



**Conference Committee on
Health and Human Services / Health Care
Appropriations**

**Senate Offer 1
Implementing Bill**

**April 25, 2023
212 Knott Building**

**Health Care
Implementing Bill - Senate Offer #1**

House Bill 5003		Senate Bill 2502		Senate Offer #1	House Offer #1	New or Modified (Senate Offer One)	Row
Row	Section Number	Description	Section Number	Description			
1	3	STATEWIDE MEDICAID MANAGED CARE REALIGNMENT-AHCA/DOH. Authorizes the Agency for Health Care Administration (AHCA) to submit a budget amendment to realign funding between the AHCA and the Department of Health (DOH) for the Children’s Medical Services (CMS) Network for the implementation of the Statewide Medicaid Managed Care program, to reflect actual enrollment changes due to the transition from fee-for-service into the capitated CMS Network.	22	STATEWIDE MEDICAID MANAGED CARE REALIGNMENT-AHCA/DOH. Authorizes the Agency for Health Care Administration (AHCA) to submit a budget amendment to realign funding between the AHCA and the Department of Health (DOH) for the Children’s Medical Services (CMS) Network for the implementation of the Statewide Medicaid Managed Care program, to reflect actual enrollment changes due to the transition from fee-for-service into the capitated CMS Network.	Accept House Offer	Senate	1
2	4	AHCA BUDGET AMENDMENTS FOR MEDICAID. Authorizes the AHCA to submit a budget amendment to realign funding priorities within the Medicaid program appropriation categories to address any projected surpluses and deficits.	23	AHCA BUDGET AMENDMENTS FOR MEDICAID. Authorizes the AHCA to submit a budget amendment to realign funding priorities within the Medicaid program appropriation categories to address any projected surpluses and deficits.	Accept House Offer	Senate	2
3	5	BUDGET AMENDMENTS FOR FLORIDA KIDCARE. Authorizes the AHCA and the DOH to each submit a budget amendment to realign funding within the Florida KidCare program appropriation categories, or to increase budget authority in the Children’s Medical Services Network category, to address projected surpluses and deficits within the program or to maximize the use of state trust funds. A single budget amendment must be submitted by each agency in the last quarter of Fiscal Year 2023-2024.	24	BUDGET AMENDMENTS FOR FLORIDA KIDCARE. Authorizes the AHCA and the DOH to each submit a budget amendment to realign funding within the Florida KidCare program appropriation categories, or to increase budget authority in the Children’s Medical Services Network category, to address projected surpluses and deficits within the program or to maximize the use of state trust funds. A single budget amendment must be submitted by each agency in the last quarter of Fiscal Year 2023-2024.	Accept House Offer	Senate	3
4	6	DEPARTMENT OF HEALTH RULE ADOPTION. Amends s. 381.986(17), F.S., to provide that the DOH is not required to prepare a statement of estimated regulatory costs when adopting rules relating to medical marijuana testing laboratories, and any such rules adopted prior to July 1, 2024, are exempt from the legislative ratification provision of s. 120.541(3), F.S. Medical marijuana treatment centers are authorized to use a laboratory that has not been certified by the department until rules relating to medical marijuana testing laboratories are adopted by the department, but no later than July 1, 2024.	25	DEPARTMENT OF HEALTH RULE ADOPTION. Amends s. 381.986(17), F.S., to provide that the DOH is not required to prepare a statement of estimated regulatory costs when adopting rules relating to medical marijuana testing laboratories, and any such rules adopted prior to July 1, 2024, are exempt from the legislative ratification provision of s. 120.541(3), F.S. Medical marijuana treatment centers are authorized to use a laboratory that has not been certified by the department until rules relating to medical marijuana testing laboratories are adopted by the department, but no later than July 1, 2024.	Accept House Offer	Senate	4
5	7	DEPARTMENT OF HEALTH RULE ADOPTION. Amends s. 14(1) of Chapter 2017-232, L.O.F., to provide limited emergency rulemaking authority to the DOH and applicable boards to adopt emergency rules to implement the Medical Use of Marijuana Act (2017). The department and applicable boards are not required to prepare a statement of estimated regulatory costs when promulgating rules to replace emergency rules, and any such rules are exempt from the legislative ratification provision of s. 120.541(3), F.S., until July 1, 2024.	26	DEPARTMENT OF HEALTH RULE ADOPTION. Amends s. 14(1) of Chapter 2017-232, L.O.F., to provide limited emergency rulemaking authority to the DOH and applicable boards to adopt emergency rules to implement the Medical Use of Marijuana Act (2017). The department and applicable boards are not required to prepare a statement of estimated regulatory costs when promulgating rules to replace emergency rules, and any such rules are exempt from the legislative ratification provision of s. 120.541(3), F.S., until July 1, 2024.	Accept House Offer	Senate	5
6	8	STATUTORY REVERSIONS. Provides that the amendments to s. 14(1) of Chapter 2017-232, L.O.F., expire on July 1, 2024, and the text of that provision reverts back to that in existence on June 30, 2019.	27	STATUTORY REVERSIONS. Provides that the amendments to s. 14(1) of Chapter 2017-232, L.O.F., expire on July 1, 2024, and the text of that provision reverts back to that in existence on June 30, 2019.	Accept House Offer	Senate	6

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Row	Section Number	Description	Section Number	Description				
7	21	AHCA BUDGET AMENDMENT- SUPPLEMENTAL PAYMENT PLAN FOR CANCER HOSPITALS. Authorizes AHCA to submit a budget amendment a Supplemental Payment Plan for Florida cancer hospitals.	29	AHCA BUDGET AMENDMENT - CANCER HOSPITAL DIRECTED PAYMENT PROGRAM. Authorizes AHCA to submit a budget amendment to implement the federally approved Directed Payment Program for certain cancer hospitals.	Senate Modified - See attached	Senate	AHCA BUDGET AMENDMENT - CANCER HOSPITAL DIRECTED PAYMENT PROGRAM. Authorizes AHCA to submit a budget amendment to implement the federally approved Directed Payment Program and fee-for-service supplemental payments for certain cancer hospitals. Provides extension for Fiscal Year 2022-2023 Letters of Agreement.	7
8	9	AHCA BUDGET AMENDMENT - DIRECTED PAYMENT PROGRAM AND INDIRECT MEDICAL EDUCATION. Authorizes AHCA to submit a budget amendment to implement the federally approved Directed Payment Program for hospitals and Indirect Medical Education.	28 and 30	AHCA BUDGET AMENDMENT - DIRECTED PAYMENT PROGRAM, INDIRECT MEDICAL EDUCATION PROGRAM, AND NURSING WORKFORCE EXPANSION. Authorizes AHCA to submit a budget amendment to implement the federally approved Directed Payment Program for hospitals statewide and the Indirect Medical Education Program and nursing workforce expansion and education program.	Accept House Offer	Senate		8
9	10	AHCA BUDGET AMENDMENT - LOW INCOME POOL. Authorizes AHCA to submit a budget amendment to implement the Low Income Pool Program.	31	AHCA BUDGET AMENDMENT - LOW INCOME POOL. Authorizes AHCA to submit a budget amendment to implement the Low Income Pool Program.	Accept House Offer	Senate		9
10	19	AHCA BUDGET AMENDMENT - SUPPLEMENTAL PAYMENT PLAN FOR PHYSICIANS. Authorizes AHCA to submit a budget amendment to implement a Supplemental Payment Plan for physicians and subordinate licensed health care practitioners employed with a medical or dental school, or a public hospital.			Senate Modified - See attached	House	AHCA BUDGET AMENDMENT - SUPPLEMENTAL PAYMENT PLAN FOR PHYSICIANS. Authorizes AHCA to submit a budget amendment to implement fee-for-service supplemental payments and manage a supplemental payment plan to support physicians and subordinate licensed health care practitioners employed by or under contract with a Florida medical or dental school, or a public hospital. Provides extension for Fiscal Year 2022-2023 Letters of Agreement.	10
11	20	AHCA BUDGET AMENDMENT - EMERGENCY MEDICAL TRANSPORTATION. Authorizes AHCA to submit a budget amendment to implement a certified expenditure program for emergency medical transportation services.			Accept House Offer	House		11
12			32	DCF BUDGET AMENDMENT - CAREGIVER PAYMENTS. Allows DCF to submit a budget amendment to realign funding between guardianship assistance payments, foster care Level 1 board payments, and relative caregiver assistance payments for current caseload.	Senate Language	House - No Language		12
13			33	DCF BUDGET AMENDMENT - FEDERAL EARNINGS. Allows DCF to submit a budget amendment to realign funding within the Family Safety Program to maximize the use of federal funds.	Accept House Offer	House - No Language		13
14	11	DCF BUDGET AMENDMENT - CONTRACT STAFFING. Authorizes DCF to submit a budget amendment to realign funding to support contracted staffing to sustain forensic bed capacity at the state's mental health treatment facilities.			Accept House Offer	Senate		14

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15	14	BUDGET AMENDMENT - REFUGEE PROGRAM SERVICES. Authorizes DCF, DOH and AHCA to submit budget amendments to increase budget authority as necessary to meet caseload requirements for Refugee Programs administered by the federal Office of Refugee Resettlement. Requires DCF to submit quarterly reports on caseload and expenditures.	34	BUDGET AMENDMENT - REFUGEE PROGRAM SERVICES. Authorizes DCF, DOH and AHCA to submit budget amendments to increase budget authority as necessary to meet caseload requirements for Refugee Programs administered by the federal Office of Refugee Resettlement. Requires DCF to submit quarterly reports on caseload and expenditures.	Accept House Offer	Senate		15
16			35	DCF BUDGET AMENDMENT - SHERIFF CONTRACTS FOR CHILD PROTECTIVE INVESTIGATIONS. Allows DCF to submit budget amendments to realign funding within the Family Safety Program to transition child protective investigations provided through grants with Broward, Hillsborough, Manatee, Pasco, Pinellas, Seminole, and Walton county sheriffs' offices.	Accept House Offer	House		16
17			36	DCF BUDGET AMENDMENT - SELECT FEDERAL GRANTS. Allows DCF to submit budget amendments to increase funding for the following federal grants: Supplemental Nutrition Assistance Program (SNAP) American Rescue Plan (ARP) Grant, State Opioid Response Grant, Substance Abuse Prevention and Treatment Block Grant, and Mental Health Block Grant.	Accept House Offer	House Modified	DCF BUDGET AMENDMENT - SELECT FEDERAL GRANTS. Allows DCF to submit budget amendments to increase funding for the following federal grants: Supplemental Nutrition Assistance Program (SNAP), <u>Pandemic Electronic Benefit Transfer (P-EBT)</u> , American Rescue Plan (ARP) Grant, State Opioid Response Grant, Substance Abuse Prevention and Treatment Block Grant, and Mental Health Block Grant.	17
18	22	DOH BUDGET AMENDMENT - WOMEN, INFANTS AND CHILDREN (WIC) AND CHILD CARE FOOD PROGRAM. Authorizes DOH to submit a budget amendment to increase budget authority for the Supplemental Nutrition Program for Women, Infants and Children (WIC) and the Child Care Food Program if additional federal revenues become available.	37	DOH BUDGET AMENDMENT - WOMEN, INFANTS AND CHILDREN (WIC) AND CHILD CARE FOOD PROGRAM. Authorizes DOH to submit a budget amendment to increase budget authority for the Supplemental Nutrition Program for Women, Infants and Children (WIC) and the Child Care Food Program if additional federal revenues become available.	Accept House Offer	Senate		18
19	12	DOH BUDGET AMENDMENT - HIV/AIDS PREVENTION AND TREATMENT. Authorizes DOH to submit a budget amendment to increase budget authority for the HIV/AIDS Prevention and Treatment Program if additional federal revenues become available.	38	DOH BUDGET AMENDMENT - HIV/AIDS PREVENTION AND TREATMENT. Authorizes DOH to submit a budget amendment to increase budget authority for the HIV/AIDS Prevention and Treatment Program if additional federal revenues become available.	Accept House Offer	Senate		19
20			39	DOH BUDGET AMENDMENT - COVID-19 RELIEF FUNDS. Authorizes DOH to submit a budget amendment to increase budget authority for COVID-19 if additional federal revenues become available.	Accept House Offer	Senate		20
21	13	FLORIDA MEDICAID MANAGEMENT INFORMATION SYSTEM. Requires AHCA to replace the current Florida Medicaid Management Information System and provides requirements of the system. This section also establishes the executive steering committee (ESC) membership, duties and the process for ESC meetings and decisions. Provides requirements for deliverables-based fixed price contracts.	40	FLORIDA MEDICAID MANAGEMENT INFORMATION SYSTEM. Requires AHCA to replace the current Florida Medicaid Management Information System and provides requirements of the system. This section also establishes the executive steering committee (ESC) membership, duties and the process for ESC meetings and decisions. Provides requirements for deliverables-based fixed price contracts.	Accept House Offer	House Modified	FLORIDA MEDICAID MANAGEMENT INFORMATION SYSTEM. Modified language includes updates to the division titles for AHCA's executive steering committee members based on the recent reorganization of the Agency.	21

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22			41	CONTRACT FOR PRESCRIPTION DRUGS. Requires the AHCA, in consultation with the DOH, APD, DCF, and DOC, to competitively procure a contract with a vendor to negotiate prices for prescriptions drugs, including insulin and epinephrine, for all participating agencies. The contract must require that the vendor be compensated on a contingency basis paid from a portion of the savings achieved through the negotiation and purchase of prescription drugs.	Senate Language	House - No Language	22
23			42	APD BUDGET AMENDMENT - DEVELOPMENTAL DISABILITY CENTERS STAFF AUGMENTATION. Authorizes the APD to submit budget amendments to transfer funding from salaries and benefits to contractual services in order to support additional staff augmentation at the Developmental Disability Centers.	Accept House Offer	Senate	23
24			43	DOH CANCER CENTER ANNUAL ALLOCATION. Provides that notwithstanding s. 381.915 F.S., the DOH shall exclude \$37,771,257 from the total amount of funds provided in the GAA from the calculation for the allocation formula for the distribution of funds. The excluded funds are to be distributed to the cancer centers participating in the Casey DeSantis Cancer Research Program.	Senate Language	House - No Language	24
25	15, 16	ACHIEVED SAVINGS REBATE. Modifies s. 409.967(3)(f) F.S., to allow the transfer of a portion of the achieved savings rebate income be transferred to the Medical Care Trust Fund.			Accept House Offer	Senate - No Language	25
26	17, 18	SLOTS FOR DOCTORS PROGRAM. Amends s. 409.909, F.S., to establish the Slots for Doctors Program to address the physician workforce shortage. Directs AHCA to allocate \$100,000 to hospitals and qualified institutions for each newly created qualified resident position.			Accept House Offer	Senate - No Language	26
26a					New Language - See Attached	COUNTY CONTRIBUTIONS TO MEDICAID. Provides that notwithstanding 409.915, F.S., the state Medicaid expenditures shall exclude the specially assessed funds for the Directed Payment Program.	26a

Senate Modified Implementing Bill Language – Offer One

Row 7 – AHCA Budget Amendment – Supplemental Payment Plan for Cancer Hospitals

Section 29. In order to implement Specific Appropriations 203, 206, and 210 of the 2023-2024 General Appropriations Act, the Agency for Health Care Administration may submit a budget amendment pursuant to chapter 216, Florida Statutes, requesting additional spending authority to implement the federally approved Directed Payment Program and fee-for-service supplemental payments for cancer hospitals that meet the criteria in 42 U.S.C. s. 1395ww(d) (1) (B) (v). Notwithstanding section 409.908(1) (a), Florida Statutes, the executed Letters of Agreement for Fiscal Year 2022-2023 that support the Grants and Donations Trust Fund appropriation that provides a minimum fee schedule calculated as a supplemental per member per month payment through prepaid health plans for services provided by qualifying Florida cancer hospitals that meet the criteria in 42 U.S.C. s. 1395ww(d) (1) (B) (v) shall remain in effect until the federal Centers for Medicare and Medicaid Services approves the expenditure of such funds and the funds are transferred to the Agency for Health Care Administration. The intergovernmental transfer amounts in the Letters of Agreement may be modified in accordance with the prevailing federal medical assistance matching percent at the time payments are made. This section expires July 1, 2024.

Row 10 – AHCA Budget Amendment – Supplemental Payment Plan for Physicians

Section 19. In order to implement Specific Appropriations 209 and 210 of the 2023-2024 General Appropriations Act, the Agency for Health Care Administration may submit a budget amendment pursuant to chapter 216, Florida Statutes, requesting additional spending authority to implement a fee-for-service supplemental payments and a directed payment program plan for

physicians and subordinate licensed health care practitioners employed by or under contract with a Florida medical or dental school, or a public hospital. Notwithstanding section 409.908(1)(a), Florida Statutes, the executed Letters of Agreement for Fiscal Year 2022-2023 that support the Grants and Donations Trust Fund appropriation that provides a differential fee schedule paid as supplemental payments or a minimum fee schedule calculated as supplemental per member per month payment through prepaid health plans for services provided by doctors of medicine, osteopathy, and dentistry as well as other licensed health care practitioners acting under the supervision of those doctors pursuant to existing statutes and written protocols employed by or under contract with a medical or dental school or a public hospital in Florida shall remain in effect until the federal Centers for Medicare and Medicaid Services approves the expenditure of such funds and the funds are transferred to the Agency for Health Care Administration. The intergovernmental transfer amounts in the Letters of Agreement may be modified in accordance with the prevailing federal medical assistance matching percent at the time payments are made. This section expires July 1, 2024.

Row 26a

A bill to be entitled
An act relating to ; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (1) of section 409.915, Florida Statutes, is amended to read:

409.915 County contributions to Medicaid.—Although the state is responsible for the full portion of the state share of the matching funds required for the Medicaid program, the state shall charge the counties an annual contribution in order to acquire a certain portion of these funds.

(1) (a) As used in this section, the term “state Medicaid expenditures” means those expenditures used as matching funds for the federal Medicaid program.

(b) The term does not include funds specially assessed by any local governmental entity and used as the nonfederal share for the hospital directed payment program after July 1, 2021. This paragraph expires July 1, 2024.