



LEGISLATIVE BUDGET COMMISSION

Lisa Carlton, Chair
Joe Negron, Vice Chair

Meeting Packet

Thursday, April 20, 2006
12:30 p.m. – 1:30 p.m.
412 Knott

***(Please bring this packet to the committee meeting.
Duplicate materials will not be available.)***

EXPANDED AGENDA
LEGISLATIVE BUDGET COMMISSION
Senator Carlton, CHAIR
Representative Negrón, VICE CHAIR

DATE: Thursday, April 20, 2006
TIME: 12:30 – 1:30 p.m.
PLACE: The Pat Thomas Committee Room, 412 Knott Building

(SENATE MEMBERS: Senator Carlton, Chair; Senators Alexander, Atwater, Fasano, Miller, Saunders and Smith)
(HOUSE MEMBERS: Representative Negrón, Alternating Chair; Representatives Barreiro, Berfield, Davis D., Greenstein, Kendrick and Mayfield)

Consideration of the following budget amendments:

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Department: Lottery

EOG Number: B2006-0581

Problem Statement: The Florida Lottery is projecting a need for additional budget authority for the instant ticket vendor contract.

The original appropriation for instant ticket purchases of \$46,429,100 was based on the February 2005 Revenue Estimating Conference (REC) sales projection of \$1,931,700,000. The vendor is compensated at a rate of 2.3 percent of sales. The current appropriation also includes funding for instant games property licenses.

Projections from the February 2006 REC show that instant ticket sales will exceed the February 2005 REC by \$234,100,000. The increased sales projection results in the need for an additional \$5,384,300 to cover the remaining instant ticket purchase obligations through June 30, 2006.

Because of the anticipated increase in sales, the department will need an additional \$5,500,000 in budget authority to cover the remaining instant ticket purchase obligations through June 2006. This would provide \$5,384,300 in additional budget authority to cover increased sales for instant tickets based on the projections of the February 2006 REC and \$115,700 in additional budget authority to cover internal projections.

Agency Request: The department is requesting increased budget authority in the Administrative Trust Fund of \$5,500,000 for instant ticket purchases based on increased sales projections.

Governor's Recommendation: Recommend approval to increase budget authority by \$5,500,000 in the Administrative Trust Fund for instant ticket purchases based on increased sales projections from the February 2006 Revenue Estimating Conference.

Commission Staff Comments: Recommend approval as recommended by the Governor's Office.

Senate Committee: General Government Appropriations
Senate Analyst: Jamie DeLoach

House Committee: State Administration Appropriations
House Analyst: Marsha Belcher

Line Item No.	Budget Entity / Fund / Appropriation Category Title		REQUESTED BY AGENCY	RECOMMENDED BY GOVERNOR	APPROVED BY THE LEGISLATIVE BUDGET COMMISSION
	LAS/PBS Account Number	CF	Appropriation	Appropriation	Appropriation
DEPARTMENT OF THE LOTTERY					
2617	Program: Lottery Operations <u>Lottery Operations</u> Special Category - Instant Ticket Purchase Administrative Trust Fund		5,500,000	5,500,000	

Department: Lottery

EOG Number: B2006-0589

Problem Statement: The Florida Lottery is projecting a need for additional budget authority for retailer incentives.

The original appropriation for retailer incentives is \$2,500,000. This appropriation is used for all retailer incentives programs. The Lottery estimates the need for an additional \$1,700,000 to continue to pay retailers incentives in the form of commissions based on ticket sales and for the redemption of prizes associated with the Lottery's new *EZmatch* game with *Fantasy 5*.

On March 20, 2006, the Florida Lottery launched its new *EZmatch* add-on game which included a retailer incentive. *EZmatch* is the Florida Lottery's first "play-through game" in that it can only be played in conjunction with *Fantasy 5*. The price of playing *EZmatch* is \$2 (\$1 for the initial *Fantasy 5* ticket and \$1 for the *Ezmatch* ticket). It is the first Florida Lottery on-line game to offer an instant winning experience. It is also the first on-line game (beyond a time-limited holiday promotion) to take advantage of the authority granted by the Chapter 2005-84, Laws of Florida, that increased the prize payout percentage for on-line games. Those players who spend the extra \$1 to play *EZmatch* win higher prizes.

The new way of playing this on-line game made the participation by Lottery retailers vital to the success of the game's launch. To encourage retailers to actively and aggressively promote the sale of *Fantasy 5* with *EZmatch*, the Lottery increased its effort to educate Lottery retailers in advance. The Lottery also provided enhanced retailer incentives for sales and prize redemptions for the first nine weeks of the game's life pursuant to the authority provided in sections 24.105(9)(i) and 24.121(3), Florida Statutes, as well as 53ER06-18, Florida Administrative Code. The retailers' standard commission is five percent for sales and one percent prize redemption. The additional incentive is for nine weeks and provides an additional 10 percent for sales and two percent for prize redemption.

Based on the Lottery's early sales projections for *Fantasy 5 with EZmatch*, the original budget authority in the retailer incentives category would have been sufficient. However, based on the public's positive reaction to the new game, funds remaining in the original appropriation will not be sufficient to allow the Lottery to provide enhanced retailer incentives for sales and prize redemptions for the nine-week period.

The Lottery estimated that the *Fantasy 5 with EZmatch* game would increase *Fantasy 5* sales by 20- 25 percent. However, in the first week sales for *Fantasy 5* were 38 percent higher than the previous week. *Fantasy 5* with *EZmatch* sales were 98 percent higher than the previous weeks' *Fantasy 5* sales with players spending \$3.2 million on *EZmatch* alone. Sales for *Fantasy 5 with EZmatch* nearly doubled sales for *Fantasy 5* for the preceding week. Even considering some players shifting purchases from other Lottery games, *EZmatch*'s first week yielded a net increase in contributions to the Educational Enhancement Trust Fund of nearly \$1 million, almost three times the contribution projected in the February 2006 Revenue Estimating Conference forecast.

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The Lottery spent \$360,375 in retailer incentive funds during the first week that generated nearly \$1 million in contributions to the Educational Enhancement Trust Fund. Based on original sales estimates, the Lottery estimated \$798,952 in retailer incentives that would have been needed for the new game. However, if strong sales continue at the present level, the remaining retailer incentive funds will be insufficient before the end of the nine-week incentive period.

Agency Request: The Department of Lottery is requesting increased budget authority in the Administrative Trust Fund of \$1,700,000 for retailer incentive commissions for the new *EZmatch* option relating to the Fantasy 5 game.

Governor's Recommendation: Recommend approval to increase budget authority by \$1,700,000 in the Administrative Trust Fund for commissions and incentives to retailers for the new EZmatch option relating to the Fantasy 5 game.

Commission Staff Comments: Recommend approval as recommended by the Governor's Office.

Senate Committee: General Government Appropriations
Senate Analyst: Jamie DeLoach

House Committee: State Administration Appropriations
House Analyst: Marsha Belcher

Line Item No.	Budget Entity / Fund / Appropriation Category Title		REQUESTED BY AGENCY	RECOMMENDED BY GOVERNOR	APPROVED BY THE LEGISLATIVE BUDGET COMMISSION
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2620	<p>DEPARTMENT OF THE LOTTERY</p> <p>Program: Lottery Operations <u>Lottery Operations</u></p> <p>Special Category - Retailer Incentive Administrative Trust Fund</p>		1,700,000	1,700,000	

Department: Children and Family Services

EOG Number: B2006-0559

Problem Statement: On March 15, 2006, the Department of Children and Family Services (DCF) received notice of a Regular Services Program grant award for \$6,900,410 from the Federal Emergency Management Agency (FEMA) to provide crisis counseling services to the large number of persons who evacuated Alabama, Mississippi, and Louisiana and fled to Florida to escape the aftermath of Hurricane Katrina. DCF estimates that of the total federal grant award, \$2,944,204 will be spent during Fiscal Year 2005-2006, and \$3,956,206 will be deferred until Fiscal Year 2006-2007.

Also during the month of March 2006, the department received notices of grant awards from FEMA to provide crisis counseling to victims of Hurricane Wilma. The federal awards consisted of \$1,559,904 from the Immediate Services Program and \$9,740,425 from the Regular Services Program, for a total of \$11,300,329. The department estimates that of the total federal award of \$11,300,329, \$5,649,271 will be spent during Fiscal Year 2005-2006, and \$5,651,058 will be deferred until Fiscal Year 2006-2007.

In order to implement the crisis counseling services funded by these FEMA grants, DCF needs additional trust fund budget authority of \$8,593,475 in Fiscal Year 2005-2006. The department indicates that \$304,012 of this total amount can be funded with existing trust fund budget authority, leaving a balance of \$8,289,463 for which additional budget authority is required.

Agency Request: Request an increase of \$8,289,463 in budget authority from the Federal Grants Trust Fund for Fiscal Year 2005-2006 in the following appropriation categories:

<u>Category</u>	<u>Amount</u>
FEMA Declaration Number 1604	\$2,944,204
FEMA Declaration Number 1609	<u>5,345,259</u>
Total	<u>\$8,289,463</u>

Governor's Recommendation: Recommend approval to increase budget authority by \$8,289,463 in the Federal Grants Trust Fund for crisis counseling services to victims of Hurricanes Katrina and Wilma.

Commission Staff Comments: Recommend approval as recommended by the Governor's Office.

Senate Committee: Health and Human Services Appropriations
Senate Analyst: Marta Hardy

House Committee: Health Care Appropriations
House Analyst: Lynn Ekholm

Line Item No.	Budget Entity / Fund / Appropriation Category Title		REQUESTED BY AGENCY	RECOMMENDED BY GOVERNOR	APPROVED BY THE LEGISLATIVE BUDGET COMMISSION
	LAS/PBS Account Number	CF	Appropriation	Appropriation	Appropriation
CHILDREN AND FAMILIES					
<u>PROGRAM MANAGEMENT & COMPLIANCE</u>					
NA	G/A-Emergency Management 2005 - State Ops - FEMA Declaration #1604 - Federal Grants Trust Fund		2,944,204	2,944,204	
NA	G/A- 2005 Hurricanes - State Op - FEMA Declaration #1609 Federal Grants Trust Fund		5,345,259	5,345,259	

Department: Children and Family Services

EOG Number: B2006-0566

Problem Statement: The Department of Children and Family Services (DCF) estimates that there is insufficient cash in the administrative and child welfare training trust funds to support the combined appropriations from these two trust funds to the department for Fiscal Year 2005-2006. The department projects that the cash shortfall will be \$25,349,737 in the Administrative Trust Fund (ATF) and \$3,824,950 in the Child Welfare Training Trust Fund, for a total of \$29,174,687.

Administrative Trust Fund Deficit

For years, funds from a multitude of federal matching and block grants, including Medicaid, TANF, Refugee, Hurricane related and Food Stamps were budgeted in the ATF. These federal grant funds would frequently generate earnings in excess of the budget, which would, in turn, help offset cash deficits from other sources arising within the fund. In addition, the sunset of certain trust funds caused the cash balances in these funds to be transferred into the ATF, further enhancing the department's ability to manage cash balances. When these grants were transferred from the ATF and into the Federal Grants Trust Fund (FGTF) to comply with revisions to s. 215.32(2)(b), F.S., which were mandated by the 2004 Legislature, the ATF cash sources became insufficient to keep the fund in balance. The creation of the Agency for Persons with Disabilities (APD) further exacerbated the funding problems in the ATF. While still a part of DCF, APD programs generated substantial amounts of excess Medicaid earnings. Approximately \$70 million was transferred to the new department when it was created. The following programs will be adversely affected by the trust fund cash deficit projected by the department in the Administrative Trust Fund:

	Amount
Food Stamp Electronic Benefit Transfer Administration	\$ 4,083,395
Disaster Food Stamp (Hurricane Related) Issuance	3,335,100
Human Resource Services: People First	3,728,002
Data Processing: FLORIDA and HomeSafenet	11,581,737
District Administration Indirect Costs	760,000
Community Based Care	<u>1,861,503</u>
Sub Total	\$25,349,737

Child Welfare Training Trust Fund Deficit

In the past, the Child Welfare Training Trust Fund (CWTF) has been funded with Title IV-E earnings transferred from the Federal Grants Trust Fund. Expenditures in the CWTF were reimbursed from transfers excess earnings in the FGTF. A transfer of funds to the ATF is required this fiscal. The following program will be adversely affected by the trust fund cash deficit projected by the department in the Child Welfare Training Trust Fund:

	Amount
Child Welfare Training Contracts	\$ 3,824,950

Operations and Maintenance Trust Fund Surplus

Cash is available in the Operations and Maintenance Trust Fund (O&MTF) from previously deposited earnings in excess of the appropriations. This cash has been building from federal earnings, unrestricted fees, and third party collections, in excess of the budget over the last several years. These revenues are not restricted for any specific purpose.

This is the second of two amendments pursued by DCF to resolve cash shortfalls in Fiscal Year 2005-2006. The first amendment, EOG Amendment Number 470, approved on March 15, 2006, granted an increase of \$26,353,170 in non-operating transfer authority to the department to facilitate the realignment of available cash balances among trust funds to offset projected shortfalls in salaries through the end of Fiscal Year 2005-2006.

Agency Request: Request a transfer of budget authority in the amount of \$25,349,737 from the Administrative Trust Fund and \$3,824,950 from the Child Welfare Training Trust Fund, to the Operations and Maintenance Trust Fund, which has sufficient cash to fund the projected deficit.

Governor's Recommendation: Recommend approval to transfer budget authority in the amounts of \$25,349,737 from the Administrative Trust Fund and \$3,824,950 from the Child Welfare Training Trust Fund to the Operations and Maintenance Trust Fund to ensure payment of obligations.

Commission Staff Comments: Recommend approval as recommended by the Governor's Office.

Senate Committee: Health and Human Services Appropriations
Senate Analyst: Marta Hardy

House Committee: Health Care Appropriations
House Analyst: Lynn Ekholm

Line Item No.	Budget Entity / Fund / Appropriation Category Title LAS/PBS Account Number	CF	REQUESTED BY AGENCY	RECOMMENDED BY GOVERNOR	APPROVED BY THE LEGISLATIVE BUDGET COMMISSION
			Appropriation	Appropriation	Appropriation
CHILDREN AND FAMILIES					
<u>ASSISTANT SECRETARY FOR ADMINISTRATION</u>					
252	Expenses Administrative Trust Fund		(4,083,395)	(4,083,395)	
259	Transfer To Dept. of Management Services Administrative Trust Fund		(3,728,002)	(3,728,002)	
260	Data Processing Services Administrative Trust Fund		(11,581,737)	(11,581,737)	
N/A	G/A-Hurricanes 05-ST OPER Administrative Trust Fund		(297,290)	(297,290)	

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		CF	Appropriation	Appropriation
CHILDREN AND FAMILIES				
<u>ASSISTANT SECRETARY FOR ADMINISTRATION</u>				
N/A	Expenses Operations & Maintenance Trust Fund		4,083,395	4,083,395
N/A	G/A-Hurricanes 05-ST OPER Operations & Maintenance Trust Fund		297,290	297,290
N/A	Transfer To Dept. of Management Services Operations & Maintenance Trust Fund		3,728,002	3,728,002
N/A	Data Processing Services Operations & Maintenance Trust Fund		11,581,737	11,581,737
<u>DISTRICT ADMINISRTATION</u>				
265	Expenses Administrative Trust Fund		(760,000)	(760,000)
265	Expenses Operations & Maintenance Trust Fund		760,000	760,000
<u>CHILD PROTECTION AND PERMANENCY</u>				
303	G/A - Community Based Care Funds For Providers Of Child Welfare Services Administrative Trust Fund		(1,861,503)	(1,861,503)
N/A	G/A - Community Based Care Funds For Providers Of Child Welfare Services Operations & Maintenance Trust Fund		1,861,503	1,861,503

Line Item No.	Budget Entity / Fund / Appropriation Category Title	CF	REQUESTED BY AGENCY	RECOMMENDED BY GOVERNOR	APPROVED BY THE LEGISLATIVE BUDGET COMMISSION
			Appropriation	Appropriation	Appropriation
CHILDREN AND FAMILIES					
<u>PROGRAM MANAGEMENT AND COMPLIANCE</u>					
314	G/A - Child Protection Child Welfare Training Trust Fund		(3,824,950)	(3,824,950)	
N/A	G/A - Child Protection Operations & Maintenance Trust Fund		3,824,950	3,824,950	
<u>COMPREHENSIVE ELIGIBILITY SERVICES</u>					
N/A	G/A-Hurricanes 05-ST OPER Administrative Fund Trust Fund		(3,034,009)	(3,034,009)	
N/A	G/A-Hurricanes 05-ST OPER Operations & Maintenance Trust Fund		3,034,009	3,034,009	
<u>PROGRAM MANAGEMENT AND COMPLIANCE</u>					
N/A	G/A-Hurricanes 05-ST OPER Administrative Fund Trust Fund		(3,801)	(3,801)	
N/A	G/A-Hurricanes 05-ST OPER Operations & Maintenance Trust Fund		3,801	3,801	

Department: Children and Family Services

EOG Number: B2006-0567

Problem Statement: The provision of foster care and related services in Florida has been outsourced, statewide, pursuant to section 409.1671(1)(a), Florida Statutes, which mandates that these services be provided by community-based care agencies (CBCs) operated by lead agency providers. Five of the twenty-two existing CBCs have reported combined budget needs of \$3,795,982 in excess of the appropriation for community-based care for Fiscal Year 2005-2006. The Department of Children and Family Services (DCF) estimates that of the total projected budget shortfall, \$832,500 can be recovered from federal Title IV-E earnings, leaving the balance of \$2,963,482 to be recovered from state funds. The following chart shows the breakdown of this projected budget need by lead agency provider.

<u>District/Region</u>	<u>Lead Agency</u>	<u>Projected Deficit</u>	<u>Reason for Deficit</u>
2A	Big Bend CBC West	\$ 483,374	Caseload growth
12	Partners for Community-Based Care Kids, Inc.	225,900	Increase in adoption placements
13	Kids Central, Inc.	1,194,582	Caseload growth
15	United for Families, Inc.	450,000	Increase in client services
23	YMCA North	<u>609,626</u>	Payment of adoption backlog
	Total Budget Need	<u>\$ 2,963,482</u>	

This is the first year that all areas of the state have been outsourced to community-based care agencies. All foster care and related services funding is allocated to the CBCs. This limits the department's ability to resolve budget shortfalls by transferring funds between districts.

Section 409.1671(7), Florida Statutes, authorizes a "risk pool" to be accessed by community-based care providers under certain circumstances, including certain deficits. The General Appropriations Act for Fiscal Year 2005-2006 appropriated \$7.5 million from unrestricted trust fund cash for the risk pool, but the statute requires Legislative Budget Commission (LBC) approval of a plan before any funds can be released. Because a plan has never been submitted to or approved by the LBC, the funds appropriated for the risk pool are not accessible to CBC providers. All the CBCs that are requesting funds pursuant to this amendment meet the risk pool access criteria authorized in the statutes.

The risk pool appropriation to the Federal Grants Trust Fund should be reduced by \$2,963,482, to reflect the reduction that would have occurred if access to the pool were a viable option by the CBCs requesting additional funding.

<p>Agency Request: Request an increase of \$2,963,482 in budget authority from the Federal Grants Trust Fund to resolve funding deficiencies for five community-based care providers, and to reduce and place in reserve the corresponding amount of \$2,963,482 from the Federal Grants Trust Fund in the Lump Sum – Shared Risk Fund for Community Based Providers of Child Welfare Services category.</p>
<p>Governor’s Recommendation: Recommend approval to transfer \$2,963,482 budget authority in the Federal Grants Trust Fund from the Lump Sum Shared Risk Fund for Community Based Providers of Child Welfare Services category to the Grants and Aid Community Based Providers of Child Welfare Services category to resolve current year shortfalls for five community-based care lead agencies.</p>
<p>Commission Staff Comments: Recommend approval as recommended by the Governor’s Office.</p>

<p>Senate Committee: Health and Human Services Appropriations Senate Analyst: Marta Hardy</p>	<p>House Committee: Health Care Appropriations House Analyst: Lynn Ekholm</p>
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			Appropriation	Reserve	Appropriation	Reserve	Appropriation	Reserve
CHILDREN AND FAMILIES								
<u>CHILD PROTECTION AND PERMANENCY</u>								
294	Lump Sum-Shared Risk Fund for Community Based Providers of Child Welfare Services Federal Grant Trust Fund		(2,963,482)	(2,963,482)	(2,963,482)	(2,963,482)		
303	G/A-Community Based Care Funds for Providers of Child Welfare Services Federal Grant Trust Fund		2,963,482		2,963,482			

Department: Children and Family Services

EOG Number: B2006-0602

Problem Statement: The provision of foster care and related services in Florida has been outsourced, statewide, pursuant to Section 409.1671(1)(a), Florida Statutes, which mandates that these services be provided by community-based care agencies (CBCs) operated by lead agency providers. Two of the twenty-two existing CBCs report a combined shortfall of \$9,251,209 resulting from contract disputes. Our Kids of Miami-Dade/Monroe, Inc. in District 11 reports a shortfall of \$6,072,190, and Family Support Services of Metro Orlando in District 7 reports a shortfall of \$3,179,019.

Our Kids of Miami-Dade/Monroe, Inc., in District 11

District 11 has historically enrolled more children in the Road to Independence Scholarship (RTI) program than the district allocation would support. Prior to the transition to community-based care, this district covered the cost of over-enrollment through surpluses in other child welfare areas. All children enrolled in RTI were transferred to the CBC at the time of transition.

Our Kids of Miami-Dade/Monroe, Inc. maintains that DCF did not advise them during the contract negotiation period that DCF had over-enrolled children in the RTI program. DCF and the contractor negotiated a verbal agreement by which the CBC would manage the program and DCF would continue to issue the checks to the children enrolled. According to the contractor, the amount of the contract excluded the funds retained by DCF for the check issuance function, while DCF maintains that the contract amount included the funds for which DCF retained the check issuance function.

DCF assumed that the lead agency understood that the CBC would receive a new Schedule of Funds as an amendment to the contract, and that the schedule amount would be lower than the contract amount by approximately \$4 million, reflecting the funds withheld by the district for this program. When the lead agency received the new Schedule of Funds, the agency indicated that it would not agree to amending this document into the contract because the CBC was already operating under the assumed higher dollar amount and was serving the number of children in RTI that had been transferred to the agency from DCF at the time of transition. The lead agency reports that the current demand in the RTI program in Miami-Dade and Monroe counties is approximately \$7 million. Even if the additional \$4 million contract amount had been agreed to by DCF, the program would still have a deficit of approximately \$3 million. DCF was able to fund a portion of this deficit internally, but the department is requesting \$6,072,190 to fund the full amount of the deficit in District 11.

Family Support Services of Metro Orlando in District 7

When District 7 transferred its budget along with its ongoing caseload to Family Support Services of Metro Orlando, in September, 2004, the district also transferred a deficit. The district reports that this deficit was not discovered until March 2005, at which point it was too late in the fiscal year for the CBC to reduce its level of spending to compensate for the deficit inherited by the agency. As a result, \$3,179,019 from the CBC's 2005-06 fiscal year allocation was spent to fund the prior year deficit, effectively reducing the funds available for the current year contract.

Family Support Services of Metro Orlando would not agree to reduce the agency's spending level in Fiscal Year 2005-2006 order to compensate for covering the deficit, maintaining that the deficit was incurred by the department in the prior fiscal year, and that the current year contract reduction was imposed retroactively by DCF. Attempts by DCF and the CBC to negotiate this dispute were not successful, but the CBC finally agreed to sign a contract that contains a clause stating that the CBC will continue to pursue the additional funds to which it feels entitled.

Agency Request: Request a one-time budget authority increase of \$9,251,209 in the Federal Grants Trust Fund to fund shortfalls reported by two community-based care agencies.

Governor's Recommendation: Recommend approval to increase budget authority by \$9,251,209 in the Federal Grants Trust Fund to make one-time payments to two community based care lead agencies.

Commission Staff Comments: Recommend approval as recommended by the Governor's Office.

Senate Committee: Health and Human Services Appropriations
Senate Analyst: Marta Hardy

House Committee: Health Care Appropriations
House Analyst: Lynn Ekholm

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	LAS/PBS Account Number	CF	Appropriation	Appropriation	Appropriation
CHILDREN AND FAMILIES					
<u>CHILD PROTECTION AND PERMANENCY</u>					
303	G/A-Community Based Care Funds for Providers of Child Welfare Services Federal Grant Trust Fund		9,251,209	9,251,209	