



**Conference Committee on  
Senate Appropriations Subcommittee on  
Health and Human Services / House  
Health Care Appropriations  
Subcommittee**

**Senate Offer #1  
Implementing Bill**

**April 25, 2019  
9:15 p.m.  
212 Knott Building**

**FY 2019-2020 Implementing Bill**  
**Senate Health and Human Services Appropriations/House Health Care Appropriations**  
**SENATE OFFER #1**

Line	SB 2502 Section	HB 5003 Section	Description	Senate Offer 1
1	22	5	<b>MEDICAID HOSPITAL FUNDING PROGRAMS.</b> Provides the calculations for the Medicaid Disproportionate Share Hospital <u>and Hospital Reimbursement</u> programs, for the 2019-2020 fiscal year contained in the document titled "Medicaid Disproportionate Share Hospital Programs," are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of state law, in making appropriations for the Medicaid Disproportionate Share Hospital <u>and Hospital Reimbursement</u> programs.	<b>Senate Modified</b>
2	23	6	<b>STATEWIDE MEDICAID MANAGED CARE REALIGNMENT- AHCA/DOH.</b> Authorizes AHCA & DOH to submit a budget amendment to realign funding within and between agencies based on the implementation of the Statewide Medicaid Managed Care Medical Assistance Program for Children's Medical Services within DOH. The funding realignment shall reflect the actual enrollment changes due to the transfer of beneficiaries from fee-for-service to the capitated Children's Medical Services Network. Also authorizes AHCA to submit a request for non-operating budget authority to transfer the federal funds to DOH, pursuant to s. 216.181(12), Florida Statutes.	<b>Identical</b>
3	N/A	7	<b>AGENCY FOR PERSONS WITH DISABILITIES ALGORITHM.</b> Provides direction to the Agency for Persons with Disabilities for setting iBudget amounts for clients receiving Home and Community-Based Waiver services. It also provides parameters under which a client's iBudget amount may be increased.	<b>Senate - No Language</b>
4	24	N/A	<b>MEDICAID NURSING HOME PROSPECTIVE PAYMENT.</b> Recognizes the prospective payment system as the reimbursement basis for Medicaid-participating nursing homes.	<b>Senate</b>
5	25	N/A	<b>STATUTORY REVERSIONS.</b> Revisions made to ss. 409.908(23), F.S., shall revert to prior text on July 1, 2020.	<b>Senate</b>
6	26	N/A	<b>MEDICAID RETROACTIVE ELIGIBILITY.</b> Requires AHCA to seek authorization from the federal Centers for Medicare and Medicaid Services to eliminate the Medicaid retroactive eligibility period for non-pregnant adults in a manner that ensures that the modification provideseligibility will continue to begin the first day of the month in which a non-pregnant adult applies for Medicaid.	<b>Senate</b>
7	27	N/A	<b>MEDICAID RETROACTIVE ELIGIBILITY REPORT.</b> Requires the AHCA, in consultation with DCF and certain other entities, to submit a report specifying certain requirements by January 10, 2020, to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the impact of the Medicaid retroactive eligibility waiver on beneficiaries and providers.	<b>Senate</b>
8	28	N/A	<b>PRESCRIPTION DRUG MONITORING PROGRAM.</b> Provides that neither Department of Health nor the state attorney general may use funds received as part of a settlement agreement to administer the prescription drug monitoring program.	<b>Senate</b>
9	29	8	<b>DISPROPORTIONATE SHARE HOSPITAL PROGRAM.</b> Amends s. 409.911, F.S., to direct AHCA to distribute moneys to hospitals providing a disproportionate share of Medicaid or charity care services as provided in the 2019-2020 General Appropriations Act.	<b>Identical</b>
10	30	9	<b>DISPROPORTIONATE SHARE HOSPITAL PROGRAM.</b> Amends s. 409.9113, F.S., to direct AHCA to make disproportionate share payments to teaching hospitals as provided in the 2019-2020 General Appropriations Act.	<b>Identical</b>

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11	31	10	<b>DISPROPORTIONATE SHARE HOSPITAL PROGRAM.</b> Amends s. 409.9119, F.S., to direct AHCA to make disproportionate share payments to specialty hospitals for children as provided in the 2019-2020 General Appropriations Act.	<b>Identical</b>
12	32	11	<b>AHCA BUDGET AMENDMENTS.</b> Allows budget amendments to realign funding within Medicaid program appropriation categories to address projected surpluses and deficits within the program and to maximize use of trust funds. Allows a single budget amendment to be submitted in the last fiscal quarter only.	<b>Identical</b>
13	N/A	12	<p><b>AHCA BUDGET AMENDMENTS FOR FLORIDA KIDCARE.</b> Provides authorization for AHCA to submit a budget amendment pursuant to the notice, review and objection provisions of s. 216.177, F.S. to realign funding within the Florida Kidcare program appropriation categories to address projected surpluses and deficits within the program and to maximize the use of state trust funds.</p> <p><b>Modified Senate Language:</b>  Section 12. In order to implement Specific Appropriations 178 through 183 and 523 of the 2019-2020 General Appropriations Act, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Agency for Health Care Administration and the Department of Health may each submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to realign funding within the Florida Kidcare program appropriation categories, or to increase budget authority in the <u>Children's Medical Services Network category</u>, to address projected surpluses and deficits within the program and or to maximize the use of state trust funds. A single budget amendment must be submitted by each agency in the last quarter of the 2019-2020 fiscal year only. This section expires July 1, 2020.</p>	<b>Senate Modified</b>
14	33-34	N/A	<b>DEPARTMENT OF HEALTH RULE ADOPTION.</b> Amends ss. 381.986 & 381.988, F.S., to provide that rules relating to medical marijuana adopted prior to July 1, 2020 are exempt from the legislative ratification provisions of s. 120.541(3), F.S.	<b>House</b>
15	35	N/A	<b>NEWBORN SCREENING PROGRAM.</b> Requires the DOH to begin testing for Spinal Muscular Atrophy by May 3, 2020.	<b>Senate</b>
16	36	N/A	<b>PROGRAM OF ALL-INCLUSIVE ACCESS FOR THE ELDERLY (PACE).</b> Expands the catchment area for Northeast Florida PACE.	<b>Senate</b>
17	37	13	<p><b>DCF BUDGET AMENDMENTS.</b> Authorizes DCF to submit a budget amendment to realign program payments in the Guardianship Assistance, Relative Caregiver and Nonrelative Care Giver Programs, and specific room and board payments in the G/A-Community Based Care category due to changes in program enrollment resulting from the implementation of the Guardianship Assistance Program.</p> <p><b>Modified Senate Language:</b>  In order to implement Specific Appropriations 326, 327A, 358, and 359 of the 2019-2020 General Appropriations Act, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Department of Children and Families may submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to realign funding within the department based on the implementation of the Guardianship Assistance Program, between and among the specific appropriations for guardianship assistance payments, <u>foster care Level 1 room and board payments</u>, relative caregiver payments, and nonrelative caregiver payments. This section expires July 1, 2020.</p>	<b>Senate Modified</b>

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18	38-39	14	<b>EXCLUDE DCF GAP PROGRAM FROM CBC EQUITY FORMULA.</b> Excludes certain appropriations relating to Guardianship Assistance Program (GAP) implementation and guardianship assistance payments from the definition of "core services," enabling the DCF to allocate these funds to CBCs as the department determines appropriate.	<b>Senate</b>
19	40	15	<b>DVA PERSONAL NEEDS ALLOWANCE INCREASE.</b> Provides that the provisions of s. 296.37(1), F.S., be waived for the 2019-2020 fiscal year to increase the income disregard for the contribution of care from \$105 to \$130 per month for residents of State Veterans' Nursing Homes. This language enables non-Medicaid eligible residents of veteran's nursing homes to receive same increased Allowance as the Medicaid-eligible residents.	<b>Identical</b>
20	N/A	16	<b>DOH BUDGET AMENDMENTS FOR HIV/AIDS.</b> Provides DOH the authority to submit a budget amendment, subject to the notice, review and objection provisions of s. 216.177, F.S. to increase budget authority for the HIV/AIDS Prevention and Treatment Program if additional federal revenues become available in the 2019-2020 fiscal year.  <b>Modified Senate Language:</b> In order to implement Specific Appropriations <u>470 and 507</u> of the 2019-2020 General Appropriations Act, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Department of Health may submit a budget amendments, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to increase budget authority for the HIV/AIDS Prevention and Treatment Program if additional federal revenues specific to HIV/AIDS prevention and treatment become available in the 2019-2020 fiscal year. This section expires July 1, 2020.	<b>Senate Modified</b>
21	N/A	17	<b>DCF BUDGET AMENDMENTS FOR SNAP.</b> Provides DCF the authority to submit a budget amendment, subject to the notice, review and objection provisions of s. 216.177, F.S. to increase budget authority for the Supplemental Nutrition Assistance Program if additional federal revenues become available in the 2019-2020 fiscal year.	<b>House</b>
21a	NEW	N/A	<b>AHCA FISCAL AGENT CONTRACT.</b> Amends s. 409.912(6) to authorize the AHCA to renew its existing fiscal agent contract.  <b>New Senate Language:</b> Section XX. 409.912 (6) Notwithstanding the provisions of chapter 287, the Agency for Health Care Administration may, at its discretion, renew a contract or contracts for fiscal intermediary services one or more times for such periods as the agency may decide; however, all such renewals may not combine to exceed a total period longer than the term of the original contract, <u>with the exception of the fiscal agent contract scheduled to end in calendar year 2020, which may be extended by the agency through December 31, 2024.</u>	<b>New</b>

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21b	NEW	N/A	<p><b>DCF BUDGET AMENDMENTS.</b> Authorizes DCF to submit a budget amendment to realign funding between specific appropriation categories within the Family Safety Program to bring funding in line with Title IV-E federal program requirements and maximize the use of federal funds.</p> <p><b>New Senate Language:</b>  <u>Section XX. In order to implement Specific Appropriations 307 through 310, 314, 315, 318, 323 through 326, and 327A of the 2019-2020 General Appropriations Act, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Department of Children and Families may submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to realign funding to maximize the use of Title IV-E and other federal funds. This section expires July 1, 2020.</u></p>	<b>New</b>

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21c	NEW	N/A	<p><b>DEPARTMENT OF HEALTH RULE ADOPTION.</b> Amends subsection (1) of section 14 of chapter 2017-232, Laws of Florida, to provide emergency rulemaking authority to the Department of Health to adopt rules necessary to implement provisions of s. 381.986, F.S., and to provide that rules adopted under the nonemergency rulemaking procedures of the Administrative Procedures Act to replace emergency rules adopted under section 14 of ch. 2017-232, L.O.F., are exempt from the legislative ratification provisions of ss. 120.54(3)(b) and 120.541, F.S.</p> <p><b>New Senate Language:</b>  SECTION ????. In order to implement Specific Appropriations 467, 468, and 474 of the 2019-2020 General Appropriations Act, subsection (1) of section 14 of chapter 2017-232, Laws of Florida, is amended to read:</p> <p>Section 14. Department of Health; authority to adopt rules; cause of action.—  (1) EMERGENCY RULEMAKING.—  (a) The Department of Health and the applicable boards shall adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, and this section necessary to implement ss. 381.986 and 381.988, Florida Statutes. If an emergency rule adopted under this section is held to be unconstitutional or an invalid exercise of delegated legislative authority, and becomes void, the department or the applicable boards may adopt an emergency rule pursuant to this section to replace the rule that has become void. If the emergency rule adopted to replace the void emergency rule is also held to be unconstitutional or an invalid exercise of delegated legislative authority and becomes void, the department and the applicable boards must follow the nonemergency rulemaking procedures of the Administrative Procedures Act to replace the rule that has become void.  b) For emergency rules adopted under this section, the department and the applicable boards need not make the findings required by s. 120.54(4)(a), Florida Statutes. Emergency rules adopted under this section are exempt from ss. 120.54(3)(b) and 120.541, Florida Statutes. The department and the applicable boards shall meet the procedural requirements in s. 120.54(a), Florida Statutes, if the department or the applicable boards have, before <u>July 1, 2019</u> <del>the effective date of this act</del>, held any public workshops or hearings on the subject matter of the emergency rules adopted under this subsection. Challenges to emergency rules adopted under this subsection are subject to the time schedules provided in s. 120.56(5), Florida Statutes.  (c) Emergency rules adopted under this section are exempt from s. 120.54(4)(c), Florida Statutes, and shall remain in effect until replaced by rules adopted under the nonemergency rulemaking procedures of the Administrative Procedures Act. <u>Rules adopted under the nonemergency rulemaking procedures of the Administrative Procedures Act to replace emergency rules adopted under this section are exempt from ss. 120.54(3)(b) and 120.541, Florida Statutes.</u> <del>By July 1, 2020 January 1, 2018</del>, the department and the applicable boards shall initiate nonemergency rulemaking pursuant to the Administrative Procedures Act to replace all emergency rules adopted under this section by publishing a notice of rule development in the Florida Administrative Register. Except as provided in paragraph (a), after <u>July 1, 2020</u> <del>January 1, 2018</del>, the department and applicable boards may not adopt rules pursuant to the emergency rulemaking procedures provided in this section.</p>	<b>New</b>