

By the Committees on Appropriations; and Health Policy

576-04942A-13

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1 A bill to be entitled

2 An act relating to county Medicaid contributions;  
3 amending s. 409.915, F.S.; specifying the total  
4 contribution for the year and specifying the method  
5 for determining the amount in the following years;  
6 revising the method for calculating each county's  
7 contribution; providing tables for calculating county  
8 contributions; requiring the Agency for Health Care  
9 Administration to annually report the status of county  
10 billings to the Legislature; authorizing the  
11 Department of Revenue to withhold county distributions  
12 for failure to remit Medicaid contributions; deleting  
13 provisions specifying the care and services that  
14 counties must participate in, obsolete bond  
15 provisions, and a process for refund requests;  
16 specifying the method for calculating each county's  
17 contribution for the 2013-2014 fiscal year; providing  
18 an effective date.

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

21  
22 Section 1. Section 409.915, Florida Statutes, is amended to  
23 read:

24 409.915 County contributions to Medicaid.—Although the  
25 state is responsible for the full portion of the state share of  
26 the matching funds required for the Medicaid program, ~~in order~~  
27 ~~to acquire a certain portion of these funds,~~ the state shall  
28 charge the counties an annual contribution in order to acquire a  
29 certain portion of these funds ~~for certain items of care and~~

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

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

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

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

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

47 a. The enrollment weight provided in subparagraph 2. is  
48 multiplied by a fraction, the numerator of which is the number  
49 of the county's Medicaid enrollees as of March 1 of each year,  
50 and the denominator of which is the number of all counties'  
51 Medicaid enrollees as of March 1 of each year. The agency shall  
52 calculate this amount for each county and provide the  
53 information to the Department of Revenue by May 15 of each year.

54 b. The payment weight provided in subparagraph 2. is  
55 multiplied by the percentage share of payments provided in  
56 subparagraph 3. for each county.

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

<u>FISCAL YEAR</u>	<u>ENROLLMENT</u>	<u>PAYMENT</u>
<u>2013-14</u>	<u>0%</u>	<u>100%</u>
<u>2014-15</u>	<u>16.67%</u>	<u>83.33%</u>
<u>2015-16</u>	<u>33.34%</u>	<u>66.66%</u>
<u>2016-17</u>	<u>50%</u>	<u>50%</u>
<u>2017-18</u>	<u>66.66%</u>	<u>33.67%</u>
<u>2018-19</u>	<u>83.33%</u>	<u>16.67%</u>
<u>2019-20+</u>	<u>100%</u>	<u>0%</u>

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

<u>COUNTY</u>	<u>SHARE OF PAYMENTS</u>
<u>Alachua</u>	<u>1.278%</u>
<u>Baker</u>	<u>0.116%</u>
<u>Bay</u>	<u>0.607%</u>
<u>Bradford</u>	<u>0.179%</u>

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75		
	<u>Brevard</u>	<u>2.471%</u>
76		
	<u>Broward</u>	<u>9.226%</u>
77		
	<u>Calhoun</u>	<u>0.084%</u>
78		
	<u>Charlotte</u>	<u>0.578%</u>
79		
	<u>Citrus</u>	<u>0.663%</u>
80		
	<u>Clay</u>	<u>0.635%</u>
81		
	<u>Collier</u>	<u>1.160%</u>
82		
	<u>Columbia</u>	<u>0.557%</u>
83		
	<u>Dade (Miami-Dade)</u>	<u>18.850%</u>
84		
	<u>Desoto</u>	<u>0.167%</u>
85		
	<u>Dixie</u>	<u>0.098%</u>
86		
	<u>Duval</u>	<u>5.336%</u>
87		
	<u>Escambia</u>	<u>1.614%</u>
88		
	<u>Flagler</u>	<u>0.397%</u>
89		

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90	<u>Franklin</u>	<u>0.091%</u>
91	<u>Gadsden</u>	<u>0.239%</u>
92	<u>Gilchrist</u>	<u>0.078%</u>
93	<u>Glades</u>	<u>0.055%</u>
94	<u>Gulf</u>	<u>0.076%</u>
95	<u>Hamilton</u>	<u>0.075%</u>
96	<u>Hardee</u>	<u>0.110%</u>
97	<u>Hendry</u>	<u>0.163%</u>
98	<u>Hernando</u>	<u>0.862%</u>
99	<u>Highlands</u>	<u>0.468%</u>
100	<u>Hillsborough</u>	<u>6.952%</u>
101	<u>Holmes</u>	<u>0.101%</u>
102	<u>Indian river</u>	<u>0.397%</u>
103	<u>Jackson</u>	<u>0.218%</u>
	<u>Jefferson</u>	<u>0.083%</u>

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104	<u>Lafayette</u>	<u>0.014%</u>
105	<u>Lake</u>	<u>1.525%</u>
106	<u>Lee</u>	<u>2.511%</u>
107	<u>Leon</u>	<u>0.929%</u>
108	<u>Levy</u>	<u>0.256%</u>
109	<u>Liberty</u>	<u>0.050%</u>
110	<u>Madison</u>	<u>0.086%</u>
111	<u>Manatee</u>	<u>1.622%</u>
112	<u>Marion</u>	<u>1.629%</u>
113	<u>Martin</u>	<u>0.352%</u>
114	<u>Monroe</u>	<u>0.262%</u>
115	<u>Nassau</u>	<u>0.240%</u>
116	<u>Okaloosa</u>	<u>0.566%</u>
117	<u>Okeechobee</u>	<u>0.235%</u>
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119	<u>Orange</u>	<u>6.680%</u>
120	<u>Osceola</u>	<u>1.613%</u>
121	<u>Palm Beach</u>	<u>5.898%</u>
122	<u>Pasco</u>	<u>2.391%</u>
123	<u>Pinellas</u>	<u>6.644%</u>
124	<u>Polk</u>	<u>3.642%</u>
125	<u>Putnam</u>	<u>0.417%</u>
126	<u>Saint Johns</u>	<u>0.459%</u>
127	<u>Saint Lucie</u>	<u>1.154%</u>
128	<u>Santa Rosa</u>	<u>0.462%</u>
129	<u>Sarasota</u>	<u>1.230%</u>
130	<u>Seminole</u>	<u>1.739%</u>
131	<u>Sumter</u>	<u>0.218%</u>
132	<u>Suwannee</u>	<u>0.252%</u>
	<u>Taylor</u>	<u>0.103%</u>

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<u>Union</u>	<u>0.075%</u>
<u>Volusia</u>	<u>2.298%</u>
<u>Wakulla</u>	<u>0.103%</u>
<u>Walton</u>	<u>0.229%</u>
<u>Washington</u>	<u>0.114%</u>

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

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

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

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



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157 3. By March 15 of the state fiscal year in which the state  
158 receives the certification provided for in sub-subparagraph  
159 (b)2.b., the Social Services Estimating Conference shall  
160 calculate each county's percentage share of the total statewide  
161 amount of county billings made under this section from April 1,  
162 2012, through March 31, 2013, for which the state ultimately  
163 receives payment.

164 4. Beginning in the state fiscal year following the receipt  
165 by the state of the certification provided in sub-subparagraph  
166 (b)2.b., each county's percentage share under subparagraph (a)3.  
167 shall be replaced by the percentage calculated under  
168 subparagraph (b)3.

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

172 (4) By June 1 of each year, the Department of Revenue shall  
173 notify each county of its required annual contribution. Each  
174 county shall pay its contribution, by check or electronic  
175 transfer, in equal monthly installments to the department by the  
176 5th day of each month. If a county fails to remit the payment by  
177 the 5th day of the month, the department shall reduce the  
178 monthly distribution of that county pursuant to s. 218.61 and,  
179 if necessary, by the amount of the monthly installment pursuant  
180 to s. 218.26. The payments and the amounts by which the  
181 distributions are reduced shall be transferred to the General  
182 Revenue Fund.

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

185 ~~(a) For both health maintenance members and fee-for-service~~

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186 ~~beneficiaries, payments for inpatient hospitalization in excess~~  
187 ~~of 10 days, but not in excess of 45 days, with the exception of~~  
188 ~~pregnant women and children whose income is in excess of the~~  
189 ~~federal poverty level and who do not participate in the Medicaid~~  
190 ~~medically needy program, and for adult lung transplant services.~~

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

195 ~~(2) A county's participation must be 35 percent of the~~  
196 ~~total cost, or the applicable discounted cost paid by the state~~  
197 ~~for Medicaid recipients enrolled in health maintenance~~  
198 ~~organizations or prepaid health plans, of providing the items~~  
199 ~~listed in subsection (1), except that the payments for items~~  
200 ~~listed in paragraph (1) (b) may not exceed \$55 per month per~~  
201 ~~person.~~

202 ~~(3) Each county shall set aside sufficient funds to pay for~~  
203 ~~items of care and service provided to the county's eligible~~  
204 ~~recipients for which county contributions are required,~~  
205 ~~regardless of where in the state the care or service is~~  
206 ~~rendered.~~

207 ~~(4) Each county shall contribute its pro rata share of the~~  
208 ~~total county participation based upon statements rendered by the~~  
209 ~~agency. The agency shall render such statements monthly based on~~  
210 ~~each county's eligible recipients. For purposes of this section,~~  
211 ~~each county's eligible recipients shall be determined by the~~  
212 ~~recipient's address information contained in the federally~~  
213 ~~approved Medicaid eligibility system within the Department of~~  
214 ~~Children and Family Services. A county may use the process~~

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215 ~~developed under subsection (10) to request a refund if it~~  
216 ~~determines that the statement rendered by the agency contains~~  
217 ~~errors.~~

218 (5) In any county in which a special taxing district or  
219 authority is located which benefits ~~will benefit~~ from the  
220 Medicaid program ~~medical assistance programs covered by this~~  
221 ~~section~~, the board of county commissioners may divide the  
222 county's financial responsibility for this purpose  
223 proportionately, and each such district or authority must  
224 furnish its share to the board of county commissioners in time  
225 for the board to comply with subsection (4) ~~(3)~~. Any appeal of  
226 the proration made by the board of county commissioners must be  
227 made to the Department of Financial Services, which shall ~~then~~  
228 set the proportionate share for ~~of~~ each party.

229 ~~(6) Counties are exempt from contributing toward the cost~~  
230 ~~of new exemptions on inpatient ceilings for statutory teaching~~  
231 ~~hospitals, specialty hospitals, and community hospital education~~  
232 ~~program hospitals that came into effect July 1, 2000, and for~~  
233 ~~special Medicaid payments that came into effect on or after July~~  
234 ~~1, 2000.~~

235 (6) ~~(7)~~(a) By August 1, 2012, the agency shall certify to  
236 each county the amount of such county's billings from November  
237 1, 2001, through April 30, 2012, which remain unpaid. A county  
238 may contest the amount certified by filing a petition under the  
239 applicable provisions of chapter 120 on or before September 1,  
240 2012. This procedure is the exclusive method to challenge the  
241 amount certified. In order to successfully challenge the amount  
242 certified, a county must show, by a preponderance of the  
243 evidence, that a recipient was not an eligible recipient of that

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244 county or that the amount certified was otherwise in error.

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

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

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

252 (c) The filing of a petition under paragraph (a) does ~~shall~~  
253 not stay or stop the Department of Revenue from reducing  
254 distributions in accordance with paragraph (b) and subsection  
255 (7) ~~(8)~~. If a county that files a petition under paragraph (a)  
256 is able to demonstrate that the amount certified should be  
257 reduced, the agency shall notify the Department of Revenue of  
258 the amount of the reduction. The Department of Revenue shall  
259 adjust all future monthly distribution reductions under  
260 subsection (7) ~~(8)~~ in a manner that results in the remaining  
261 total distribution reduction being applied in equal monthly  
262 amounts.

263 (7) ~~(8)~~ (a) Beginning with the October 2012 distribution, the  
264 Department of Revenue shall reduce each county's distributions  
265 pursuant to s. 218.26 by one thirty-sixth of the amount  
266 certified by the agency under subsection (6) ~~(7)~~ for that  
267 county, minus any amount required under paragraph (b). Beginning  
268 with the October 2013 distribution, the Department of Revenue  
269 shall reduce each county's distributions pursuant to s. 218.26  
270 by one forty-eighth of two-thirds of the amount certified by the  
271 agency under subsection (6) ~~(7)~~ for that county, minus any  
272 amount required under paragraph (b). However, the amount of the

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273 reduction may not exceed 50 percent of each county's  
274 distribution. If, after 60 months, the reductions for any county  
275 do not equal the total amount initially certified by the agency,  
276 the Department of Revenue shall continue to reduce such county's  
277 distribution by up to 50 percent until the total amount  
278 certified is reached. The amounts by which the distributions are  
279 reduced shall be transferred to the General Revenue Fund.

280 (b) As an assurance to holders of bonds issued before the  
281 effective date of this act to which distributions made pursuant  
282 to s. 218.26 are pledged, or bonds issued to refund such bonds  
283 which mature no later than the bonds they refunded and which  
284 result in a reduction of debt service payable in each fiscal  
285 year, the amount available for distribution to a county shall  
286 remain as provided by law and continue to be subject to any lien  
287 or claim on behalf of the bondholders. The Department of Revenue  
288 must ensure, based on information provided by an affected  
289 county, that any reduction in amounts distributed pursuant to  
290 paragraph (a) does not reduce the amount of distribution to a  
291 county below the amount necessary for the timely payment of  
292 principal and interest when due on the bonds and the amount  
293 necessary to comply with any covenant under the bond resolution  
294 or other documents relating to the issuance of the bonds. If a  
295 reduction to a county's monthly distribution must be decreased  
296 in order to comply with this paragraph, the Department of  
297 Revenue must notify the agency of the amount of the decrease and  
298 the agency must send a bill for payment of such amount to the  
299 affected county.

300 ~~(9) (a) Beginning May 1, 2012, and each month thereafter,~~  
301 ~~the agency shall certify to the Department of Revenue by the 7th~~

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302 ~~day of each month the amount of the monthly statement rendered~~  
303 ~~to each county pursuant to subsection (4). Beginning with the~~  
304 ~~May 2012 distribution, the Department of Revenue shall reduce~~  
305 ~~each county's monthly distribution pursuant to s. 218.61 by the~~  
306 ~~amount certified by the agency minus any amount required under~~  
307 ~~paragraph (b). The amounts by which the distributions are~~  
308 ~~reduced shall be transferred to the General Revenue Fund.~~

309 ~~(b) As an assurance to holders of bonds issued before the~~  
310 ~~effective date of this act to which distributions made pursuant~~  
311 ~~to s. 218.61 are pledged, or bonds issued to refund such bonds~~  
312 ~~which mature no later than the bonds they refunded and which~~  
313 ~~result in a reduction of debt service payable in each fiscal~~  
314 ~~year, the amount available for distribution to a county shall~~  
315 ~~remain as provided by law and continue to be subject to any lien~~  
316 ~~or claim on behalf of the bondholders. The Department of Revenue~~  
317 ~~must ensure, based on information provided by an affected~~  
318 ~~county, that any reduction in amounts distributed pursuant to~~  
319 ~~paragraph (a) does not reduce the amount of distribution to a~~  
320 ~~county below the amount necessary for the timely payment of~~  
321 ~~principal and interest when due on the bonds and the amount~~  
322 ~~necessary to comply with any covenant under the bond resolution~~  
323 ~~or other documents relating to the issuance of the bonds. If a~~  
324 ~~reduction to a county's monthly distribution must be decreased~~  
325 ~~in order to comply with this paragraph, the Department of~~  
326 ~~Revenue must notify the agency of the amount of the decrease and~~  
327 ~~the agency must send a bill for payment of such amount to the~~  
328 ~~affected county.~~

329 ~~(10) The agency, in consultation with the Department of~~  
330 ~~Revenue and the Florida Association of Counties, shall develop a~~

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331 ~~process for refund requests which:~~

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

336 ~~(b) Requires the agency to make a determination as to~~  
337 ~~whether a refund request is appropriate and should be approved,~~  
338 ~~in which case the agency shall certify the amount of the refund~~  
339 ~~to the department.~~

340 ~~(c) Requires the department to issue the refund for the~~  
341 ~~certified amount to the county from the General Revenue Fund.~~  
342 ~~The Department of Revenue may issue the refund in the form of a~~  
343 ~~credit against reductions to be applied to subsequent monthly~~  
344 ~~distributions.~~

345 ~~(8)~~ (11) Beginning in the 2013-2014 fiscal year and each  
346 year thereafter through the 2020-2021 fiscal year, the Chief  
347 Financial Officer shall transfer from the General Revenue Fund  
348 to the Lawton Chiles Endowment Fund an amount equal to the  
349 amounts transferred to the General Revenue Fund in the previous  
350 fiscal year pursuant to subsections (4) and (7) ~~subsections (8)~~  
351 ~~and (9), reduced by the amount of refunds paid pursuant to~~  
352 ~~subsection (10),~~ which are in excess of the official estimate  
353 for medical hospital fees for such previous fiscal year adopted  
354 by the Revenue Estimating Conference on January 12, 2012, as  
355 reflected in the conference's workpapers. By July 20 of each  
356 year, the Office of Economic and Demographic Research shall  
357 certify the amount to be transferred to the Chief Financial  
358 Officer. Such transfers must be made before July 31 of each year  
359 until the total transfers for all years equal \$350 million. If

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360 ~~In the event that~~ such transfers do not total \$350 million by  
361 July 1, 2021, the Legislature shall provide for the transfer of  
362 amounts necessary to total \$350 million. The Office of Economic  
363 and Demographic Research shall publish the official estimates  
364 reflected in the conference's workpapers on its website.

365 (9) ~~(12)~~ The agency may adopt rules to administer this  
366 section.

367 Section 2. Notwithstanding s. 409.915(3) and (4), Florida  
368 Statutes, as amended by this act, the amount of each county's  
369 contribution during the 2013-2014 state fiscal year shall be  
370 determined and provided to the Department of Revenue by the  
371 Agency for Health Care Administration by June 15, 2013. The  
372 Department of Revenue shall notify each county of its annual  
373 contribution by June 20, 2013.

374 Section 3. This act shall take effect upon becoming a law.