendments:

None.

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