

**LEGISLATIVE
BUDGET
COMMISSION**

Rudy Garcia, Chair

David Rivera, Vice-Chair

**MEETING PACKET
Tuesday, June 29, 2010
1:30 P.M.
412 Knott Building**

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



LEGISLATIVE BUDGET COMMISSION AGENDA



Tuesday, June 29, 2010
1:30 P.M.
412 Knott Building

Members

Senator Rudy Garcia
Senator JD Alexander
Senator Lee Constantine
Senator Mike Fasano
Senator Charlie Justice
Senator Al Lawson
Senator Jeremy Ring

Representative David Rivera
Representative Bill Galvano
Representative Joseph Gibbons
Representative Denise Grimsley
Representative William Proctor
Representative Ron Saunders
Representative Elyn Setnor
Bogdanoff

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- I. Consideration of the following Fiscal Year 2009-10 budget amendment:
 - A. Department of Health
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- II. Consideration of the following Fiscal Year 2010-11 budget amendments:
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 - C. Department of Children and Family Services
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- III. Other Business

**Fiscal Year 2009-2010 amendment
(EOG #B2010-0748)**

Department of Health

EOG Number: B2010-0748

Problem Statement:

The Department of Health (DOH), Bureau of Statewide Pharmacy Services (BSPS) does not have sufficient budget authority in the Statewide Public Health Support Services, Federal Grants Trust Fund, Drugs, Vaccines and Other Biologicals category to support the purchase of AIDS Drug Assistance Program (ADAP) pharmaceuticals for clients through June 30, 2010. There is sufficient federal award available to cover this request.

The department currently receives funding for the Aids Drug Assistance Program (ADAP) as part of the Florida Ryan White Care Act Title II grant. This program assists in providing indigent, uninsured or under insured clients, enrolled through all 67 Florida county health departments (CHDs), with HIV /AIDS treatment drugs. There are currently 17,689 enrollees in the ADAP program compared to 14,396 in fiscal year 2007-2008. This is a 22.87 percent increase in enrollees since fiscal year 2007-2008. Enrollment increases in the ADAP are due to many underlying factors, mainly Florida's increasing unemployment rate. As the number of enrollees has increased, the department has seen a corresponding increase in the number of prescriptions being filled for program participants. As of April 30, 2010, the BSPS was filling an average of 32,285 prescriptions per month and purchasing approximately \$7,372,439 in pharmaceuticals to fill those prescriptions while maintaining a minimal emergency stock on hand. The department has been able to cover increasing costs with existing budget authority until now, but will need additional authority to cover the projected need through the end of the fiscal year.

Based on historical year-to-date information, \$14,146,193 of additional budget authority is needed to purchase the drugs required to maintain the current level of treatment for all clients receiving HIV /AIDS medications through the ADAP. The department has maximized it's available current year 5 percent transfer authority allowed by section 216.292(2)(a)1, Florida Statutes, with the approval of EOG amendment number B7477 on May 5, 2010, in the amount of \$2,450,511.

Agency Request:

The department requests an additional \$14,146,193 of budget authority in the Federal Grants Trust Fund in the Statewide Public Health Support Services budget entity, Drugs, Vaccines and Other Biologicals category. These funds are needed to support the purchase of pharmaceuticals necessary to maintain the current level of treatment for all clients enrolled in the Aids Drug Assistance Program (ADAP) through June 30, 2010, and allow the Department of Health to fulfill grant requirements of the Florida Ryan White Care Act Title II grant.

Without additional funding, clients may face a disruption in treatment. Any major interruption in current drug therapy for ADAP clients could build drug resistance resulting in higher costs when treatment is resumed, possibly lead to a higher morbidity rate, and could create a larger work load for Florida's already over-burdened emergency rooms.

Governor's Recommendation:

Recommend approval to increase budget authority by \$14,146,193 in the Federal Grants Trust Fund within Statewide Public Health Support Services', Drugs, Vaccines and Other Biologicals category to support the purchase of pharmaceuticals necessary to provide services to clients enrolled in the Aids Drug Assistance Program (ADAP), allowing the department to fulfill grant requirements of the Florida Ryan White Care Act Title II grant.

Commission Staff Comments:

Senate Professional Staff: Recommend approval as recommended by the Governor's Office.
House Professional Staff: None

Senate Committee: Health and Human Services Appropriations

Senate Analyst: Sharon Bradford

House Council: Healthcare Appropriations

House Analyst: D. Brian Clark

Line Item No.	Budget Entity / Fund / Appropriation Category Title LASPBS Account Number	CF	REQUESTED BY AGENCY		RECOMMENDED BY GOVERNOR		APPROVED BY THE LEGISLATIVE BUDGET COMMISSION	
			Appropriation	Release	Appropriation	Release	Appropriation	Release
HEALTH								
498	Program: Community Public Health <u>Statewide Public Health Support Services</u> Special Categories Drugs, Vaccines And Other Biologicals From Federal Grants Trust Fund		14,146,193	14,146,193	14,146,193	14,146,193		

Fiscal Year 2010-2011 amendments

EOG #B2011-0035

EOG #B2011-0032

EOG #B2011-0034

EOG #B2011-0036

EOG #B2011-0044

Department of Health

EOG Number: B2011-0035

Problem Statement:

This amendment provides for continuation of a recurring request made in fiscal year 2009-2010 under EOG number B0748. There is sufficient federal award available to cover this request.

The Department of Health (DOH) currently receives funding for the Aids Drug Assistance Program (ADAP) as part of the Florida Ryan White Care Act Title II grant. This program assists in providing indigent, uninsured or under insured clients, enrolled through all 67 Florida county health departments (CHDs), with HIV /AIDS treatment drugs. There are currently 17,689 enrollees in the ADAP program compared to 14,396 in fiscal year 2007-2008. This is a 22.87 percent increase in enrollees since fiscal year 2007-2008. Enrollment increases in the ADAP are due to many underlying factors, mainly Florida's increasing unemployment rate. As the number of enrollees has increased, the department has seen a corresponding increase in the number of prescriptions being filled for program participants. As of April 30, 2010, the Bureau of Statewide Pharmacy Services (BSPS) was filling an average of 32,285 prescriptions per month and purchasing approximately \$7,372,439 in pharmaceuticals to fill those prescriptions while maintaining a minimal emergency stock on hand.

Based on historical year-to-date information, \$14,146,193 of additional budget authority is needed to purchase the drugs required to maintain the current level of treatment for all clients receiving HIV / AIDS medications through the ADAP for the 2010-11 fiscal year.

Agency Request:

The department requests an additional \$14,146,193 of budget authority in the Federal Grants Trust Fund in the Statewide Public Health Support Services budget entity, Drugs, Vaccines and Other Biologicals category. These funds will support the purchase of pharmaceuticals necessary to maintain the current level of treatment for all clients enrolled in the Aids Drug Assistance Program (ADAP) through June 30, 2011, and allow the Department of Health to fulfill grant requirements of the Florida Ryan White Care Act Title II grant.

Without additional funding, clients may face a disruption in treatment. Any major interruption in current drug therapy for ADAP clients could build drug resistance resulting in higher costs when treatment is resumed, possibly lead to a higher morbidity rate, and create a larger work load for Florida's already over-burdened local emergency rooms.

Governor's Recommendation:

Recommend approval to increase budget authority by \$14,146,193 in the Federal Grants Trust Fund within Statewide Public Health Support Services', Drugs, Vaccines and Other Biologicals category to support the purchase of pharmaceuticals necessary to provide services to clients enrolled in the Aids Drug Assistance Program (ADAP).

Commission Staff Comments:

Senate Professional Staff: Recommend approval as recommended by the Governor's Office.

House Professional Staff: None

Senate Committee: Health and Human Services Appropriations

Senate Analyst: Sharon Bradford

House Council: Healthcare Appropriations

House Analyst: D. Brian Clark

Line Item No.	Budget Entity / Fund / Appropriation Category Title LASPBS Account Number	CF	REQUESTED BY AGENCY		RECOMMENDED BY GOVERNOR		APPROVED BY THE LEGISLATIVE BUDGET COMMISSION	
			Appropriation	Release	Appropriation	Release	Appropriation	Release
HEALTH								
517	Program: Community Public Health <u>Statewide Public Health Support Services</u> Special Categories Drugs, Vaccines And Other Biologicals From Federal Grants Trust Fund		14,146,193	14,146,193	14,146,193	14,146,193		

Department of Children and Family Services

EOG Number: B2011-0032

Problem Statement:

The Department of Children and Family Services (DCF) reports that the legislative appropriation for the Homelessness Prevention and Rapid Re-Housing Program (HPRP) for Fiscal Year (FY) 2009-2010 will not be fully spent by June 30, 2010. The HPRP is a federally-funded program, which was authorized by the American Recovery and Reinvestment Act of 2009 (ARRA). The program provides services to Floridians who are experiencing homelessness so they may be quickly re-housed and stabilized. It also offers financial assistance to renters who are about to become homeless to help them avoid eviction. The HPRP served 6,999 persons in 2,361 households as of March 31, 2010.

The total HPRP funding awarded to Florida for the state-administered portion of this grant was \$21,507,109 for the two-year period ending July 23, 2011. The Legislature appropriated \$12,904,265 of this amount for FY 2009-2010, and \$8,602,844 for FY 2010-2011. DCF estimates that only \$8,208,397 of the FY 2009-2010 appropriation for the program will be spent by June 30, 2010. The department will require additional budget authority in the amount of \$4,695,868 for FY 2010-2011 to fully expend the FY 2009-2010 appropriation for the program. This will fund services to an estimated 6,718 persons.

Agency Request:

The department requests an increase of \$4,695,868 in the Federal Grants Trust Fund, Grants and Aids-Homeless Prevention American Recovery and Reinvestment Act (ARRA) 2009 category for FY 2010-11 to fully expend the FY 2009-2010 appropriation for the Homelessness Prevention and Rapid Re-Housing Program (HPRP).

Governor's Recommendation:

Recommend approval to increase FY 2010-2011 budget authority by \$4,695,868 in the Federal Grants Trust Fund in the Grants and Aids-Homeless Prevention American Recovery and Reinvestment Act (ARRA) 2009 category within the Economic Self Sufficiency program in order to expend the balance of the Homelessness Prevention and Rapid Housing funding provided by ARRA.

Commission Staff Comments:

Senate Professional Staff: Recommend approval as recommended by the Governor's Office.
House Professional Staff: None.

Senate Committee: Health and Human Services Appropriations

Senate Analyst: Marta Hardy

House Council: Healthcare Appropriations

House Analyst: Stephanie Massengale

Line Item No.	Budget Entity / Fund / Appropriation Category Title LASPBS Account Number	CF	REQUESTED BY AGENCY		RECOMMENDED BY GOVERNOR		APPROVED BY THE LEGISLATIVE BUDGET COMMISSION	
			Appropriation	Release	Appropriation	Release	Appropriation	Release
CHILDREN AND FAMILY SERVICES								
371	Program: Economic Self Sufficiency Program <u>Economic Self Sufficiency Services</u> Special Categories Grants And Aids - Homeless Prevention - American Recovery And Reinvestment Act Of 2009 From Federal Grants Trust Fund		4,695,868	4,695,868	4,695,868	4,695,868		

Department of Law Enforcement

EOG Number: B2011-0034

<p><i>Problem Statement:</i> On May 13, 2010, the Florida Department of Law Enforcement (FDLE) was informed that its share of forfeiture funds in conjunction with a money laundering case is approximately \$1.1 million. The U.S. Department of Justice has provided approval for FDLE to utilize forfeiture funds deposited into the Federal Law Enforcement Trust Fund (FLETf) to pay rent for the Miami Regional Operations Center; however, the department does not have sufficient Expenses budget authority in the FLETf in the Provide Investigative Services program to expend these funds.</p>
<p><i>Agency Request:</i> FDLE is requesting \$1,183,504 in FLETf Expenses budget authority provided within Investigative Services to utilize federal forfeiture funds to pay rent for the Miami Regional Operations Center.</p>
<p><i>Governor's Recommendation:</i> Recommend approval to increase budget authority by \$1,183,504 in the Federal Law Enforcement Trust Fund within Investigative Services to allow the department to utilize federal funds to pay rent for the Miami Regional Operations Center.</p>
<p><i>Commission Staff Comments:</i> Senate Professional Staff: Recommend approval as recommended by the Governor's Office. House Professional Staff: None.</p>

<p><i>Senate Committee:</i> Criminal and Civil Justice Appropriations <i>Senate Analyst:</i> Tim Sadberry</p>	<p><i>House Council:</i> Criminal and Civil Justice Appropriations <i>House Analyst:</i> Greg Davis</p>
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Line Item No.	Budget Entity / Fund / Appropriation Category Title LASPBS Account Number	CF	REQUESTED BY AGENCY	RECOMMENDED BY GOVERNOR	APPROVED BY THE LEGISLATIVE BUDGET COMMISSION
			Appropriation	Appropriation	Appropriation
LAW ENFORCEMENT					
1245	Program: Investigations And Forensic Science Program <u>Provide Investigative Services</u> Expenses From Federal Law Enforcement Trust Fund		1,183,504	1,183,504	

Department of Business and Professional Regulation

EOG Number: B2011-0036

Problem Statement:

Chapter 2010-29, Laws of Florida, ratified the Gaming Compact (compact) between the Seminole Tribe of Florida (Tribe) and the State of Florida, which was executed by the Governor and the Tribe on April 7, 2010. The law designates the Division of Pari-Mutuel Wagering, in the Department of Business and Professional Regulation (DBPR), as the "state's compliance agency" responsible for performing the state's oversight responsibilities under the compact. The compact requires the Tribe to provide an annual oversight assessment of up to \$250,000 to the DBPR for compact and oversight costs.

Due to additional workload requirements for compliance and oversight activities, the DBPR has identified a need for four full-time positions in excess of those authorized in the General Appropriations Act and \$250,000 in operating budget authority to oversee the tribal-state gaming compact. The DBPR also needs 157,063 in additional salary rate. The annual oversight assessment provided by the Tribe will fully cover the FY 2010-2011 costs associated with this new activity.

Agency Request:

The Department of Business and Professional Regulation's Division of Pari-Mutuel Wagering requests four full time positions in excess of the positions authorized by the Legislature (including 157,063 in salary rate) and \$250,000 in operating budget authority in the Pari-Mutuel Wagering Trust Fund to carry out the state's oversight responsibility under the gaming compact during Fiscal Year 2010-11. The department's request for Fiscal Year 2010-11 includes \$30,000 of nonrecurring funds to purchase two motor vehicles.

Governor's Recommendation:

Recommend approval to increase budget authority by \$250,000 in the Pari-Mutuel Wagering Trust Fund, as well as authority for four (4.0) FTE in excess with 157,063 of additional salary rate for the Division of Pari-Mutuel Wagering to carry out the state's oversight responsibility under the compact as the designated State Compliance Agency as established in Chapter 2010-29, Laws of Florida.

Commission Staff Comments:

Senate Professional Staff: Recommend approval as recommended by the Governor's Office.
House Professional Staff: None.

Senate Committee: General Government Appropriations
Senate Analyst: Theresa Frederick

House Council: Government Operations Appropriations
House Analyst: Bruce Topp

Line Item No.	Budget Entity / Fund / Appropriation Category Title LASPBS Account Number	CF	REQUESTED BY AGENCY	RECOMMENDED BY GOVERNOR	APPROVED BY THE LEGISLATIVE BUDGET COMMISSION
			Appropriation	Appropriation	Appropriation
BUSINESS AND PROFESSIONAL REGULATION					
	Program: Pari-Mutuel Wagering <u>Slot Machine Regulation</u>				
	<i>Salary Rate</i>		<i>157,063</i>	<i>157,063</i>	
	<i>Positions</i>		<i>4</i>	<i>4</i>	
2327	Salaries And Benefits From Pari-Mutuel Wagering Trust Fund		193,628	193,628	
2329	Expenses From Pari-Mutuel Wagering Trust Fund		21,353	21,353	
2335	Special Categories Operation Of Motor Vehicles From Pari-Mutuel Wagering Trust Fund		3,743	3,743	
2337	Special Categories Transfer To Department Of Management Services - Human Resources Services Purchased Per Statewide Contract From Pari-Mutuel Wagering Trust Fund		1,276	1,276	
N/A	Special Categories Acquisition Of Motor Vehicles From Pari-Mutuel Wagering Trust Fund		30,000	30,000	

Department of Business and Professional Regulation

EOG Number: B2011-0044

Problem Statement:

Chapter 2009-170, Laws of Florida, extended the hours of cardroom operations and authorized no-limit poker games in the state's pari-mutuel facilities. These changes were not effective until ratification of the Gaming Compact (compact) between the Seminole Tribe of Florida (Tribe) and the State of Florida. Chapter 2010-29, Laws of Florida, ratified the compact as executed by the Governor and the Tribe on April 7, 2010.

Due to the additional workload requirements to implement the legislative changes associated with increased cardroom operations, the Department of Business and Professional Regulation (DBPR) has identified a need for one additional full-time position in excess of those provided in the General Appropriations Act, 45,217 in additional salary rate and \$147,836 in additional operating budget authority in the Pari-Mutuel Wagering Trust Fund to carry out the state's increased regulatory responsibility. According to the February, 2010 Revenue Estimating Conference, \$2.8 million in additional revenue will be generated by implementation of the provisions of the law.

Agency Request:

The Department of Business and Professional Regulation requests one full time position in excess of the positions authorized by the Legislature (including 45,217 in salary rate) and \$147,836 in operating budget authority in the Pari Mutuel Wagering Trust Fund to address the increased workload associated with the changes to cardroom operations. Of this amount, \$78,877 of nonrecurring budget authority is requested for nonrecurring expenses to make needed modifications to the Pari-Mutuel Wagering accounting system.

Governor's Recommendation:

Recommend approval to increase budget authority by \$147,836 in the Pari-Mutuel Wagering Trust Fund, as well as one (1.0) full-time equivalent position (FTE) in excess, with 45,217 of additional salary rate for the Division of Pari-Mutuel Wagering to carry out the state's oversight responsibility in card room operations.

Commission Staff Comments:

Senate Professional Staff: Recommend approval as recommended by the Governor's Office.
House Professional Staff: None.

Senate Committee: General Government Appropriations
Senate Analyst: Theresa Frederick

House Council: Government Operations Appropriations
House Analyst: Bruce Topp

Line Item No.	Budget Entity / Fund / Appropriation Category Title	CF	REQUESTED BY AGENCY	RECOMMENDED BY GOVERNOR	APPROVED BY THE LEGISLATIVE BUDGET COMMISSION
	LASPBS Account Number		Appropriation	Appropriation	Appropriation
BUSINESS AND PROFESSIONAL REGULATION					
	Program: Pari-Mutuel Wagering <u>Pari-Mutuel Wagering</u>				
	<i>Salary Rate</i>		45,217	45,217	
	<i>Positions</i>		1	1	
2315	Salaries And Benefits From Pari-Mutuel Wagering Trust Fund		62,095	62,095	
2317	Expenses From Pari-Mutuel Wagering Trust Fund		10,385	10,385	
2320	Special Categories Contracted Services From Pari-Mutuel Wagering Trust Fund		75,000	75,000	
2325	Special Categories Transfer To Department Of Management Services - Human Resources Services Purchased Per Statewide Contract From Pari-Mutuel Wagering Trust Fund		356	356	