



215006

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/25/2013	.	
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The Committee on Appropriations (Grimsley) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Section 409.915, Florida Statutes, is amended to read:

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



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13 ~~service as provided in this section.~~

14 (1) As used in this section, the term "state Medicaid  
15 expenditures" means those expenditures used as matching funds  
16 for the federal Medicaid program.

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

22 (b) By March 15 of each year, the Social Services  
23 Estimating Conference shall determine the percentage change in  
24 state Medicaid expenditures by comparing expenditures for the 2  
25 most recent completed state fiscal years.

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

30 a. The enrollment weight provided in subparagraph 2. is  
31 multiplied by a fraction, the numerator of which is the number  
32 of the county's Medicaid enrollees as of March 1 of each year,  
33 and the denominator of which is the number of all counties'  
34 Medicaid enrollees as of March 1 of each year. The agency shall  
35 calculate this amount for each county and provide the  
36 information to the Department of Revenue by May 15 of each year.

37 b. The payment weight provided in subparagraph 2. is  
38 multiplied by the percentage share of payments provided in  
39 subparagraph 3. for each county.

40 2. The weights for each fiscal year are equal to:  
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<u>Weights</u>		
<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>16.67%</u>	<u>83.33%</u>
<u>2015-16</u>	<u>33.34%</u>	<u>66.66%</u>
<u>2016-17</u>	<u>50%</u>	<u>50%</u>
<u>2017-18</u>	<u>66.66%</u>	<u>33.34%</u>
<u>2018-19</u>	<u>83.33%</u>	<u>16.67%</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>



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57	<u>BAY</u>	<u>0.607%</u>
58	<u>BRADFORD</u>	<u>0.179%</u>
59	<u>BREVARD</u>	<u>2.471%</u>
60	<u>BROWARD</u>	<u>9.226%</u>
61	<u>CALHOUN</u>	<u>0.084%</u>
62	<u>CHARLOTTE</u>	<u>0.578%</u>
63	<u>CITRUS</u>	<u>0.663%</u>
64	<u>CLAY</u>	<u>0.635%</u>
65	<u>COLLIER</u>	<u>1.160%</u>
66	<u>COLUMBIA</u>	<u>0.557%</u>
67	<u>DADE (MIAMI- DADE)</u>	<u>18.850%</u>
68	<u>DESOTO</u>	<u>0.167%</u>
69	<u>DIXIE</u>	<u>0.098%</u>
	<u>DUVAL</u>	<u>5.336%</u>



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70	<u>ESCAMBIA</u>	<u>1.614%</u>
71	<u>FLAGLER</u>	<u>0.397%</u>
72	<u>FRANKLIN</u>	<u>0.091%</u>
73	<u>GADSDEN</u>	<u>0.239%</u>
74	<u>GILCHRIST</u>	<u>0.078%</u>
75	<u>GLADES</u>	<u>0.055%</u>
76	<u>GULF</u>	<u>0.076%</u>
77	<u>HAMILTON</u>	<u>0.075%</u>
78	<u>HARDEE</u>	<u>0.110%</u>
79	<u>HENDRY</u>	<u>0.163%</u>
80	<u>HERNANDO</u>	<u>0.862%</u>
81	<u>HIGHLANDS</u>	<u>0.468%</u>
82	<u>HILLSBOROUGH</u>	<u>6.952%</u>
83	<u>HOLMES</u>	<u>0.101%</u>



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84	<u>INDIAN RIVER</u>	<u>0.397%</u>
85	<u>JACKSON</u>	<u>0.218%</u>
86	<u>JEFFERSON</u>	<u>0.083%</u>
87	<u>LAFAYETTE</u>	<u>0.014%</u>
88	<u>LAKE</u>	<u>1.525%</u>
89	<u>LEE</u>	<u>2.511%</u>
90	<u>LEON</u>	<u>0.929%</u>
91	<u>LEVY</u>	<u>0.256%</u>
92	<u>LIBERTY</u>	<u>0.050%</u>
93	<u>MADISON</u>	<u>0.086%</u>
94	<u>MANATEE</u>	<u>1.622%</u>
95	<u>MARION</u>	<u>1.629%</u>
96	<u>MARTIN</u>	<u>0.352%</u>
97	<u>MONROE</u>	<u>0.262%</u>



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98	<u>NASSAU</u>	<u>0.240%</u>
99	<u>OKALOOSA</u>	<u>0.566%</u>
100	<u>OKEECHOBEE</u>	<u>0.235%</u>
101	<u>ORANGE</u>	<u>6.680%</u>
102	<u>OSCEOLA</u>	<u>1.613%</u>
103	<u>PALM BEACH</u>	<u>5.898%</u>
104	<u>PASCO</u>	<u>2.391%</u>
105	<u>PINELLAS</u>	<u>6.644%</u>
106	<u>POLK</u>	<u>3.642%</u>
107	<u>PUTNAM</u>	<u>0.417%</u>
108	<u>SAINT JOHNS</u>	<u>0.459%</u>
109	<u>SAINT LUCIE</u>	<u>1.154%</u>
110	<u>SANTA ROSA</u>	<u>0.462%</u>
111	<u>SARASOTA</u>	<u>1.230%</u>



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<u>SEMINOLE</u>	<u>1.739%</u>
<u>SUMTER</u>	<u>0.218%</u>
<u>SUWANNEE</u>	<u>0.252%</u>
<u>TAYLOR</u>	<u>0.103%</u>
<u>UNION</u>	<u>0.075%</u>
<u>VOLUSIA</u>	<u>2.298%</u>
<u>WAKULLA</u>	<u>0.103%</u>
<u>WALTON</u>	<u>0.229%</u>
<u>WASHINGTON</u>	<u>0.114%</u>

(b)1. The Legislature intends to replace the county percentage share provided in subparagraph (a)3. with percentage shares based upon each county's proportion of the total statewide amount of county billings made under this section from April 1, 2012, through March 31, 2013, for which the state ultimately receives payment.

2. By February 1 of each year and continuing until a certification is made under sub-subparagraph b., the agency shall report to the President of the Senate and the Speaker of the House of Representatives the status of the county billings





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132 made under this section from April 1, 2012, through March 31,  
133 2013, by county, including:  
134 a. The amounts billed to each county which remain unpaid,  
135 if any; and  
136 b. A certification from the agency of a final accounting of  
137 the amount of funds received by the state from such billings, by  
138 county, upon the expiration of all appeal rights that counties  
139 may have to contest such billings.  
140 3. By March 15 of the state fiscal year in which the state  
141 receives the certification provided for in sub-subparagraph  
142 (b)2.b., the Social Services Estimating Conference shall  
143 calculate each county's percentage share of the total statewide  
144 amount of county billings made under this section from April 1,  
145 2012, through March 31, 2013, for which the state ultimately  
146 receives payment.  
147 4. Beginning in the state fiscal year following the receipt  
148 by the state of the certification provided in sub-subparagraph  
149 (b)2.b., each county's percentage share under subparagraph (a)3.  
150 shall be replaced by the percentage calculated under  
151 subparagraph (b)3.  
152 5. If the court invalidates the replacement of each  
153 county's share as provided in this paragraph, the county share  
154 set forth in subparagraph (a)3. shall continue to apply.  
155 (4) By June 1 of each year, the Department of Revenue shall  
156 notify each county of its required annual contribution. Each  
157 county shall pay its contribution, by check or electronic  
158 transfer, in equal monthly installments to the department by the  
159 5th day of each month. If a county fails to remit the payment by  
160 the 5th day of the month, the department shall reduce the



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161 monthly distribution of that county pursuant to s. 218.61 and,  
162 if necessary, by the amount of the monthly installment pursuant  
163 to s. 218.26. The payments and the amounts by which the  
164 distributions are reduced shall be transferred to the General  
165 Revenue Fund.

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

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

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

178 ~~(2) A county's participation must be 35 percent of the~~  
179 ~~total cost, or the applicable discounted cost paid by the state~~  
180 ~~for Medicaid recipients enrolled in health maintenance~~  
181 ~~organizations or prepaid health plans, of providing the items~~  
182 ~~listed in subsection (1), except that the payments for items~~  
183 ~~listed in paragraph (1)(b) may not exceed \$55 per month per~~  
184 ~~person.~~

185 ~~(3) Each county shall set aside sufficient funds to pay for~~  
186 ~~items of care and service provided to the county's eligible~~  
187 ~~recipients for which county contributions are required,~~  
188 ~~regardless of where in the state the care or service is~~  
189 ~~rendered.~~



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190           ~~(4) Each county shall contribute its pro rata share of the~~  
191 ~~total county participation based upon statements rendered by the~~  
192 ~~agency. The agency shall render such statements monthly based on~~  
193 ~~each county's eligible recipients. For purposes of this section,~~  
194 ~~each county's eligible recipients shall be determined by the~~  
195 ~~recipient's address information contained in the federally~~  
196 ~~approved Medicaid eligibility system within the Department of~~  
197 ~~Children and Family Services. A county may use the process~~  
198 ~~developed under subsection (10) to request a refund if it~~  
199 ~~determines that the statement rendered by the agency contains~~  
200 ~~errors.~~

201           (5) In any county in which a special taxing district or  
202 authority is located which benefits ~~will benefit~~ from the  
203 Medicaid program ~~medical assistance programs covered by this~~  
204 ~~section~~, the board of county commissioners may divide the  
205 county's financial responsibility for this purpose  
206 proportionately, and each such district or authority must  
207 furnish its share to the board of county commissioners in time  
208 for the board to comply with subsection (4) ~~(3)~~. Any appeal of  
209 the proration made by the board of county commissioners must be  
210 made to the Department of Financial Services, which shall ~~then~~  
211 set the proportionate share for ~~of~~ each party.

212           ~~(6) Counties are exempt from contributing toward the cost~~  
213 ~~of new exemptions on inpatient ceilings for statutory teaching~~  
214 ~~hospitals, specialty hospitals, and community hospital education~~  
215 ~~program hospitals that came into effect July 1, 2000, and for~~  
216 ~~special Medicaid payments that came into effect on or after July~~  
217 ~~1, 2000.~~

218           (6)~~(7)~~(a) By August 1, 2012, the agency shall certify to



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219 each county the amount of such county's billings from November  
220 1, 2001, through April 30, 2012, which remain unpaid. A county  
221 may contest the amount certified by filing a petition under the  
222 applicable provisions of chapter 120 on or before September 1,  
223 2012. This procedure is the exclusive method to challenge the  
224 amount certified. In order to successfully challenge the amount  
225 certified, a county must show, by a preponderance of the  
226 evidence, that a recipient was not an eligible recipient of that  
227 county or that the amount certified was otherwise in error.

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

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

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

235 (c) The filing of a petition under paragraph (a) does ~~shall~~  
236 not stay or stop the Department of Revenue from reducing  
237 distributions in accordance with paragraph (b) and subsection  
238 (7) ~~(8)~~. If a county that files a petition under paragraph (a)  
239 is able to demonstrate that the amount certified should be  
240 reduced, the agency shall notify the Department of Revenue of  
241 the amount of the reduction. The Department of Revenue shall  
242 adjust all future monthly distribution reductions under  
243 subsection (7) ~~(8)~~ in a manner that results in the remaining  
244 total distribution reduction being applied in equal monthly  
245 amounts.

246 (7) ~~(8)~~(a) Beginning with the October 2012 distribution, the  
247 Department of Revenue shall reduce each county's distributions



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248 pursuant to s. 218.26 by one thirty-sixth of the amount  
249 certified by the agency under subsection (6) ~~(7)~~ for that  
250 county, minus any amount required under paragraph (b). Beginning  
251 with the October 2013 distribution, the Department of Revenue  
252 shall reduce each county's distributions pursuant to s. 218.26  
253 by one forty-eighth of two-thirds of the amount certified by the  
254 agency under subsection (6) ~~(7)~~ for that county, minus any  
255 amount required under paragraph (b). However, the amount of the  
256 reduction may not exceed 50 percent of each county's  
257 distribution. If, after 60 months, the reductions for any county  
258 do not equal the total amount initially certified by the agency,  
259 the Department of Revenue shall continue to reduce such county's  
260 distribution by up to 50 percent until the total amount  
261 certified is reached. The amounts by which the distributions are  
262 reduced shall be transferred to the General Revenue Fund.

263 (b) As an assurance to holders of bonds issued before the  
264 effective date of this act to which distributions made pursuant  
265 to s. 218.26 are pledged, or bonds issued to refund such bonds  
266 which mature no later than the bonds they refunded and which  
267 result in a reduction of debt service payable in each fiscal  
268 year, the amount available for distribution to a county shall  
269 remain as provided by law and continue to be subject to any lien  
270 or claim on behalf of the bondholders. The Department of Revenue  
271 must ensure, based on information provided by an affected  
272 county, that any reduction in amounts distributed pursuant to  
273 paragraph (a) does not reduce the amount of distribution to a  
274 county below the amount necessary for the timely payment of  
275 principal and interest when due on the bonds and the amount  
276 necessary to comply with any covenant under the bond resolution



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277 or other documents relating to the issuance of the bonds. If a  
278 reduction to a county's monthly distribution must be decreased  
279 in order to comply with this paragraph, the Department of  
280 Revenue must notify the agency of the amount of the decrease and  
281 the agency must send a bill for payment of such amount to the  
282 affected county.

283 ~~(9) (a) Beginning May 1, 2012, and each month thereafter,~~  
284 ~~the agency shall certify to the Department of Revenue by the 7th~~  
285 ~~day of each month the amount of the monthly statement rendered~~  
286 ~~to each county pursuant to subsection (4). Beginning with the~~  
287 ~~May 2012 distribution, the Department of Revenue shall reduce~~  
288 ~~each county's monthly distribution pursuant to s. 218.61 by the~~  
289 ~~amount certified by the agency minus any amount required under~~  
290 ~~paragraph (b). The amounts by which the distributions are~~  
291 ~~reduced shall be transferred to the General Revenue Fund.~~

292 ~~(b) As an assurance to holders of bonds issued before the~~  
293 ~~effective date of this act to which distributions made pursuant~~  
294 ~~to s. 218.61 are pledged, or bonds issued to refund such bonds~~  
295 ~~which mature no later than the bonds they refunded and which~~  
296 ~~result in a reduction of debt service payable in each fiscal~~  
297 ~~year, the amount available for distribution to a county shall~~  
298 ~~remain as provided by law and continue to be subject to any lien~~  
299 ~~or claim on behalf of the bondholders. The Department of Revenue~~  
300 ~~must ensure, based on information provided by an affected~~  
301 ~~county, that any reduction in amounts distributed pursuant to~~  
302 ~~paragraph (a) does not reduce the amount of distribution to a~~  
303 ~~county below the amount necessary for the timely payment of~~  
304 ~~principal and interest when due on the bonds and the amount~~  
305 ~~necessary to comply with any covenant under the bond resolution~~



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306 ~~or other documents relating to the issuance of the bonds. If a~~  
307 ~~reduction to a county's monthly distribution must be decreased~~  
308 ~~in order to comply with this paragraph, the Department of~~  
309 ~~Revenue must notify the agency of the amount of the decrease and~~  
310 ~~the agency must send a bill for payment of such amount to the~~  
311 ~~affected county.~~

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

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

319 ~~(b) Requires the agency to make a determination as to~~  
320 ~~whether a refund request is appropriate and should be approved,~~  
321 ~~in which case the agency shall certify the amount of the refund~~  
322 ~~to the department.~~

323 ~~(c) Requires the department to issue the refund for the~~  
324 ~~certified amount to the county from the General Revenue Fund.~~  
325 ~~The Department of Revenue may issue the refund in the form of a~~  
326 ~~credit against reductions to be applied to subsequent monthly~~  
327 ~~distributions.~~

328 ~~(8)(11)~~ Beginning in the 2013-2014 fiscal year and each  
329 year thereafter through the 2020-2021 fiscal year, the Chief  
330 Financial Officer shall transfer from the General Revenue Fund  
331 to the Lawton Chiles Endowment Fund an amount equal to the  
332 amounts transferred to the General Revenue Fund in the previous  
333 fiscal year pursuant to subsections (4) and (7) ~~subsections (8)~~  
334 ~~and (9), reduced by the amount of refunds paid pursuant to~~



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335 ~~subsection (10)~~, which are in excess of the official estimate  
336 for medical hospital fees for such previous fiscal year adopted  
337 by the Revenue Estimating Conference on January 12, 2012, as  
338 reflected in the conference's workpapers. By July 20 of each  
339 year, the Office of Economic and Demographic Research shall  
340 certify the amount to be transferred to the Chief Financial  
341 Officer. Such transfers must be made before July 31 of each year  
342 until the total transfers for all years equal \$350 million. If  
343 ~~In the event that~~ such transfers do not total \$350 million by  
344 July 1, 2021, the Legislature shall provide for the transfer of  
345 amounts necessary to total \$350 million. The Office of Economic  
346 and Demographic Research shall publish the official estimates  
347 reflected in the conference's workpapers on its website.

348 (9) ~~(12)~~ The agency may adopt rules to administer this  
349 section.

350 Section 2. Notwithstanding s. 409.915(3) and (4), Florida  
351 Statutes, as amended by this act, the amount of each county's  
352 contribution during the 2013-2014 state fiscal year shall be  
353 determined and provided to the Department of Revenue by the  
354 Agency for Health Care Administration by June 15, 2013. The  
355 Department of Revenue shall notify each county of its annual  
356 contribution by June 20, 2013.

357 Section 3. This act shall take effect upon becoming a law.  
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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 everything before the enacting clause  
362 and insert:

363 A bill to be entitled





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364 An act relating to county Medicaid contributions;  
365 amending s. 409.915, F.S.; specifying the total  
366 contribution for the year and specifying the method  
367 for determining the amount in the following years;  
368 revising the method for calculating each county's  
369 contribution; providing tables for calculating county  
370 contributions; requiring the Agency for Health Care  
371 Administration to annually report the status of county  
372 billings to the Legislature; authorizing the  
373 Department of Revenue to withhold county distributions  
374 for failure to remit Medicaid contributions; deleting  
375 provisions specifying the care and services that  
376 counties must participate in, obsolete bond  
377 provisions, and a process for refund requests;  
378 specifying the method for calculating each county's  
379 contribution for the 2013-2014 fiscal year; providing  
380 an effective date.