

Regular Meeting 10/11/01

TO: Juvenile Welfare Board Members

FROM: James E. Mills, Executive Director
Debra A. Prewitt, Special Assistant



Legislative Update

Attached please find the Legislative Update as of October 3, 2001. This will be updated at the board meeting as information is changing daily.

Staff Resource Person: Debra A. Prewitt, MPA
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Federal Tie-In

Given the current national tragedy, early predications indicate a possible \$8 billion deficit in the 2002 federal budget year. It is possible that current federal programs with identified surpluses (i.e. TANF and SCHIP) could be diverted to fund an anti-terrorism war effort.

If federal draw down programs are reduced, state programs that depend on federal dollars will have little to no cushion should current funded programs receive significant cuts.

Legislative Delegation Public Hearing

The Pinellas County Legislative Delegation held the first of two public hearings on October 2, 2001. The Juvenile Welfare Board was on the agenda to update the delegation on the KidCare Insurance local match issue. Sen. Latvala brought the issue up under new business at the beginning of the meeting. He made motion, seconded by Sen. Les Miller, to have the delegation Chair, Sen. Sebesta, write a letter to the Governor on half of the delegation, indicating their concern over the increase in local match for Pinellas and the lack of response from Florida Healthy Kids regarding our request for a precise formula in determining local match figures.

Bob Dillinger was in attendance representing the Public Defender's office. He prefaced his presentation by acknowledging the Juvenile Welfare Board's financial assistance with local match last fiscal year, but indicating that we may not be able to contribute in the coming fiscal year. He offered his support of the delegation's correspondence with the Governor.

Governor's Challenge of KidCare Proviso Language

Attached you will find a copy of the Partial Consent Judgment regarding the status of the Governor's challenge to the proviso language in SB2000 where the legislature directed FHKC to pay local match for the 2001-2002 fiscal year. Six of the seven counts in the lawsuit have been agreed to by all parties and will be dismissed. The Legislature's motion to intervene in the case has been granted. As the authors of the proviso they are the better suited to represent the remaining count of the lawsuit: KidCare Local Match. The Legislature has until October 15, 2001 to file a response to the pleading.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

John Ellis "JEB" Bush, in his official capacity
as Governor of the State of Florida, and as a
citizen and taxpayer

Plaintiff,

v.

Case No. 01-1629

Katherine Harris, in her official capacity
Secretary of State,
And Robert F. Milligan,
in his official capacity as Comptroller,

Defendants.

PARTIAL CONSENT JUDGMENT

This cause was considered on the Joint Motion for Entry of Partial Consent Judgment ("Joint Motion") filed by Defendants Robert F. Milligan, Comptroller, Katherine Harris, Secretary of State and Plaintiff John Ellis "JEB" Bush, Governor. On stipulation of counsel in the Joint Motion, the parties have settled all matters in controversy pertaining to Counts II-VII of Plaintiff's Complaint.

IT IS HEREBY ORDERED AND ADJUDGED that:

1. As to Count II, a portion of the proviso language on page 60 of Senate Bill 2000, the 2001-2002 General Appropriations Act (GAA), under specific appropriation 229 states:

From the Funds in Specific Appropriation 229, the Agency for Health Care Administration and the Department of Health shall design an Integrated Pediatric Care System for the area of the state covering the Department of Children and Family Services' Districts 1 and 2. This pilot program shall be a seamless

managed health care system and include children who are eligible for Medicaid, Medikids and the CMS Network. The Agency for Health Care Administration and the Department of Health shall submit a report to the Governor, Speaker of the House of Representatives, and the President of the Senate no later than November 1, 2001.

The parties agree that this portion of the proviso language relates only to planning functions, and does not provide for implementation of the project. Based on this understanding, Count II of the Complaint is dismissed with prejudice.

2. As to Count III of the Complaint, a portion of the proviso language on page 120 of the GAA, under specific appropriations 581-587 states:

The Department [of health] shall certify as a health care provider in the Children's Medical Services Network all programs of any children's hospital owned or operated by the state, county, or special district that is located in a county with a population greater than 1 million persons. The department shall issue said certification not later than 30 days after the receipt of written request from a children's hospital.

This portion of the proviso language violates Article III, § 12 of the Florida Constitution.

3. As to Count IV of the Complaint, a portion of the proviso language on page 125 of the GAA under specific appropriation 629-A states:

Any Florida Resident who is a student at, or graduate of, any of the four United States Military Academies who qualifies for assignment to the Medical Corps of the United States Military, shall be admitted to any Medical School in the State University System.

This portion of the proviso language violates Article III, § 12 of the Florida Constitution.

4. As to Count V of the Complaint, a portion of the proviso language on page 268 of the GAA under specific appropriation 2022 states:

Funds provided in Specific Appropriation 2022 for projects in Leon County are contingent upon the county removing road impediments on Lake Bradford Road between the junction of lake Bradford Road and Orange Avenue and Capital Circle Southwest.

This portion of the proviso language violates Article III, § 12 of the Florida Constitution.

5. As to Count VI of the Complaint, a portion of the proviso language on page 318 of the GAA under specific appropriations 2463, 2464, and 2465 states:

The Treasurer shall submit the plan to the Legislative Budget Commission for approval no later than December 31, 2001. Any reorganization approval by the Legislative Budget Commission shall be implemented pursuant to the provisions of Chapter 216, Florida Statutes.

This portion of the proviso language violates Article III, § 12 of the Florida Constitution. The parties agree that challenged proviso language authorizing the State Treasurer "to develop a plan to establish, abolish, or consolidate bureaus, sections, and subsections to reallocate duties and functions" relates only to development of a plan and does not authorize implementation of the plan. Based on this understanding, the Plaintiff voluntarily dismisses the remainder of the challenge set forth in Count VI.

6. As to Count VII of the Complaint, a portion of the proviso language on page 354 of the GAA under specific appropriations 2789 states:

Until July 1, 2002, the Department of Insurance shall not take any action to audit insurers or finalize any pending audits of insurers with respect to the accuracy of coding the

location of insured properties for purposes associated with these premium taxes.

This portion of the proviso language violates Article III, § 12 of the Florida Constitution. Plaintiff agrees to voluntarily dismiss its challenge to the remaining proviso language cited in Count VII.

7. Defendant Milligan will reflect the provisions of the Partial Consent Judgment in the financial operations of the state.

8. Defendant Harris will include a copy of the Partial Consent Judgment in the official records of the State of Florida.

DONE AND ORDERED at Tallahassee, Florida, on this ____ day of _____, 2001.

NIKKI ANN CLARK
CIRCUIT JUDGE

Copies furnished to Counsel