

By the Committee on Appropriations

309-1474C-01

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; directing the Agency for
19 Health Care Administration to include health
20 maintenance organization recipients in the
21 county billing for a specified purpose;
22 amending s. 409.905, F.S.; prescribing
23 conditions upon which an adjustment in a
24 hospital's inpatient per diem rate may be
25 based; amending s. 216.177, F.S.; providing
26 notice requirements for the Department of
27 Children and Family Services with respect to
28 transferring portions of district budgets;
29 amending s. 409.915, F.S.; exempting counties
30 from contributing toward the increased cost of
31 hospital inpatient services due to elimination

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

1 Care Administration to implement a pilot
2 program to prevent Medicaid fraud and abuse
3 with respect to pharmaceuticals; amending s.
4 409.906, F.S.; providing for reimbursement and
5 use-management reforms with respect to
6 community mental health services; amending s.
7 409.912, F.S.; authorizing the agency to
8 contract with children's clinic networks for
9 certain purposes; amending s. 409.9122, F.S.;
10 providing for disproportionate assignment of
11 certain Medicaid-eligible children to
12 children's clinic networks; providing for the
13 assignment of certain Medicaid recipients to
14 managed care plans; amending s. 409.904, F.S.;
15 providing for the Agency for Health Care
16 Administration to pay for specified cancer
17 treatment; amending s. 39.3065, F.S.;
18 prescribing responsibility of the Seminole
19 County Sheriff with respect to child protective
20 investigations; amending s. 414.045, F.S.;
21 revising reporting requirements with respect to
22 the cash assistance program; providing
23 legislative intent and directives with respect
24 to community-based care initiatives; requiring
25 the availability of certain funds for the
26 temporary assistance for needy families
27 program; authorizing a transfer of funds
28 between the Department of Children and Family
29 Services and the Department of Juvenile Justice
30 relating to transfer of staff between the
31 departments; amending s. 318.21, F.S.;

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

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

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

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. It is the intent of the Legislature that
23 the implementing and administering provisions of this act
24 apply to the General Appropriations Act for fiscal year
25 2001-2002.

26 Section 2. In order to implement Specific
27 Appropriation 171 of the 2001-2002 General Appropriations Act,
28 the funds provided for workforce development shall be
29 initially allocated to the school district or community
30 college as designated. If, for any reason, a program in whole
31 or in part is moved from a community college to a school

1 district or moved from a school district to a community
2 college, the Commissioner of Education or the Executive
3 Director of the Division of Community Colleges shall submit a
4 budget amendment pursuant to chapter 216, Florida Statutes, to
5 transfer the appropriate amount of the 2001-2002 appropriation
6 between the affected district and community college. The
7 amount transferred shall be as near as practicable to the
8 actual amount appropriated for the FTE funded for that
9 program. This section expires July 1, 2002.

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

19 Section 4. In order to implement Specific
20 Appropriation 249 of the 2001-2002 General Appropriations Act,
21 subsection (6) of section 409.9116, Florida Statutes, is
22 amended to read:

23 409.9116 Disproportionate share/financial assistance
24 program for rural hospitals.--In addition to the payments made
25 under s. 409.911, the Agency for Health Care Administration
26 shall administer a federally matched disproportionate share
27 program and a state-funded financial assistance program for
28 statutory rural hospitals. The agency shall make
29 disproportionate share payments to statutory rural hospitals
30 that qualify for such payments and financial assistance
31 payments to statutory rural hospitals that do not qualify for

1 disproportionate share payments. The disproportionate share
2 program payments shall be limited by and conform with federal
3 requirements. Funds shall be distributed quarterly in each
4 fiscal year for which an appropriation is made.

5 Notwithstanding the provisions of s. 409.915, counties are
6 exempt from contributing toward the cost of this special
7 reimbursement for hospitals serving a disproportionate share
8 of low-income patients.

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

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

18

$$19 \text{PDAER} = (\text{TAERH} \times \text{TARH}) / \text{STAERH}$$

20

21 Where:

22 PDAER = preliminary distribution amount for each rural
23 hospital.

24 TAERH = total amount earned by each rural hospital.

25 TARH = total amount appropriated or distributed under
26 this section.

27 STAERH = sum of total amount earned by each rural
28 hospital.

29 (b) Federal matching funds for the disproportionate
30 share program shall then be calculated for those hospitals
31 that qualify for disproportionate share in paragraph (a).

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

$$3 \text{ SFOER} = \text{Maximum value of (1) SFOL - PDAER or (2) 0}$$

4
5
6 Where:

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

9 SFOL = state-funds-only payment level, which is set at
10 4 percent of TARH.

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

$$14 \text{ ATARH} = (\text{TARH} - \text{SSFOER})$$

15
16
17 Where:

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

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

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

$$25 \text{ TDAERH} = [(\text{TAERH} \times \text{ATARH}) / \text{STAERH}]$$

26
27
28 Where:

29 TDAERH = total distribution amount for each rural
30 hospital.

31

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

4 (g) State-funds-only payment amounts calculated under
5 paragraph (c) are then added to the results of paragraph (f)
6 to determine the total distribution amount for each rural
7 hospital.

8 (h) This subsection expires ~~is repealed~~ on July 1,
9 2002 ~~2001~~.

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

14 216.181 Approved budgets for operations and fixed
15 capital outlay.--

16 (16)

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

27 Section 6. In order to implement Specific
28 Appropriation 254 of the 2001-2002 General Appropriations Act,
29 and for the 2001-2002 fiscal year only, the Agency for Health
30 Care Administration shall include health maintenance
31 organization recipients in the county billing for inpatient

1 hospital stays for the purpose of shared costs with counties
2 in accordance with the Florida Statutes. This section expires
3 July 1, 2002.

4 Section 7. In order to implement Specific
5 Appropriation 254 of the 2001-2002 General Appropriations Act,
6 paragraph (c) of subsection (5) of section 409.905, Florida
7 Statutes, is amended to read:

8 409.905 Mandatory Medicaid services.--The agency may
9 make payments for the following services, which are required
10 of the state by Title XIX of the Social Security Act,
11 furnished by Medicaid providers to recipients who are
12 determined to be eligible on the dates on which the services
13 were provided. Any service under this section shall be
14 provided only when medically necessary and in accordance with
15 state and federal law. Nothing in this section shall be
16 construed to prevent or limit the agency from adjusting fees,
17 reimbursement rates, lengths of stay, number of visits, number
18 of services, or any other adjustments necessary to comply with
19 the availability of moneys and any limitations or directions
20 provided for in the General Appropriations Act or chapter 216.

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

29 (c) Agency for Health Care Administration shall adjust
30 a hospital's current inpatient per diem rate to reflect the
31

1 cost of serving the Medicaid population at that institution
2 if:

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

7 2. The hospital's Medicaid per diem rate is at least
8 25 percent below the Medicaid per patient cost for that year.

9
10 No later than November 1, 2001 ~~2000~~, the agency must provide
11 estimated costs for any adjustment in a hospital inpatient per
12 diem pursuant to this paragraph to the Executive Office of the
13 Governor, the House of Representatives General Appropriations
14 Committee, and the Senate Budget Committee. Before the agency
15 implements a change in a hospital's inpatient per diem rate
16 pursuant to this paragraph, the Legislature must have
17 specifically appropriated sufficient funds in the 2001-2002
18 General Appropriations Act to support the increase in cost as
19 estimated by the agency. This paragraph expires ~~is repealed on~~
20 July 1, 2002 ~~2001~~.

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

25 216.177 Appropriations acts, statement of intent,
26 violation, notice, review and objection procedures.--

27 (4) Notwithstanding the 14-day notice requirements of
28 this section, and for the 2001-2002 ~~2000-2001~~ fiscal year
29 only, the Department of Children and Family Services is
30 required to provide notice of proposed transfers submitted
31 pursuant to s. 20.19(5)(b) to the Executive Office of the

1 Governor and the chairs of the legislative appropriations
2 committees at least 3 working days prior to their
3 implementation.

4 Section 9. In order to implement Specific
5 Appropriation 254 of the 2001-2002 General Appropriations Act,
6 paragraph (a) of subsection (1) and subsection (7) of section
7 409.915, Florida Statutes, are amended to read:

8 409.915 County contributions to Medicaid.--Although
9 the state is responsible for the full portion of the state
10 share of the matching funds required for the Medicaid program,
11 in order to acquire a certain portion of these funds, the
12 state shall charge the counties for certain items of care and
13 service as provided in this section.

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

16 (a) Payments for inpatient hospitalization in excess
17 of 11 ~~12~~ days, but not in excess of 45 days, with the
18 exception of pregnant women and children whose income is in
19 excess of the federal poverty level and who do not participate
20 in the Medicaid medically needy program.

21 (7) Counties are exempt from contributing toward the
22 cost of new exemptions on inpatient ceilings for statutory
23 teaching hospitals, specialty hospitals, and community
24 hospital education program hospitals that came into effect
25 July 1, 2000, and for special Medicaid payments that came into
26 effect on or after July 1, 2000. This subsection expires July
27 1, 2002.~~Notwithstanding any provision of this section to the~~
28 ~~contrary, counties are exempt from contributing toward the~~
29 ~~increased cost of hospital inpatient services due to the~~
30 ~~elimination of ceilings on Medicaid inpatient reimbursement~~
31 ~~rates paid to teaching hospitals, specialty hospitals, and~~

1 ~~community health education program hospitals and for special~~
2 ~~Medicaid reimbursements to hospitals for which the Legislature~~
3 ~~has specifically appropriated funds. This subsection is~~
4 ~~repealed on July 1, 2001.~~

5 Section 10. The amendment of paragraph 409.915(1)(a),
6 Florida Statutes, by this act shall expire July 1, 2002, and
7 the text of that paragraph shall revert to that in existence
8 on June 30, 2001, except that any amendments to such text
9 exactd other than by this act shall be preserved and continue
10 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 11. In order to implement Specific
18 Appropriations 289 and 290 of the 2001-2002 General
19 Appropriations Act, the Agency for Health Care Administration
20 shall not adjust a premium paid to a health maintenance
21 organization or a prepaid health care plan to reflect an
22 increase in such premium because of specifically appropriated
23 funds in the General Appropriations Act to eliminate ceilings
24 on Medicaid reimbursement rates paid to teaching hospitals,
25 specialty hospitals, and community health education program
26 hospitals and for making special Medicaid payments to
27 hospitals. This section expires July 1, 2002.

28 Section 12. In order to implement Specific
29 Appropriations 241-290 of the 2001-2002 General Appropriations
30 Act, subsection (1) of section 409.904, Florida Statutes, is
31 amended to read:

1 409.904 Optional payments for eligible persons.--The
2 agency may make payments for medical assistance and related
3 services on behalf of the following persons who are determined
4 to be eligible subject to the income, assets, and categorical
5 eligibility tests set forth in federal and state law. Payment
6 on behalf of these Medicaid eligible persons is subject to the
7 availability of moneys and any limitations established by the
8 General Appropriations Act or chapter 216.

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

13 Section 13. The amendment of subsection 409.904(1),
14 Florida Statutes, by this act shall expire July 1, 2002, and
15 the text of that subsection shall revert to that in existence
16 on June 30, 2001, except that any amendments to such text
17 exactd other than by this act shall be preserved and continue
18 to operate to the extent that such amendments are not
19 dependent upon the portions of such text which expire pursuant
20 to the provisions of this act. The Division of Statutory
21 Revision of the Office of Legislative Services shall include
22 in an appropriate reviser's bill any amendments to such
23 subsection which are necessary to give effect to the
24 legislative intent expressed in this section.

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

29 409.905 Mandatory Medicaid services.--The agency may
30 make payments for the following services, which are required
31 of the state by Title XIX of the Social Security Act,

1 furnished by Medicaid providers to recipients who are
2 determined to be eligible on the dates on which the services
3 were provided. Any service under this section shall be
4 provided only when medically necessary and in accordance with
5 state and federal law. Nothing in this section shall be
6 construed to prevent or limit the agency from adjusting fees,
7 reimbursement rates, lengths of stay, number of visits, number
8 of services, or any other adjustments necessary to comply with
9 the availability of moneys and any limitations or directions
10 provided for in the General Appropriations Act or chapter 216.

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

19 (a) The agency is authorized to implement
20 reimbursement and utilization management reforms in order to
21 comply with any limitations or directions in the General
22 Appropriations Act, which may include, but are not limited to:
23 prior authorization for inpatient psychiatric days; prior
24 authorization for nonemergency hospital inpatient admissions;
25 enhanced utilization and concurrent review programs for highly
26 utilized services; reduction or elimination of covered days of
27 service; adjusting reimbursement ceilings for variable costs;
28 adjusting reimbursement ceilings for fixed and property costs;
29 and implementing target rates of increase.

30 Section 15. The amendment of paragraph 409.905(5)(a),
31 Florida Statutes, by this act shall expire July 1, 2002, and

1 the text of that paragraph shall revert to that in existence
2 on June 30, 2001, except that any amendments to such text
3 exacted other than by this act shall be preserved and continue
4 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 16. In order to implement Specific
12 Appropriations 281 and 283 of the 2001-2002 General
13 Appropriations Act, subsection (16) of section 409.906,
14 Florida Statutes, is amended to read:

15 409.906 Optional Medicaid services.--Subject to
16 specific appropriations, the agency may make payments for
17 services which are optional to the state under Title XIX of
18 the Social Security Act and are furnished by Medicaid
19 providers to recipients who are determined to be eligible on
20 the dates on which the services were provided. Any optional
21 service that is provided shall be provided only when medically
22 necessary and in accordance with state and federal law.
23 Nothing in this section shall be construed to prevent or limit
24 the agency from adjusting fees, reimbursement rates, lengths
25 of stay, number of visits, or number of services, or making
26 any other adjustments necessary to comply with the
27 availability of moneys and any limitations or directions
28 provided for in the General Appropriations Act or chapter 216.
29 If necessary to safeguard the state's systems of providing
30 services to elderly and disabled persons and subject to the
31 notice and review provisions of s. 216.177, the Governor may

1 direct the Agency for Health Care Administration to amend the
2 Medicaid state plan to delete the optional Medicaid service
3 known as "Intermediate Care Facilities for the Developmentally
4 Disabled." Optional services may include:

5 (16) INTERMEDIATE CARE SERVICES.--The agency may pay
6 for 24-hour-a-day intermediate care nursing and rehabilitation
7 services rendered to a recipient in a nursing facility
8 licensed under part II of chapter 400, if the services are
9 ordered by and provided under the direction of a physician,
10 meet nursing home level of care criteria as determined by the
11 Comprehensive Assessment and Review for Long-Term Care (CARE)
12 Program of the Department of Elderly Affairs, and do not meet
13 the definition of "general care" as used in the Medicaid
14 budget estimating process.

15 Section 17. The amendment of subsection 409.906(16),
16 Florida Statutes, by this act shall expire July 1, 2002, and
17 the text of that subsection shall revert to that in existence
18 on June 30, 2001, except that any amendments to such text
19 exacted other than by this act shall be preserved and continue
20 to operate to the extent that such amendments are not
21 dependent upon the portions of such text which expire pursuant
22 to the provisions of this act. The Division of Statutory
23 Revision of the Office of Legislative Services shall include
24 in an appropriate reviser's bill any amendments to such
25 subsection which are necessary to give effect to the
26 legislative intent expressed in this section.

27 Section 18. In order to implement Specific
28 Appropriations 241-290 of the 2001-2002 General Appropriations
29 Act, paragraph (a) of subsection (1), paragraph (b) of
30 subsection (2), and subsections (4), (9), (11), (13), (14),
31

1 and (18) of section 409.908, Florida Statutes, are amended to
2 read:

3 409.908 Reimbursement of Medicaid providers.--Subject
4 to specific appropriations, the agency shall reimburse
5 Medicaid providers, in accordance with state and federal law,
6 according to methodologies set forth in the rules of the
7 agency and in policy manuals and handbooks incorporated by
8 reference therein. These methodologies may include fee
9 schedules, reimbursement methods based on cost reporting,
10 negotiated fees, competitive bidding pursuant to s. 287.057,
11 and other mechanisms the agency considers efficient and
12 effective for purchasing services or goods on behalf of
13 recipients. Payment for Medicaid compensable services made on
14 behalf of Medicaid eligible persons is subject to the
15 availability of moneys and any limitations or directions
16 provided for in the General Appropriations Act or chapter 216.
17 Further, nothing in this section shall be construed to prevent
18 or limit the agency from adjusting fees, reimbursement rates,
19 lengths of stay, number of visits, or number of services, or
20 making any other adjustments necessary to comply with the
21 availability of moneys and any limitations or directions
22 provided for in the General Appropriations Act, provided the
23 adjustment is consistent with legislative intent.

24 (1) Reimbursement to hospitals licensed under part I
25 of chapter 395 must be made prospectively or on the basis of
26 negotiation.

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

29 1. The raising of rate reimbursement caps, excluding
30 rural hospitals.

31

1 2. Recognition of the costs of graduate medical
2 education.

3 3. Other methodologies recognized in the General
4 Appropriations Act.

5
6 During the years funds are transferred from the Board of
7 Regents, any reimbursement supported by such funds shall be
8 subject to certification by the Board of Regents that the
9 hospital has complied with s. 381.0403. The agency is
10 authorized to receive funds from state entities, including,
11 but not limited to, the Board of Regents, local governments,
12 and other local political subdivisions, for the purpose of
13 making special exception payments, including federal matching
14 funds, through the Medicaid inpatient reimbursement
15 methodologies. Funds received from state entities or local
16 governments for this purpose shall be separately accounted for
17 and shall not be commingled with other state or local funds in
18 any manner. ~~Notwithstanding this section and s. 409.915,~~
19 ~~counties are exempt from contributing toward the cost of the~~
20 ~~special exception reimbursement for hospitals serving a~~
21 ~~disproportionate share of low-income persons and providing~~
22 ~~graduate medical education.~~

23 (2)

24 (b) Subject to any limitations or directions provided
25 for in the General Appropriations Act, the agency shall
26 establish and implement a Florida Title XIX Long-Term Care
27 Reimbursement Plan (Medicaid) for nursing home care in order
28 to provide care and services in conformance with the
29 applicable state and federal laws, rules, regulations, and
30 quality and safety standards and to ensure that individuals
31 eligible for medical assistance have reasonable geographic

1 access to such care. The agency shall not provide for any
2 increases in reimbursement rates to nursing homes associated
3 with changes in ownership filed on or after January 1, 2002.
4 Under the plan, interim rate adjustments shall not be granted
5 to reflect increases in the cost of general or professional
6 liability insurance for nursing homes unless the following
7 criteria are met: have at least a 65 percent Medicaid
8 utilization in the most recent cost report submitted to the
9 agency, and the increase in general or professional liability
10 costs to the facility for the most recent policy period
11 affects the total Medicaid per diem by at least 5 percent.
12 This rate adjustment shall not result in the per diem
13 exceeding the class ceiling. This provision shall apply only
14 to fiscal year 2000-2001 and shall be implemented to the
15 extent existing appropriations are available. The agency shall
16 report to the Governor, the Speaker of the House of
17 Representatives, and the President of the Senate by December
18 31, 2000, on the cost of liability insurance for Florida
19 nursing homes for fiscal years 1999 and 2000 and the extent to
20 which these costs are not being compensated by the Medicaid
21 program. Medicaid-participating nursing homes shall be
22 required to report to the agency information necessary to
23 compile this report. Effective no earlier than the
24 rate-setting period beginning April 1, 1999, the agency shall
25 establish a case-mix reimbursement methodology for the rate of
26 payment for long-term care services for nursing home
27 residents. The agency shall compute a per diem rate for
28 Medicaid residents, adjusted for case mix, which is based on a
29 resident classification system that accounts for the relative
30 resource utilization by different types of residents and which
31 is based on level-of-care data and other appropriate data. The

1 case-mix methodology developed by the agency shall take into
2 account the medical, behavioral, and cognitive deficits of
3 residents. In developing the reimbursement methodology, the
4 agency shall evaluate and modify other aspects of the
5 reimbursement plan as necessary to improve the overall
6 effectiveness of the plan with respect to the costs of patient
7 care, operating costs, and property costs. In the event
8 adequate data are not available, the agency is authorized to
9 adjust the patient's care component or the per diem rate to
10 more adequately cover the cost of services provided in the
11 patient's care component. The agency shall work with the
12 Department of Elderly Affairs, the Florida Health Care
13 Association, and the Florida Association of Homes for the
14 Aging in developing the methodology. It is the intent of the
15 Legislature that the reimbursement plan achieve the goal of
16 providing access to health care for nursing home residents who
17 require large amounts of care while encouraging diversion
18 services as an alternative to nursing home care for residents
19 who can be served within the community. The agency shall base
20 the establishment of any maximum rate of payment, whether
21 overall or component, on the available moneys as provided for
22 in the General Appropriations Act. The agency may base the
23 maximum rate of payment on the results of scientifically valid
24 analysis and conclusions derived from objective statistical
25 data pertinent to the particular maximum rate of payment.

26 (4) Subject to any limitations or directions provided
27 for in the General Appropriations Act, alternative health
28 plans, health maintenance organizations, and prepaid health
29 plans shall be reimbursed a fixed, prepaid amount negotiated,
30 or competitively bid pursuant to s. 287.057, by the agency and
31 prospectively paid to the provider monthly for each Medicaid

1 recipient enrolled. The amount may not exceed the average
2 amount the agency determines it would have paid, based on
3 claims experience, for recipients in the same or similar
4 category of eligibility. The agency shall calculate
5 capitation rates on a regional basis and, beginning September
6 1, 1995, shall include age-band differentials in such
7 calculations. Effective July 1, 2001, the cost of exempting
8 statutory teaching hospitals, specialty hospitals, and
9 community hospital education program hospitals from
10 reimbursement ceilings and the cost of special Medicaid
11 payments shall not be included in premiums paid to health
12 maintenance organizations or prepaid health care plans.

13 (9) A provider of home health care services or of
14 medical supplies and appliances shall be reimbursed on the
15 basis of competitive bidding or for the lesser of the amount
16 billed by the provider or the agency's established maximum
17 allowable amount, except that, in the case of the rental of
18 durable medical equipment, the total rental payments may not
19 exceed the purchase price of the equipment over its expected
20 useful life or the agency's established maximum allowable
21 amount, whichever amount is less.

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

27 (13) Medicare premiums for persons eligible for both
28 Medicare and Medicaid coverage shall be paid at the rates
29 established by Title XVIII of the Social Security Act. For
30 Medicare services rendered to Medicaid-eligible persons,
31

1 Medicaid shall pay Medicare deductibles and coinsurance as
2 follows:

3 (a) Medicaid shall make no payment toward deductibles
4 and coinsurance for any service that is not covered by
5 Medicaid.

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

9 (c) Medicaid will pay no portion of Medicare
10 deductibles and coinsurance when payment that Medicare has
11 made for the service equals or exceeds what Medicaid would
12 have paid if it had been the sole payor. The combined payment
13 of Medicare and Medicaid shall not exceed the amount Medicaid
14 would have paid had it been the sole payor. The Legislature
15 finds that there has been confusion regarding the
16 reimbursement for services rendered to dually eligible
17 Medicare beneficiaries. Accordingly, the Legislature clarifies
18 that it has always been the intent of the Legislature before
19 and after 1991 that, in reimbursing in accordance with fees
20 established by Title XVIII for premiums, deductibles, and
21 coinsurance for Medicare services rendered by physicians to
22 Medicaid eligible persons, physicians be reimbursed at the
23 lesser of the amount billed by the physician or the Medicaid
24 maximum allowable fee established by the Agency for Health
25 Care Administration, as is permitted by federal law. It has
26 never been the intent of the Legislature with regard to such
27 services rendered by physicians that Medicaid be required to
28 provide any payment for deductibles, coinsurance, or
29 copayments for Medicare cost sharing, or any expenses incurred
30 relating thereto, in excess of the payment amount provided for
31 under the State Medicaid plan for such service. This payment

1 methodology is applicable even in those situations in which
2 the payment for Medicare cost sharing for a qualified Medicare
3 beneficiary with respect to an item or service is reduced or
4 eliminated. This expression of the Legislature is in
5 clarification of existing law and shall apply to payment for,
6 and with respect to provider agreements with respect to, items
7 or services furnished on or after the effective date of this
8 act. This paragraph applies to payment by Medicaid for items
9 and services furnished before the effective date of this act
10 if such payment is the subject of a lawsuit that is based on
11 the provisions of this section, and that is pending as of, or
12 is initiated after, the effective date of this act.

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

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

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

20 ~~2.3.~~ Medicaid shall pay all deductibles and
21 coinsurance for Medicare-eligible recipients receiving
22 freestanding end stage renal dialysis center services.

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

25 ~~3.5.~~ Medicaid payments for general hospital inpatient
26 services shall be limited to the Medicare deductible per spell
27 of illness. Medicaid shall make no payment toward coinsurance
28 for Medicare general hospital inpatient services.

29 ~~4.6.~~ Medicaid shall pay all deductibles and
30 coinsurance for Medicare emergency transportation services
31 provided by ambulances licensed pursuant to chapter 401.

1 (14) A provider of prescribed drugs shall be
2 reimbursed on the basis of competitive bidding or for the
3 least of the amount billed by the provider, the provider's
4 usual and customary charge, or the Medicaid maximum allowable
5 fee established by the agency, plus a dispensing fee. The
6 agency is directed to implement a variable dispensing fee for
7 payments for prescribed medicines while ensuring continued
8 access for Medicaid recipients. The variable dispensing fee
9 may be based upon, but not limited to, either or both the
10 volume of prescriptions dispensed by a specific pharmacy
11 provider and the volume of prescriptions dispensed to an
12 individual recipient. The agency is authorized to limit
13 reimbursement for prescribed medicine in order to comply with
14 any limitations or directions provided for in the General
15 Appropriations Act, which may include implementing a
16 prospective or concurrent utilization review program.

17 (18) Unless otherwise provided for in the General
18 Appropriations Act, a provider of transportation services
19 shall be reimbursed the lesser of the amount billed by the
20 provider or the Medicaid maximum allowable fee established by
21 the agency, except when the agency has entered into a direct
22 contract with the provider, or with a community transportation
23 coordinator, for the provision of an all-inclusive service, or
24 when services are provided pursuant to an agreement negotiated
25 between the agency and the provider. The agency, as provided
26 for in s. 427.0135, shall purchase transportation services
27 through the community coordinated transportation system, if
28 available, unless the agency determines a more cost-effective
29 method for Medicaid clients. Nothing in this subsection shall
30 be construed to limit or preclude the agency from contracting
31 for services using a prepaid capitation rate or from

1 establishing maximum fee schedules, individualized
2 reimbursement policies by provider type, negotiated fees,
3 prior authorization, competitive bidding, increased use of
4 mass transit, or any other mechanism that the agency considers
5 efficient and effective for the purchase of services on behalf
6 of Medicaid clients, including implementing a transportation
7 eligibility process. The agency shall not be required to
8 contract with any community transportation coordinator or
9 transportation operator that has been determined by the
10 agency, the Department of Legal Affairs Medicaid Fraud Control
11 Unit, or any other state or federal agency to have engaged in
12 any abusive or fraudulent billing activities. The agency is
13 authorized to competitively procure transportation services or
14 make other changes necessary to secure approval of federal
15 waivers needed to permit federal financing of Medicaid
16 transportation services at the service matching rate rather
17 than the administrative matching rate.

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

31

1 Section 20. In order to implement Specific
2 Appropriation 267 of the 2001-2002 General Appropriations Act,
3 section 409.91195, Florida Statutes, is amended to read:

4 409.91195 Medicaid Pharmaceutical and Therapeutics
5 Committee; restricted drug formulary.--There is created a
6 Medicaid Pharmaceutical and Therapeutics Committee for the
7 purpose of developing a restricted drug formulary. ~~The~~
8 ~~committee shall develop and implement a voluntary Medicaid~~
9 ~~preferred prescribed drug designation program.~~The program
10 established under this section shall provide information to
11 Medicaid providers on medically appropriate and cost-efficient
12 prescription drug therapies through the development and
13 publication of a restricted drug formulary ~~voluntary Medicaid~~
14 ~~preferred prescribed drug list.~~

15 (1) The Medicaid Pharmaceutical and Therapeutics
16 Committee shall be comprised of nine members as specified in
17 42 U.S.C. s. 1396 ~~appointed as follows:~~ ~~one practicing~~
18 ~~physician licensed under chapter 458, appointed by the Speaker~~
19 ~~of the House of Representatives from a list of recommendations~~
20 ~~from the Florida Medical Association; one practicing physician~~
21 ~~licensed under chapter 459, appointed by the Speaker of the~~
22 ~~House of Representatives from a list of recommendations from~~
23 ~~the Florida Osteopathic Medical Association; one practicing~~
24 ~~physician licensed under chapter 458, appointed by the~~
25 ~~President of the Senate from a list of recommendations from~~
26 ~~the Florida Academy of Family Physicians; one practicing~~
27 ~~podiatric physician licensed under chapter 461, appointed by~~
28 ~~the President of the Senate from a list of recommendations~~
29 ~~from the Florida Podiatric Medical Association; one trauma~~
30 ~~surgeon licensed under chapter 458, appointed by the Speaker~~
31 ~~of the House of Representatives from a list of recommendations~~

1 ~~from the American College of Surgeons; one practicing dentist~~
2 ~~licensed under chapter 466, appointed by the President of the~~
3 ~~Senate from a list of recommendations from the Florida Dental~~
4 ~~Association; one practicing pharmacist licensed under chapter~~
5 ~~465, appointed by the Governor from a list of recommendations~~
6 ~~from the Florida Pharmacy Association; one practicing~~
7 ~~pharmacist licensed under chapter 465, appointed by the~~
8 ~~Governor from a list of recommendations from the Florida~~
9 ~~Society of Health System Pharmacists; and one health care~~
10 ~~professional with expertise in clinical pharmacology appointed~~
11 ~~by the Governor from a list of recommendations from the~~
12 ~~Pharmaceutical Research and Manufacturers Association. The~~
13 ~~members shall be appointed to serve for terms of 2 years from~~
14 ~~the date of their appointment. Members may be appointed to~~
15 ~~more than one term. The Agency for Health Care Administration~~
16 ~~shall serve as staff for the committee and assist them with~~
17 ~~all ministerial duties.~~

18 (2) With the advice of ~~Upon recommendation by the~~
19 ~~committee, the Agency for Health Care Administration shall~~
20 ~~establish a restricted drug formulary the voluntary Medicaid~~
21 ~~preferred prescribed-drug list. Upon further recommendation by~~
22 ~~the committee, the agency shall add to, delete from, or modify~~
23 ~~the list. The committee shall also review requests for~~
24 ~~additions to, deletions from, or modifications of the~~
25 formulary as presented to it by the agency; and, upon further
26 recommendation by the committee, the agency shall add to,
27 delete from, or modify the formulary as appropriate ~~list. The~~
28 ~~list shall be adopted by the committee in consultation with~~
29 ~~medical specialists, when appropriate, using the following~~
30 ~~criteria: use of the list shall be voluntary by providers and~~
31 ~~the list must provide for medically appropriate drug therapies~~

1 ~~for Medicaid patients which achieve cost savings in the~~
2 ~~Medicaid program.~~

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

7 Section 21. The amendment of section 409.91195,
8 Florida Statutes, by this act shall expire July 1, 2002, and
9 the text of that section shall revert to that in existence on
10 June 30, 2001, except that any amendments to such text exacted
11 other than by this act shall be preserved and continue to
12 operate to the extent that such amendments are not dependent
13 upon the portions of such text which expire pursuant to the
14 provisions of this act. The Division of Statutory Revision of
15 the Office of Legislative Services shall include in an
16 appropriate reviser's bill any amendments to such subsection
17 which are necessary to give effect to the legislative intent
18 expressed in this section.

19 Section 22. In order to implement Specific
20 Appropriations 241-277 of the 2001-2002 General Appropriations
21 Act, subsections (34) and (37) of section 409.912, Florida
22 Statutes, are amended to read:

23 409.912 Cost-effective purchasing of health care.--The
24 agency shall purchase goods and services for Medicaid
25 recipients in the most cost-effective manner consistent with
26 the delivery of quality medical care. The agency shall
27 maximize the use of prepaid per capita and prepaid aggregate
28 fixed-sum basis services when appropriate and other
29 alternative service delivery and reimbursement methodologies,
30 including competitive bidding pursuant to s. 287.057, designed
31 to facilitate the cost-effective purchase of a case-managed

1 continuum of care. The agency shall also require providers to
2 minimize the exposure of recipients to the need for acute
3 inpatient, custodial, and other institutional care and the
4 inappropriate or unnecessary use of high-cost services.

5 (34) The agency may provide for cost-effective
6 purchasing of home health services, private duty nursing
7 services, transportation, independent laboratory services,
8 durable medical equipment and supplies, and prescribed drug
9 services through competitive bidding ~~negotiation~~ pursuant to
10 s. 287.057. The agency may request appropriate waivers from
11 the federal Health Care Financing Administration in order to
12 competitively bid such ~~home health~~ services. The agency may
13 exclude providers not selected through the bidding process
14 from the Medicaid provider network.

15 (37)(a) The agency shall implement a Medicaid
16 prescribed-drug spending-control program that includes the
17 following components:

18 1. Medicaid prescribed-drug coverage for brand-name
19 drugs for adult Medicaid recipients not residing in nursing
20 homes or other institutions is limited to the dispensing of
21 four brand-name drugs per month per recipient. Children and
22 institutionalized adults are exempt from this restriction.
23 Antiretroviral agents are excluded from this limitation. No
24 requirements for prior authorization or other restrictions on
25 medications used to treat mental illnesses such as
26 schizophrenia, severe depression, or bipolar disorder may be
27 imposed on Medicaid recipients. Medications that will be
28 available without restriction for persons with mental
29 illnesses include atypical antipsychotic medications,
30 conventional antipsychotic medications, selective serotonin
31 reuptake inhibitors, and other medications used for the

1 treatment of serious mental illnesses. The agency shall also
2 limit the amount of a prescribed drug dispensed to no more
3 than a 34-day supply. The agency shall continue to provide
4 unlimited generic drugs, contraceptive drugs and items, and
5 diabetic supplies. The agency may authorize exceptions to the
6 brand-name-drug restriction or to the restricted drug
7 formulary, based upon the treatment needs of the patients,
8 only when such exceptions are based on prior consultation
9 provided by the agency or an agency contractor, but the agency
10 must establish procedures to ensure that:

11 a. There will be a response to a request for prior
12 consultation by telephone or other telecommunication device
13 within 24 hours after receipt of a request for prior
14 consultation; and

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

18 2. Reimbursement to pharmacies for Medicaid prescribed
19 drugs shall be set at the average wholesale price less 13.25
20 percent or based on competitive bid in those geographic areas
21 where the Medicaid pharmacy network is competitively bid.

22 3. The agency shall develop and implement a process
23 for managing the drug therapies of Medicaid recipients who are
24 using significant numbers of prescribed drugs each month. The
25 management process may include, but is not limited to,
26 comprehensive, physician-directed medical-record reviews,
27 claims analyses, and case evaluations to determine the medical
28 necessity and appropriateness of a patient's treatment plan
29 and drug therapies. The agency may contract with a private
30 organization to provide drug-program-management services.

31

1 4. The agency may limit the size of its pharmacy
2 network based on need, competitive bidding, price
3 negotiations, credentialing, or similar criteria. The agency
4 shall give special consideration to rural areas in determining
5 the size and location of pharmacies included in the Medicaid
6 pharmacy network. A pharmacy credentialing process may include
7 criteria such as a pharmacy's full-service status, location,
8 size, patient educational programs, patient consultation,
9 disease-management services, and other characteristics. The
10 agency may impose a moratorium on Medicaid pharmacy enrollment
11 when it is determined that it has a sufficient number of
12 Medicaid-participating providers.

13 5. The agency shall develop and implement a program
14 that requires Medicaid practitioners who prescribe drugs to
15 use a counterfeit-proof prescription pad for Medicaid
16 prescriptions. The agency shall require the use of
17 standardized counterfeit-proof prescription pads by
18 Medicaid-participating prescribers. The agency may implement
19 the program in targeted geographic areas or statewide.

20 6. The agency may enter into arrangements that require
21 manufacturers of generic drugs prescribed to Medicaid
22 recipients to provide rebates of at least 15.1 percent of the
23 average manufacturer price for the manufacturer's generic
24 products. These arrangements shall require that if a
25 generic-drug manufacturer pays federal rebates for
26 Medicaid-reimbursed drugs at a level below 15.1 percent, the
27 manufacturer must provide a supplemental rebate to the state
28 in an amount necessary to achieve a 15.1-percent rebate level.
29 If a generic-drug manufacturer raises its price in excess of
30 the Consumer Price Index (Urban), the excess amount shall be
31 included in the supplemental rebate to the state.

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

11 (b) The agency shall implement this subsection to the
12 extent that funds are appropriated to administer the Medicaid
13 prescribed-drug spending-control program. The agency may
14 contract all or any part of this program to private
15 organizations.

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

22 Section 23. The amendment of subsections 409.912(34)
23 and (37), Florida Statutes, by this act shall expire July 1,
24 2002, and the text of those subsections shall revert to that
25 in existence on June 30, 2001, except that any amendments to
26 such text exacted other than by this act shall be preserved
27 and continue to operate to the extent that such amendments are
28 not dependent upon the portions of such text which expire
29 pursuant to the provisions of this act. The Division of
30 Statutory Revision of the Office of Legislative Services shall
31 include in an appropriate reviser's bill any amendments to

1 such subsection which are necessary to give effect to the
2 legislative intent expressed in this section.

3 Section 24. In order to implement Specific
4 Appropriations 241-277 of the 2001-2002 General Appropriations
5 Act, subsection (2) of section 409.904, Florida Statutes, is
6 amended to read:

7 409.904 Optional payments for eligible persons.--The
8 agency may make payments for medical assistance and related
9 services on behalf of the following persons who are determined
10 to be eligible subject to the income, assets, and categorical
11 eligibility tests set forth in federal and state law. Payment
12 on behalf of these Medicaid eligible persons is subject to the
13 availability of moneys and any limitations established by the
14 General Appropriations Act or chapter 216.

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

31

1 Section 25. The amendment of subsection 409.904(2),
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 exacted 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 26. In order to implement Specific
14 Appropriation 232 of the 2001-2002 General Appropriations Act,
15 subsection (26) is added to section 409.913, Florida Statutes,
16 to read:

17 409.913 Oversight of the integrity of the Medicaid
18 program.--The agency shall operate a program to oversee the
19 activities of Florida Medicaid recipients, and providers and
20 their representatives, to ensure that fraudulent and abusive
21 behavior and neglect of recipients occur to the minimum extent
22 possible, and to recover overpayments and impose sanctions as
23 appropriate.

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

29 (b) In adopting rules under this subsection, the
30 agency shall ensure that any automated fingerprint imaging
31 performed by the agency is used only to prevent fraud and

1 abuse of pharmacy benefits by Medicaid beneficiaries and is in
2 compliance with state and federal disclosure requirements.

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

8 (d) The agency shall request any federal waivers
9 necessary to implement the program within the limits described
10 in this subsection.

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

12 Section 27. In order to implement Specific
13 Appropriations 245 and 246 of the 2001-2002 General
14 Appropriations Act, subsection (8) of section 409.906, Florida
15 Statutes, is amended to read:

16 409.906 Optional Medicaid services.--Subject to
17 specific appropriations, the agency may make payments for
18 services which are optional to the state under Title XIX of
19 the Social Security Act and are furnished by Medicaid
20 providers to recipients who are determined to be eligible on
21 the dates on which the services were provided. Any optional
22 service that is provided shall be provided only when medically
23 necessary and in accordance with state and federal law.

24 Nothing in this section shall be construed to prevent or limit
25 the agency from adjusting fees, reimbursement rates, lengths
26 of stay, number of visits, or number of services, or making
27 any other adjustments necessary to comply with the
28 availability of moneys and any limitations or directions
29 provided for in the General Appropriations Act or chapter 216.

30 If necessary to safeguard the state's systems of providing
31 services to elderly and disabled persons and subject to the

1 notice and review provisions of s. 216.177, the Governor may
2 direct the Agency for Health Care Administration to amend the
3 Medicaid state plan to delete the optional Medicaid service
4 known as "Intermediate Care Facilities for the Developmentally
5 Disabled." Optional services may include:

6 (8) COMMUNITY MENTAL HEALTH SERVICES.--

7 (a) The agency may pay for rehabilitative services
8 provided to a recipient by a mental health or substance abuse
9 provider licensed by the agency and under contract with the
10 agency or the Department of Children and Family Services to
11 provide such services. Those services which are psychiatric
12 in nature shall be rendered or recommended by a psychiatrist,
13 and those services which are medical in nature shall be
14 rendered or recommended by a physician or psychiatrist. The
15 agency must develop a provider enrollment process for
16 community mental health providers which bases provider
17 enrollment on an assessment of service need. The provider
18 enrollment process shall be designed to control costs, prevent
19 fraud and abuse, consider provider expertise and capacity, and
20 assess provider success in managing utilization of care and
21 measuring treatment outcomes. Providers will be selected
22 through a competitive procurement or selective contracting
23 process. In addition to other community mental health
24 providers, the agency shall consider for enrollment mental
25 health programs licensed under chapter 395 and group practices
26 licensed under chapter 458, chapter 459, chapter 490, or
27 chapter 491. The agency is also authorized to continue
28 operation of its behavioral health utilization management
29 program and may develop new services if these actions are
30 necessary to ensure savings from the implementation of the
31 utilization management system. The agency shall coordinate the

1 implementation of this enrollment process with the Department
2 of Children and Family Services and the Department of Juvenile
3 Justice. The agency is authorized to utilize diagnostic
4 criteria in setting reimbursement rates, to preauthorize
5 certain high-cost or highly utilized services, to limit or
6 eliminate coverage for certain services, or to make any other
7 adjustments necessary to comply with any limitations or
8 directions provided for in the General Appropriations Act.

9 (b) The agency is authorized to implement
10 reimbursement and use management reforms in order to comply
11 with any limitations or directions in the General
12 Appropriations Act, which may include, but are not limited to:
13 prior authorization of treatment and service plans; prior
14 authorization of services: enhanced use review programs for
15 highly used services; and limits on services for those
16 determined to be abusing their benefit coverages. This
17 paragraph expires July 1, 2002.

18 Section 28. In order to implement Specific
19 Appropriation 254 of the 2001-2002 General Appropriations Act,
20 paragraph (g) is added to subsection (3) of section 409.912,
21 Florida Statutes, to read:

22 409.912 Cost-effective purchasing of health care.--The
23 agency shall purchase goods and services for Medicaid
24 recipients in the most cost-effective manner consistent with
25 the delivery of quality medical care. The agency shall
26 maximize the use of prepaid per capita and prepaid aggregate
27 fixed-sum basis services when appropriate and other
28 alternative service delivery and reimbursement methodologies,
29 including competitive bidding pursuant to s. 287.057, designed
30 to facilitate the cost-effective purchase of a case-managed
31 continuum of care. The agency shall also require providers to

1 minimize the exposure of recipients to the need for acute
2 inpatient, custodial, and other institutional care and the
3 inappropriate or unnecessary use of high-cost services.

4 (3) The agency may contract with:

5 (g) Children's clinic networks that provide care
6 coordination and care management for Medicaid-eligible
7 pediatric patients, primary care, authorization or specialty
8 care, and other urgent and emergency care through organized
9 clinics designed to service Medicaid eligibles under age 18.
10 The networks shall provide after-hour operations, including
11 evening and weekend hours, to promote, when appropriate, the
12 use of the children's clinics rather than hospital emergency
13 departments. This paragraph expires July 1, 2002.

14 Section 29. In order to implement Specific
15 Appropriations 254, 289, and 290 of the 2001-2002 General
16 Appropriations Act, paragraph (f) of subsection (2) of section
17 409.9122, Florida Statutes, is amended to read:

18 409.9122 Mandatory Medicaid managed care enrollment;
19 programs and procedures.--

20 (2)

21 (f) When a Medicaid recipient does not choose a
22 managed care plan or MediPass provider, the agency shall
23 assign the Medicaid recipient to a managed care plan or
24 MediPass provider. Medicaid recipients who are subject to
25 mandatory assignment but who fail to make a choice shall be
26 assigned to managed care plans or provider service networks
27 until an equal enrollment of 50 percent in MediPass and
28 provider service networks and 50 percent in managed care plans
29 is achieved. Once equal enrollment is achieved, the
30 assignments shall be divided in order to maintain an equal
31 enrollment in MediPass and managed care plans for the

1 2001-2002 ~~1998-1999~~ fiscal year. Thereafter, assignment of
2 Medicaid recipients who fail to make a choice shall be based
3 proportionally on the preferences of recipients who have made
4 a choice in the previous period. Such proportions shall be
5 revised at least quarterly to reflect an update of the
6 preferences of Medicaid recipients. The agency shall also
7 disproportionately assign Medicaid-eligible children in
8 families who are required to but have failed to make a choice
9 of managed-care plan or MediPass for their child and who are
10 to be assigned to the MediPass program to children's clinic
11 networks as described in s. 409.912(3)(g) and where available.
12 The disproportionate assignment of children to children's
13 clinic networks shall be made until the agency has determined
14 that the children's clinic networks have sufficient numbers to
15 be economically operated.When making assignments, the agency
16 shall take into account the following criteria:
17 1. A managed care plan has sufficient network capacity
18 to meet the need of members.
19 2. The managed care plan or MediPass has previously
20 enrolled the recipient as a member, or one of the managed care
21 plan's primary care providers or MediPass providers has
22 previously provided health care to the recipient.
23 3. The agency has knowledge that the member has
24 previously expressed a preference for a particular managed
25 care plan or MediPass provider as indicated by Medicaid
26 fee-for-service claims data, but has failed to make a choice.
27 4. The managed care plan's or MediPass primary care
28 providers are geographically accessible to the recipient's
29 residence.
30 Section 30. The amendment of paragraph 409.9122(2)(f),
31 Florida Statutes, by this act shall expire July 1, 2002, and

1 the text of that paragraph shall revert to that in existence
2 on June 30, 2001, except that any amendments to such text
3 exacted other than by this act shall be preserved and continue
4 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 31. In order to implement Specific
12 Appropriations 254, 289, and 290 of the 2001-2002 General
13 Appropriations Act, paragraph (k) of subsection (2) of section
14 409.9122, Florida Statutes, is amended to read:

15 409.9122 Mandatory Medicaid managed care enrollment;
16 programs and procedures.--

17 (2)

18 ~~(k)1. Notwithstanding the provisions of paragraph (f),~~
19 ~~and for the 2000-2001 fiscal year only, when a Medicaid~~
20 ~~recipient does not choose a managed care plan or MediPass~~
21 ~~provider, the agency shall assign the Medicaid recipient to a~~
22 ~~managed care plan, except in those counties in which there are~~
23 ~~fewer than two managed care plans accepting Medicaid~~
24 ~~enrollees, in which case assignment shall be to a managed care~~
25 ~~plan or a MediPass provider. Medicaid recipients in counties~~
26 ~~with fewer than two managed care plans accepting Medicaid~~
27 ~~enrollees who are subject to mandatory assignment but who fail~~
28 ~~to make a choice shall be assigned to managed care plans until~~
29 ~~an equal enrollment of 50 percent in MediPass and provider~~
30 ~~service networks and 50 percent in managed care plans is~~
31 ~~achieved. Once equal enrollment is achieved, the assignments~~

1 ~~shall be divided in order to maintain an equal enrollment in~~
2 ~~MediPass and managed care plans.~~When making assignments, the
3 agency shall take into account the following criteria:

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

6 b. 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 c. 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 d. The managed care plan's or MediPass primary care
15 providers are geographically accessible to the recipient's
16 residence.

17 e. The agency has authority to make mandatory
18 assignments based on quality of service and performance of
19 managed care plans.

20 2. This paragraph expires ~~is repealed~~ on July 1, 2002
21 ~~2001~~.

22 Section 32. In order to implement Specific
23 Appropriations 241-290 of the 2001-2002 General Appropriations
24 Act, subsection (9) is added to section 409.904, Florida
25 Statutes, to read:

26 409.904 Optional payments for eligible persons.--The
27 agency may make payments for medical assistance and related
28 services on behalf of the following persons who are determined
29 to be eligible subject to the income, assets, and categorical
30 eligibility tests set forth in federal and state law. Payment
31 on behalf of these Medicaid eligible persons is subject to the

1 availability of moneys and any limitations established by the
2 General Appropriations Act or chapter 216.

3 (9) The agency may pay for cancer treatment pursuant
4 to the federal Breast and Cervical Cancer Prevention and
5 Treatment Act of 2000, screened through the National Breast
6 and Cervical Cancer Early Detection program, for eligible
7 women with incomes below 200 percent of the federal poverty
8 level and from ages 50 to 64. This subsection expires July 1,
9 2002.

10 Section 33. In order to implement Specific
11 Appropriation 349 of the 2001-2002 General Appropriations Act,
12 paragraph (a) of subsection (3) of section 39.3065, Florida
13 Statutes, is amended to read:

14 39.3065 Sheriffs of certain counties to provide child
15 protective investigative services; procedures; funding.--

16 (3)(a) ~~Beginning in fiscal year 1999-2000,~~The
17 sheriffs of Pasco County, Manatee County, Broward County, ~~and~~
18 Pinellas County, and Seminole County have the responsibility
19 to provide all child protective investigations in their
20 respective counties. Beginning in fiscal year 2000-2001, the
21 Department of Children and Family Services is authorized to
22 enter into grant agreements with sheriffs of other counties to
23 perform child protective investigations in their respective
24 counties.

25 Section 34. The amendment of paragraph 39.3065(3)(a),
26 Florida Statutes, by this act shall expire July 1, 2002, and
27 the text of that paragraph shall revert to that in existence
28 on June 30, 2001, except that any amendments to such text
29 exacted other than by this act shall be preserved and continue
30 to operate to the extent that such amendments are not
31 dependent upon the portions of such text which expire pursuant

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

6 Section 35. In order to implement Specific
7 Appropriation 348 of the 2001-2002 General Appropriations Act,
8 subsection (1) of section 414.045, Florida Statutes, is
9 amended to read:

10 414.045 Cash assistance program.--Cash assistance
11 families include any families receiving cash assistance
12 payments from the state program for temporary assistance for
13 needy families as defined in federal law, whether such funds
14 are from federal funds, state funds, or commingled federal and
15 state funds. Cash assistance families may also include
16 families receiving cash assistance through a program defined
17 as a separate state program.

18 (1) For reporting purposes, families receiving cash
19 assistance shall be grouped into ~~in~~ the following categories.
20 The department may develop additional groupings in order to
21 comply with federal reporting requirements, to comply with the
22 data-reporting needs of the board of directors of Workforce
23 Florida, Inc., or to better inform the public of program
24 progress. ~~Program reporting data shall include, but not~~
25 ~~necessarily be limited to, the following groupings:~~

26 (a) Work-eligible cases.--Work-eligible cases shall
27 include:

28 1. Families containing an adult or a teen head of
29 household, as defined by federal law. These cases are
30 generally subject to the work activity requirements provided
31

1 in s. 445.024 and the time limitations on benefits provided in
2 s. 414.105.

3 2. Families with a parent where the parent's needs
4 have been removed from the case due to sanction or
5 disqualification shall be considered work-eligible cases to
6 the extent that such cases are considered in the calculation
7 of federal participation rates or would be counted in such
8 calculation in future months.

9 3. Families participating in transition assistance
10 programs.

11 4. Families otherwise eligible for temporary cash
12 assistance that receive diversion services, a severance
13 payment, or participate in the relocation program.

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

17 1. ~~Child-only families with~~ Children in the care of
18 caretaker relatives where the caretaker relatives choose to
19 have their needs excluded in the calculation of the amount of
20 cash assistance.

21 2. Families in the Relative Caregiver Program as
22 provided in s. 39.5085.

23 3. Families in which the only parent in a
24 single-parent family or both parents in a two-parent family
25 receive supplemental security income (SSI) benefits under
26 Title XVI of the Social Security Act, as amended. To the
27 extent permitted by federal law, individuals receiving SSI
28 shall be excluded as household members in determining the
29 amount of cash assistance, and such cases shall not be
30 considered families containing an adult. Parents or caretaker
31 relatives who are excluded from the cash assistance group due

1 to receipt of SSI may choose to participate in work
2 activities. An individual who volunteers to participate in
3 work activity but whose ability to participate in work
4 activities is limited shall be assigned to work activities
5 consistent with such limitations. An individual who volunteers
6 to participate in a work activity may receive child care or
7 support services consistent with such participation.

8 4. Families where the only parent in a single-parent
9 family or both parents in a two-parent family are not eligible
10 for cash assistance due to immigration status or other
11 limitation requirements of federal law. To the extent required
12 by federal law, such cases shall not be considered families
13 containing an adult.

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

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

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

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

29
30 Families described in subparagraph 1., subparagraph 2., or
31 subparagraph 3. may receive child care assistance or other

1 supports or services so that the children may continue to be
2 cared for in their own homes or the homes of relatives. Such
3 assistance or services may be funded from the temporary
4 assistance for needy families block grant to the extent
5 permitted under federal law and to the extent ~~permitted by~~
6 appropriation of funds have been provided in the General
7 Appropriations Act.

8 Section 36. The amendment of subsection 414.045(1),
9 Florida Statutes, by this act shall expire July 1, 2002, and
10 the text of that subsection shall revert to that in existence
11 on June 30, 2001, except that any amendments to such text
12 exacted other than by this act shall be preserved and continue
13 to operate to the extent that such amendments are not
14 dependent upon the portions of such text which expire pursuant
15 to the provisions of this act. The Division of Statutory
16 Revision of the Office of Legislative Services shall include
17 in an appropriate reviser's bill any amendments to such
18 subsection which are necessary to give effect to the
19 legislative intent expressed in this section.

20 Section 37. In order to implement Specific
21 Appropriation 348A of the 2001-2002 General Appropriations
22 Act, it is the intent of the Legislature to improve services
23 and local participation in community-based care initiatives by
24 fostering community support and providing enhanced prevention
25 and in-home services, thereby reducing the risk otherwise
26 faced by lead agencies. Therefore, there is established a
27 community partnership matching grant program to be operated by
28 the Department of Children and Family Services for the purpose
29 of encouraging local participation in community-based care for
30 child welfare. Any children's services council or other local
31 government entity that makes a financial commitment to a

1 community-based care lead agency is eligible for a grant
2 subject to the following conditions: upon proof that the
3 children's services council has provided the selected lead
4 agency at least \$825,000 in start-up funds, from any local
5 resources otherwise available to it, the total amount of local
6 contribution may be matched on a two-for-one basis up to a
7 maximum amount of \$2 million per council. Awarded matching
8 grant funds may be used for any prevention or in-home services
9 provided by the children's services council or other local
10 government entity that meets
11 temporary-assistance-for-needy-families' eligibility
12 requirements and can be reasonably expected to reduce the
13 number of children entering the child welfare system. In order
14 to ensure necessary flexibility for the development, start-up,
15 and ongoing operation of community-based care initiatives, the
16 notice period required for any budget action authorized by the
17 provisions of section 20.19(5)(b), Florida Statutes, is waived
18 for the family safety program; however, the Department of
19 Children and Family Services must provide copies of all such
20 actions to the Executive Office of the Governor and
21 Legislature within 72 hours of their occurrence. Funding
22 available for the matching grant program is subject to
23 legislative appropriation of nonrecurring
24 temporary-assistance-for-needy-families funds provided for the
25 purpose. This sections expires July 1, 2002.

26 Section 38. In order to implement Specific
27 Appropriations 302-466 of the 2001-2002 General Appropriations
28 Act, for purposes of meeting the maintenance of effort for the
29 temporary-assistance-for-needy-families (TANF) block grant,
30 the Partnership for School Readiness shall ensure that
31 \$106,936,783 in state funds are expended in accordance with

1 the federal requirements and limitations of Part A of Title VI
2 of the Social Security Act, as amended. This shall not be
3 construed as a transfer of funds, but rather as authorization
4 to designate these funds as TANF maintenance of effort. Any
5 expenditures of general revenue or other state funds, which
6 are determined by the director of the agency or his or her
7 designee to be qualified state expenditures to meet the
8 maintenance of effort requirement for the
9 temporary-assistance-for-needy-families block grant, must be
10 made in accordance with the federal requirements and
11 limitations of Part A of Title IV of the Social Security Act,
12 as amended. The director or his or her designee shall certify
13 to the Department of Children and Family Services that
14 controls are in place to ensure that such funds are expended
15 in accordance with the requirements and limitations of federal
16 law and that any reporting requirements of federal law are
17 met. If House Bill 977 or similar legislation is enacted, the
18 Agency for Workforce Innovation or the entity administering
19 the school readiness program shall ensure that state funds are
20 expended for purposes of meeting the state's maintenance of
21 effort requirement for temporary-assistance-for-needy-families
22 (TANF). Funds are provided in Specific Appropriations 459A and
23 136A (G/A-Child Care-WAGES and G/A-Pre-School Projects) to
24 provide slots for children participating in the school
25 readiness initiative. From these funds, the Agency for
26 Workforce Innovation or administering entity is required to
27 expend at least \$77,736,783 of WAGES Child Care funds and
28 \$29,200,000 of Pre-Kindergarten funds as maintenance of effort
29 for temporary-assistance-to-needy-family (TANF) funds. It is
30 the responsibility of any entity to which such funds are
31 appropriated to obtain the required certification and

1 documentation prior to any expenditure of funds. This section
2 expires July 1, 2002.

3 Section 39. In order to implement Specific
4 Appropriations 408 and 410 of the 2001-2002 General
5 Appropriations Act, notwithstanding the provisions of chapter
6 216, Florida Statutes, the Department of Children and Family
7 Services is authorized to transfer funds as necessary to
8 achieve a successful transition of staff between that
9 department and the Department of Juvenile Justice. Such
10 transfers of funds shall only require a 3-day consultation
11 period with the House and Senate Appropriations Committees
12 prior to their implementation. The Department of Juvenile
13 Justice is directed to give priority for employment to persons
14 employed at G. Pierce Wood Memorial Hospital (GPW). The
15 Departments of Juvenile Justice and Children and Family
16 Services are also directed to require the contracted
17 Department of Juvenile Justice programs in the catchment area
18 in the contracted sexually violent predator program to give
19 employees from GPW priority for employment. This section
20 expires July 1, 2002.

21 Section 40. In order to implement Specific
22 Appropriation 3018 of the 2001-2002 General Appropriations
23 Act, paragraph (i) of subsection (2) of section 318.21,
24 Florida Statutes, as amended, is amended to read:

25 318.21 Disposition of civil penalties by county
26 courts.--All civil penalties received by a county court
27 pursuant to the provisions of this chapter shall be
28 distributed and paid monthly as follows:

29 (2) Of the remainder:

30 (i) For fiscal year 2001-2002 ~~2000-2001~~ only, and in
31 lieu of the provisions of paragraph (a), five and six-tenths

1 percent shall be paid to the General Revenue Fund of the
2 state, except that the first \$300,000 shall be deposited into
3 the Grants and Donations Trust Fund in the state courts system
4 for administrative costs, training costs, and costs associated
5 with the implementation and maintenance of Florida foster care
6 citizen review panels as provided for in s. 39.702. This
7 paragraph expires ~~is repealed~~ on July 1, 2002 ~~2001~~.

8 Section 41. In order to implement Specific
9 Appropriation 2967 of the 2001-2002 General Appropriations
10 Act, subsection (8) of section 925.037, Florida Statutes, is
11 amended to read:

12 925.037 Reimbursement of counties for fees paid to
13 appointed counsel; circuit conflict committees.--

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

20 Section 42. In order to implement Specific
21 Appropriations 862-1126A of the 2001-2002 General
22 Appropriations Act, section 25.402, Florida Statutes, is
23 amended to read:

24 25.402 County Article V Trust Fund.--

25 (1)(a) The trust fund moneys in the County Article V
26 Trust Fund, administered by the Supreme Court, may ~~must~~ be
27 used to compensate counties for the costs they incur under
28 Article V of the State Constitution in operating the state
29 courts system, including the costs they incur in providing and
30 maintaining court facilities.

31

1 (b) The Supreme Court shall adopt an allocation and
2 disbursement plan for the operation of the trust fund and the
3 expenditure of moneys deposited in the trust fund. The Supreme
4 Court shall include the plan in its legislative budget
5 request. A committee of 15 people shall develop and recommend
6 the allocation and disbursement plan to the Supreme Court. The
7 committee shall be composed of:

8 1. Six persons appointed by the Florida Association of
9 Counties, as follows:

10 a. Two persons residing in counties with populations
11 fewer ~~less~~ than 85,000 ~~75,000~~.

12 b. Two persons residing in counties with populations
13 greater than 84,999 ~~74,999~~, but fewer ~~less~~ than 700,000.

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

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

18 a. Two persons residing in counties with populations
19 fewer ~~less~~ than 85,000 ~~75,000~~.

20 b. Two persons residing in counties with populations
21 greater than 84,999 ~~74,999~~, but fewer ~~less~~ than 700,000.

22 c. Two persons residing in counties with populations
23 greater than 699,999.

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

26 a. One person residing in a county with a population
27 fewer ~~less~~ than 85,000 ~~75,000~~.

28 b. One person residing in a county with a population
29 greater than 84,999 ~~74,999~~, but fewer ~~less~~ than 700,000.

30 c. One person residing in a county with a population
31 greater than 699,999.

1
2 The allocation and disbursement plan shall include provisions
3 to compensate counties with fewer than 85,000 ~~75,000~~ residents
4 for court facility needs.

5 (c) Amendments to the approved operating budget for
6 expenditures from the County Article V Trust Fund must be
7 approved in accordance with the provisions of s. 216.181. The
8 total amount disbursed from the County Article V Trust Fund
9 may not exceed the amount authorized by the General
10 Appropriations Act.

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

14 1. Funds paid to counties with populations fewer ~~less~~
15 than 85,000 ~~75,000~~ shall be grants-in-aid to be used, in
16 priority order, for: operating expenditures of the offices of
17 the state attorneys and public defenders; consulting or
18 architectural studies related to the improvement of courthouse
19 facilities; improving court facilities to ensure compliance
20 with the Americans with Disabilities Act and other federal or
21 state requirements; other renovations in court facilities;
22 improvements in court security; and expert witness fees in
23 criminal cases, court reporting and transcribing costs in
24 criminal cases, and costs associated with the appointment of
25 special public defenders.

26 2. Funds paid to counties with populations exceeding
27 84,999 ~~74,999~~ shall be grants-in-aid to be used, in priority
28 order, for operating expenditures of the offices of the state
29 attorneys and public defenders, costs paid by the county for
30 expert witness fees in criminal cases, court reporting and
31

1 transcribing costs in criminal cases, and costs associated
2 with the appointment of special public defenders.

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

4 Section 43. In order to implement Specific
5 Appropriations 681-789 of the 2001-2002 General Appropriations
6 Act, subsection (4) of section 216.262, Florida Statutes, is
7 amended to read:

8 216.262 Authorized positions.--

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

23 Section 44. In order to implement Specific
24 Appropriations 333-339 and 1248-1256 of the 2001-2002 General
25 Appropriations Act, subsection (1) of section 938.01, Florida
26 Statutes, as amended by section 39 of chapter 2000-171, Laws
27 of Florida, is amended to read:

28 938.01 Additional Court Cost Clearing Trust Fund.--

29 (1) All courts created by Art. V of the State
30 Constitution shall, in addition to any fine or other penalty,
31 assess \$3 as a court cost against every person convicted for

1 violation of a state penal or criminal statute or convicted
2 for violation of a municipal or county ordinance. Any person
3 whose adjudication is withheld pursuant to the provisions of
4 s. 318.14(9) or (10) shall also be assessed such cost. In
5 addition, \$3 from every bond estreature or forfeited bail bond
6 related to such penal statutes or penal ordinances shall be
7 forwarded to the Treasurer as described in this subsection.
8 However, no such assessment may be made against any person
9 convicted for violation of any state statute, municipal
10 ordinance, or county ordinance relating to the parking of
11 vehicles.

12 (a) All such costs collected by the courts shall be
13 remitted to the Department of Revenue, in accordance with
14 administrative rules adopted by the executive director of the
15 Department of Revenue, for deposit in the Additional Court
16 Cost Clearing Trust Fund and shall be earmarked to the
17 Department of Law Enforcement for distribution as follows:

18 1. Two dollars and seventy-five cents of each \$3
19 assessment shall be deposited in the Criminal Justice
20 Standards and Training Trust Fund, and the remaining 25 cents
21 of each such assessment shall be deposited into the Department
22 of Law Enforcement Operating Trust Fund and shall be disbursed
23 to the Department of Law Enforcement.

24 2. Ninety-two percent of the money distributed to the
25 Additional Court Cost Clearing Trust Fund pursuant to s.
26 318.21 shall be earmarked to the Department of Law Enforcement
27 for deposit in the Criminal Justice Standards and Training
28 Trust Fund, and 8 percent of such money shall be deposited
29 into the Department of Law Enforcement Operating Trust Fund
30 and shall be disbursed to the Department of Law Enforcement.

31

1 (b) The funds deposited in the Criminal Justice
2 Standards and Training Trust Fund and the Department of Law
3 Enforcement Operating Trust Fund may be invested. Any interest
4 earned from investing such funds and any unencumbered funds
5 remaining at the end of the budget cycle shall remain in the
6 respective trust fund until the following year.

7 (c) All funds in the Criminal Justice Standards and
8 Training Trust Fund earmarked to the Department of Law
9 Enforcement shall be disbursed only in compliance with s.
10 943.25(9).

11 Section 45. The amendment of subsection (1) of section
12 938.01, Florida Statutes, by this act shall expire on July 1,
13 2002, and the text of that subsection shall revert to that in
14 existence on June 30, 2000, except that any amendments to such
15 text enacted other than by this act shall be preserved and
16 continue to operate to the extent that such amendments are not
17 dependent upon the portions of such text which expire pursuant
18 to the provisions of this act. The Division of Statutory
19 Revision of the Office of Legislative Services shall include
20 in an appropriate reviser's bill any amendments to such
21 subsection which are necessary to give effect to the
22 legislative intent expressed in this section.

23 Section 46. In order to implement Specific
24 Appropriations 333-339 and 1248-1256 of the 2001-2002 General
25 Appropriations Act, subsection (1) of section 943.25, Florida
26 Statutes, as amended by section 41 of chapter 2000-171, Laws
27 of Florida, is amended to read:

28 943.25 Criminal justice trust funds; source of funds;
29 use of funds.--

30 (1) The Department of Law Enforcement may approve, for
31 disbursement from the Department of Law Enforcement Operating

1 Trust Fund, those appropriated sums necessary and required by
2 the state for grant matching, implementing, administering,
3 evaluating, and qualifying for such federal funds.

4 Disbursements from the trust fund for the purpose of
5 supplanting state general revenue funds may not be made
6 without specific legislative appropriation.

7 Section 47. The amendment of subsection (1) of section
8 943.25, Florida Statutes, by this act shall expire on July 1,
9 2002, and the text of that subsection shall revert to that in
10 existence on June 30, 2000, except that any amendments to such
11 text enacted other than by this act shall be preserved and
12 continue to operate to the extent that such amendments are not
13 dependent upon the portions of such text which expire pursuant
14 to the provisions of this act. The Division of Statutory
15 Revision of the Office of Legislative Services shall include
16 in an appropriate reviser's bill any amendments to such
17 subsection which are necessary to give effect to the
18 legislative intent expressed in this section.

19 Section 48. (1) In order to implement Specific
20 Appropriations 333-339 and 1248-1256 of the 2001-2002 General
21 Appropriations Act, and for the 2001-2002 fiscal year only,
22 the Criminal Justice Program shall be transferred from the
23 Department of Community Affairs to the Department of Law
24 Enforcement by a type two transfer, pursuant to section
25 20.06(2), Florida Statutes. The Criminal Justice Program so
26 transferred is comprised of the Byrne State and Local Law
27 Enforcement Assistance Program, Local Law Enforcement Block
28 Grants, Drug-Free Communities Program, Residential Substance
29 Abuse Treatment for State Prisoners, the Bulletproof Vest
30 Program, the Guantanamo Bay Refugee and Entrant Assistance
31 Program, the National Criminal History Improvement Program,

1 and the Violent Offender Incarceration and Truth-in-Sentencing
2 Program.

3 (2)(a) In order to implement Specific Appropriations
4 333-339 and 1248-1256 of the 2001-2002 General Appropriations
5 Act, and for the 2001-2002 fiscal year only, the Prevention of
6 Domestic and Sexual Violence Program is transferred from the
7 Department of Community Affairs to the Department of Children
8 and Family Services by a type two transfer, pursuant to
9 section 20.06(2), Florida Statutes. The Domestic and Sexual
10 Violence Program so transferred is comprised of the Governor's
11 Task Force on Domestic and Sexual Violence and the Violence
12 Against Women Program.

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

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

28 Section 49. In order to implement Specific
29 Appropriation 2367A of the 2001-2002 General Appropriations
30 Act, notwithstanding any provisions of section 288.816,
31 Florida Statutes, to the contrary, and for the 2001-2002

1 fiscal year only, Enterprise Florida, Inc., shall operate the
2 sister city and sister state program in a manner consistent
3 with the provisions prescribed in such section.

4 Section 50. In order to implement Specific
5 Appropriation 2367A of the 2001-2002 General Appropriations
6 Act, notwithstanding any provisions of section 288.0251,
7 Florida Statutes, to the contrary, and for the 2001-2002
8 fiscal year only, Enterprise Florida, Inc., may contract for
9 the implementation of Florida's international volunteer corps
10 in a manner consistent with the provisions prescribed in such
11 section.

12 Section 51. In order to implement Specific
13 Appropriation 1519 of the 2001-2002 General Appropriations
14 Act, notwithstanding any provision of section 163.3184(8),
15 Florida Statutes, to the contrary, and for the 2001-2002
16 fiscal year only, the Department of Community Affairs may use
17 the internet or other methods to issue notice of intent as
18 related to comprehensive plan amendments.

19 Section 52. In order to implement Specific
20 Appropriations 2624-2629 of the 2001-2002 General
21 Appropriations Act, subsection (4) of section 287.161, Florida
22 Statutes, is amended to read:

23 287.161 Executive aircraft pool; assignment of
24 aircraft; charge for transportation.--

25 (4) Notwithstanding the requirements of subsections
26 (2) and (3) and for the 2001-2002 ~~2000-2001~~ fiscal year only,
27 the Department of Management Services shall charge all persons
28 receiving transportation from the executive aircraft pool a
29 rate not less than the mileage allowance fixed by the
30 Legislature for the use of privately owned vehicles. Fees
31 collected for persons traveling by aircraft in the executive

1 aircraft pool shall be deposited into the Bureau of Aircraft
2 Trust Fund and shall be expended for costs incurred to operate
3 the aircraft management activities of the department. It is
4 the intent of the Legislature that the executive aircraft pool
5 be operated on a full cost recovery basis, less available
6 funds. This subsection expires July 1, 2002 ~~2001~~.

7 Section 53. In order to implement Specific
8 Appropriation 1742 of the 2001-2002 General Appropriations
9 Act, subsection (3) of section 259.101, Florida Statutes, is
10 amended to read:

11 259.101 Florida Preservation 2000 Act.--

12 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the
13 costs of issuance, the costs of funding reserve accounts, and
14 other costs with respect to the bonds, the proceeds of bonds
15 issued pursuant to this act shall be deposited into the
16 Florida Preservation 2000 Trust Fund created by s. 375.045.
17 Ten percent of the proceeds of any bonds deposited into the
18 Preservation 2000 Trust Fund shall be distributed by the
19 Department of Environmental Protection to the Department of
20 Environmental Protection for the purchase by the South Florida
21 Water Management District of lands in Dade, Broward, and Palm
22 Beach Counties identified in s. 7, chapter 95-349, Laws of
23 Florida. This distribution shall apply for any bond issue for
24 the 1995-1996 fiscal year. For the 1997-1998 fiscal year only,
25 \$20 million per year from the proceeds of any bonds deposited
26 into the Florida Preservation 2000 Trust Fund shall be
27 distributed by the Department of Environmental Protection to
28 the St. Johns Water Management District for the purchase of
29 lands necessary to restore Lake Apopka. Starting in fiscal
30 year 2001-2002, from the cash balance less approved
31 commitments encumbered that is remaining in the Florida

1 Preservation 2000 Trust Fund, the Legislature shall
2 appropriate up to \$100 million from the Florida Preservation
3 2000 Trust Fund to the Save Our Everglades Trust Fund to be
4 used for the acquisition of lands needed for restoration of
5 the Florida Everglades pursuant to s. 373.470. Furthermore,
6 the remaining cash balances available for the Preservation
7 2000 programs described in paragraphs (a) through (g) shall be
8 adjusted pro rata for the amount appropriated by the
9 Legislature. Additionally, any cash balances less approved
10 commitments encumbered available to the programs described in
11 paragraphs (a) through (g) at the time the first series of
12 Florida Forever Program bonds is issued and proceeds are
13 deposited into the Florida Forever Trust Fund shall be
14 reserved and remain unavailable for expenditure for projects
15 pursuant to the Florida Preservation 2000 Program until and
16 unless the programs receiving an allocation under the Florida
17 Forever Program described in paragraphs 259.105(3)(a)-(h),
18 respectively, have encumbered all funds available from the
19 first Florida Forever Program bond issue. To the extent that
20 projects eligible for Preservation 2000 funds can also be
21 eligible for Florida Forever funds, the proceeds from Florida
22 Forever bonds may be used to complete transactions begun with
23 Preservation 2000 funds or meet cash needs for property
24 transactions begun in fiscal year 2000-2001.~~In fiscal year~~
25 ~~2000-2001, for each Florida Preservation 2000 program~~
26 ~~described in paragraphs (a)-(g), that portion of each~~
27 ~~program's total remaining cash balance which, as of June 30,~~
28 ~~2000, is in excess of that program's total remaining~~
29 ~~appropriation balances shall be redistributed by the~~
30 ~~department and deposited into the Save Our Everglades Trust~~
31 ~~Fund for land acquisition. For purposes of calculating the~~

1 ~~total remaining cash balances for this redistribution, the~~
2 ~~Florida Preservation 2000 Series 2000 bond proceeds, including~~
3 ~~interest thereon, and the fiscal year 1999-2000 General~~
4 ~~Appropriations Act amounts shall be deducted from the~~
5 ~~remaining cash and appropriation balances, respectively.~~The
6 remaining proceeds shall be distributed by the Department of
7 Environmental Protection in the following manner:

8 (a) Fifty percent to the Department of Environmental
9 Protection for the purchase of public lands as described in s.
10 259.032. Of this 50 percent, at least one-fifth shall be used
11 for the acquisition of coastal lands.

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

21 (c) Ten percent to the Department of Community Affairs
22 to provide land acquisition grants and loans to local
23 governments through the Florida Communities Trust pursuant to
24 part III of chapter 380. From funds allocated to the trust,
25 \$3 million annually shall be used by the Division of State
26 Lands within the Department of Environmental Protection to
27 implement the Green Swamp Land Protection Initiative
28 specifically for the purchase of conservation easements, as
29 defined in s. 380.0677(4), of lands, or severable interests or
30 rights in lands, in the Green Swamp Area of Critical State
31 Concern. From funds allocated to the trust, \$3 million

1 annually shall be used by the Monroe County Comprehensive Plan
2 Land Authority specifically for the purchase of any real
3 property interest in either those lands subject to the Rate of
4 Growth Ordinances adopted by local governments in Monroe
5 County or those lands within the boundary of an approved
6 Conservation and Recreation Lands project located within the
7 Florida Keys or Key West Areas of Critical State Concern;
8 however, title to lands acquired within the boundary of an
9 approved Conservation and Recreation Lands project may, in
10 accordance with an approved joint acquisition agreement, vest
11 in the Board of Trustees of the Internal Improvement Trust
12 Fund. Of the remaining funds allocated to the trust after the
13 above transfers occur, one-half shall be matched by local
14 governments on a dollar-for-dollar basis. To the extent
15 allowed by federal requirements for the use of bond proceeds,
16 the trust shall expend Preservation 2000 funds to carry out
17 the purposes of part III of chapter 380.

18 (d) Two and nine-tenths percent to the Department of
19 Environmental Protection for the purchase of inholdings and
20 additions to state parks. For the purposes of this paragraph,
21 "state park" means all real property in the state under the
22 jurisdiction of the Division of Recreation and Parks of the
23 department, or which may come under its jurisdiction.

24 (e) Two and nine-tenths percent to the Division of
25 Forestry of the Department of Agriculture and Consumer
26 Services to fund the acquisition of state forest inholdings
27 and additions pursuant to s. 589.07.

28 (f) Two and nine-tenths percent to the Fish and
29 Wildlife Conservation Commission to fund the acquisition of
30 inholdings and additions to lands managed by the commission
31 which are important to the conservation of fish and wildlife.

1 (g) One and three-tenths percent to the Department of
2 Environmental Protection for the Florida Greenways and Trails
3 Program, to acquire greenways and trails or greenways and
4 trails systems pursuant to chapter 260, including, but not
5 limited to, abandoned railroad rights-of-way and the Florida
6 National Scenic Trail.

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

27 Section 54. The amendment of subsection 259.101(3),
28 Florida Statutes, by this act shall expire July 1, 2002, and
29 the text of that subsection shall revert to that in existence
30 on June 30, 2001, except that any amendments to such text
31 exacted other than by this act shall be preserved and continue

1 to operate to the extent that such amendments are not
2 dependent upon the portions of such text which expire pursuant
3 to the provisions of this act. The Division of Statutory
4 Revision of the Office of Legislative Services shall include
5 in an appropriate reviser's bill any amendments to such
6 subsection which are necessary to give effect to the
7 legislative intent expressed in this section.

8 Section 55. In order to implement Specific
9 Appropriation 1742 of the 2001-2002 General Appropriations
10 Act, paragraph (a) of subsection (11) of section 259.105,
11 Florida Statutes, is amended to read:

12 259.105 The Florida Forever Act.--

13 (11) For the purposes of funding projects pursuant to
14 paragraph (3)(a), the Secretary of Environmental Protection
15 shall ensure that each water management district receives the
16 following percentage of funds annually:

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

21 Section 56. The amendment of paragraph 259.105(11)(a),
22 Florida Statutes, by this act shall expire July 1, 2002, and
23 the text of that paragraph shall revert to that in existence
24 on June 30, 2001, except that any amendments to such text
25 exactd other than by this act shall be preserved and continue
26 to operate to the extent that such amendments are not
27 dependent upon the portions of such text which expire pursuant
28 to the provisions of this act. The Division of Statutory
29 Revision of the Office of Legislative Services shall include
30 in an appropriate reviser's bill any amendments to such

31

1 subsection which are necessary to give effect to the
2 legislative intent expressed in this section.

3 Section 57. In order to implement Specific
4 Appropriation 1748 of the 2001-2002 General Appropriations
5 Act, subsection (1) of section 403.709, Florida Statutes, is
6 amended to read:

7 403.709 Solid Waste Management Trust Fund; use of
8 waste tire fee moneys; waste tire site management.--

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

12 (a) Funding solid waste activities of the department,
13 such as providing technical assistance to local governments,
14 performing solid waste regulatory and enforcement functions,
15 preparing solid waste documents, and implementing solid waste
16 education programs.

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

19 (c) Providing funding for research, demonstration, and
20 training by state universities, community colleges, and
21 independent nonprofit colleges and universities within the
22 state which are accredited by the Southern Association of
23 Colleges and Schools, and other organizations that can
24 reasonably demonstrate the capability to carry out such
25 projects. Of the annual amounts appropriated by the
26 Legislature for the Solid Waste Management Trust Fund, up to 5
27 percent may be reserved by the secretary and used to fund on a
28 matching basis research, demonstration, and training projects
29 related to solid waste management. Those projects may
30 include, but are not limited to, undertakings such as market
31

1 development for recycled materials, composting techniques and
2 use, and plastic materials.

3 (d) For the 2001-2002 fiscal year only, the use of
4 funds allocated to the Solid Waste Management Trust Fund shall
5 be as provided in the General Appropriations Act. The sum of
6 \$33.8 million is transferred for water projects. This
7 paragraph expires July 1, 2002.

8 Section 58. In order to implement Specific
9 Appropriation 1789 of the 2001-2002 General Appropriations
10 Act, subsection (8) of section 403.7095, Florida Statutes, is
11 amended to read:

12 403.7095 Solid waste management grant program.--

13 (8) Notwithstanding the provisions of this section,
14 for fiscal year 2001-2002 ~~2000-2001~~ only, the department shall
15 provide solid waste management and recycling grants only to
16 counties with populations under 100,000. Such grants must be
17 with at least 80 percent of the level of funding they received
18 in fiscal year 2000-2001 ~~1997-1998~~ ~~for solid waste management~~
19 ~~and recycling grants~~. This subsection expires ~~is repealed on~~
20 July 1, 2002 ~~2001~~.

21 Section 59. In order to implement Specific
22 Appropriations 1653 and 1748 of the 2001-2002 General
23 Appropriations Act, subsection (11) of section 373.59, Florida
24 Statutes, is amended to read:

25 373.59 Water Management Lands Trust Fund.--

26 (11) Notwithstanding any provision of this section to
27 the contrary, and for the 2001-2002 ~~2000-2001~~ fiscal year
28 only, the governing board of a water management district may
29 request, and the Secretary of Environmental Protection shall
30 release upon such request, moneys allocated to the districts
31 pursuant to subsection (8) for the purpose of carrying out the

1 purposes of s. 373.0361, s. 373.0831 ~~s. 375.0831~~, s. 373.139,
2 or ss. 373.451-373.4595 and for legislatively authorized land
3 acquisition and water restoration initiatives. No funds may be
4 used pursuant to this subsection until necessary debt service
5 obligations, requirements for payments in lieu of taxes, and
6 land management obligations that may be required by this
7 chapter are provided for. This subsection expires ~~is repealed~~
8 ~~on~~ July 1, 2002 ~~2001~~.

9 Section 60. In order to implement Specific
10 Appropriation 1543A of the 2001-2002 General Appropriations
11 Act, paragraph (b) of subsection (1) of section 252.373,
12 Florida Statutes, is amended to read:

13 252.373 Allocation of funds; rules.--

14 (1)

15 (b) Notwithstanding the provisions of paragraph (a),
16 and for the 2001-2002 ~~2000-2001~~ fiscal year only, up to \$2 ~~\$4~~
17 million of the unencumbered balance of the Emergency
18 Management, Preparedness, and Assistance Trust Fund shall be
19 utilized to improve, and increase the number of, disaster
20 shelters within the state and improve local disaster
21 preparedness. This paragraph expires ~~is repealed~~ on July 1,
22 2002 ~~2001~~.

23 Section 61. In order to implement section 8 of the
24 2001-2002 General Appropriations Act, subsection (7) of
25 section 110.12315, Florida Statutes, is amended to read:

26 110.12315 Prescription drug program.--The state
27 employees' prescription drug program is established. This
28 program shall be administered by the Department of Management
29 Services, according to the terms and conditions of the plan as
30 established by the relevant provisions of the annual General
31

1 Appropriations Act and implementing legislation, subject to
2 the following conditions:

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

6 ~~(a) For the period July 1, 2000, through December 31,~~
7 ~~2000+.~~

- 8 1. ~~For generic drug with card.....\$7.~~
9 2. ~~For brand name drug with card.....\$20.~~
10 3. ~~For generic mail order drug with card.....\$7.~~
11 4. ~~For brand name mail order drug with card.....\$20.~~

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

- 13 1. For generic drug with card.....\$7.
14 2. For preferred brand name drug with card.....\$20.
15 3. For nonpreferred brand name drug with card.....\$35.
16 4. For generic mail order drug with card.....\$10.50.
17 5. For preferred brand name mail order
18 drug with card.....\$30.
19 6. For nonpreferred brand name drug with card..\$52.50.

20 (b)(c) The Department of Management Services shall
21 create a preferred brand name drug list to be used in the
22 administration of the state employees' prescription drug
23 program.

24
25 This subsection expires July 1, 2002 ~~2001~~.

26 Section 62. In order to implement section 8 of the
27 2001-2002 General Appropriations Act, section 110.1239,
28 Florida Statutes, is amended to read:

29 110.1239 State group health insurance program
30 funding.--For the 2001-2002 ~~2000-2001~~ fiscal year only, it is
31 the intent of the Legislature that the state group health

1 insurance program be managed, administered, operated, and
2 funded in such a manner as to maximize the protection of state
3 employee health insurance benefits. Inherent in this intent is
4 the recognition that the health insurance liabilities
5 attributable to the benefits offered state employees should be
6 fairly, orderly, and equitably funded. Accordingly:

7 (1) The division shall determine the level of premiums
8 necessary to fully fund the state group health insurance
9 program for the next fiscal year. Such determination shall be
10 made after each revenue estimating conference on health
11 insurance as provided in s. 216.136(1), but not later than
12 December 1 and April 1 of each fiscal year.

13 (2) The Governor, in the Governor's recommended
14 budget, shall provide premium rates necessary for full funding
15 of the state group health insurance program, and the
16 Legislature shall provide in the General Appropriations Act
17 for a premium level necessary for full funding of the state
18 group health insurance program.

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

23 (4) This section expires ~~is repealed~~ on July 1, 2002
24 ~~2001~~.

25 Section 63. A section of this act that implements a
26 specific appropriation or specifically identified proviso
27 language in the 2001-2002 General Appropriations Act is void
28 if the specific appropriation or specifically identified
29 proviso language is vetoed. A section of this act that
30 implements more than one specific appropriation or more than
31 one portion of specifically identified proviso language in the

1 2001-2002 General Appropriations Act is void if all the
2 specific appropriations or portions of specifically identified
3 proviso language are vetoed.

4 Section 64. If any other act passed during the 2001
5 Regular Session of the Legislature or any extension thereof
6 contains a provision that is substantively the same as a
7 provision in this act, but that removes or is otherwise not
8 subject to the future repeal applied to such provision by this
9 act, the Legislature intends that the provision in the other
10 act shall take precedence and shall continue to operate,
11 notwithstanding the future repeal provided by this act.

12 Section 65. The agency performance measures and
13 standards in the document entitled "Senate Approved Agency
14 Performance Measures and Standards for Fiscal Year 2001-02"
15 dated March 19, 2001, and filed with the Secretary of the
16 Senate are incorporated by reference. Such performance
17 measures and standards are directly linked to the
18 appropriations made in the General Appropriations Act for
19 fiscal year 2001-2002, as required by the Government
20 Performance and Accountability Act of 1994. State agencies are
21 directed to revise their Long-Range Program Plans required
22 under section 216.013, Florida Statutes, to be consistent with
23 these performance measures and standards.

24 Section 66. If any provision of this act or its
25 application to any person or circumstance is held invalid, the
26 invalidity shall not affect other provisions or applications
27 of the act which can be given effect without the invalid
28 provision or application, and to this end the provisions of
29 this act are declared severable.

30 Section 67. This act shall take effect July 1, 2001;
31 or, in the event this act fails to become a law until after

1 that date, it shall take effect upon becoming a law and shall
2 operate retroactively to July 1, 2001.

3
4 *****

5 SENATE SUMMARY

6 Implements the 2001-2002 General Appropriations Act.
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