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LEGISLATIVE ACTION

Senate

House

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Floor: 1/AD/2R

04/29/2013 02:26 PM

Senator Grimsley moved the following:

Senate Amendment (with title amendment)

Delete lines 34 - 366

and insert:

(2) (a) For the 2013-2014 state fiscal year through the 2019-2020 state fiscal year, the total amount of the counties' annual contribution is \$269.6 million. For each fiscal year thereafter, the annual amount shall be adjusted by the percentage change in the state Medicaid expenditures as determined by the Social Services Estimating Conference.

(b) By March 15, 2020, and each year thereafter, the Social Services Estimating Conference shall determine the percentage change in state Medicaid expenditures by comparing expenditures



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14 for the 2 most recent completed state fiscal years.

15 (3) (a) 1. The amount of each county's annual contribution is
16 equal to the product of the amount determined under subsection
17 (2) multiplied by the sum of the percentages calculated in sub-
18 subparagraphs a. and b.:

19 a. The enrollment weight provided in subparagraph 2. is
20 multiplied by a fraction, the numerator of which is the number
21 of the county's Medicaid enrollees as of March 1 of each year,
22 and the denominator of which is the number of all counties'
23 Medicaid enrollees as of March 1 of each year. The agency shall
24 calculate this amount for each county and provide the
25 information to the Department of Revenue by May 15 of each year.

26 b. The payment weight provided in subparagraph 2. is
27 multiplied by the percentage share of payments provided in
28 subparagraph 3. for each county.

29 2. The weights for each fiscal year are equal to:

30
31 WEIGHTS

<u>FISCAL YEAR</u>	<u>ENROLLMENT</u>	<u>PAYMENT</u>
<u>2013-14</u>	<u>0%</u>	<u>100%</u>
<u>2014-15</u>	<u>0%</u>	<u>100%</u>
<u>2015-16</u>	<u>20%</u>	<u>80%</u>
<u>2016-17</u>	<u>40%</u>	<u>60%</u>



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<u>2017-18</u>	<u>60%</u>	<u>40%</u>
<u>2018-19</u>	<u>80%</u>	<u>20%</u>
<u>2019-20+</u>	<u>100%</u>	<u>0%</u>

3. The percentage share of payments for each county is:

<u>COUNTY</u>	<u>SHARE OF PAYMENTS</u>
<u>Alachua</u>	<u>1.278%</u>
<u>Baker</u>	<u>0.116%</u>
<u>Bay</u>	<u>0.607%</u>
<u>Bradford</u>	<u>0.179%</u>
<u>Brevard</u>	<u>2.471%</u>
<u>Broward</u>	<u>9.226%</u>
<u>Calhoun</u>	<u>0.084%</u>
<u>Charlotte</u>	<u>0.578%</u>
<u>Citrus</u>	<u>0.663%</u>



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54	<u>Clay</u>	<u>0.635%</u>
55	<u>Collier</u>	<u>1.160%</u>
56	<u>Columbia</u>	<u>0.557%</u>
57	<u>Dade (Miami-Dade)</u>	<u>18.850%</u>
58	<u>Desoto</u>	<u>0.167%</u>
59	<u>Dixie</u>	<u>0.098%</u>
60	<u>Duval</u>	<u>5.336%</u>
61	<u>Escambia</u>	<u>1.614%</u>
62	<u>Flagler</u>	<u>0.397%</u>
63	<u>Franklin</u>	<u>0.091%</u>
64	<u>Gadsden</u>	<u>0.239%</u>
65	<u>Gilchrist</u>	<u>0.078%</u>
66	<u>Glades</u>	<u>0.055%</u>
67	<u>Gulf</u>	<u>0.076%</u>
	<u>Hamilton</u>	<u>0.075%</u>



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68	<u>Hardee</u>	<u>0.110%</u>
69	<u>Hendry</u>	<u>0.163%</u>
70	<u>Hernando</u>	<u>0.862%</u>
71	<u>Highlands</u>	<u>0.468%</u>
72	<u>Hillsborough</u>	<u>6.952%</u>
73	<u>Holmes</u>	<u>0.101%</u>
74	<u>Indian River</u>	<u>0.397%</u>
75	<u>Jackson</u>	<u>0.218%</u>
76	<u>Jefferson</u>	<u>0.083%</u>
77	<u>Lafayette</u>	<u>0.014%</u>
78	<u>Lake</u>	<u>1.525%</u>
79	<u>Lee</u>	<u>2.511%</u>
80	<u>Leon</u>	<u>0.929%</u>
81	<u>Levy</u>	<u>0.256%</u>
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83	<u>Liberty</u>	<u>0.050%</u>
84	<u>Madison</u>	<u>0.086%</u>
85	<u>Manatee</u>	<u>1.622%</u>
86	<u>Marion</u>	<u>1.629%</u>
87	<u>Martin</u>	<u>0.352%</u>
88	<u>Monroe</u>	<u>0.262%</u>
89	<u>Nassau</u>	<u>0.240%</u>
90	<u>Okaloosa</u>	<u>0.566%</u>
91	<u>Okeechobee</u>	<u>0.235%</u>
92	<u>Orange</u>	<u>6.680%</u>
93	<u>Osceola</u>	<u>1.613%</u>
94	<u>Palm Beach</u>	<u>5.898%</u>
95	<u>Pasco</u>	<u>2.391%</u>
96	<u>Pinellas</u>	<u>6.644%</u>
	<u>Polk</u>	<u>3.642%</u>



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97	<u>Putnam</u>	<u>0.417%</u>
98	<u>Saint Johns</u>	<u>0.459%</u>
99	<u>Saint Lucie</u>	<u>1.154%</u>
100	<u>Santa Rosa</u>	<u>0.462%</u>
101	<u>Sarasota</u>	<u>1.230%</u>
102	<u>Seminole</u>	<u>1.739%</u>
103	<u>Sumter</u>	<u>0.218%</u>
104	<u>Suwannee</u>	<u>0.252%</u>
105	<u>Taylor</u>	<u>0.103%</u>
106	<u>Union</u>	<u>0.075%</u>
107	<u>Volusia</u>	<u>2.298%</u>
108	<u>Wakulla</u>	<u>0.103%</u>
109	<u>Walton</u>	<u>0.229%</u>
110	<u>Washington</u>	<u>0.114%</u>
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112 (b)1. The Legislature intends to replace the county
113 percentage share provided in subparagraph (a)3. with percentage
114 shares based upon each county's proportion of the total
115 statewide amount of county billings made under this section from
116 April 1, 2012, through March 31, 2013, for which the state
117 ultimately receives payment.

118 2. By February 1 of each year and continuing until a
119 certification is made under sub-subparagraph b., the agency
120 shall report to the President of the Senate and the Speaker of
121 the House of Representatives the status of the county billings
122 made under this section from April 1, 2012, through March 31,
123 2013, by county, including:

124 a. The amounts billed to each county which remain unpaid,
125 if any; and

126 b. A certification from the agency of a final accounting of
127 the amount of funds received by the state from such billings, by
128 county, upon the expiration of all appeal rights that counties
129 may have to contest such billings.

130 3. By March 15 of the state fiscal year in which the state
131 receives the certification provided for in sub-subparagraph
132 (b)2.b., the Social Services Estimating Conference shall
133 calculate each county's percentage share of the total statewide
134 amount of county billings made under this section from April 1,
135 2012, through March 31, 2013, for which the state ultimately
136 receives payment.

137 4. Beginning in the state fiscal year following the receipt
138 by the state of the certification provided in sub-subparagraph
139 (b)2.b., each county's percentage share under subparagraph (a)3.
140 shall be replaced by the percentage calculated under



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141 subparagraph (b)3.

142 5. If the court invalidates the replacement of each
143 county's share as provided in this paragraph, the county share
144 set forth in subparagraph (a)3. shall continue to apply.

145 (4) By June 1 of each year, the Department of Revenue shall
146 notify each county of its required annual contribution. Each
147 county shall pay its contribution, by check or electronic
148 transfer, in equal monthly installments to the department by the
149 5th day of each month. If a county fails to remit the payment by
150 the 5th day of the month, the department shall reduce the
151 monthly distribution of that county pursuant to s. 218.61 and,
152 if necessary, by the amount of the monthly installment pursuant
153 to s. 218.26. The payments and the amounts by which the
154 distributions are reduced shall be transferred to the General
155 Revenue Fund.

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

158 ~~(a) For both health maintenance members and fee-for-service~~
159 ~~beneficiaries, payments for inpatient hospitalization in excess~~
160 ~~of 10 days, but not in excess of 45 days, with the exception of~~
161 ~~pregnant women and children whose income is in excess of the~~
162 ~~federal poverty level and who do not participate in the Medicaid~~
163 ~~medically needy program, and for adult lung transplant services.~~

164 ~~(b) For both health maintenance members and fee-for-service~~
165 ~~beneficiaries, payments for nursing home or intermediate~~
166 ~~facilities care in excess of \$170 per month, with the exception~~
167 ~~of skilled nursing care for children under age 21.~~

168 ~~(2) A county's participation must be 35 percent of the~~
169 ~~total cost, or the applicable discounted cost paid by the state~~



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170 ~~for Medicaid recipients enrolled in health maintenance~~
171 ~~organizations or prepaid health plans, of providing the items~~
172 ~~listed in subsection (1), except that the payments for items~~
173 ~~listed in paragraph (1)(b) may not exceed \$55 per month per~~
174 ~~person.~~

175 ~~(3) Each county shall set aside sufficient funds to pay for~~
176 ~~items of care and service provided to the county's eligible~~
177 ~~recipients for which county contributions are required,~~
178 ~~regardless of where in the state the care or service is~~
179 ~~rendered.~~

180 ~~(4) Each county shall contribute its pro rata share of the~~
181 ~~total county participation based upon statements rendered by the~~
182 ~~agency. The agency shall render such statements monthly based on~~
183 ~~each county's eligible recipients. For purposes of this section,~~
184 ~~each county's eligible recipients shall be determined by the~~
185 ~~recipient's address information contained in the federally~~
186 ~~approved Medicaid eligibility system within the Department of~~
187 ~~Children and Family Services. A county may use the process~~
188 ~~developed under subsection (10) to request a refund if it~~
189 ~~determines that the statement rendered by the agency contains~~
190 ~~errors.~~

191 (5) In any county in which a special taxing district or
192 authority is located which benefits ~~will benefit~~ from the
193 Medicaid program ~~medical assistance programs covered by this~~
194 ~~section~~, the board of county commissioners may divide the
195 county's financial responsibility for this purpose
196 proportionately, and each such district or authority must
197 furnish its share to the board of county commissioners in time
198 for the board to comply with subsection (4) ~~(3)~~. Any appeal of



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199 the proration made by the board of county commissioners must be
200 made to the Department of Financial Services, which shall ~~then~~
201 set the proportionate share for ~~of~~ each party.

202 ~~(6) Counties are exempt from contributing toward the cost~~
203 ~~of new exemptions on inpatient ceilings for statutory teaching~~
204 ~~hospitals, specialty hospitals, and community hospital education~~
205 ~~program hospitals that came into effect July 1, 2000, and for~~
206 ~~special Medicaid payments that came into effect on or after July~~
207 ~~1, 2000.~~

208 (6)~~(7)~~(a) By August 1, 2012, the agency shall certify to
209 each county the amount of such county's billings from November
210 1, 2001, through April 30, 2012, which remain unpaid. A county
211 may contest the amount certified by filing a petition under the
212 applicable provisions of chapter 120 on or before September 1,
213 2012. This procedure is the exclusive method to challenge the
214 amount certified. In order to successfully challenge the amount
215 certified, a county must show, by a preponderance of the
216 evidence, that a recipient was not an eligible recipient of that
217 county or that the amount certified was otherwise in error.

218 (b) By September 15, 2012, the agency shall certify to the
219 Department of Revenue:

220 1. For each county that files a petition on or before
221 September 1, 2012, the amount certified under paragraph (a); and

222 2. For each county that does not file a petition on or
223 before September 1, 2012, an amount equal to 85 percent of the
224 amount certified under paragraph (a).

225 (c) The filing of a petition under paragraph (a) does ~~shall~~
226 not stay or stop the Department of Revenue from reducing
227 distributions in accordance with paragraph (b) and subsection



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228 (7) ~~(8)~~. If a county that files a petition under paragraph (a)
229 is able to demonstrate that the amount certified should be
230 reduced, the agency shall notify the Department of Revenue of
231 the amount of the reduction. The Department of Revenue shall
232 adjust all future monthly distribution reductions under
233 subsection (7) ~~(8)~~ in a manner that results in the remaining
234 total distribution reduction being applied in equal monthly
235 amounts.

236 (7) ~~(8)~~(a) Beginning with the October 2012 distribution, the
237 Department of Revenue shall reduce each county's distributions
238 pursuant to s. 218.26 by one thirty-sixth of the amount
239 certified by the agency under subsection (6) ~~(7)~~ for that
240 county, minus any amount required under paragraph (b). Beginning
241 with the October 2013 distribution, the Department of Revenue
242 shall reduce each county's distributions pursuant to s. 218.26
243 by one forty-eighth of two-thirds of the amount certified by the
244 agency under subsection (6) ~~(7)~~ for that county, minus any
245 amount required under paragraph (b). However, the amount of the
246 reduction may not exceed 50 percent of each county's
247 distribution. If, after 60 months, the reductions for any county
248 do not equal the total amount initially certified by the agency,
249 the Department of Revenue shall continue to reduce such county's
250 distribution by up to 50 percent until the total amount
251 certified is reached. The amounts by which the distributions are
252 reduced shall be transferred to the General Revenue Fund.

253 (b) As an assurance to holders of bonds issued before the
254 effective date of this act to which distributions made pursuant
255 to s. 218.26 are pledged, or bonds issued to refund such bonds
256 which mature no later than the bonds they refunded and which



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257 result in a reduction of debt service payable in each fiscal
258 year, the amount available for distribution to a county shall
259 remain as provided by law and continue to be subject to any lien
260 or claim on behalf of the bondholders. The Department of Revenue
261 must ensure, based on information provided by an affected
262 county, that any reduction in amounts distributed pursuant to
263 paragraph (a) does not reduce the amount of distribution to a
264 county below the amount necessary for the timely payment of
265 principal and interest when due on the bonds and the amount
266 necessary to comply with any covenant under the bond resolution
267 or other documents relating to the issuance of the bonds. If a
268 reduction to a county's monthly distribution must be decreased
269 in order to comply with this paragraph, the Department of
270 Revenue must notify the agency of the amount of the decrease and
271 the agency must send a bill for payment of such amount to the
272 affected county.

273 ~~(9) (a) Beginning May 1, 2012, and each month thereafter,~~
274 ~~the agency shall certify to the Department of Revenue by the 7th~~
275 ~~day of each month the amount of the monthly statement rendered~~
276 ~~to each county pursuant to subsection (4). Beginning with the~~
277 ~~May 2012 distribution, the Department of Revenue shall reduce~~
278 ~~each county's monthly distribution pursuant to s. 218.61 by the~~
279 ~~amount certified by the agency minus any amount required under~~
280 ~~paragraph (b). The amounts by which the distributions are~~
281 ~~reduced shall be transferred to the General Revenue Fund.~~

282 ~~(b) As an assurance to holders of bonds issued before the~~
283 ~~effective date of this act to which distributions made pursuant~~
284 ~~to s. 218.61 are pledged, or bonds issued to refund such bonds~~
285 ~~which mature no later than the bonds they refunded and which~~



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286 ~~result in a reduction of debt service payable in each fiscal~~
287 ~~year, the amount available for distribution to a county shall~~
288 ~~remain as provided by law and continue to be subject to any lien~~
289 ~~or claim on behalf of the bondholders. The Department of Revenue~~
290 ~~must ensure, based on information provided by an affected~~
291 ~~county, that any reduction in amounts distributed pursuant to~~
292 ~~paragraph (a) does not reduce the amount of distribution to a~~
293 ~~county below the amount necessary for the timely payment of~~
294 ~~principal and interest when due on the bonds and the amount~~
295 ~~necessary to comply with any covenant under the bond resolution~~
296 ~~or other documents relating to the issuance of the bonds. If a~~
297 ~~reduction to a county's monthly distribution must be decreased~~
298 ~~in order to comply with this paragraph, the Department of~~
299 ~~Revenue must notify the agency of the amount of the decrease and~~
300 ~~the agency must send a bill for payment of such amount to the~~
301 ~~affected county.~~

302 ~~(10) The agency, in consultation with the Department of~~
303 ~~Revenue and the Florida Association of Counties, shall develop a~~
304 ~~process for refund requests which:~~

305 ~~(a) Allows counties to submit to the agency written~~
306 ~~requests for refunds of any amounts by which the distributions~~
307 ~~were reduced as provided in subsection (9) and which set forth~~
308 ~~the reasons for the refund requests.~~

309 ~~(b) Requires the agency to make a determination as to~~
310 ~~whether a refund request is appropriate and should be approved,~~
311 ~~in which case the agency shall certify the amount of the refund~~
312 ~~to the department.~~

313 ~~(c) Requires the department to issue the refund for the~~
314 ~~certified amount to the county from the General Revenue Fund.~~



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315 ~~The Department of Revenue may issue the refund in the form of a~~
316 ~~credit against reductions to be applied to subsequent monthly~~
317 ~~distributions.~~

318 (8)~~(11)~~ Beginning in the 2013-2014 fiscal year and each
319 year thereafter through the 2020-2021 fiscal year, the Chief
320 Financial Officer shall transfer from the General Revenue Fund
321 to the Lawton Chiles Endowment Fund an amount equal to the
322 amounts transferred to the General Revenue Fund in the previous
323 fiscal year pursuant to subsections (4) and (7) ~~subsections (8)~~
324 ~~and (9), reduced by the amount of refunds paid pursuant to~~
325 ~~subsection (10),~~ which are in excess of the official estimate
326 for medical hospital fees for such previous fiscal year adopted
327 by the Revenue Estimating Conference on January 12, 2012, as
328 reflected in the conference's workpapers. By July 20 of each
329 year, the Office of Economic and Demographic Research shall
330 certify the amount to be transferred to the Chief Financial
331 Officer. Such transfers must be made before July 31 of each year
332 until the total transfers for all years equal \$350 million. If
333 ~~In the event that~~ such transfers do not total \$350 million by
334 July 1, 2021, the Legislature shall provide for the transfer of
335 amounts necessary to total \$350 million. The Office of Economic
336 and Demographic Research shall publish the official estimates
337 reflected in the conference's workpapers on its website.

338 (9)~~(12)~~ The agency may adopt rules to administer this
339 section.

340 Section 2. The Agency for Health Care Administration shall
341 provide a data report to the Florida Association of Counties
342 which includes such information as may be necessary for a
343 comprehensive evaluation of the cost and utilization of health



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344 services by Medicaid enrollees in each county by service type.
345 The data report shall be provided at least annually at the
346 request of the association. Copies of the data report shall also
347 be provided to the Governor, the President of the Senate, and
348 the Speaker of the House of Representatives. The agency shall
349 provide other information and assistance requested by the
350 association in order to assess the impact on counties of the
351 changes to the methodology for determining county contributions
352 to Medicaid made by this act and to evaluate the impact of
353 various Medicaid policies, including the use of diagnosis-
354 related groups on the reimbursement of hospital inpatient
355 services and the implementation of statewide managed care,
356 including managed long-term care. This section is repealed
357 December 31, 2015.

358
359 ===== T I T L E A M E N D M E N T =====

360 And the title is amended as follows:
361 Delete lines 4 - 15
362 and insert:
363 contribution for certain years and specifying the
364 method for determining the amount in the following
365 years; revising the method for calculating each
366 county's contribution; providing tables for
367 calculating county contributions; requiring the Agency
368 for Health Care Administration to annually report the
369 status of county billings to the Legislature;
370 authorizing the Department of Revenue to withhold
371 county distributions for failure to remit Medicaid
372 contributions; deleting provisions specifying the care



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373 and services that counties must participate in,
374 obsolete bond provisions, and a process for refund
375 requests; requiring the agency to provide a report to
376 the Florida Association of Counties and the
377 Legislature on the impact on counties of the changes
378 to the methodology for determining county Medicaid
379 contributions and other factors;