

By the Committee on Health & Human Services Appropriations
and Representative Sanderson

1 A bill to be entitled
2 An act relating to implementing the 1998-1999
3 General Appropriations Act in the area of
4 health and human services; providing
5 legislative intent; amending s. 61.1812, F.S.;
6 crediting to the Child Support Incentive Trust
7 Fund certain distributions of the state share
8 of Temporary Assistance to Needy Families
9 (TANF); amending s. 216.292, F.S.; authorizing
10 the Department of Children and Family Services
11 and the Agency for Health Care Administration
12 to transfer general revenue funds between them;
13 amending s. 409.9115, F.S.; specifying how the
14 Agency for Health Care Administration shall
15 make payments for the Medicaid disproportionate
16 share program for mental health hospitals;
17 requiring the Agency for Health Care
18 Administration to use a specified
19 disproportionate share formula, specified
20 audited financial data, and a specified
21 Medicaid per diem rate in fiscal year 1998-1999
22 for qualifying hospitals; amending s. 409.9116,
23 F.S.; providing a formula for rural hospital
24 disproportionate share payments; amending s.
25 216.181, F.S.; authorizing the Department of
26 Children and Family Services and the Department
27 of Health to advance certain moneys for certain
28 contract services; directing the Agency for
29 Health Care Administration to include health
30 maintenance organization recipients in the
31 county billing for a specified purpose;

1 authorizing the Departments of Children and
2 Family Services, Labor and Employment Security,
3 Revenue, and Health and the Agency for Health
4 Care Administration to transfer positions and
5 funds to comply with the 1998-1999 General
6 Appropriations Act or the WAGES Act; requiring
7 the Agency for Health Care Administration to
8 take necessary actions to ensure that
9 expenditures for Medicaid do not exceed the
10 amount budgeted and to take certain steps if
11 that becomes impossible; providing for
12 continuation and modification of the Legal
13 Immigrant's Temporary Income Bridge Program;
14 providing for future repeal; providing for
15 providing effect of veto of specific
16 appropriation or proviso to which implementing
17 language refers; providing applicability to
18 other legislation; providing severability;
19 providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. It is the intent of the Legislature that
24 the implementing and administering provisions of this act
25 apply to the fiscal year 1998-1999 General Appropriations Act
26 in the area of health and human services.

27 Section 2. In order to implement Specific
28 Appropriations 406, 421, 2098, 2098A, and 2098B of the
29 1998-1999 General Appropriations Act, subsection (3) is added
30 to section 61.1812, Florida Statutes, to read:

31 61.1812 Child Support Incentive Trust Fund.--

1 (3) Notwithstanding any provision of subsection (1) to
2 the contrary, for the 1998-1999 fiscal year only, in addition
3 to incentive earnings and interest earnings, 29 percent of
4 each distribution of the state share of Temporary Assistance
5 to Needy Families (TANF) collections recovered in each fiscal
6 year by the Title IV-D agency shall be credited to the trust
7 fund. Once a total of \$39.7 million in the state share of
8 Temporary Assistance to Needy Families (TANF) collections has
9 been distributed, 100 percent of any additional distributions
10 shall be credited to the trust fund. This subsection is
11 repealed on July 1, 1999.

12 Section 3. In order to implement Specific
13 Appropriations 212 through 446A of the 1998-1999 General
14 Appropriations Act, paragraph (b) subsection (1) of section
15 216.292, Florida Statutes, is amended to read:

16 216.292 Appropriations nontransferable; exceptions.--
17 (1)

18 (b) For the 1998-1999 ~~1997-1998~~ fiscal year only, the
19 Department of Children and Family Services and the Agency for
20 Health Care Administration may transfer general revenue funds
21 as necessary to comply with any provision of the General
22 Appropriations Act that requires or specifically authorizes
23 the transfer of general revenue funds between these two
24 agencies. This paragraph is repealed on July 1, 1999 ~~1998~~.

25 Section 4. In order to implement Specific
26 Appropriation 271 of the 1998-1999 General Appropriations Act,
27 subsection (3) of section 409.9115, Florida Statutes, is
28 amended to read:

29 409.9115 Disproportionate share program for mental
30 health hospitals.--The Agency for Health Care Administration
31 shall design and implement a system of making mental health

1 disproportionate share payments to hospitals that qualify for
2 disproportionate share payments under s. 409.911. This system
3 of payments shall conform with federal requirements and shall
4 distribute funds in each fiscal year for which an
5 appropriation is made by making quarterly Medicaid payments.
6 Notwithstanding s. 409.915, counties are exempt from
7 contributing toward the cost of this special reimbursement for
8 patients.

9 (3) For the 1998-1999 ~~1997-1998~~ fiscal year only, the
10 Agency for Health Care Administration shall make payments for
11 the Medicaid disproportionate share program for mental health
12 hospitals on a monthly basis. If the amounts appropriated for
13 the Medicaid disproportionate share program for mental health
14 hospitals are increased or decreased during the fiscal year
15 pursuant to the requirements of chapter 216, the required
16 adjustment shall be prorated over the remaining payment
17 periods. This subsection is repealed on July 1, 1999 ~~1998~~.

18 Section 5. During the 1998-1999 fiscal year, the
19 Agency for Health Care Administration shall use the 1992-1993
20 disproportionate share formula, the 1989 audited financial
21 data, and the Medicaid per diem rate as of January 1, 1992,
22 for those hospitals that qualify for the hospital
23 disproportionate share program funded in Specific
24 Appropriation 247 of the 1998-1999 General Appropriations Act.
25 This section is repealed on July 1, 1999.

26 Section 6. In order to implement Specific
27 Appropriation 240 of the 1998-1999 General Appropriations Act,
28 subsection (6) of section 409.9116, Florida Statutes, is
29 amended to read:

30 409.9116 Disproportionate share/financial assistance
31 program for rural hospitals.--In addition to the payments made

1 under s. 409.911, the Agency for Health Care Administration
2 shall administer a federally matched disproportionate share
3 program and a state-funded financial assistance program for
4 statutory rural hospitals. The agency shall make
5 disproportionate share payments to statutory rural hospitals
6 that qualify for such payments and financial assistance
7 payments to statutory rural hospitals that do not qualify for
8 disproportionate share payments. The disproportionate share
9 program payments shall be limited by and conform with federal
10 requirements. In fiscal year 1993-1994, available funds shall
11 be distributed in one payment, as soon as practicable after
12 the effective date of this act. In subsequent fiscal years,
13 funds shall be distributed quarterly in each fiscal year for
14 which an appropriation is made. Notwithstanding the provisions
15 of s. 409.915, counties are exempt from contributing toward
16 the cost of this special reimbursement for hospitals serving a
17 disproportionate share of low-income patients.

18 (6) For the 1998-1999 ~~1997-1998~~ fiscal year only, the
19 Agency for Health Care Administration shall use the following
20 formula for distribution of the funds in Specific
21 Appropriation 240 ~~226~~ of the 1998-1999 ~~1997-1998~~ General
22 Appropriations Act for the disproportionate share/financial
23 assistance program for rural hospitals.

24 (a) The agency shall first determine a preliminary
25 payment amount for each rural hospital by allocating all
26 available state funds using the following formula:

27

$$28 \text{ PDAER} = (\text{TAERH} \times \text{TARH}) / \text{STAERH}$$

29

30 Where:

31

1 PDAER = preliminary distribution amount for each rural
2 hospital.

3 TAERH = total amount earned by each rural hospital.

4 TARH = total amount appropriated or distributed under
5 this section.

6 STAERH = sum of total amount earned by each rural
7 hospital.

8 (b) Federal matching funds for the disproportionate
9 share program shall then be calculated for those hospitals
10 that qualify for disproportionate share in paragraph (a).

11 (c) The state-funds-only payment amount is then
12 calculated for each hospital using the formula:

13

14 SFOER = Maximum value of (1) SFOL - PDAER or (2) 0

15

16 Where:

17 SFOER = state-funds-only payment amount for each rural
18 hospital.

19 SFOL = state-funds-only payment level, which is set at
20 4 percent of TARH.

21 (d) The adjusted total amount allocated to the rural
22 disproportionate share program shall then be calculated using
23 the following formula:

24

25
$$ATARH = (TARH - SSFOER)$$

26

27 Where:

28 ATARH = adjusted total amount appropriated or
29 distributed under this section.

30 SSFOER = sum of the state-funds-only payment amount
31 calculated under paragraph (c) for all rural hospitals.

1 (e) The determination of the amount of rural
2 disproportionate share hospital funds is calculated by the
3 following formula:

$$4 \qquad \qquad \qquad \text{TDAERH} = [(\text{TAERH} \times \text{ATARH}) / \text{STAERH}]$$

6
7 Where:

8 TDAERH = total distribution amount for each rural
9 hospital.

10 (f) Federal matching funds for the disproportionate
11 share program shall then be calculated for those hospitals
12 that qualify for disproportionate share in paragraph (e).

13 (g) State-funds-only payment amounts calculated under
14 paragraph (c) are then added to the results of paragraph (f)
15 to determine the total distribution amount for each rural
16 hospital.

17 (h) This subsection is repealed on July 1, 1999 ~~1998~~.

18 Section 7. In order to implement Specific
19 Appropriations 293 through 446A and 466 through 555 of the
20 1998-1999 General Appropriations Act, paragraph (c) of
21 subsection (15) of section 216.181, Florida Statutes, is
22 amended to read:

23 216.181 Approved budgets for operations and fixed
24 capital outlay.--

25 (15)

26 (c) For the 1998-1999 ~~1997-1998~~ fiscal year only,
27 funds appropriated to the Department of Children and Family
28 Services in Specific Appropriations 293 ~~272~~ through 446A ~~403~~
29 and the Department of Health in Specific Appropriations 466
30 ~~426~~ through 555 ~~511A~~ of the 1998-1999 ~~1997-1998~~ General
31 Appropriations Act may be advanced, unless specifically

1 prohibited in such General Appropriations Act, for those
2 contracted services that were approved for advancement by the
3 Comptroller in fiscal year 1993-1994, including those services
4 contracted on a fixed-price or unit cost basis. This
5 paragraph is repealed on July 1, 1999 ~~1998~~.

6 Section 8. In order to implement Specific
7 Appropriation 247 of the 1998-1999 General Appropriations Act,
8 and for the 1998-1999 fiscal year only, the Agency for Health
9 Care Administration shall include health maintenance
10 organization recipients in the county billing for inpatient
11 hospital stays for the purpose of shared costs with counties
12 in accordance with the Florida Statutes. This section is
13 repealed on July 1, 1999.

14 Section 9. For the 1998-1999 fiscal year only, the
15 Departments of Children and Family Services, Revenue, Labor
16 and Employment Security, and Health and the Agency for Health
17 Care Administration may transfer positions and general revenue
18 funds as necessary to comply with any provision of the
19 1998-1999 General Appropriations Act or WAGES Act which
20 requires or specifically authorizes the transfer of positions
21 and general revenue funds between these agencies. This section
22 expires July 1, 1999.

23 Section 10. In order to implement Specific
24 Appropriation 258 of the 1998-1999 General Appropriations Act,
25 the Agency for Health Care Administration shall take any
26 necessary lawfully authorized action to ensure that total
27 expenditures for Medicaid transportation remain within the
28 amount budgeted in the 1998-1999 General Appropriations Act.
29 In the event that the agency finds that it is impossible to
30 constrain Medicaid transportation expenditures to within the
31 budgeted amount, it shall notify the Legislature of this and

1 provide suggestions for statutory revisions necessary to
2 alleviate future deficits as well as a description of all
3 action taken under its current authority. This section expires
4 July 1, 1999.

5 Section 11. In order to implement section 8 of the
6 1998-1999 General Appropriations Act, the Legal Immigrant's
7 Temporary Income Bridge Program, established in fiscal year
8 1997-1998, is continued as set out in this section. The
9 program shall be administered by the Department of Children
10 and Family Services to provide temporary assistance to legal
11 immigrants who have lost their eligibility for benefits while
12 they are awaiting completion of the citizenship process or an
13 exemption thereto. All relevant state agencies are instructed
14 to cooperate with the Department of Children and Family
15 Services to implement this program.

16 (1) The program shall be designed to provide temporary
17 assistance to any legal immigrant who lost his or her
18 eligibility for federal benefits and meets one or more of the
19 following criteria:

20 (a) Was 65 years of age or older at the time his or
21 her eligibility for federal benefits ceased; or

22 (b) Met the definition of a child under federal Food
23 Stamp Act of 1997 at the time his or her eligibility for
24 federal benefits ceased, continues to meet that definition,
25 and is now less than 8 years of age.

26 (2) In addition to the criteria set forth in
27 subsection (1), eligibility for assistance requires that each
28 individual demonstrate that he or she:

29 (a) Was a resident of the State of Florida prior to
30 February 1, 1997;

31

1 (b) Became ineligible for food stamp benefits after
2 August 1, 1997, under the Federal Personal Responsibility and
3 Work Opportunity Reconciliation Act of 1996;

4 (c) Will be screened to verify that there exists no
5 other sustainable means of support or assistance to make up
6 for those lost benefits; and

7 (d) Is engaged in the process of becoming a United
8 States citizen or is seeking an exemption thereto.

9 (3) The total amount of temporary assistance provided
10 to an adult individual shall not exceed the food stamps
11 benefits for which such individual has become ineligible. The
12 department shall use the maximum federal food stamp benefit
13 allowable for a family of four to determine the per-person
14 benefit amount to be used for children.

15 (4) The total administrative charges of the Department
16 of Children and Family Services, including administrative
17 costs for contract service providers, as a percentage of total
18 costs for this program may not exceed the current costs to
19 administer the federal food stamp program as a percentage of
20 total costs for that program.

21 (5) If the United States Congress acts to reinstate
22 benefit eligibility to those noncitizens who lost eligibility
23 under the Federal Personal Responsibility and Work Opportunity
24 Reconciliation Act of 1996, only those direct assistance and
25 administrative dollars which were spent prior to reinstatement
26 becoming effective are provided in this specific
27 appropriation.

28 (6) This section is repealed on July 1, 1999.

29 Section 12. A section of this act that implements a
30 specific appropriation or specifically identified proviso
31 language in the 1998-1999 General Appropriations Act is void

1 if the specific appropriation or specifically identified
2 proviso language is vetoed. A section of this act that
3 implements more than one specific appropriation or more than
4 one portion of specifically identified proviso language in the
5 1998-1999 General Appropriations Act is void if all the
6 specific appropriations or portions of specifically identified
7 proviso language are vetoed.

8 Section 13. If any other act passed during the 1998
9 Regular Session of the Legislature or any extension thereof
10 contains a provision which is substantively the same as a
11 provision in this act, but which removes or is otherwise not
12 subject to the future repeal applied to such provision by this
13 act, the Legislature intends that the provision in the other
14 act shall take precedence and shall continue to operate,
15 notwithstanding the future repeal provided by this act.

16 Section 14. If any provision of this act or the
17 application thereof to any person or circumstance is held
18 invalid, the invalidity shall not affect other provisions or
19 applications of the act which can be given effect without the
20 invalid provision or application, and to this end the
21 provisions of this act are declared severable.

22 Section 15. This act shall take effect July 1, 1998;
23 or, in the event this act fails to become a law until after
24 that date, it shall operate retroactively thereto.

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HOUSE SUMMARY

For the purpose of implementing the 1998-1999 General Appropriations Act in the area of health and human services, credits to the Child Support Incentive Trust Fund certain distributions of the state share of Temporary Assistance to Needy Families (TANF), authorizes the Department of Children and Family Services and the Agency for Health Care Administration to transfer general revenue funds between them, specifies how the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program for mental health hospitals, requires the Agency for Health Care Administration to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 1998-1999 for qualifying hospitals, provides a formula for rural hospital disproportionate share payments, authorizes the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services, directs the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for a specified purpose, authorizes the Departments of Children and Family Services, Labor and Employment Security, Revenue, and Health and the Agency for Health Care Administration to transfer positions and funds to comply with the 1998-1999 General Appropriations Act or the WAGES Act, requires the Agency for Health Care Administration to take necessary actions to ensure that expenditures for Medicaid do not exceed the amount budgeted and to take certain steps if that becomes impossible, and provides for continuation and modification of the Legal Immigrant's Temporary Income Bridge Program.