

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 5311 PCB HCA 10-01 Department of Health

SPONSOR(S): Health Care Appropriations Committee

TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Health Care Appropriations Committee	10 Y, 0 N	Massengale	Massengale
1)	Full Appropriations Council on Education & Economic Development		Massengale	Voyles
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

The bill makes several revisions to statutes relating to trust funds administered by the Department of Health to conform to the House proposed General Appropriations Act for Fiscal Year 2010-11.

The bill amends section 20.435 (1)(a), Florida Statutes, relating to the department’s Administrative Trust Fund to make the trust fund source(s) of revenue and use of the trust fund consistent with section 215.32, Florida Statutes. The bill also removes language regarding environmental regulatory fees as a fund source and regulatory activities as a use of the trust fund.

The bill also amends sections 318.14, 318.18, 318.21, 395.403 and 395.4306, Florida Statutes, replacing the Administrative Trust Fund with the Emergency Medical Services Trust Fund as the revenue source and use of the trust fund regarding payments to trauma centers. The bill also deletes obsolete language regarding payments to provisional trauma centers. The bill amends section 20.435, Florida Statutes, correcting references.

Finally, the bill amends sections 320.131, 327.35, 381.765, 381.78, 381.79, and 938.07, Florida Statutes, by replacing all references using Brain and Spinal Cord Rehabilitation Trust Fund with Brain and Spinal Cord Injury Program Trust Fund. The bill also amends sections 381.78 and 381.79, Florida Statutes, correcting references.

The House proposed General Appropriations Act for Fiscal Year 2010-11 replaces \$2.4 million in Administrative Trust Fund budget authority with Grants and Donations budget authority for environmental regulation activities and replaces \$7.5 million in Administrative Trust Fund budget authority with Emergency Medical Services Trust Fund budget authority for trauma center payments.

The bill provides an effective date of July 1, 2010.

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:

To implement section 19 (f), Article III of the State Constitution, section 215.3208 (1), Florida Statutes, specifies that a schedule for review of trust funds be included in the legislative budget instructions developed pursuant to section 216.023, Florida Statutes. The trust funds in the Department of Health were last reviewed in the 2008 Session.

All the trust funds administered by the department were codified in section 20.435, Florida Statutes, to provide a consolidated list. However, there are some remaining needed changes to make the trust funds consistent with the requirements of section 215.32, Florida Statutes, or to correct trust fund names and cross references.

Administrative Trust Fund

Section 215.32 (2)(b) 2.c., Florida Statutes, specifies the uses and the source(s) of revenue of administrative trust funds generally:

Administrative trust fund, for use as a depository for funds to be used for management activities that are departmental in nature and funded by indirect cost earnings and assessments against trust funds. Proprietary funds are excluded from the requirement of using an administrative trust fund.

The bill amends section 20.435 (1)(a), Florida Statutes, by making the Department of Health Administrative Trust Fund source(s) of revenue and use of the trust fund consistent with section 215.32, Florida Statutes. The bill also removes language regarding environmental regulatory fees as a fund source and regulatory activities as a use of the trust fund. In future, regulatory fees and activities will be deposited to and used from the department's Grants and Donations Trust Fund, which is consistent with the sources of revenue and use of this trust fund in section 20.435, Florida Statutes.

Emergency Medical Services Trust Fund

The bill amends sections 318.14, 318.18, 318.21, 395.403 and 395.4306, Florida Statutes, replacing the Administrative Trust Fund with the Emergency Medical Services Trust Fund as the revenue source and use of the trust fund regarding payments to trauma centers. The bill also deletes obsolete language regarding payments to provisional trauma centers. The bill amends section 20.435, Florida Statutes, correcting references.

Brain and Spinal Cord Injury Program Trust Fund

The bill amends sections 320.131, 327.35, 381.765, 381.78, 381.79, and 938.07, Florida Statutes, by replacing all references using Brain and Spinal Cord Rehabilitation Trust Fund with Brain and Spinal Cord Injury Program Trust Fund. The bill also amends sections 381.78 and 381.79, Florida Statutes, correcting cross references.

B. SECTION DIRECTORY:

Section 1. Amends s. 20.435, F.S., relating to the Department of Health's Administrative Trust Fund and the Emergency Medical Services Trust Fund.

Sections 2, 3, and 4. Amend ss. 318.14, 318.18, and 318.21, F.S., relating to funds collected from certain motor vehicle infractions.

Sections 5, 6, 7, 8, 9 and 12. Amend ss. 320.131, 327.35, 381.765, 381.78, 381.79, and 938.07, F.S., relating to the Brain and Spinal Cord Injury Program Trust Fund.

Sections 10 and 11. Amend ss. 395.403 and 395.4306, F.S., relating to reimbursement of trauma centers and trauma payments.

Section 13. Provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The House proposed General Appropriations Act for Fiscal Year 2010-11 replaces \$2.4 million in Administrative Trust Fund budget authority with Grants and Donations budget authority for environmental regulation activities and replaces \$7.5 million in Administrative Trust Fund budget authority with Emergency Medical Services Trust Fund budget authority for trauma center payments.

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 bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The department does not require rule-making authority to implement the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES