

1 A bill to be entitled
2 An act implementing the 2001-2002 General
3 Appropriations Act; providing legislative
4 intent; providing for allocation of moneys
5 provided for workforce development and
6 providing for budget amendment when a program
7 is moved; requiring the Agency for Health Care
8 Administration to use a specified
9 disproportionate share formula, specified
10 audited financial data, and a specified
11 Medicaid per diem rate in fiscal year 2001-2002
12 for qualifying hospitals; amending s. 409.9116,
13 F.S.; providing a formula for rural hospital
14 disproportionate share payments; amending s.
15 216.181, F.S.; authorizing the Department of
16 Children and Family Services and the Department
17 of Health to advance certain moneys for certain
18 contract services; amending s. 409.905, F.S.;
19 prescribing conditions upon which an adjustment
20 in a hospital's inpatient per diem rate may be
21 based; amending s. 216.177, F.S.; providing
22 notice requirements for the Department of
23 Children and Family Services with respect to
24 transferring portions of district budgets;
25 amending s. 409.915, F.S.; exempting counties
26 from contributing toward the increased cost of
27 hospital inpatient services due to elimination
28 of Medicaid ceilings on certain types of
29 hospitals and for special Medicaid
30 reimbursements to hospitals; revising the level
31 of county participation; prohibiting the Agency

1 for Health Care Administration from adjusting
2 premiums paid to health maintenance
3 organizations or prepaid health care plans due
4 to elimination of Medicaid ceilings on certain
5 types of hospitals and special Medicaid
6 payments to hospitals; amending s. 409.904,
7 F.S.; revising eligibility requirements for
8 certain medical assistance payments; amending
9 s. 409.905, F.S.; prescribing additional
10 limitations that may be placed on hospital
11 inpatient services under Medicaid; amending s.
12 409.906, F.S.; revising standards for payable
13 intermediate care services; amending s.
14 409.908, F.S.; revising standards, guidelines,
15 and limitations relating to reimbursement of
16 Medicaid providers; amending s. 409.91195,
17 F.S.; providing for a restricted drug formulary
18 applicable to Medicaid providers; amending s.
19 409.912, F.S.; prescribing additional services
20 that the Agency for Health Care Administration
21 may provide through competitive bidding;
22 authorizing the agency to establish, and make
23 exceptions to, a restricted drug formulary;
24 amending s. 409.904, F.S.; providing additional
25 limitations on services that may be furnished
26 to medically needy patients; amending s.
27 409.913, F.S.; requiring the Agency for Health
28 Care Administration to implement a pilot
29 program to prevent Medicaid fraud and abuse
30 with respect to pharmaceuticals; amending s.
31 409.906, F.S.; providing for reimbursement and

1 use-management reforms with respect to
2 community mental health services; amending s.
3 409.912, F.S.; authorizing the agency to
4 contract with children's clinic networks for
5 certain purposes; amending s. 409.9122, F.S.;
6 providing for disproportionate assignment of
7 certain Medicaid-eligible children to
8 children's clinic networks; providing for the
9 assignment of certain Medicaid recipients to
10 managed care plans; amending s. 409.904, F.S.;
11 providing for the Agency for Health Care
12 Administration to pay for specified cancer
13 treatment; amending s. 39.3065, F.S.;
14 prescribing responsibility of the Seminole
15 County Sheriff with respect to child protective
16 investigations; amending s. 414.045, F.S.;
17 revising reporting requirements with respect to
18 the cash assistance program; providing
19 legislative intent and directives with respect
20 to community-based care initiatives; requiring
21 the availability of certain funds for the
22 temporary assistance for needy families
23 program; authorizing a transfer of funds
24 between the Department of Children and Family
25 Services and the Department of Juvenile Justice
26 relating to transfer of staff between the
27 departments; amending s. 318.21, F.S.;
28 distributing a portion of the civil penalties
29 paid to the county courts to the state courts
30 system instead of the Department of Children
31 and Family Services for administrative,

1 training, and other costs associated with the
2 implementation and maintenance of Florida
3 foster care citizen review panels; amending s.
4 925.037, F.S.; providing that the state courts
5 system shall allocate conflict counsel funds
6 among certain counties; amending s. 25.402,
7 F.S.; revising membership of the County Article
8 V Trust Fund advisory committee; revising uses
9 of the fund; amending s. 216.262, F.S.;
10 providing for additional positions to operate
11 additional prison bed capacity under certain
12 circumstances; amending ss. 938.01, 943.25,
13 F.S.; providing for deposit of certain funds
14 for use by the Department of Law Enforcement,
15 rather than the Department of Community
16 Affairs; providing for future reversion to
17 current text; transferring the Criminal Justice
18 Program from the Department of Community
19 Affairs to the Department of Law Enforcement;
20 transferring the Prevention of Domestic and
21 Sexual Violence Program from the Department of
22 Community Affairs to the Department of Children
23 and Family Services; providing matching funds
24 for the administration of such program;
25 directing Enterprise Florida, Inc., to operate
26 sister-city and sister-state programs according
27 to specified standards; authorizing Enterprise
28 Florida, Inc., to contract for the
29 implementation of Florida's international
30 volunteer corps; authorizing the Department of
31 Community Affairs to use specified methods to

1 issue notices of intent; amending s. 287.161,
2 F.S.; requiring the Department of Management
3 Services to charge all persons receiving
4 transportation from the executive aircraft pool
5 a specified rate; providing for deposit and use
6 of such fees; amending s. 259.101, F.S.;
7 requiring appropriations from the Florida
8 Preservation 2000 Trust Fund to the Save Our
9 Everglades Trust Fund for land acquisition;
10 providing for disposition and use of certain
11 moneys accruing to the Florida Forever Trust
12 Fund; amending s. 259.105, F.S.; deleting a
13 restriction on use of moneys allocated under
14 the Florida Forever Act to the South Florida
15 Water Management District; amending s. 403.709,
16 F.S.; providing for use of moneys allocated to
17 the Solid Waste Management Trust Fund; amending
18 s. 403.7095, F.S., relating to the solid waste
19 management grant program; requiring a specified
20 level of funding for counties receiving solid
21 waste management and recycling grants; amending
22 s. 373.59, F.S.; requiring release of certain
23 moneys by the Secretary of Environmental
24 Protection to water management districts, upon
25 request; amending s. 252.373, F.S.; authorizing
26 the use of certain funds to improve local
27 disaster preparedness; amending s. 110.12315,
28 F.S.; providing copayment requirements for the
29 state employees' prescription drug program;
30 providing for a preferred brand name drug list
31 to be used in the administration of such

1 program; amending s. 110.1239, F.S.; providing
2 requirements for the funding of the state group
3 health insurance program; providing for future
4 repeal of various provisions; providing effect
5 of veto of specific appropriation or proviso to
6 which implementing language refers; providing
7 applicability to other legislation;
8 incorporating by reference specified
9 performance measures and standards directly
10 linked to the appropriations made in the
11 2001-2002 General Appropriations Act, as
12 required by the Government Performance and
13 Accountability Act of 1994; providing
14 severability; providing an effective date.
15

16 Be It Enacted by the Legislature of the State of Florida:
17

18 Section 1. It is the intent of the Legislature that
19 the implementing and administering provisions of this act
20 apply to the General Appropriations Act for fiscal year
21 2001-2002.

22 Section 2. In order to implement Specific
23 Appropriation 171 of the 2001-2002 General Appropriations Act,
24 the funds provided for workforce development shall be
25 initially allocated to the school district or community
26 college as designated. If, for any reason, a program in whole
27 or in part is moved from a community college to a school
28 district or moved from a school district to a community
29 college, the Commissioner of Education or the Executive
30 Director of the Division of Community Colleges shall submit a
31 budget amendment pursuant to chapter 216, Florida Statutes, to

1 transfer the appropriate amount of the 2001-2002 appropriation
2 between the affected district and community college. The
3 amount transferred shall be as near as practicable to the
4 actual amount appropriated for the FTE funded for that
5 program. This section expires July 1, 2002.

6 Section 3. In order to implement Specific
7 Appropriation 254 of the 2001-2002 General Appropriations Act,
8 and for the 2001-2002 fiscal year only, the Agency for Health
9 Care Administration shall use the 1992-1993 disproportionate
10 share formula, the 1994 audited financial data, and the
11 Medicaid per diem rate as of January 1, 1999, for those
12 hospitals that qualify for the hospital disproportionate share
13 program funded in that specific appropriation. This section
14 expires July 1, 2002.

15 Section 4. In order to implement Specific
16 Appropriation 249 of the 2001-2002 General Appropriations Act,
17 subsection (6) of section 409.9116, Florida Statutes, is
18 amended to read:

19 409.9116 Disproportionate share/financial assistance
20 program for rural hospitals.--In addition to the payments made
21 under s. 409.911, the Agency for Health Care Administration
22 shall administer a federally matched disproportionate share
23 program and a state-funded financial assistance program for
24 statutory rural hospitals. The agency shall make
25 disproportionate share payments to statutory rural hospitals
26 that qualify for such payments and financial assistance
27 payments to statutory rural hospitals that do not qualify for
28 disproportionate share payments. The disproportionate share
29 program payments shall be limited by and conform with federal
30 requirements. Funds shall be distributed quarterly in each
31 fiscal year for which an appropriation is made.

1 Notwithstanding the provisions of s. 409.915, counties are
 2 exempt from contributing toward the cost of this special
 3 reimbursement for hospitals serving a disproportionate share
 4 of low-income patients.

5 (6) For the 2001-2002 ~~2000-2001~~ fiscal year only, the
 6 Agency for Health Care Administration shall use the following
 7 formula for distribution of the funds in Specific
 8 Appropriation 249 ~~212~~ of the 2001-2002 ~~2000-2001~~ General
 9 Appropriations Act for the disproportionate share/financial
 10 assistance program for rural hospitals.

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

$$14 \qquad \qquad \qquad \text{PDAER} = (\text{TAERH} \times \text{TARH}) / \text{STAERH}$$

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 16
 17 Where:

18 PDAER = preliminary distribution amount for each rural
 19 hospital.

20 TAERH = total amount earned by each rural hospital.

21 TARH = total amount appropriated or distributed under
 22 this section.

23 STAERH = sum of total amount earned by each rural
 24 hospital.

25 (b) Federal matching funds for the disproportionate
 26 share program shall then be calculated for those hospitals
 27 that qualify for disproportionate share in paragraph (a).

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

$$30 \qquad \qquad \qquad \text{SFOER} = \text{Maximum value of (1) SFOL} - \text{PDAER or (2) 0}$$

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Where:

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

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

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

$$\text{ATARH} = (\text{TARH} - \text{SSFOER})$$

Where:

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

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

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

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

Where:

TDAERH = total distribution amount for each rural hospital.

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

(g) State-funds-only payment amounts calculated under paragraph (c) are then added to the results of paragraph (f)

1 to determine the total distribution amount for each rural
2 hospital.

3 (h) This subsection expires ~~is repealed~~ on July 1,
4 2002 ~~2001~~.

5 Section 5. In order to implement Specific
6 Appropriations 302-466 and 503-638 of the 2001-2002 General
7 Appropriations Act, paragraph (c) is added to subsection (16)
8 of section 216.181, Florida Statutes, to read:

9 216.181 Approved budgets for operations and fixed
10 capital outlay.--

11 (16)

12 (c) For the 2001-2002 fiscal year only, funds
13 appropriated to the Department of Children and Family Services
14 in Specific Appropriations 302-466 and the Department of
15 Health in Specific Appropriations 503-638 of the 2001-2002
16 General Appropriations Act may be advanced, unless
17 specifically prohibited in such General Appropriations Act,
18 for those contracted services that were approved for
19 advancement by the Comptroller in fiscal year 1993-1994,
20 including those services contracted on a fixed-price or
21 unit-cost basis. This paragraph expires July 1, 2002.

22 Section 6. In order to implement Specific
23 Appropriation 254 of the 2001-2002 General Appropriations Act,
24 paragraph (c) of subsection (5) of section 409.905, Florida
25 Statutes, is amended to read:

26 409.905 Mandatory Medicaid services.--The agency may
27 make payments for the following services, which are required
28 of the state by Title XIX of the Social Security Act,
29 furnished by Medicaid providers to recipients who are
30 determined to be eligible on the dates on which the services
31 were provided. Any service under this section shall be

1 provided only when medically necessary and in accordance with
2 state and federal law. Nothing in this section shall be
3 construed to prevent or limit the agency from adjusting fees,
4 reimbursement rates, lengths of stay, number of visits, number
5 of services, or any other adjustments necessary to comply with
6 the availability of moneys and any limitations or directions
7 provided for in the General Appropriations Act or chapter 216.

8 (5) HOSPITAL INPATIENT SERVICES.--The agency shall pay
9 for all covered services provided for the medical care and
10 treatment of a recipient who is admitted as an inpatient by a
11 licensed physician or dentist to a hospital licensed under
12 part I of chapter 395. However, the agency shall limit the
13 payment for inpatient hospital services for a Medicaid
14 recipient 21 years of age or older to 45 days or the number of
15 days necessary to comply with the General Appropriations Act.

16 (c) Agency for Health Care Administration shall adjust
17 a hospital's current inpatient per diem rate to reflect the
18 cost of serving the Medicaid population at that institution
19 if:

20 1. The hospital experiences an increase in Medicaid
21 caseload by more than 25 percent in any year, primarily
22 resulting from the closure of a hospital in the same service
23 area occurring after July 1, 1995; or

24 2. The hospital's Medicaid per diem rate is at least
25 25 percent below the Medicaid per patient cost for that year.

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27 No later than November 1, 2001 ~~2000~~, the agency must provide
28 estimated costs for any adjustment in a hospital inpatient per
29 diem pursuant to this paragraph to the Executive Office of the
30 Governor, the House of Representatives General Appropriations
31 Committee, and the Senate Budget Committee. Before the agency

1 implements a change in a hospital's inpatient per diem rate
2 pursuant to this paragraph, the Legislature must have
3 specifically appropriated sufficient funds in the 2001-2002
4 General Appropriations Act to support the increase in cost as
5 estimated by the agency. This paragraph expires ~~is repealed on~~
6 July 1, 2002 ~~2001~~.

7 Section 7. In order to implement Specific
8 Appropriations 302-466 of the 2001-2002 General Appropriations
9 Act, subsection (4) of section 216.177, Florida Statutes, is
10 amended to read:

11 216.177 Appropriations acts, statement of intent,
12 violation, notice, review and objection procedures.--

13 (4) Notwithstanding the 14-day notice requirements of
14 this section, and for the 2001-2002 ~~2000-2001~~ fiscal year
15 only, the Department of Children and Family Services is
16 required to provide notice of proposed transfers submitted
17 pursuant to s. 20.19(5)(b) to the Executive Office of the
18 Governor and the chairs of the legislative appropriations
19 committees at least 3 working days prior to their
20 implementation.

21 Section 8. In order to implement Specific
22 Appropriation 254 of the 2001-2002 General Appropriations Act,
23 paragraph (a) of subsection (1) and subsection (7) of section
24 409.915, Florida Statutes, are amended to read:

25 409.915 County contributions to Medicaid.--Although
26 the state is responsible for the full portion of the state
27 share of the matching funds required for the Medicaid program,
28 in order to acquire a certain portion of these funds, the
29 state shall charge the counties for certain items of care and
30 service as provided in this section.

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1 (1) Each county shall participate in the following
2 items of care and service:

3 (a) Payments for inpatient hospitalization in excess
4 of 11 ~~12~~ days, but not in excess of 45 days, with the
5 exception of pregnant women and children whose income is in
6 excess of the federal poverty level and who do not participate
7 in the Medicaid medically needy program.

8 (7) Counties are exempt from contributing toward the
9 cost of new exemptions on inpatient ceilings for statutory
10 teaching hospitals, specialty hospitals, and community
11 hospital education program hospitals that came into effect
12 July 1, 2000, and for special Medicaid payments that came into
13 effect on or after July 1, 2000. This subsection expires July
14 1, 2002.~~Notwithstanding any provision of this section to the~~
15 ~~contrary, counties are exempt from contributing toward the~~
16 ~~increased cost of hospital inpatient services due to the~~
17 ~~elimination of ceilings on Medicaid inpatient reimbursement~~
18 ~~rates paid to teaching hospitals, specialty hospitals, and~~
19 ~~community health education program hospitals and for special~~
20 ~~Medicaid reimbursements to hospitals for which the Legislature~~
21 ~~has specifically appropriated funds. This subsection is~~
22 ~~repealed on July 1, 2001.~~

23 Section 9. The amendment of paragraph 409.915(1)(a),
24 Florida Statutes, by this act shall expire July 1, 2002, and
25 the text of that paragraph shall revert to that in existence
26 on June 30, 2001, except that any amendments to such text
27 exacted other than by this act shall be preserved and continue
28 to operate to the extent that such amendments are not
29 dependent upon the portions of such text which expire pursuant
30 to the provisions of this act. The Division of Statutory
31 Revision of the Office of Legislative Services shall include

1 in an appropriate reviser's bill any amendments to such
2 subsection which are necessary to give effect to the
3 legislative intent expressed in this section.

4 Section 10. In order to implement Specific
5 Appropriations 289 and 290 of the 2001-2002 General
6 Appropriations Act, the Agency for Health Care Administration
7 shall not adjust a premium paid to a health maintenance
8 organization or a prepaid health care plan to reflect an
9 increase in such premium because of specifically appropriated
10 funds in the General Appropriations Act to eliminate ceilings
11 on Medicaid reimbursement rates paid to teaching hospitals,
12 specialty hospitals, and community health education program
13 hospitals and for making special Medicaid payments to
14 hospitals. This section expires July 1, 2002.

15 Section 11. In order to implement Specific
16 Appropriations 241-290 of the 2001-2002 General Appropriations
17 Act, subsection (1) of section 409.904, Florida Statutes, is
18 amended to read:

19 409.904 Optional payments for eligible persons.--The
20 agency may make payments for medical assistance and related
21 services on behalf of the following persons who are determined
22 to be eligible subject to the income, assets, and categorical
23 eligibility tests set forth in federal and state law. Payment
24 on behalf of these Medicaid eligible persons is subject to the
25 availability of moneys and any limitations established by the
26 General Appropriations Act or chapter 216.

27 (1) A person who is age 65 or older or is determined
28 to be disabled, whose income is at or below 87.5 ~~100~~ percent
29 of federal poverty level, and whose assets do not exceed
30 established limitations.

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1 Section 12. The amendment of subsection 409.904(1),
2 Florida Statutes, by this act shall expire July 1, 2002, and
3 the text of that subsection shall revert to that in existence
4 on June 30, 2001, except that any amendments to such text
5 exactd other than by this act shall be preserved and continue
6 to operate to the extent that such amendments are not
7 dependent upon the portions of such text which expire pursuant
8 to the provisions of this act. The Division of Statutory
9 Revision of the Office of Legislative Services shall include
10 in an appropriate reviser's bill any amendments to such
11 subsection which are necessary to give effect to the
12 legislative intent expressed in this section.

13 Section 13. In order to implement Specific
14 Appropriation 254 of the 2001-2002 General Appropriations Act,
15 paragraph (a) of subsection (5) of section 409.905, Florida
16 Statutes, is amended to read:

17 409.905 Mandatory Medicaid services.--The agency may
18 make payments for the following services, which are required
19 of the state by Title XIX of the Social Security Act,
20 furnished by Medicaid providers to recipients who are
21 determined to be eligible on the dates on which the services
22 were provided. Any service under this section shall be
23 provided only when medically necessary and in accordance with
24 state and federal law. Nothing in this section shall be
25 construed to prevent or limit the agency from adjusting fees,
26 reimbursement rates, lengths of stay, number of visits, number
27 of services, or any other adjustments necessary to comply with
28 the availability of moneys and any limitations or directions
29 provided for in the General Appropriations Act or chapter 216.

30 (5) HOSPITAL INPATIENT SERVICES.--The agency shall pay
31 for all covered services provided for the medical care and

1 treatment of a recipient who is admitted as an inpatient by a
2 licensed physician or dentist to a hospital licensed under
3 part I of chapter 395. However, the agency shall limit the
4 payment for inpatient hospital services for a Medicaid
5 recipient 21 years of age or older to 45 days or the number of
6 days necessary to comply with the General Appropriations Act.

7 (a) The agency is authorized to implement
8 reimbursement and utilization management reforms in order to
9 comply with any limitations or directions in the General
10 Appropriations Act, which may include, but are not limited to:
11 prior authorization for inpatient psychiatric days; prior
12 authorization for nonemergency hospital inpatient admissions;
13 enhanced utilization and concurrent review programs for highly
14 utilized services; reduction or elimination of covered days of
15 service; adjusting reimbursement ceilings for variable costs;
16 adjusting reimbursement ceilings for fixed and property costs;
17 and implementing target rates of increase.

18 Section 14. The amendment of paragraph 409.905(5)(a),
19 Florida Statutes, by this act shall expire July 1, 2002, and
20 the text of that paragraph shall revert to that in existence
21 on June 30, 2001, except that any amendments to such text
22 exacted other than by this act shall be preserved and continue
23 to operate to the extent that such amendments are not
24 dependent upon the portions of such text which expire pursuant
25 to the provisions of this act. The Division of Statutory
26 Revision of the Office of Legislative Services shall include
27 in an appropriate reviser's bill any amendments to such
28 subsection which are necessary to give effect to the
29 legislative intent expressed in this section.

30 Section 15. In order to implement Specific
31 Appropriations 281 and 283 of the 2001-2002 General

1 Appropriations Act, subsection (16) of section 409.906,
2 Florida Statutes, is amended to read:

3 409.906 Optional Medicaid services.--Subject to
4 specific appropriations, the agency may make payments for
5 services which are optional to the state under Title XIX of
6 the Social Security Act and are furnished by Medicaid
7 providers to recipients who are determined to be eligible on
8 the dates on which the services were provided. Any optional
9 service that is provided shall be provided only when medically
10 necessary and in accordance with state and federal law.

11 Nothing in this section shall be construed to prevent or limit
12 the agency from adjusting fees, reimbursement rates, lengths
13 of stay, number of visits, or number of services, or making
14 any other adjustments necessary to comply with the
15 availability of moneys and any limitations or directions
16 provided for in the General Appropriations Act or chapter 216.
17 If necessary to safeguard the state's systems of providing
18 services to elderly and disabled persons and subject to the
19 notice and review provisions of s. 216.177, the Governor may
20 direct the Agency for Health Care Administration to amend the
21 Medicaid state plan to delete the optional Medicaid service
22 known as "Intermediate Care Facilities for the Developmentally
23 Disabled." Optional services may include:

24 (16) INTERMEDIATE CARE SERVICES.--The agency may pay
25 for 24-hour-a-day intermediate care nursing and rehabilitation
26 services rendered to a recipient in a nursing facility
27 licensed under part II of chapter 400, if the services are
28 ordered by and provided under the direction of a physician,
29 meet nursing home level of care criteria as determined by the
30 Comprehensive Assessment and Review for Long-Term Care (CARE)
31 Program of the Department of Elderly Affairs, and do not meet

1 the definition of "general care" as used in the Medicaid
2 budget estimating process.

3 Section 16. The amendment of subsection 409.906(16),
4 Florida Statutes, by this act shall expire July 1, 2002, and
5 the text of that subsection shall revert to that in existence
6 on June 30, 2001, except that any amendments to such text
7 exactd other than by this act shall be preserved and continue
8 to operate to the extent that such amendments are not
9 dependent upon the portions of such text which expire pursuant
10 to the provisions of this act. The Division of Statutory
11 Revision of the Office of Legislative Services shall include
12 in an appropriate reviser's bill any amendments to such
13 subsection which are necessary to give effect to the
14 legislative intent expressed in this section.

15 Section 17. In order to implement Specific
16 Appropriations 241-290 of the 2001-2002 General Appropriations
17 Act, paragraph (a) of subsection (1), paragraph (b) of
18 subsection (2), and subsections (4), (9), (11), (13), (14),
19 and (18) of section 409.908, Florida Statutes, are amended to
20 read:

21 409.908 Reimbursement of Medicaid providers.--Subject
22 to specific appropriations, the agency shall reimburse
23 Medicaid providers, in accordance with state and federal law,
24 according to methodologies set forth in the rules of the
25 agency and in policy manuals and handbooks incorporated by
26 reference therein. These methodologies may include fee
27 schedules, reimbursement methods based on cost reporting,
28 negotiated fees, competitive bidding pursuant to s. 287.057,
29 and other mechanisms the agency considers efficient and
30 effective for purchasing services or goods on behalf of
31 recipients. Payment for Medicaid compensable services made on

1 behalf of Medicaid eligible persons is subject to the
2 availability of moneys and any limitations or directions
3 provided for in the General Appropriations Act or chapter 216.
4 Further, nothing in this section shall be construed to prevent
5 or limit the agency from adjusting fees, reimbursement rates,
6 lengths of stay, number of visits, or number of services, or
7 making any other adjustments necessary to comply with the
8 availability of moneys and any limitations or directions
9 provided for in the General Appropriations Act, provided the
10 adjustment is consistent with legislative intent.

11 (1) Reimbursement to hospitals licensed under part I
12 of chapter 395 must be made prospectively or on the basis of
13 negotiation.

14 (a) Reimbursement for inpatient care is limited as
15 provided for in s. 409.905(5), except for:

16 1. The raising of rate reimbursement caps, excluding
17 rural hospitals.

18 2. Recognition of the costs of graduate medical
19 education.

20 3. Other methodologies recognized in the General
21 Appropriations Act.

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23 During the years funds are transferred from the Board of
24 Regents, any reimbursement supported by such funds shall be
25 subject to certification by the Board of Regents that the
26 hospital has complied with s. 381.0403. The agency is
27 authorized to receive funds from state entities, including,
28 but not limited to, the Board of Regents, local governments,
29 and other local political subdivisions, for the purpose of
30 making special exception payments, including federal matching
31 funds, through the Medicaid inpatient reimbursement

1 methodologies. Funds received from state entities or local
2 governments for this purpose shall be separately accounted for
3 and shall not be commingled with other state or local funds in
4 any manner. ~~Notwithstanding this section and s. 409.915,~~
5 ~~counties are exempt from contributing toward the cost of the~~
6 ~~special exception reimbursement for hospitals serving a~~
7 ~~disproportionate share of low-income persons and providing~~
8 ~~graduate medical education.~~

9 (2)

10 (b) Subject to any limitations or directions provided
11 for in the General Appropriations Act, the agency shall
12 establish and implement a Florida Title XIX Long-Term Care
13 Reimbursement Plan (Medicaid) for nursing home care in order
14 to provide care and services in conformance with the
15 applicable state and federal laws, rules, regulations, and
16 quality and safety standards and to ensure that individuals
17 eligible for medical assistance have reasonable geographic
18 access to such care. The agency shall not provide for any
19 increases in reimbursement rates to nursing homes associated
20 with changes in ownership filed on or after January 1, 2002.
21 Under the plan, interim rate adjustments shall not be granted
22 to reflect increases in the cost of general or professional
23 liability insurance for nursing homes unless the following
24 criteria are met: have at least a 65 percent Medicaid
25 utilization in the most recent cost report submitted to the
26 agency, and the increase in general or professional liability
27 costs to the facility for the most recent policy period
28 affects the total Medicaid per diem by at least 5 percent.
29 This rate adjustment shall not result in the per diem
30 exceeding the class ceiling. This provision shall apply only
31 to fiscal year 2000-2001 and shall be implemented to the

1 extent existing appropriations are available. The agency shall
2 report to the Governor, the Speaker of the House of
3 Representatives, and the President of the Senate by December
4 31, 2000, on the cost of liability insurance for Florida
5 nursing homes for fiscal years 1999 and 2000 and the extent to
6 which these costs are not being compensated by the Medicaid
7 program. Medicaid-participating nursing homes shall be
8 required to report to the agency information necessary to
9 compile this report. Effective no earlier than the
10 rate-setting period beginning April 1, 1999, the agency shall
11 establish a case-mix reimbursement methodology for the rate of
12 payment for long-term care services for nursing home
13 residents. The agency shall compute a per diem rate for
14 Medicaid residents, adjusted for case mix, which is based on a
15 resident classification system that accounts for the relative
16 resource utilization by different types of residents and which
17 is based on level-of-care data and other appropriate data. The
18 case-mix methodology developed by the agency shall take into
19 account the medical, behavioral, and cognitive deficits of
20 residents. In developing the reimbursement methodology, the
21 agency shall evaluate and modify other aspects of the
22 reimbursement plan as necessary to improve the overall
23 effectiveness of the plan with respect to the costs of patient
24 care, operating costs, and property costs. In the event
25 adequate data are not available, the agency is authorized to
26 adjust the patient's care component or the per diem rate to
27 more adequately cover the cost of services provided in the
28 patient's care component. The agency shall work with the
29 Department of Elderly Affairs, the Florida Health Care
30 Association, and the Florida Association of Homes for the
31 Aging in developing the methodology. It is the intent of the

1 Legislature that the reimbursement plan achieve the goal of
2 providing access to health care for nursing home residents who
3 require large amounts of care while encouraging diversion
4 services as an alternative to nursing home care for residents
5 who can be served within the community. The agency shall base
6 the establishment of any maximum rate of payment, whether
7 overall or component, on the available moneys as provided for
8 in the General Appropriations Act. The agency may base the
9 maximum rate of payment on the results of scientifically valid
10 analysis and conclusions derived from objective statistical
11 data pertinent to the particular maximum rate of payment.

12 (4) Subject to any limitations or directions provided
13 for in the General Appropriations Act, alternative health
14 plans, health maintenance organizations, and prepaid health
15 plans shall be reimbursed a fixed, prepaid amount negotiated,
16 or competitively bid pursuant to s. 287.057, by the agency and
17 prospectively paid to the provider monthly for each Medicaid
18 recipient enrolled. The amount may not exceed the average
19 amount the agency determines it would have paid, based on
20 claims experience, for recipients in the same or similar
21 category of eligibility. The agency shall calculate
22 capitation rates on a regional basis and, beginning September
23 1, 1995, shall include age-band differentials in such
24 calculations. Effective July 1, 2001, the cost of exempting
25 statutory teaching hospitals, specialty hospitals, and
26 community hospital education program hospitals from
27 reimbursement ceilings and the cost of special Medicaid
28 payments shall not be included in premiums paid to health
29 maintenance organizations or prepaid health care plans.

30 (9) A provider of home health care services or of
31 medical supplies and appliances shall be reimbursed on the

1 basis of competitive bidding or for the lesser of the amount
2 billed by the provider or the agency's established maximum
3 allowable amount, except that, in the case of the rental of
4 durable medical equipment, the total rental payments may not
5 exceed the purchase price of the equipment over its expected
6 useful life or the agency's established maximum allowable
7 amount, whichever amount is less.

8 (11) A provider of independent laboratory services
9 shall be reimbursed on the basis of competitive bidding or for
10 the least of the amount billed by the provider, the provider's
11 usual and customary charge, or the Medicaid maximum allowable
12 fee established by the agency.

13 (13) Medicare premiums for persons eligible for both
14 Medicare and Medicaid coverage shall be paid at the rates
15 established by Title XVIII of the Social Security Act. For
16 Medicare services rendered to Medicaid-eligible persons,
17 Medicaid shall pay Medicare deductibles and coinsurance as
18 follows:

19 (a) Medicaid shall make no payment toward deductibles
20 and coinsurance for any service that is not covered by
21 Medicaid.

22 (b) Medicaid's financial obligation for deductibles
23 and coinsurance payments shall be based on Medicare allowable
24 fees, not on a provider's billed charges.

25 (c) Medicaid will pay no portion of Medicare
26 deductibles and coinsurance when payment that Medicare has
27 made for the service equals or exceeds what Medicaid would
28 have paid if it had been the sole payor. The combined payment
29 of Medicare and Medicaid shall not exceed the amount Medicaid
30 would have paid had it been the sole payor. The Legislature
31 finds that there has been confusion regarding the

1 reimbursement for services rendered to dually eligible
2 Medicare beneficiaries. Accordingly, the Legislature clarifies
3 that it has always been the intent of the Legislature before
4 and after 1991 that, in reimbursing in accordance with fees
5 established by Title XVIII for premiums, deductibles, and
6 coinsurance for Medicare services rendered by physicians to
7 Medicaid eligible persons, physicians be reimbursed at the
8 lesser of the amount billed by the physician or the Medicaid
9 maximum allowable fee established by the Agency for Health
10 Care Administration, as is permitted by federal law. It has
11 never been the intent of the Legislature with regard to such
12 services rendered by physicians that Medicaid be required to
13 provide any payment for deductibles, coinsurance, or
14 copayments for Medicare cost sharing, or any expenses incurred
15 relating thereto, in excess of the payment amount provided for
16 under the State Medicaid plan for such service. This payment
17 methodology is applicable even in those situations in which
18 the payment for Medicare cost sharing for a qualified Medicare
19 beneficiary with respect to an item or service is reduced or
20 eliminated. This expression of the Legislature is in
21 clarification of existing law and shall apply to payment for,
22 and with respect to provider agreements with respect to, items
23 or services furnished on or after the effective date of this
24 act. This paragraph applies to payment by Medicaid for items
25 and services furnished before the effective date of this act
26 if such payment is the subject of a lawsuit that is based on
27 the provisions of this section, and that is pending as of, or
28 is initiated after, the effective date of this act.

29 (d) Notwithstanding ~~The following provisions are~~
30 ~~exceptions to paragraphs (a)-(c):~~

31

1 1. Medicaid payments for Nursing Home Medicare part A
2 coinsurance shall be the lesser of the Medicare coinsurance
3 amount or the Medicaid nursing home per diem rate.

4 ~~2. Medicaid shall pay all deductibles and coinsurance~~
5 ~~for Nursing Home Medicare part B services.~~

6 2.3. Medicaid shall pay all deductibles and
7 coinsurance for Medicare-eligible recipients receiving
8 freestanding end stage renal dialysis center services.

9 ~~4. Medicaid shall pay all deductibles and coinsurance~~
10 ~~for hospital outpatient Medicare part B services.~~

11 3.5. Medicaid payments for general hospital inpatient
12 services shall be limited to the Medicare deductible per spell
13 of illness. Medicaid shall make no payment toward coinsurance
14 for Medicare general hospital inpatient services.

15 ~~4.6.~~ Medicaid shall pay all deductibles and
16 coinsurance for Medicare emergency transportation services
17 provided by ambulances licensed pursuant to chapter 401.

18 (14) A provider of prescribed drugs shall be
19 reimbursed on the basis of competitive bidding or for the
20 least of the amount billed by the provider, the provider's
21 usual and customary charge, or the Medicaid maximum allowable
22 fee established by the agency, plus a dispensing fee. The
23 agency is directed to implement a variable dispensing fee for
24 payments for prescribed medicines while ensuring continued
25 access for Medicaid recipients. The variable dispensing fee
26 may be based upon, but not limited to, either or both the
27 volume of prescriptions dispensed by a specific pharmacy
28 provider and the volume of prescriptions dispensed to an
29 individual recipient. The agency is authorized to limit
30 reimbursement for prescribed medicine in order to comply with
31 any limitations or directions provided for in the General

1 Appropriations Act, which may include implementing a
2 prospective or concurrent utilization review program.

3 (18) Unless otherwise provided for in the General
4 Appropriations Act, a provider of transportation services
5 shall be reimbursed the lesser of the amount billed by the
6 provider or the Medicaid maximum allowable fee established by
7 the agency, except when the agency has entered into a direct
8 contract with the provider, or with a community transportation
9 coordinator, for the provision of an all-inclusive service, or
10 when services are provided pursuant to an agreement negotiated
11 between the agency and the provider. The agency, as provided
12 for in s. 427.0135, shall purchase transportation services
13 through the community coordinated transportation system, if
14 available, unless the agency determines a more cost-effective
15 method for Medicaid clients. Nothing in this subsection shall
16 be construed to limit or preclude the agency from contracting
17 for services using a prepaid capitation rate or from
18 establishing maximum fee schedules, individualized
19 reimbursement policies by provider type, negotiated fees,
20 prior authorization, competitive bidding, increased use of
21 mass transit, or any other mechanism that the agency considers
22 efficient and effective for the purchase of services on behalf
23 of Medicaid clients, including implementing a transportation
24 eligibility process. The agency shall not be required to
25 contract with any community transportation coordinator or
26 transportation operator that has been determined by the
27 agency, the Department of Legal Affairs Medicaid Fraud Control
28 Unit, or any other state or federal agency to have engaged in
29 any abusive or fraudulent billing activities. The agency is
30 authorized to competitively procure transportation services or
31 make other changes necessary to secure approval of federal

1 waivers needed to permit federal financing of Medicaid
2 transportation services at the service matching rate rather
3 than the administrative matching rate.

4 Section 18. The amendment of section 409.908(1)(a),
5 (2)(b), (4), (9), (11), (13), (14), and (19), Florida
6 Statutes, by this act shall expire July 1, 2002, and the text
7 of those paragraphs and subsections shall revert to that in
8 existence on June 30, 2001, except that any amendments to such
9 text exacted other than by this act shall be preserved and
10 continue to operate to the extent that such amendments are not
11 dependent upon the portions of such text which expire pursuant
12 to the provisions of this act. The Division of Statutory
13 Revision of the Office of Legislative Services shall include
14 in an appropriate reviser's bill any amendments to such
15 subsection which are necessary to give effect to the
16 legislative intent expressed in this section.

17 Section 19. In order to implement Specific
18 Appropriation 267 of the 2001-2002 General Appropriations Act,
19 section 409.91195, Florida Statutes, is amended to read:

20 409.91195 Medicaid Pharmaceutical and Therapeutics
21 Committee; restricted drug formulary.--There is created a
22 Medicaid Pharmaceutical and Therapeutics Committee for the
23 purpose of developing a restricted drug formulary. The
24 ~~committee shall develop and implement a voluntary Medicaid~~
25 ~~preferred prescribed drug designation program.~~The program
26 established under this section shall provide information to
27 Medicaid providers on medically appropriate and cost-efficient
28 prescription drug therapies through the development and
29 publication of a restricted drug formulary ~~voluntary Medicaid~~
30 ~~preferred prescribed drug list.~~

31

1 (1) The Medicaid Pharmaceutical and Therapeutics
2 Committee shall be comprised of nine members as specified in
3 42 U.S.C. s. 1396 ~~appointed as follows: one practicing~~
4 ~~physician licensed under chapter 458, appointed by the Speaker~~
5 ~~of the House of Representatives from a list of recommendations~~
6 ~~from the Florida Medical Association; one practicing physician~~
7 ~~licensed under chapter 459, appointed by the Speaker of the~~
8 ~~House of Representatives from a list of recommendations from~~
9 ~~the Florida Osteopathic Medical Association; one practicing~~
10 ~~physician licensed under chapter 458, appointed by the~~
11 ~~President of the Senate from a list of recommendations from~~
12 ~~the Florida Academy of Family Physicians; one practicing~~
13 ~~podiatric physician licensed under chapter 461, appointed by~~
14 ~~the President of the Senate from a list of recommendations~~
15 ~~from the Florida Podiatric Medical Association; one trauma~~
16 ~~surgeon licensed under chapter 458, appointed by the Speaker~~
17 ~~of the House of Representatives from a list of recommendations~~
18 ~~from the American College of Surgeons; one practicing dentist~~
19 ~~licensed under chapter 466, appointed by the President of the~~
20 ~~Senate from a list of recommendations from the Florida Dental~~
21 ~~Association; one practicing pharmacist licensed under chapter~~
22 ~~465, appointed by the Governor from a list of recommendations~~
23 ~~from the Florida Pharmacy Association; one practicing~~
24 ~~pharmacist licensed under chapter 465, appointed by the~~
25 ~~Governor from a list of recommendations from the Florida~~
26 ~~Society of Health System Pharmacists; and one health care~~
27 ~~professional with expertise in clinical pharmacology appointed~~
28 ~~by the Governor from a list of recommendations from the~~
29 ~~Pharmaceutical Research and Manufacturers Association. The~~
30 members shall be appointed to serve for terms of 2 years from
31 the date of their appointment. Members may be appointed to

1 more than one term. The Agency for Health Care Administration
2 shall serve as staff for the committee and assist them with
3 all ministerial duties.

4 (2) With the advice of ~~Upon recommendation by the~~
5 committee, the Agency for Health Care Administration shall
6 establish a restricted drug formulary ~~the voluntary Medicaid~~
7 ~~preferred prescribed drug list. Upon further recommendation by~~
8 ~~the committee, the agency shall add to, delete from, or modify~~
9 ~~the list.~~ The committee shall also review requests for
10 additions to, deletions from, or modifications of the
11 formulary as presented to it by the agency; and, upon further
12 recommendation by the committee, the agency shall add to,
13 delete from, or modify the formulary as appropriate list. ~~The~~
14 ~~list shall be adopted by the committee in consultation with~~
15 ~~medical specialists, when appropriate, using the following~~
16 ~~criteria: use of the list shall be voluntary by providers and~~
17 ~~the list must provide for medically appropriate drug therapies~~
18 ~~for Medicaid patients which achieve cost savings in the~~
19 ~~Medicaid program.~~

20 (3) The Agency for Health Care Administration shall
21 publish and disseminate the restricted drug formulary
22 ~~voluntary Medicaid preferred prescribed drug list~~ to all
23 Medicaid prescribing providers in the state.

24 Section 20. The amendment of section 409.91195,
25 Florida Statutes, by this act shall expire July 1, 2002, and
26 the text of that section shall revert to that in existence on
27 June 30, 2001, except that any amendments to such text exacted
28 other than by this act shall be preserved and continue to
29 operate to the extent that such amendments are not dependent
30 upon the portions of such text which expire pursuant to the
31 provisions of this act. The Division of Statutory Revision of

1 the Office of Legislative Services shall include in an
2 appropriate reviser's bill any amendments to such subsection
3 which are necessary to give effect to the legislative intent
4 expressed in this section.

5 Section 21. In order to implement Specific
6 Appropriations 241-277 of the 2001-2002 General Appropriations
7 Act, subsections (34) and (37) of section 409.912, Florida
8 Statutes, are amended to read:

9 409.912 Cost-effective purchasing of health care.--The
10 agency shall purchase goods and services for Medicaid
11 recipients in the most cost-effective manner consistent with
12 the delivery of quality medical care. The agency shall
13 maximize the use of prepaid per capita and prepaid aggregate
14 fixed-sum basis services when appropriate and other
15 alternative service delivery and reimbursement methodologies,
16 including competitive bidding pursuant to s. 287.057, designed
17 to facilitate the cost-effective purchase of a case-managed
18 continuum of care. The agency shall also require providers to
19 minimize the exposure of recipients to the need for acute
20 inpatient, custodial, and other institutional care and the
21 inappropriate or unnecessary use of high-cost services.

22 (34) The agency may provide for cost-effective
23 purchasing of home health services, private duty nursing
24 services, transportation, independent laboratory services,
25 durable medical equipment and supplies, and prescribed drug
26 services through competitive bidding ~~negotiation~~ pursuant to
27 s. 287.057. The agency may request appropriate waivers from
28 the federal Health Care Financing Administration in order to
29 competitively bid such home health services. The agency may
30 exclude providers not selected through the bidding process
31 from the Medicaid provider network.

1 (37)(a) The agency shall implement a Medicaid
2 prescribed-drug spending-control program that includes the
3 following components:

4 1. Medicaid prescribed-drug coverage for brand-name
5 drugs for adult Medicaid recipients not residing in nursing
6 homes or other institutions is limited to the dispensing of
7 four brand-name drugs per month per recipient. Children and
8 institutionalized adults are exempt from this restriction.
9 Antiretroviral agents are excluded from this limitation. No
10 requirements for prior authorization or other restrictions on
11 medications used to treat mental illnesses such as
12 schizophrenia, severe depression, or bipolar disorder may be
13 imposed on Medicaid recipients. Medications that will be
14 available without restriction for persons with mental
15 illnesses include atypical antipsychotic medications,
16 conventional antipsychotic medications, selective serotonin
17 reuptake inhibitors, and other medications used for the
18 treatment of serious mental illnesses. The agency shall also
19 limit the amount of a prescribed drug dispensed to no more
20 than a 34-day supply. The agency shall continue to provide
21 unlimited generic drugs, contraceptive drugs and items, and
22 diabetic supplies. The agency may authorize exceptions to the
23 brand-name-drug restriction or to the restricted drug
24 formulary, based upon the treatment needs of the patients,
25 only when such exceptions are based on prior consultation
26 provided by the agency or an agency contractor, but the agency
27 must establish procedures to ensure that:

28 a. There will be a response to a request for prior
29 consultation by telephone or other telecommunication device
30 within 24 hours after receipt of a request for prior
31 consultation; and

1 b. A 72-hour supply of the drug prescribed will be
2 provided in an emergency or when the agency does not provide a
3 response within 24 hours as required by sub-subparagraph a.

4 2. Reimbursement to pharmacies for Medicaid prescribed
5 drugs shall be set at the average wholesale price less 13.25
6 percent or based on competitive bid in counties with more than
7 35 Medicaid participating pharmacies.

8 3. The agency shall develop and implement a process
9 for managing the drug therapies of Medicaid recipients who are
10 using significant numbers of prescribed drugs each month. The
11 management process may include, but is not limited to,
12 comprehensive, physician-directed medical-record reviews,
13 claims analyses, and case evaluations to determine the medical
14 necessity and appropriateness of a patient's treatment plan
15 and drug therapies. The agency may contract with a private
16 organization to provide drug-program-management services.

17 4. The agency may limit the size of its pharmacy
18 network based on need, competitive bidding, price
19 negotiations, credentialing, or similar criteria. The agency
20 shall give special consideration to rural areas in determining
21 the size and location of pharmacies included in the Medicaid
22 pharmacy network. A pharmacy credentialing process may include
23 criteria such as a pharmacy's full-service status, location,
24 size, patient educational programs, patient consultation,
25 disease-management services, and other characteristics. The
26 agency may impose a moratorium on Medicaid pharmacy enrollment
27 when it is determined that it has a sufficient number of
28 Medicaid-participating providers.

29 5. The agency shall develop and implement a program
30 that requires Medicaid practitioners who prescribe drugs to
31 use a counterfeit-proof prescription pad for Medicaid

1 prescriptions. The agency shall require the use of
2 standardized counterfeit-proof prescription pads by
3 Medicaid-participating prescribers. The agency may implement
4 the program in targeted geographic areas or statewide.

5 6. The agency may enter into arrangements that require
6 manufacturers of generic drugs prescribed to Medicaid
7 recipients to provide rebates of at least 15.1 percent of the
8 average manufacturer price for the manufacturer's generic
9 products. These arrangements shall require that if a
10 generic-drug manufacturer pays federal rebates for
11 Medicaid-reimbursed drugs at a level below 15.1 percent, the
12 manufacturer must provide a supplemental rebate to the state
13 in an amount necessary to achieve a 15.1-percent rebate level.
14 If a generic-drug manufacturer raises its price in excess of
15 the Consumer Price Index (Urban), the excess amount shall be
16 included in the supplemental rebate to the state.

17 7. The agency may establish a restricted drug
18 formulary in accordance with 42 U.S.C. s. 1396r, and, pursuant
19 to the establishment of such formulary, it is authorized to
20 negotiate supplemental rebates from manufacturers at no less
21 than 10 percent of the average manufacturer price as defined
22 in 42 U.S.C. s. 1936 on the last day of the quarter unless the
23 federal or supplemental rebate, or both, exceeds 25 percent
24 and the agency determines the product competitive. The agency
25 may determine that specific generic products are competitive
26 at lower rebate percentages.

27 (b) The agency shall implement this subsection to the
28 extent that funds are appropriated to administer the Medicaid
29 prescribed-drug spending-control program. The agency may
30 contract all or any part of this program to private
31 organizations.

1 (c) The agency shall submit a report to the Governor,
2 the President of the Senate, and the Speaker of the House of
3 Representatives by January 15 of each year. The report must
4 include, but need not be limited to, the progress made in
5 implementing Medicaid cost-containment measures and their
6 effect on Medicaid prescribed-drug expenditures.

7 Section 22. The amendment of subsections 409.912(34)
8 and (37), Florida Statutes, by this act shall expire July 1,
9 2002, and the text of those subsections shall revert to that
10 in existence on June 30, 2001, except that any amendments to
11 such text exacted other than by this act shall be preserved
12 and continue to operate to the extent that such amendments are
13 not dependent upon the portions of such text which expire
14 pursuant to the provisions of this act. The Division of
15 Statutory Revision of the Office of Legislative Services shall
16 include in an appropriate reviser's bill any amendments to
17 such subsection which are necessary to give effect to the
18 legislative intent expressed in this section.

19 Section 23. In order to implement Specific
20 Appropriations 241-277 of the 2001-2002 General Appropriations
21 Act, subsection (2) of section 409.904, Florida Statutes, is
22 amended to read:

23 409.904 Optional payments for eligible persons.--The
24 agency may make payments for medical assistance and related
25 services on behalf of the following persons who are determined
26 to be eligible subject to the income, assets, and categorical
27 eligibility tests set forth in federal and state law. Payment
28 on behalf of these Medicaid eligible persons is subject to the
29 availability of moneys and any limitations established by the
30 General Appropriations Act or chapter 216.

31

1 (2) A family, a pregnant woman, a child under age 18,
2 a person age 65 or over, or a blind or disabled person who
3 would be eligible under any group listed in s. 409.903(1),
4 (2), or (3), except that the income or assets of such family
5 or person exceed established limitations. For a family or
6 person in this group, medical expenses are deductible from
7 income in accordance with federal requirements in order to
8 make a determination of eligibility. A family or person in
9 this group, which group is known as the "medically needy," is
10 eligible to receive the same services as other Medicaid
11 recipients, with the exception of services in skilled nursing
12 facilities;~~and~~ intermediate care facilities for the
13 developmentally disabled; inpatient hospital services; home
14 health services; private duty nursing; and adult dental,
15 visual, and hearing services, to the extent such services may
16 be limited under federal law and regulation.

17 Section 24. The amendment of subsection 409.904(2),
18 Florida Statutes, by this act shall expire July 1, 2002, and
19 the text of that subsection shall revert to that in existence
20 on June 30, 2001, except that any amendments to such text
21 exacted other than by this act shall be preserved and continue
22 to operate to the extent that such amendments are not
23 dependent upon the portions of such text which expire pursuant
24 to the provisions of this act. The Division of Statutory
25 Revision of the Office of Legislative Services shall include
26 in an appropriate reviser's bill any amendments to such
27 subsection which are necessary to give effect to the
28 legislative intent expressed in this section.

29 Section 25. In order to implement Specific
30 Appropriation 232 of the 2001-2002 General Appropriations Act,
31

1 subsection (26) is added to section 409.913, Florida Statutes,
2 to read:

3 409.913 Oversight of the integrity of the Medicaid
4 program.--The agency shall operate a program to oversee the
5 activities of Florida Medicaid recipients, and providers and
6 their representatives, to ensure that fraudulent and abusive
7 behavior and neglect of recipients occur to the minimum extent
8 possible, and to recover overpayments and impose sanctions as
9 appropriate.

10 (26)(a) The Agency for Health Care Administration
11 shall develop and implement a pilot program to prevent
12 Medicaid fraud and abuse in Medicaid-participating pharmacies
13 by using a type of automated fingerprint imaging of Medicaid
14 beneficiaries eligible under this chapter.

15 (b) In adopting rules under this subsection, the
16 agency shall ensure that any automated fingerprint imaging
17 performed by the agency is used only to prevent fraud and
18 abuse of pharmacy benefits by Medicaid beneficiaries and is in
19 compliance with state and federal disclosure requirements.

20 (c) The agency shall prepare, by October 2001, a plan
21 for implementation of this program. Implementation shall begin
22 with a pilot of the program in one or more areas of the state
23 by April 1, 2002. Pilot evaluation results shall be used to
24 determine the method of statewide expansion.

25 (d) The agency shall request any federal waivers
26 necessary to implement the program within the limits described
27 in this subsection.

28 (e) This subsection expires July 1, 2002.

29 Section 26. In order to implement Specific
30 Appropriations 245 and 246 of the 2001-2002 General
31

1 Appropriations Act, subsection (8) of section 409.906, Florida
2 Statutes, is amended to read:

3 409.906 Optional Medicaid services.--Subject to
4 specific appropriations, the agency may make payments for
5 services which are optional to the state under Title XIX of
6 the Social Security Act and are furnished by Medicaid
7 providers to recipients who are determined to be eligible on
8 the dates on which the services were provided. Any optional
9 service that is provided shall be provided only when medically
10 necessary and in accordance with state and federal law.

11 Nothing in this section shall be construed to prevent or limit
12 the agency from adjusting fees, reimbursement rates, lengths
13 of stay, number of visits, or number of services, or making
14 any other adjustments necessary to comply with the
15 availability of moneys and any limitations or directions
16 provided for in the General Appropriations Act or chapter 216.
17 If necessary to safeguard the state's systems of providing
18 services to elderly and disabled persons and subject to the
19 notice and review provisions of s. 216.177, the Governor may
20 direct the Agency for Health Care Administration to amend the
21 Medicaid state plan to delete the optional Medicaid service
22 known as "Intermediate Care Facilities for the Developmentally
23 Disabled." Optional services may include:

24 (8) COMMUNITY MENTAL HEALTH SERVICES.--

25 (a) The agency may pay for rehabilitative services
26 provided to a recipient by a mental health or substance abuse
27 provider licensed by the agency and under contract with the
28 agency or the Department of Children and Family Services to
29 provide such services. Those services which are psychiatric
30 in nature shall be rendered or recommended by a psychiatrist,
31 and those services which are medical in nature shall be

1 rendered or recommended by a physician or psychiatrist. The
2 agency must develop a provider enrollment process for
3 community mental health providers which bases provider
4 enrollment on an assessment of service need. The provider
5 enrollment process shall be designed to control costs, prevent
6 fraud and abuse, consider provider expertise and capacity, and
7 assess provider success in managing utilization of care and
8 measuring treatment outcomes. Providers will be selected
9 through a competitive procurement or selective contracting
10 process. In addition to other community mental health
11 providers, the agency shall consider for enrollment mental
12 health programs licensed under chapter 395 and group practices
13 licensed under chapter 458, chapter 459, chapter 490, or
14 chapter 491. The agency is also authorized to continue
15 operation of its behavioral health utilization management
16 program and may develop new services if these actions are
17 necessary to ensure savings from the implementation of the
18 utilization management system. The agency shall coordinate the
19 implementation of this enrollment process with the Department
20 of Children and Family Services and the Department of Juvenile
21 Justice. The agency is authorized to utilize diagnostic
22 criteria in setting reimbursement rates, to preauthorize
23 certain high-cost or highly utilized services, to limit or
24 eliminate coverage for certain services, or to make any other
25 adjustments necessary to comply with any limitations or
26 directions provided for in the General Appropriations Act.

27 (b) The agency is authorized to implement
28 reimbursement and use management reforms in order to comply
29 with any limitations or directions in the General
30 Appropriations Act, which may include, but are not limited to:
31 prior authorization of treatment and service plans; prior

1 authorization of services: enhanced use review programs for
2 highly used services; and limits on services for those
3 determined to be abusing their benefit coverages. This
4 paragraph expires July 1, 2002.

5 Section 27. In order to implement Specific
6 Appropriation 254 of the 2001-2002 General Appropriations Act,
7 paragraph (g) is added to subsection (3) of section 409.912,
8 Florida Statutes, to read:

9 409.912 Cost-effective purchasing of health care.--The
10 agency shall purchase goods and services for Medicaid
11 recipients in the most cost-effective manner consistent with
12 the delivery of quality medical care. The agency shall
13 maximize the use of prepaid per capita and prepaid aggregate
14 fixed-sum basis services when appropriate and other
15 alternative service delivery and reimbursement methodologies,
16 including competitive bidding pursuant to s. 287.057, designed
17 to facilitate the cost-effective purchase of a case-managed
18 continuum of care. The agency shall also require providers to
19 minimize the exposure of recipients to the need for acute
20 inpatient, custodial, and other institutional care and the
21 inappropriate or unnecessary use of high-cost services.

22 (3) The agency may contract with:

23 (g) Children's clinic networks that provide care
24 coordination and care management for Medicaid-eligible
25 pediatric patients, primary care, authorization or specialty
26 care, and other urgent and emergency care through organized
27 clinics designed to service Medicaid eligibles under age 18.
28 The networks shall provide after-hour operations, including
29 evening and weekend hours, to promote, when appropriate, the
30 use of the children's clinics rather than hospital emergency
31 departments. This paragraph expires July 1, 2002.

1 Section 28. In order to implement Specific
2 Appropriations 254, 289, and 290 of the 2001-2002 General
3 Appropriations Act, paragraph (f) of subsection (2) of section
4 409.9122, Florida Statutes, is amended to read:

5 409.9122 Mandatory Medicaid managed care enrollment;
6 programs and procedures.--

7 (2)
8 (f) When a Medicaid recipient does not choose a
9 managed care plan or MediPass provider, the agency shall
10 assign the Medicaid recipient to a managed care plan or
11 MediPass provider. Medicaid recipients who are subject to
12 mandatory assignment but who fail to make a choice shall be
13 assigned to managed care plans or provider service networks
14 until an equal enrollment of 50 percent in MediPass and
15 provider service networks and 50 percent in managed care plans
16 is achieved. Once equal enrollment is achieved, the
17 assignments shall be divided in order to maintain an equal
18 enrollment in MediPass and managed care plans for the
19 2001-2002 ~~1998-1999~~ fiscal year. Thereafter, assignment of
20 Medicaid recipients who fail to make a choice shall be based
21 proportionally on the preferences of recipients who have made
22 a choice in the previous period. Such proportions shall be
23 revised at least quarterly to reflect an update of the
24 preferences of Medicaid recipients. The agency shall also
25 disproportionately assign Medicaid-eligible children in
26 families who are required to but have failed to make a choice
27 of managed-care plan or MediPass for their child and who are
28 to be assigned to the MediPass program to children's clinic
29 networks as described in s. 409.912(3)(g) and where available.
30 The disproportionate assignment of children to children's
31 clinic networks shall be made until the agency has determined

1 that the children's clinic networks have sufficient numbers to
2 be economically operated.When making assignments, the agency
3 shall take into account the following criteria:

4 1. A managed care plan has sufficient network capacity
5 to meet the need of members.

6 2. The managed care plan or MediPass has previously
7 enrolled the recipient as a member, or one of the managed care
8 plan's primary care providers or MediPass providers has
9 previously provided health care to the recipient.

10 3. The agency has knowledge that the member has
11 previously expressed a preference for a particular managed
12 care plan or MediPass provider as indicated by Medicaid
13 fee-for-service claims data, but has failed to make a choice.

14 4. The managed care plan's or MediPass primary care
15 providers are geographically accessible to the recipient's
16 residence.

17 Section 29. The amendment of paragraph 409.9122(2)(f),
18 Florida Statutes, by this act shall expire July 1, 2002, and
19 the text of that paragraph shall revert to that in existence
20 on June 30, 2001, except that any amendments to such text
21 exacted other than by this act shall be preserved and continue
22 to operate to the extent that such amendments are not
23 dependent upon the portions of such text which expire pursuant
24 to the provisions of this act. The Division of Statutory
25 Revision of the Office of Legislative Services shall include
26 in an appropriate reviser's bill any amendments to such
27 subsection which are necessary to give effect to the
28 legislative intent expressed in this section.

29 Section 30. In order to implement Specific
30 Appropriations 254, 289, and 290 of the 2001-2002 General
31

1 Appropriations Act, paragraph (k) of subsection (2) of section
2 409.9122, Florida Statutes, is amended to read:

3 409.9122 Mandatory Medicaid managed care enrollment;
4 programs and procedures.--

5 (2)

6 (k)1. ~~Notwithstanding the provisions of paragraph (f),~~
7 ~~and for the 2000-2001 fiscal year only, when a Medicaid~~
8 ~~recipient does not choose a managed care plan or MediPass~~
9 ~~provider, the agency shall assign the Medicaid recipient to a~~
10 ~~managed care plan, except in those counties in which there are~~
11 ~~fewer than two managed care plans accepting Medicaid~~
12 ~~enrollees, in which case assignment shall be to a managed care~~
13 ~~plan or a MediPass provider. Medicaid recipients in counties~~
14 ~~with fewer than two managed care plans accepting Medicaid~~
15 ~~enrollees who are subject to mandatory assignment but who fail~~
16 ~~to make a choice shall be assigned to managed care plans until~~
17 ~~an equal enrollment of 50 percent in MediPass and provider~~
18 ~~service networks and 50 percent in managed care plans is~~
19 ~~achieved. Once equal enrollment is achieved, the assignments~~
20 ~~shall be divided in order to maintain an equal enrollment in~~
21 ~~MediPass and managed care plans.~~When making assignments, the
22 agency shall take into account the following criteria:

23 a. A managed care plan has sufficient network capacity
24 to meet the need of members.

25 b. The managed care plan or MediPass has previously
26 enrolled the recipient as a member, or one of the managed care
27 plan's primary care providers or MediPass providers has
28 previously provided health care to the recipient.

29 c. The agency has knowledge that the member has
30 previously expressed a preference for a particular managed
31

1 care plan or MediPass provider as indicated by Medicaid
2 fee-for-service claims data, but has failed to make a choice.

3 d. The managed care plan's or MediPass primary care
4 providers are geographically accessible to the recipient's
5 residence.

6 e. The agency has authority to make mandatory
7 assignments based on quality of service and performance of
8 managed care plans.

9 2. This paragraph expires ~~is repealed~~ on July 1, 2002
10 ~~2001~~.

11 Section 31. In order to implement Specific
12 Appropriations 241-290 of the 2001-2002 General Appropriations
13 Act, subsection (9) is added to section 409.904, Florida
14 Statutes, to read:

15 409.904 Optional payments for eligible persons.--The
16 agency may make payments for medical assistance and related
17 services on behalf of the following persons who are determined
18 to be eligible subject to the income, assets, and categorical
19 eligibility tests set forth in federal and state law. Payment
20 on behalf of these Medicaid eligible persons is subject to the
21 availability of moneys and any limitations established by the
22 General Appropriations Act or chapter 216.

23 (9) The agency may pay for cancer treatment pursuant
24 to the federal Breast and Cervical Cancer Prevention and
25 Treatment Act of 2000, screened through the National Breast
26 and Cervical Cancer Early Detection program, for eligible
27 women with incomes below 200 percent of the federal poverty
28 level and from ages 50 to 64. This subsection expires July 1,
29 2002.

30 Section 32. In order to implement Specific
31 Appropriation 349 of the 2001-2002 General Appropriations Act,

1 paragraph (a) of subsection (3) of section 39.3065, Florida
2 Statutes, is amended to read:

3 39.3065 Sheriffs of certain counties to provide child
4 protective investigative services; procedures; funding.--

5 (3)(a) ~~Beginning in fiscal year 1999-2000,~~The
6 sheriffs of Pasco County, Manatee County, Broward County, ~~and~~
7 Pinellas County, and Seminole County have the responsibility
8 to provide all child protective investigations in their
9 respective counties. Beginning in fiscal year 2000-2001, the
10 Department of Children and Family Services is authorized to
11 enter into grant agreements with sheriffs of other counties to
12 perform child protective investigations in their respective
13 counties.

14 Section 33. The amendment of paragraph 39.3065(3)(a),
15 Florida Statutes, by this act shall expire July 1, 2002, and
16 the text of that paragraph shall revert to that in existence
17 on June 30, 2001, except that any amendments to such text
18 exacted other than by this act shall be preserved and continue
19 to operate to the extent that such amendments are not
20 dependent upon the portions of such text which expire pursuant
21 to the provisions of this act. The Division of Statutory
22 Revision of the Office of Legislative Services shall include
23 in an appropriate reviser's bill any amendments to such
24 subsection which are necessary to give effect to the
25 legislative intent expressed in this section.

26 Section 34. In order to implement Specific
27 Appropriation 348 of the 2001-2002 General Appropriations Act,
28 subsection (1) of section 414.045, Florida Statutes, is
29 amended to read:

30 414.045 Cash assistance program.--Cash assistance
31 families include any families receiving cash assistance

1 payments from the state program for temporary assistance for
2 needy families as defined in federal law, whether such funds
3 are from federal funds, state funds, or commingled federal and
4 state funds. Cash assistance families may also include
5 families receiving cash assistance through a program defined
6 as a separate state program.

7 (1) For reporting purposes, families receiving cash
8 assistance shall be grouped into ~~in~~ the following categories.
9 The department may develop additional groupings in order to
10 comply with federal reporting requirements, to comply with the
11 data-reporting needs of the board of directors of Workforce
12 Florida, Inc., or to better inform the public of program
13 progress. ~~Program reporting data shall include, but not~~
14 ~~necessarily be limited to, the following groupings:~~

15 (a) Work-eligible cases.--Work-eligible cases shall
16 include:

17 1. Families containing an adult or a teen head of
18 household, as defined by federal law. These cases are
19 generally subject to the work activity requirements provided
20 in s. 445.024 and the time limitations on benefits provided in
21 s. 414.105.

22 2. Families with a parent where the parent's needs
23 have been removed from the case due to sanction or
24 disqualification shall be considered work-eligible cases to
25 the extent that such cases are considered in the calculation
26 of federal participation rates or would be counted in such
27 calculation in future months.

28 3. Families participating in transition assistance
29 programs.

30
31

1 4. Families otherwise eligible for temporary cash
2 assistance that receive diversion services, a severance
3 payment, or participate in the relocation program.

4 (b) Child-only cases.--Child-only cases include cases
5 that do not have an adult or teen head of household as defined
6 in federal law. Such cases include:

7 1. ~~Child-only families with~~ Children in the care of
8 caretaker relatives where the caretaker relatives choose to
9 have their needs excluded in the calculation of the amount of
10 cash assistance.

11 2. Families in the Relative Caregiver Program as
12 provided in s. 39.5085.

13 3. Families in which the only parent in a
14 single-parent family or both parents in a two-parent family
15 receive supplemental security income (SSI) benefits under
16 Title XVI of the Social Security Act, as amended. To the
17 extent permitted by federal law, individuals receiving SSI
18 shall be excluded as household members in determining the
19 amount of cash assistance, and such cases shall not be
20 considered families containing an adult. Parents or caretaker
21 relatives who are excluded from the cash assistance group due
22 to receipt of SSI may choose to participate in work
23 activities. An individual who volunteers to participate in
24 work activity but whose ability to participate in work
25 activities is limited shall be assigned to work activities
26 consistent with such limitations. An individual who volunteers
27 to participate in a work activity may receive child care or
28 support services consistent with such participation.

29 4. Families where the only parent in a single-parent
30 family or both parents in a two-parent family are not eligible
31 for cash assistance due to immigration status or other

1 limitation requirements of federal law. To the extent required
2 by federal law, such cases shall not be considered families
3 containing an adult.

4 5. To the extent permitted by federal law and subject
5 to appropriations, special needs children who have been
6 adopted pursuant to s. 409.166, and whose adopting family
7 qualifies as a needy family under the State Plan for Temporary
8 Assistance for Needy Families. Notwithstanding any provision
9 to the contrary in s. 414.075, s. 414.085, or s. 414.096, a
10 family shall be considered a needy family if:

11 a. The family is determined by the department to have
12 an income below 200 percent of the federal poverty level;

13 b. The family meets the requirements of subsections
14 (2) and (3) of s. 414.095 related to residence, citizenship,
15 or eligible noncitizen status; and

16 c. The family provides any information necessary to
17 meet federal reporting requirements specified under Part A of
18 Title IV of the Social Security Act.

19
20 Families described in subparagraph 1., subparagraph 2., or
21 subparagraph 3. may receive child care assistance or other
22 supports or services so that the children may continue to be
23 cared for in their own homes or the homes of relatives. Such
24 assistance or services may be funded from the temporary
25 assistance for needy families block grant to the extent
26 permitted under federal law and to the extent ~~permitted by~~
27 appropriation of funds have been provided in the General
28 Appropriations Act.

29 Section 35. The amendment of subsection 414.045(1),
30 Florida Statutes, by this act shall expire July 1, 2002, and
31 the text of that subsection shall revert to that in existence

1 on June 30, 2001, except that any amendments to such text
2 exacted other than by this act shall be preserved and continue
3 to operate to the extent that such amendments are not
4 dependent upon the portions of such text which expire pursuant
5 to the provisions of this act. The Division of Statutory
6 Revision of the Office of Legislative Services shall include
7 in an appropriate reviser's bill any amendments to such
8 subsection which are necessary to give effect to the
9 legislative intent expressed in this section.

10 Section 36. In order to implement Specific
11 Appropriation 348A of the 2001-2002 General Appropriations
12 Act, it is the intent of the Legislature to improve services
13 and local participation in community-based care initiatives by
14 fostering community support and providing enhanced prevention
15 and in-home services, thereby reducing the risk otherwise
16 faced by lead agencies. Therefore, there is established a
17 community partnership matching grant program to be operated by
18 the Department of Children and Family Services for the purpose
19 of encouraging local participation in community-based care for
20 child welfare. Any children's services council or other local
21 government entity that makes a financial commitment to a
22 community-based care lead agency is eligible for a grant
23 subject to the following conditions: upon proof that the
24 children's services council has provided the selected lead
25 agency at least \$825,000 in start-up funds, from any local
26 resources otherwise available to it, the total amount of local
27 contribution may be matched on a two-for-one basis up to a
28 maximum amount of \$2 million per council. Awarded matching
29 grant funds may be used for any prevention or in-home services
30 provided by the children's services council or other local
31 government entity that meets

1 temporary-assistance-for-needy-families' eligibility
2 requirements and can be reasonably expected to reduce the
3 number of children entering the child welfare system. In order
4 to ensure necessary flexibility for the development, start-up,
5 and ongoing operation of community-based care initiatives, the
6 notice period required for any budget action authorized by the
7 provisions of section 20.19(5)(b), Florida Statutes, is waived
8 for the family safety program; however, the Department of
9 Children and Family Services must provide copies of all such
10 actions to the Executive Office of the Governor and
11 Legislature within 72 hours of their occurrence. Funding
12 available for the matching grant program is subject to
13 legislative appropriation of nonrecurring
14 temporary-assistance-for-needy-families funds provided for the
15 purpose. This sections expires July 1, 2002.

16 Section 37. In order to implement Specific
17 Appropriations 302-466 of the 2001-2002 General Appropriations
18 Act, for purposes of meeting the maintenance of effort for the
19 temporary-assistance-for-needy-families (TANF) block grant,
20 the Partnership for School Readiness shall ensure that
21 \$106,936,783 in state funds are expended in accordance with
22 the federal requirements and limitations of Part A of Title VI
23 of the Social Security Act, as amended. This shall not be
24 construed as a transfer of funds, but rather as authorization
25 to designate these funds as TANF maintenance of effort. Any
26 expenditures of general revenue or other state funds, which
27 are determined by the director of the agency or his or her
28 designee to be qualified state expenditures to meet the
29 maintenance of effort requirement for the
30 temporary-assistance-for-needy-families block grant, must be
31 made in accordance with the federal requirements and

1 limitations of Part A of Title IV of the Social Security Act,
2 as amended. The director or his or her designee shall certify
3 to the Department of Children and Family Services that
4 controls are in place to ensure that such funds are expended
5 in accordance with the requirements and limitations of federal
6 law and that any reporting requirements of federal law are
7 met. If House Bill 977 or similar legislation is enacted, the
8 Agency for Workforce Innovation or the entity administering
9 the school readiness program shall ensure that state funds are
10 expended for purposes of meeting the state's maintenance of
11 effort requirement for temporary-assistance-for-needy-families
12 (TANF). Funds are provided in Specific Appropriations 459A and
13 136A (G/A-Child Care-WAGES and G/A-Pre-School Projects) to
14 provide slots for children participating in the school
15 readiness initiative. From these funds, the Agency for
16 Workforce Innovation or administering entity is required to
17 expend at least \$77,736,783 of WAGES Child Care funds and
18 \$29,200,000 of Pre-Kindergarten funds as maintenance of effort
19 for temporary-assistance-to-needy-family (TANF) funds. It is
20 the responsibility of any entity to which such funds are
21 appropriated to obtain the required certification and
22 documentation prior to any expenditure of funds. This section
23 expires July 1, 2002.

24 Section 38. In order to implement Specific
25 Appropriations 408 and 410 of the 2001-2002 General
26 Appropriations Act, notwithstanding the provisions of chapter
27 216, Florida Statutes, the Department of Children and Family
28 Services is authorized to transfer funds as necessary to
29 achieve a successful transition of staff between that
30 department and the Department of Juvenile Justice. Such
31 transfers of funds shall only require a 3-day consultation

1 period with the House and Senate Appropriations Committees
2 prior to their implementation. The Department of Juvenile
3 Justice is directed to give priority for employment to persons
4 employed at G. Pierce Wood Memorial Hospital (GPW). The
5 Departments of Juvenile Justice and Children and Family
6 Services are also directed to require the contracted
7 Department of Juvenile Justice programs in the catchment area
8 in the contracted sexually violent predator program to give
9 employees from GPW priority for employment. This section
10 expires July 1, 2002.

11 Section 39. In order to implement Specific
12 Appropriation 3018 of the 2001-2002 General Appropriations
13 Act, paragraph (i) of subsection (2) of section 318.21,
14 Florida Statutes, as amended, is amended to read:

15 318.21 Disposition of civil penalties by county
16 courts.--All civil penalties received by a county court
17 pursuant to the provisions of this chapter shall be
18 distributed and paid monthly as follows:

19 (2) Of the remainder:

20 (i) For fiscal year 2001-2002 ~~2000-2001~~ only, and in
21 lieu of the provisions of paragraph (a), five and six-tenths
22 percent shall be paid to the General Revenue Fund of the
23 state, except that the first \$300,000 shall be deposited into
24 the Grants and Donations Trust Fund in the state courts system
25 for administrative costs, training costs, and costs associated
26 with the implementation and maintenance of Florida foster care
27 citizen review panels as provided for in s. 39.702. This
28 paragraph expires ~~is repealed on~~ July 1, 2002 ~~2001~~.

29 Section 40. In order to implement Specific
30 Appropriation 2967 of the 2001-2002 General Appropriations

31

1 Act, subsection (8) of section 925.037, Florida Statutes, is
2 amended to read:

3 925.037 Reimbursement of counties for fees paid to
4 appointed counsel; circuit conflict committees.--

5 (8) Notwithstanding any other provision of this
6 section to the contrary, and for the 2001-2002 ~~2000-2001~~
7 fiscal year only, funds allocated pursuant to this section
8 shall be distributed to the counties in the designated
9 circuits by the state courts system. This subsection expires
10 ~~is repealed on July 1, 2002~~ ~~2001~~.

11 Section 41. In order to implement Specific
12 Appropriations 862-1126A of the 2001-2002 General
13 Appropriations Act, section 25.402, Florida Statutes, is
14 amended to read:

15 25.402 County Article V Trust Fund.--

16 (1)(a) The trust fund moneys in the County Article V
17 Trust Fund, administered by the Supreme Court, may ~~must~~ be
18 used to compensate counties for the costs they incur under
19 Article V of the State Constitution in operating the state
20 courts system, including the costs they incur in providing and
21 maintaining court facilities.

22 (b) The Supreme Court shall adopt an allocation and
23 disbursement plan for the operation of the trust fund and the
24 expenditure of moneys deposited in the trust fund. The Supreme
25 Court shall include the plan in its legislative budget
26 request. A committee of 15 people shall develop and recommend
27 the allocation and disbursement plan to the Supreme Court. The
28 committee shall be composed of:

29 1. Six persons appointed by the Florida Association of
30 Counties, as follows:

31

1 a. Two persons residing in counties with populations
2 fewer ~~less~~ than 90,000 ~~75,000~~.

3 b. Two persons residing in counties with populations
4 greater than 89,999 ~~74,999~~, but fewer ~~less~~ than 700,000.

5 c. Two persons residing in counties with populations
6 greater than 699,999.

7 2. Six persons appointed by the Chief Justice of the
8 Supreme Court, as follows:

9 a. Two persons residing in counties with populations
10 fewer ~~less~~ than 90,000 ~~75,000~~.

11 b. Two persons residing in counties with populations
12 greater than 89,999 ~~74,999~~, but fewer ~~less~~ than 700,000.

13 c. Two persons residing in counties with populations
14 greater than 699,999.

15 3. Three persons appointed by the Florida Association
16 of Court Clerks and Comptrollers, as follows:

17 a. One person residing in a county with a population
18 fewer ~~less~~ than 90,000 ~~75,000~~.

19 b. One person residing in a county with a population
20 greater than 89,999 ~~74,999~~, but fewer ~~less~~ than 700,000.

21 c. One person residing in a county with a population
22 greater than 699,999.

23
24 The allocation and disbursement plan shall include provisions
25 to compensate counties with fewer than 85,000 ~~75,000~~ residents
26 for court facility needs.

27 (c) Amendments to the approved operating budget for
28 expenditures from the County Article V Trust Fund must be
29 approved in accordance with the provisions of s. 216.181. The
30 total amount disbursed from the County Article V Trust Fund
31

1 may not exceed the amount authorized by the General
2 Appropriations Act.

3 (d) Effective July 1, 2001 ~~1998~~, moneys generated from
4 civil penalties distributed under s. 318.21(2)(h) shall be
5 deposited in the trust fund for the following purposes:

6 1. Funds paid to counties with populations fewer ~~less~~
7 than 90,000 ~~75,000~~ shall be grants-in-aid to be used, in
8 priority order, for: operating expenditures of the offices of
9 the state attorneys and public defenders in accordance with
10 Specific Appropriation 2978A; consulting or architectural
11 studies related to the improvement of courthouse facilities;
12 improving court facilities to ensure compliance with the
13 Americans with Disabilities Act and other federal or state
14 requirements; other renovations in court facilities;
15 improvements in court security; and expert witness fees in
16 criminal cases, court reporting and transcribing costs in
17 criminal cases, and costs associated with the appointment of
18 special public defenders.

19 2. Funds paid to counties with populations exceeding
20 89,999 ~~74,999~~ shall be grants-in-aid to be used, in priority
21 order, for operating expenditures of the offices of the state
22 attorneys and public defenders in accordance with Specific
23 Appropriation 2978A, costs paid by the county for expert
24 witness fees in criminal cases, court reporting and
25 transcribing costs in criminal cases, and costs associated
26 with the appointment of special public defenders.

27 (2) This section expires ~~is repealed~~ June 30, 2002.

28 Section 42. In order to implement Specific
29 Appropriations 681-789 of the 2001-2002 General Appropriations
30 Act, subsection (4) of section 216.262, Florida Statutes, is
31 amended to read:

1 216.262 Authorized positions.--

2 (4) Notwithstanding the provisions of this chapter on
3 increasing the number of authorized positions, and for the
4 2001-2002 ~~2000-2001~~ fiscal year only, if the actual inmate
5 population of the Department of Corrections exceeds by 2
6 percent for 2 consecutive months or more the inmate population
7 projected by the Criminal Justice Estimating Conference on
8 February 16, 2001, ~~March 2, 2000~~, the Executive Office of the
9 Governor may request positions in excess of the number
10 authorized by the Legislature and sufficient funding from the
11 Working Capital Fund to operate the additional prison bed
12 capacity necessary to accommodate the actual inmate
13 population. Such request is subject to the budget amendment
14 and consultation provisions of this chapter. This subsection
15 expires ~~is repealed~~ on July 1, 2002 ~~2001~~.

16 Section 43. In order to implement Specific
17 Appropriations 333-339 and 1248-1256 of the 2001-2002 General
18 Appropriations Act, subsection (1) of section 938.01, Florida
19 Statutes, as amended by section 39 of chapter 2000-171, Laws
20 of Florida, is amended to read:

21 938.01 Additional Court Cost Clearing Trust Fund.--

22 (1) All courts created by Art. V of the State
23 Constitution shall, in addition to any fine or other penalty,
24 assess \$3 as a court cost against every person convicted for
25 violation of a state penal or criminal statute or convicted
26 for violation of a municipal or county ordinance. Any person
27 whose adjudication is withheld pursuant to the provisions of
28 s. 318.14(9) or (10) shall also be assessed such cost. In
29 addition, \$3 from every bond estreature or forfeited bail bond
30 related to such penal statutes or penal ordinances shall be
31 forwarded to the Treasurer as described in this subsection.

1 However, no such assessment may be made against any person
2 convicted for violation of any state statute, municipal
3 ordinance, or county ordinance relating to the parking of
4 vehicles.

5 (a) All such costs collected by the courts shall be
6 remitted to the Department of Revenue, in accordance with
7 administrative rules adopted by the executive director of the
8 Department of Revenue, for deposit in the Additional Court
9 Cost Clearing Trust Fund and shall be earmarked to the
10 Department of Law Enforcement for distribution as follows:

11 1. Two dollars and seventy-five cents of each \$3
12 assessment shall be deposited in the Criminal Justice
13 Standards and Training Trust Fund, and the remaining 25 cents
14 of each such assessment shall be deposited into the Department
15 of Law Enforcement Operating Trust Fund and shall be disbursed
16 to the Department of Law Enforcement.

17 2. Ninety-two percent of the money distributed to the
18 Additional Court Cost Clearing Trust Fund pursuant to s.
19 318.21 shall be earmarked to the Department of Law Enforcement
20 for deposit in the Criminal Justice Standards and Training
21 Trust Fund, and 8 percent of such money shall be deposited
22 into the Department of Law Enforcement Operating Trust Fund
23 and shall be disbursed to the Department of Law Enforcement.

24 (b) The funds deposited in the Criminal Justice
25 Standards and Training Trust Fund and the Department of Law
26 Enforcement Operating Trust Fund may be invested. Any interest
27 earned from investing such funds and any unencumbered funds
28 remaining at the end of the budget cycle shall remain in the
29 respective trust fund until the following year.

30 (c) All funds in the Criminal Justice Standards and
31 Training Trust Fund earmarked to the Department of Law

1 Enforcement shall be disbursed only in compliance with s.
2 943.25(9).

3 Section 44. The amendment of subsection (1) of section
4 938.01, Florida Statutes, by this act shall expire on July 1,
5 2002, and the text of that subsection shall revert to that in
6 existence on June 30, 2000, except that any amendments to such
7 text enacted other than by this act shall be preserved and
8 continue to operate to the extent that such amendments are not
9 dependent upon the portions of such text which expire pursuant
10 to the provisions of this act. The Division of Statutory
11 Revision of the Office of Legislative Services shall include
12 in an appropriate reviser's bill any amendments to such
13 subsection which are necessary to give effect to the
14 legislative intent expressed in this section.

15 Section 45. In order to implement Specific
16 Appropriations 333-339 and 1248-1256 of the 2001-2002 General
17 Appropriations Act, subsection (1) of section 943.25, Florida
18 Statutes, as amended by section 41 of chapter 2000-171, Laws
19 of Florida, is amended to read:

20 943.25 Criminal justice trust funds; source of funds;
21 use of funds.--

22 (1) The Department of Law Enforcement may approve, for
23 disbursement from the Department of Law Enforcement Operating
24 Trust Fund, those appropriated sums necessary and required by
25 the state for grant matching, implementing, administering,
26 evaluating, and qualifying for such federal funds.
27 Disbursements from the trust fund for the purpose of
28 supplanting state general revenue funds may not be made
29 without specific legislative appropriation.

30 Section 46. The amendment of subsection (1) of section
31 943.25, Florida Statutes, by this act shall expire on July 1,

1 2002, and the text of that subsection shall revert to that in
2 existence on June 30, 2000, except that any amendments to such
3 text enacted other than by this act shall be preserved and
4 continue to operate to the extent that such amendments are not
5 dependent upon the portions of such text which expire pursuant
6 to the provisions of this act. The Division of Statutory
7 Revision of the Office of Legislative Services shall include
8 in an appropriate reviser's bill any amendments to such
9 subsection which are necessary to give effect to the
10 legislative intent expressed in this section.

11 Section 47. (1) In order to implement Specific
12 Appropriations 333-339 and 1248-1256 of the 2001-2002 General
13 Appropriations Act, and for the 2001-2002 fiscal year only,
14 the Criminal Justice Program shall be transferred from the
15 Department of Community Affairs to the Department of Law
16 Enforcement by a type two transfer, pursuant to section
17 20.06(2), Florida Statutes. The Criminal Justice Program so
18 transferred is comprised of the Byrne State and Local Law
19 Enforcement Assistance Program, Local Law Enforcement Block
20 Grants, Drug-Free Communities Program, Residential Substance
21 Abuse Treatment for State Prisoners, the Bulletproof Vest
22 Program, the Guantanamo Bay Refugee and Entrant Assistance
23 Program, the National Criminal History Improvement Program,
24 and the Violent Offender Incarceration and Truth-in-Sentencing
25 Program.

26 (2)(a) In order to implement Specific Appropriations
27 333-339 and 1248-1256 of the 2001-2002 General Appropriations
28 Act, and for the 2001-2002 fiscal year only, the Prevention of
29 Domestic and Sexual Violence Program is transferred from the
30 Department of Community Affairs to the Department of Children
31 and Family Services by a type two transfer, pursuant to

1 section 20.06(2), Florida Statutes. The Domestic and Sexual
2 Violence Program so transferred is comprised of the Governor's
3 Task Force on Domestic and Sexual Violence and the Violence
4 Against Women Program.

5 (b) From the funds deposited into the Department of
6 Law Enforcement Operating Trust Fund pursuant to section
7 938.01(1)(a)1. and 2., Florida Statutes, the Department of Law
8 Enforcement shall transfer funds to the Department of Children
9 and Family Services to be used as matching funds for the
10 administration of the Prevention of Domestic and Sexual
11 Violence Program transferred from the Department of Community
12 Affairs. The amount of the transfer for fiscal year 2001-2002
13 shall be determined by the Governor's Office of Planning and
14 Budgeting, in consultation with the Department of Community
15 Affairs, the Department of Law Enforcement, and the Department
16 of Children and Family Services, and shall be based on the
17 historic use of these funds and current needs of the
18 Prevention of Domestic and Sexual Violence Program.

19 (3) This section expires July 1, 2002.

20 Section 48. In order to implement Specific
21 Appropriation 2367A of the 2001-2002 General Appropriations
22 Act, notwithstanding any provisions of section 288.816,
23 Florida Statutes, to the contrary, and for the 2001-2002
24 fiscal year only, Enterprise Florida, Inc., shall operate the
25 sister city and sister state program in a manner consistent
26 with the provisions prescribed in such section.

27 Section 49. In order to implement Specific
28 Appropriation 2367A of the 2001-2002 General Appropriations
29 Act, notwithstanding any provisions of section 288.0251,
30 Florida Statutes, to the contrary, and for the 2001-2002
31 fiscal year only, Enterprise Florida, Inc., may contract for

1 the implementation of Florida's international volunteer corps
2 in a manner consistent with the provisions prescribed in such
3 section.

4 Section 50. In order to implement Specific
5 Appropriation 1519 of the 2001-2002 General Appropriations
6 Act, notwithstanding any provision of section 163.3184(8),
7 Florida Statutes, to the contrary, and for the 2001-2002
8 fiscal year only, the Department of Community Affairs may use
9 the internet or other methods to issue notice of intent as
10 related to comprehensive plan amendments.

11 Section 51. In order to implement Specific
12 Appropriations 2624-2629 of the 2001-2002 General
13 Appropriations Act, subsection (4) of section 287.161, Florida
14 Statutes, is amended to read:

15 287.161 Executive aircraft pool; assignment of
16 aircraft; charge for transportation.--

17 (4) Notwithstanding the requirements of subsections
18 (2) and (3) and for the 2001-2002 ~~2000-2001~~ fiscal year only,
19 the Department of Management Services shall charge all persons
20 receiving transportation from the executive aircraft pool a
21 rate not less than the mileage allowance fixed by the
22 Legislature for the use of privately owned vehicles. Fees
23 collected for persons traveling by aircraft in the executive
24 aircraft pool shall be deposited into the Bureau of Aircraft
25 Trust Fund and shall be expended for costs incurred to operate
26 the aircraft management activities of the department. It is
27 the intent of the Legislature that the executive aircraft pool
28 be operated on a full cost recovery basis, less available
29 funds. This subsection expires July 1, 2002 ~~2001~~.

30 Section 52. In order to implement Specific
31 Appropriation 1742 of the 2001-2002 General Appropriations

1 Act, subsection (3) of section 259.101, Florida Statutes, is
2 amended to read:

3 259.101 Florida Preservation 2000 Act.--

4 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the
5 costs of issuance, the costs of funding reserve accounts, and
6 other costs with respect to the bonds, the proceeds of bonds
7 issued pursuant to this act shall be deposited into the
8 Florida Preservation 2000 Trust Fund created by s. 375.045.
9 Ten percent of the proceeds of any bonds deposited into the
10 Preservation 2000 Trust Fund shall be distributed by the
11 Department of Environmental Protection to the Department of
12 Environmental Protection for the purchase by the South Florida
13 Water Management District of lands in Dade, Broward, and Palm
14 Beach Counties identified in s. 7, chapter 95-349, Laws of
15 Florida. This distribution shall apply for any bond issue for
16 the 1995-1996 fiscal year. For the 1997-1998 fiscal year only,
17 \$20 million per year from the proceeds of any bonds deposited
18 into the Florida Preservation 2000 Trust Fund shall be
19 distributed by the Department of Environmental Protection to
20 the St. Johns Water Management District for the purchase of
21 lands necessary to restore Lake Apopka. Starting in fiscal
22 year 2001-2002, from the cash balance less approved
23 commitments encumbered that is remaining in the Florida
24 Preservation 2000 Trust Fund, the Legislature shall
25 appropriate up to \$100 million from the Florida Preservation
26 2000 Trust Fund to the Save Our Everglades Trust Fund to be
27 used for the acquisition of lands needed for restoration of
28 the Florida Everglades pursuant to s. 373.470. Furthermore,
29 the remaining cash balances available for the Preservation
30 2000 programs described in paragraphs (a) through (g) shall be
31 adjusted pro rata for the amount appropriated by the

1 Legislature. Additionally, any cash balances less approved
2 commitments encumbered available to the programs described in
3 paragraphs (a) through (g) at the time the first series of
4 Florida Forever Program bonds is issued and proceeds are
5 deposited into the Florida Forever Trust Fund shall be
6 reserved and remain unavailable for expenditure for projects
7 pursuant to the Florida Preservation 2000 Program until and
8 unless the programs receiving an allocation under the Florida
9 Forever Program described in paragraphs 259.105(3)(a)-(h),
10 respectively, have encumbered all funds available from the
11 first Florida Forever Program bond issue. To the extent that
12 projects eligible for Preservation 2000 funds can also be
13 eligible for Florida Forever funds, the proceeds from Florida
14 Forever bonds may be used to complete transactions begun with
15 Preservation 2000 funds or meet cash needs for property
16 transactions begun in fiscal year 2000-2001.~~In fiscal year~~
17 ~~2000-2001, for each Florida Preservation 2000 program~~
18 ~~described in paragraphs (a)-(g), that portion of each~~
19 ~~program's total remaining cash balance which, as of June 30,~~
20 ~~2000, is in excess of that program's total remaining~~
21 ~~appropriation balances shall be redistributed by the~~
22 ~~department and deposited into the Save Our Everglades Trust~~
23 ~~Fund for land acquisition. For purposes of calculating the~~
24 ~~total remaining cash balances for this redistribution, the~~
25 ~~Florida Preservation 2000 Series 2000 bond proceeds, including~~
26 ~~interest thereon, and the fiscal year 1999-2000 General~~
27 ~~Appropriations Act amounts shall be deducted from the~~
28 ~~remaining cash and appropriation balances, respectively.~~The
29 remaining proceeds shall be distributed by the Department of
30 Environmental Protection in the following manner:
31

1 (a) Fifty percent to the Department of Environmental
2 Protection for the purchase of public lands as described in s.
3 259.032. Of this 50 percent, at least one-fifth shall be used
4 for the acquisition of coastal lands.

5 (b) Thirty percent to the Department of Environmental
6 Protection for the purchase of water management lands pursuant
7 to s. 373.59, to be distributed among the water management
8 districts as provided in that section. Funds received by each
9 district may also be used for acquisition of lands necessary
10 to implement surface water improvement and management plans
11 approved in accordance with s. 373.456 or for acquisition of
12 lands necessary to implement the Everglades Construction
13 Project authorized by s. 373.4592.

14 (c) Ten percent to the Department of Community Affairs
15 to provide land acquisition grants and loans to local
16 governments through the Florida Communities Trust pursuant to
17 part III of chapter 380. From funds allocated to the trust,
18 \$3 million annually shall be used by the Division of State
19 Lands within the Department of Environmental Protection to
20 implement the Green Swamp Land Protection Initiative
21 specifically for the purchase of conservation easements, as
22 defined in s. 380.0677(4), of lands, or severable interests or
23 rights in lands, in the Green Swamp Area of Critical State
24 Concern. From funds allocated to the trust, \$3 million
25 annually shall be used by the Monroe County Comprehensive Plan
26 Land Authority specifically for the purchase of any real
27 property interest in either those lands subject to the Rate of
28 Growth Ordinances adopted by local governments in Monroe
29 County or those lands within the boundary of an approved
30 Conservation and Recreation Lands project located within the
31 Florida Keys or Key West Areas of Critical State Concern;

1 however, title to lands acquired within the boundary of an
2 approved Conservation and Recreation Lands project may, in
3 accordance with an approved joint acquisition agreement, vest
4 in the Board of Trustees of the Internal Improvement Trust
5 Fund. Of the remaining funds allocated to the trust after the
6 above transfers occur, one-half shall be matched by local
7 governments on a dollar-for-dollar basis. To the extent
8 allowed by federal requirements for the use of bond proceeds,
9 the trust shall expend Preservation 2000 funds to carry out
10 the purposes of part III of chapter 380.

11 (d) Two and nine-tenths percent to the Department of
12 Environmental Protection for the purchase of inholdings and
13 additions to state parks. For the purposes of this paragraph,
14 "state park" means all real property in the state under the
15 jurisdiction of the Division of Recreation and Parks of the
16 department, or which may come under its jurisdiction.

17 (e) Two and nine-tenths percent to the Division of
18 Forestry of the Department of Agriculture and Consumer
19 Services to fund the acquisition of state forest inholdings
20 and additions pursuant to s. 589.07.

21 (f) Two and nine-tenths percent to the Fish and
22 Wildlife Conservation Commission to fund the acquisition of
23 inholdings and additions to lands managed by the commission
24 which are important to the conservation of fish and wildlife.

25 (g) One and three-tenths percent to the Department of
26 Environmental Protection for the Florida Greenways and Trails
27 Program, to acquire greenways and trails or greenways and
28 trails systems pursuant to chapter 260, including, but not
29 limited to, abandoned railroad rights-of-way and the Florida
30 National Scenic Trail.

31

1 Local governments may use federal grants or loans, private
2 donations, or environmental mitigation funds, including
3 environmental mitigation funds required pursuant to s.
4 338.250, for any part or all of any local match required for
5 the purposes described in this subsection. Bond proceeds
6 allocated pursuant to paragraph (c) may be used to purchase
7 lands on the priority lists developed pursuant to s. 259.035.
8 Title to lands purchased pursuant to paragraphs (a), (d), (e),
9 (f), and (g) shall be vested in the Board of Trustees of the
10 Internal Improvement Trust Fund. Title to lands purchased
11 pursuant to paragraph (c) may be vested in the Board of
12 Trustees of the Internal Improvement Trust Fund. The board of
13 trustees shall hold title to land protection agreements and
14 conservation easements that were or will be acquired pursuant
15 to s. 380.0677, and the Southwest Florida Water Management
16 District and the St. Johns River Water Management District
17 shall monitor such agreements and easements within their
18 respective districts until the state assumes this
19 responsibility.

20 Section 53. The amendment of subsection 259.101(3),
21 Florida Statutes, by this act shall expire July 1, 2002, and
22 the text of that subsection shall revert to that in existence
23 on June 30, 2001, except that any amendments to such text
24 exacted other than by this act shall be preserved and continue
25 to operate to the extent that such amendments are not
26 dependent upon the portions of such text which expire pursuant
27 to the provisions of this act. The Division of Statutory
28 Revision of the Office of Legislative Services shall include
29 in an appropriate reviser's bill any amendments to such
30 subsection which are necessary to give effect to the
31 legislative intent expressed in this section.

1 Section 54. In order to implement Specific
2 Appropriation 1742 of the 2001-2002 General Appropriations
3 Act, paragraph (a) of subsection (11) of section 259.105,
4 Florida Statutes, is amended to read:

5 259.105 The Florida Forever Act.--

6 (11) For the purposes of funding projects pursuant to
7 paragraph (3)(a), the Secretary of Environmental Protection
8 shall ensure that each water management district receives the
9 following percentage of funds annually:

10 (a) Thirty-five percent to the South Florida Water
11 Management District, ~~of which amount \$25 million shall be~~
12 ~~transferred by the Department of Environmental Protection into~~
13 ~~the Save Our Everglades Trust Fund.~~

14 Section 55. The amendment of paragraph 259.105(11)(a),
15 Florida Statutes, by this act shall expire July 1, 2002, and
16 the text of that paragraph shall revert to that in existence
17 on June 30, 2001, except that any amendments to such text
18 exacted other than by this act shall be preserved and continue
19 to operate to the extent that such amendments are not
20 dependent upon the portions of such text which expire pursuant
21 to the provisions of this act. The Division of Statutory
22 Revision of the Office of Legislative Services shall include
23 in an appropriate reviser's bill any amendments to such
24 subsection which are necessary to give effect to the
25 legislative intent expressed in this section.

26 Section 56. In order to implement Specific
27 Appropriation 1748 of the 2001-2002 General Appropriations
28 Act, subsection (1) of section 403.709, Florida Statutes, is
29 amended to read:

30 403.709 Solid Waste Management Trust Fund; use of
31 waste tire fee moneys; waste tire site management.--

1 (1) There is created the Solid Waste Management Trust
2 Fund, to be administered by the department for the purposes
3 of:

4 (a) Funding solid waste activities of the department,
5 such as providing technical assistance to local governments,
6 performing solid waste regulatory and enforcement functions,
7 preparing solid waste documents, and implementing solid waste
8 education programs.

9 (b) Making grants and awards to local governments as
10 provided in s. 403.7095.

11 (c) Providing funding for research, demonstration, and
12 training by state universities, community colleges, and
13 independent nonprofit colleges and universities within the
14 state which are accredited by the Southern Association of
15 Colleges and Schools, and other organizations that can
16 reasonably demonstrate the capability to carry out such
17 projects. Of the annual amounts appropriated by the
18 Legislature for the Solid Waste Management Trust Fund, up to 5
19 percent may be reserved by the secretary and used to fund on a
20 matching basis research, demonstration, and training projects
21 related to solid waste management. Those projects may
22 include, but are not limited to, undertakings such as market
23 development for recycled materials, composting techniques and
24 use, and plastic materials.

25 (d) For the 2001-2002 fiscal year only, the use of
26 funds allocated to the Solid Waste Management Trust Fund shall
27 be as provided in the General Appropriations Act. The sum of
28 \$33.8 million is transferred for water projects. This
29 paragraph expires July 1, 2002.

30 Section 57. In order to implement Specific
31 Appropriation 1789 of the 2001-2002 General Appropriations

1 Act, subsection (8) of section 403.7095, Florida Statutes, is
2 amended to read:

3 403.7095 Solid waste management grant program.--
4 (8) Notwithstanding the provisions of this section,
5 for fiscal year 2001-2002 ~~2000-2001~~ only, the department shall
6 provide solid waste management and recycling grants only to
7 counties with populations under 100,000. Such grants must be
8 ~~with~~ at least 80 percent of the level of funding they received
9 in fiscal year 2000-2001 ~~1997-1998~~ ~~for solid waste management~~
10 ~~and recycling grants~~. This subsection expires ~~is repealed on~~
11 July 1, 2002 ~~2001~~.

12 Section 58. In order to implement Specific
13 Appropriations 1653 and 1748 of the 2001-2002 General
14 Appropriations Act, subsection (11) of section 373.59, Florida
15 Statutes, is amended to read:

16 373.59 Water Management Lands Trust Fund.--
17 (11) Notwithstanding any provision of this section to
18 the contrary, and for the 2001-2002 ~~2000-2001~~ fiscal year
19 only, the governing board of a water management district may
20 request, and the Secretary of Environmental Protection shall
21 release upon such request, moneys allocated to the districts
22 pursuant to subsection (8) for the purpose of carrying out the
23 purposes of s. 373.0361, s. 373.0831 ~~s. 375.0831~~, s. 373.139,
24 or ss. 373.451-373.4595 and for legislatively authorized land
25 acquisition and water restoration initiatives. No funds may be
26 used pursuant to this subsection until necessary debt service
27 obligations, requirements for payments in lieu of taxes, and
28 land management obligations that may be required by this
29 chapter are provided for. This subsection expires ~~is repealed~~
30 ~~on~~ July 1, 2002 ~~2001~~.

31

1 Section 59. In order to implement Specific
 2 Appropriation 1543A of the 2001-2002 General Appropriations
 3 Act, paragraph (b) of subsection (1) of section 252.373,
 4 Florida Statutes, is amended to read:

5 252.373 Allocation of funds; rules.--
 6 (1)
 7 (b) Notwithstanding the provisions of paragraph (a),
 8 and for the 2001-2002 ~~2000-2001~~ fiscal year only, up to \$254
 9 million of the unencumbered balance of the Emergency
 10 Management, Preparedness, and Assistance Trust Fund shall be
 11 utilized to improve, and increase the number of, disaster
 12 shelters within the state and improve local disaster
 13 preparedness. This paragraph expires ~~is repealed~~ on July 1,
 14 2002 ~~2001~~.

15 Section 60. In order to implement section 8 of the
 16 2001-2002 General Appropriations Act, subsection (7) of
 17 section 110.12315, Florida Statutes, is amended to read:

18 110.12315 Prescription drug program.--The state
 19 employees' prescription drug program is established. This
 20 program shall be administered by the Department of Management
 21 Services, according to the terms and conditions of the plan as
 22 established by the relevant provisions of the annual General
 23 Appropriations Act and implementing legislation, subject to
 24 the following conditions:

25 (7) Notwithstanding the provisions of subsections (1)
 26 and (2), under the state employees' prescription drug program
 27 copayments must be made as follows:

- 28 ~~(a) For the period July 1, 2000, through December 31,~~
 29 ~~2000+~~
- 30 1. ~~For generic drug with card.....\$7.~~
 - 31 2. ~~For brand name drug with card.....\$20.~~

1 3. ~~For generic mail order drug with card.....\$7.~~

2 4. ~~For brand name mail order drug with card.....\$20.~~

3 (a)(b) Effective January 1, 2001:

4 1. For generic drug with card.....\$7.

5 2. For preferred brand name drug with card.....\$20.

6 3. For nonpreferred brand name drug with card.....\$35.

7 4. For generic mail order drug with card.....\$10.50.

8 5. For preferred brand name mail order
9 drug with card.....\$30.

10 6. For nonpreferred brand name drug with card..\$52.50.

11 (b)(c) The Department of Management Services shall
12 create a preferred brand name drug list to be used in the
13 administration of the state employees' prescription drug
14 program.

15

16 This subsection expires July 1, 2002 ~~2001~~.

17 Section 61. In order to implement section 8 of the
18 2001-2002 General Appropriations Act, section 110.1239,
19 Florida Statutes, is amended to read:

20 110.1239 State group health insurance program
21 funding.--For the 2001-2002 ~~2000-2001~~ fiscal year only, it is
22 the intent of the Legislature that the state group health
23 insurance program be managed, administered, operated, and
24 funded in such a manner as to maximize the protection of state
25 employee health insurance benefits. Inherent in this intent is
26 the recognition that the health insurance liabilities
27 attributable to the benefits offered state employees should be
28 fairly, orderly, and equitably funded. Accordingly:

29 (1) The division shall determine the level of premiums
30 necessary to fully fund the state group health insurance
31 program for the next fiscal year. Such determination shall be

1 made after each revenue estimating conference on health
2 insurance as provided in s. 216.136(1), but not later than
3 December 1 and April 1 of each fiscal year.

4 (2) The Governor, in the Governor's recommended
5 budget, shall provide premium rates necessary for full funding
6 of the state group health insurance program, and the
7 Legislature shall provide in the General Appropriations Act
8 for a premium level necessary for full funding of the state
9 group health insurance program.

10 (3) For purposes of funding, any additional
11 appropriation amounts allocated to the state group health
12 insurance program by the Legislature shall be considered as a
13 state contribution and thus an increase in the state premiums.

14 (4) This section expires ~~is repealed~~ on July 1, 2002
15 ~~2001~~.

16 Section 62. A section of this act that implements a
17 specific appropriation or specifically identified proviso
18 language in the 2001-2002 General Appropriations Act is void
19 if the specific appropriation or specifically identified
20 proviso language is vetoed. A section of this act that
21 implements more than one specific appropriation or more than
22 one portion of specifically identified proviso language in the
23 2001-2002 General Appropriations Act is void if all the
24 specific appropriations or portions of specifically identified
25 proviso language are vetoed.

26 Section 63. If any other act passed during the 2001
27 Regular Session of the Legislature or any extension thereof
28 contains a provision that is substantively the same as a
29 provision in this act, but that removes or is otherwise not
30 subject to the future repeal applied to such provision by this
31 act, the Legislature intends that the provision in the other

1 act shall take precedence and shall continue to operate,
2 notwithstanding the future repeal provided by this act.

3 Section 64. The agency performance measures and
4 standards in the document entitled "Senate Approved Agency
5 Performance Measures and Standards for Fiscal Year 2001-02"
6 dated March 19, 2001, and filed with the Secretary of the
7 Senate are incorporated by reference. Such performance
8 measures and standards are directly linked to the
9 appropriations made in the General Appropriations Act for
10 fiscal year 2001-2002, as required by the Government
11 Performance and Accountability Act of 1994. State agencies are
12 directed to revise their Long-Range Program Plans required
13 under section 216.013, Florida Statutes, to be consistent with
14 these performance measures and standards.

15 Section 65. If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 invalidity shall not affect other provisions or applications
18 of the act which can be given effect without the invalid
19 provision or application, and to this end the provisions of
20 this act are declared severable.

21 Section 66. This act shall take effect July 1, 2001;
22 or, in the event this act fails to become a law until after
23 that date, it shall take effect upon becoming a law and shall
24 operate retroactively to July 1, 2001.