



Capitol Connection



Week Two - March 16, 2013

MEDICAID EXPANSION DISCUSSION CONTINUES

A most notable development during the second week of legislation was the Senate Patient Protection and Affordable Care Act Select Committee's announcement that it would not be recommending the expansion of Medicaid. This would have significantly increased Medicaid eligibility for more than a million Floridians and is a critical component of President Obama's sweeping health care legislation. However, unlike when the House announced its rejection of the expansion last week, the Senate appeared more open to developing an alternative that would allow the state to draw down the billions of federal dollars that the expansion would have generated. Committee Chair Sen. Joe Negron (R-Stuart) began laying the groundwork for a premium assistance plan that could still take advantage of the generous federal funding without expanding Medicaid, an unpopular program amongst many Republicans in both chambers. Details of this plan are expected to be announced soon. More information on the Select Committee's discussion can be found below.

And, in early learning, Rep. Marlene O'Toole (R-Lady Lake) announced the framework to a significant bill, which will affect the Office of Early Learning. Bills relating to KidCare, foster care, youth safety and juvenile justice also moved this week.

STATE & LOCAL REVENUES

Special Districts

Legislation to revamp independent special districts has been filed for consideration this session. [SB 538](#) by Sen. Jeremy Ring (D-Palm Beach) and Sen. Joe Negron (R-Stuart), and [HB 881](#) by Rep. Lake Ray (R-Jacksonville) would require local general-purpose governments to approve public facilities' projects of single-county independent districts that have property taxing authority. The bill also requires these districts to include an ex-officio, non-voting representative of the local general-purpose government as a member of the district board. The Children's Services Councils along with hospital districts are exempted from most of the provisions of the bill. Last week, the Senate Community Affairs Committee took up a strike all amendment to

SB 538, which rewrote the original version of the bill. The amendment as proposed establishes a process for the administrative consolidation of independent districts (e.g. staffing/personnel, contracting and purchasing responsibilities, IT functions, facilities management, etc.). Concerns and questions were raised by a number of committee members, but the bill was voted favorably with the understanding that these issues will be addressed prior to the next committee hearing. SB 538 is now on the agenda to be heard by the Senate Ethics and Elections Committee this coming Monday. HB 881 awaits consideration by the House Local & Federal Affairs Committee.

EARLY LEARNING

Early Learning Workshop

At the House Education Committee meeting on Thursday, Chair Marlene O'Toole (R-Lady Lake) allowed several legislators to finish reporting their findings from their recent field trips to Early Learning Coalitions. Rep. O'Toole then announced several areas that will be addressed in the upcoming PCB, including:

1. Governance
 - Creation of the Division of Early Learning under DOE with a separate chancellor
 - Continuity of existing early learning coalitions with--no new coalitions nor a consolidation of coalitions
2. Accountability
 - Standard contract
 - Child eligibility
 - Pre/post-assessments
 - Standard monitoring tools
 - Clear delineation of responsibilities for the state, early learning coalitions and providers
 - Definitions
 - Health and Safety
3. Transparency
4. Funding
 - Child payment rate
 - Gold Seal rate

Chair O'Toole shared with the committee that she met with the developers of the Early Learning Information System (ELIS) and despite delays, she believes the system is essential and will be implemented. She will have standing meetings with the developers to ensure appropriate progress. She also shared that she is working with the Governor's office to fill outstanding board appointees. Per member questions about quality systems, she indicated that there would be no decision to standardize quality investments or choose between Quality Rating Information Systems (QRIS) and Gold Seal at this time.

Relating to Voluntary Prekindergarten Education Programs

Sen. Rene Garcia (R-Hialeah) is sponsoring a bill relating to Voluntary Prekindergarten Education Programs, which would develop and adopt performance standards that address the age-appropriate progress of students in the development of student learning growth. [SB 1624](#) would also direct DOE to require that a school district administer the statewide kindergarten screening in a student's primary language. This bill still has yet to be placed on a committee agenda and does not have a House companion.

HEALTHY CHILDREN

Monday, March 11 - Senate Select Committee on PPACA Presents Recommendation on Medicaid Expansion

Following last week's announcement that the House would not support the expansion of Medicaid, the Senate Select Committee on the Patient Protection and Affordable Care Act (PPACA) met Monday to announce their recommendation. The early comments from Sen. David Simmons (R-Altamonte Springs) set the tone for the rest of the debate. He remarked that although the Affordable Care Act was a major mistake and that implementing the expansion would result in serious repercussions for employers, inaction was unwise and that the Senate should pursue a third option, which he dubbed the "Negron Plan." Sen. Denise Grimsley (R-Sebring) was concerned that the new expansion population would put too much stress on the current Medicaid system and reduce overall system effectiveness. Sen. Darren Soto (D-Kissimmee) argued that moving forward with the expansion would help more than one million Floridians and create 55,000 new high-paying jobs as he urged his fellow senators to agree to the expansion. Sen. Aaron Bean (R-Fernandina Beach) presented his own plan that would provide private insurance under the new health exchange rather than expand Medicaid. Sen. Audrey Gibson (D-Jacksonville) lamented that she had not heard any details on any of the Medicaid alternatives that had emerged in the discussion and would support the expansion until she had more details. Sen. Anitere Flores (R-Miami) and others pointed to the cases of Medicaid expansion in Maine and Arizona as examples of health care costs spiraling out of control. Vice Chair Eleanor Sobel (D-Hollywood) was concerned about not helping Florida's citizens and hospitals, as well as losing billions in federal dollars by not accepting the expansion.

Chair Negron stated that he would vote no on Medicaid expansion as he opposes the "Washington Plan" and wants a "Florida Plan." Florida would thus develop a benchmark plan, where all individuals could have "skin in the game" by paying a portion of their plan determined on a sliding scale. Sen. Negron envisioned that Florida Healthy Kids would run the program. He also discussed how Health Reimbursement Accounts (HRA) could be used to reward those for healthy behaviors by putting extra money into their cost-share. Sen. Negron believes there should be less people on Medicaid and less dependency on the government. He believes we should work to replace the entire system of Medicaid with a system of premium assistance. Though details have yet to emerge, it appears that Negron's plan would put people into a state-based exchange. Negron would be open to using federal funds in his plan, but would also look at putting state funds into the program, as well. He does propose that coverage be extended up to 138 percent.

Florida KidCare Program

[HB 689](#) by Rep. Gayle Harrell (R-Stuart) passed unanimously out of its first committee, the House Healthy Families Committee, this week. The next stop is the House Health Care Appropriations Subcommittee. This bill, and its companion [SB 548](#) by Sen. Nancy Detert (R-Venice), would allow Federally Qualified Health Centers and state health clinics to presumptively enroll children deemed eligible for the Florida KidCare Program for a brief period of time (30-60 days) while their application is being formally processed. This service, which is already available for pregnant women, will allow children to receive critical immediate treatment and follow up care, including services and medication, and will also improve enrollment capacity.

Sen. Rene Garcia's (R-Hialeah) [SB 704](#) would remove a five year prohibition and allow legally residing immigrant children in the United States to be eligible for KidCare since the federal government now provides a match for these children. This bill has been referred to the Senate Health Policy, but has not been heard

yet. The House companion for this bill, [HB 4023](#) by Rep. Jose Diaz (R-Miami), is currently awaiting a hearing in the House Healthy Families Subcommittee. Both bill sponsors have requested that their bills be placed on the agenda of the first committee of reference. For proponents of the bills, it is timely to thank the sponsors for supporting children and to also contact committee leadership to help get the bills heard.

Though these bills would wisely extend health coverage to underserved children, both bills face a long road to the Governor's desk. Serious concerns have been expressed by the Agency for Health Care Administration regarding the fiscal impact of these bills. Advocates will work with legislators and staff to inform them of the availability of funds in the program, the true cost of these bills, and the benefits and savings that result from expanded children's health coverage.

TAKE ACTION: We need your help in one or more of the following ways:

- 1) Contact the bill sponsors and thank them for sponsoring this important legislation;
- 2) Use the Council's Legislative Advocacy Center to find your Senator and Representative and ask them to co-sponsor the bills; and
- 3) Contact the Chairs of the first committee of reference (Sen. Bean and Rep. Harrell) and let them know how important these bills are to you and ask that the bills be heard quickly.

Healthy Start

This week, Patty McWhirter, Chair of the Florida Association of Healthy Start Coalitions Legislative Committee, discussed the association's three main priorities this legislative session.

- Funding increase of \$3.2 million to Healthy Start as recurring funds to protect Florida's babies and reduce immediate and future costs. This funding would cover \$1 million in non-recurring funds that run out June 2013. This will allow Healthy Start to provide more than 54,200 services to almost 3,000 pregnant women and infants, including 1,149 pregnant women at the most intensive level.
- Provide resources to expand and fund a Fetal and Infant Mortality Review (FIMR) project to each Healthy Start Coalition. Local FIMR teams of professionals review infant deaths to determine cause and make recommendations to reduce future risk. Of 33 Healthy Start catchment areas, currently only 11 receive funding for this rationally recognized model. \$479,248 would enable all Healthy Start Coalitions to facilitate or conduct systematic reviews of fetal and infant deaths by providing funding for 22 additional FIMR teams throughout the state (\$21,784 for each additional FIMR team).
- Provide health care coverage to women of childbearing age before, during and between pregnancies. Access to care during pregnancy is important but not sufficient to improving the health of mothers and babies in Florida. Access to health care before, during and between pregnancies has a direct and measurable impact on birth outcomes, particularly prematurity and low birth weight, which contribute to racial disparities in maternal and infant health.

Children's Initiatives

[HB 411](#) passed its first committee on Wednesday. Rep. Reggie Fullwood's (D-Jacksonville) bill would establish the "New Town Success Zone" in Duval County and "Parramore Kidz Zone" in Orange County, modeled after the successful Harlem Children's Zone and Miami Children's Initiative, which allows projects to be managed by non-profit corporations that are not subject to control, supervision, or direction by any department of state. The next stop is the House Health Care Appropriations Subcommittee.

Other bills affecting children's health and safety:

Infant Death

[SB 56](#) passed through its final committee stop this week, despite being temporarily postponed last week. The bill by Sen. Alan Hayes (R-Umatilla), provides birth center clients with education on safe sleep habits. Public testimony by the SIDS Alliance (a group representing Sudden Infant Death Syndrome parents) was critical of the bill's loosening of autopsy requirements and investigations. The CDC has guidelines for autopsy of SIDS that could be adopted. Senate Children, Families and Elder Affairs Chair Eleanor Sobel (D-Hollywood) stated that the committee would need to hear from the medical examiner in order to determine the best protocols. The next stop is the floor. Its companion, [HB 83](#) by Rep. David Santiago (R-Deltona), also was passed favorably this week and is heading to its final committee stop in the House Health and Human Services Committee.

Texting While Driving

A bill banning texting while driving continues to move steadily through both chambers. [SB 52](#) by Sen. Nancy Detert (R-Venice) has now reached its final committee, Judiciary. [HB 13](#) by Rep. Doug Holder (R-Sarasota) passed favorably out of the House Transportation Committee and is also in its last committee, Economic Affairs. Sen. Detert noted that the bill was a compromise bill in that texting while driving will be a secondary offense, but that this was a significant step and that "a law is a law."

CHILD WELFARE

Foster Care

[HB 1315](#) by Rep. Keith Perry (R-Gainesville) will be heard by the Healthy Families Subcommittee at 4:00 p.m. this coming Monday. Along with its companion, [SB 1036](#) by Sen. Nancy Detert (R-Venice), HB 1315 would expand foster care to age 21; allow youth who stay in foster care to choose to stay in their foster home, group home or in another supervised environment such as a college dormitory, shared housing, apartment or another housing arrangement; focus on education for foster children and youth and on keeping them stable in school; provide supports to succeed in postsecondary education; and continue the Road to Independence stipend for students in colleges/universities. Sen. Detert's bill has been referred to committees, but has not been heard yet.

[SB 164](#) by Sen. Nancy Detert (R-Venice) is scheduled to be read on the floor of the Senate this coming Tuesday. This bill and its House counterpart, [HB 215](#) by Rep. Ben Albritton (R-Bartow), are also referred to as the Quality Parenting for Children in Foster Care Act. It recognizes the importance of providing the child with the most family-like living experience possible; encourages foster parents and other caregivers for children in foster care to allow their children to participate in activities at school and in the community; gives caregivers of children in out-of-home care the latitude to decide what is best for their children; allows children in out-of-home care to participate in normal activities; and more. HB 215 passed unanimously out of the House this week with a 116 to 0 vote.

[SB 1468](#) by Sen. Tom Lee (R-Brandon) and [HB 1241](#) Rep. Neil Combee (R-Polk City) would require an attorney for a dependent child with disabilities to be appointed in writing, ensures that the appointment continues in effect until the attorney is permitted to withdraw or is discharged by the court, or until case is terminated,

and provides that an attorney be adequately compensated for his or her service. The House bill by Rep. Combee is now on the agenda to be heard on Monday. The Senate version has been referred to committees, but has not yet been heard.

JUVENILE JUSTICE

Relating to Juvenile Justice Education

[HB 441](#) by Rep. Janet Adkins (R-Fernandina Beach) passed its first committee stop this past Tuesday and is now in the House Appropriations Committee. The bill would enhance transition services by requiring that local school districts, Florida Department of Juvenile Justice reentry personnel and local workforce personnel be part of a youth's transition planning. It would also require that school districts consider the needs of individual youth when they return to school, and that they enhance career and technical training. This bill seeks to improve accountability, enhance access to virtual education, and require state and federal education dollars to follow the youth who generate them. The companion bill, SB 1406 by Sen. Aaron Bean (R-Fernandina Beach), is scheduled to be heard this coming Monday in the Senate Criminal Justice Committee.

Relating to Juvenile Justice Circuit Advisory Boards and Juvenile Justice County Councils

[SB 676](#) by Sen. Greg Evers (R-Pensacola) seeks to streamline juvenile justice circuit boards and juvenile justice county councils by merging them into a single entity: juvenile justice circuit advisory boards, which are to be established in each of the 20 judicial circuits. Except in single-county circuits, each juvenile justice circuit advisory board shall have a county organization representing each of the counties in the circuit. The county organization shall report directly to the juvenile justice circuit advisory board on the juvenile justice needs of the county. The bill specifies that the purpose of each juvenile justice circuit advisory board is to provide advice and direction to the Florida Department of Juvenile Justice in the development and implementation of juvenile justice programs, and to work collaboratively with the department in seeking improvements and policy changes to address the emerging and changing needs of Florida's youth who are at risk of delinquency. Each member of the juvenile justice circuit advisory board must be approved by the secretary of the department, except for certain specified members. SB 676 was passed favorably by the Senate Judiciary Committee on Tuesday and is now in the Senate Criminal and Civil Justice Appropriations. Its companion, [HB 617](#) by Rep. Ray Pilon (R-Sarasota), also passed on Tuesday out of the House Criminal Justice Subcommittee and will now be heading to the House Local & Federal Affairs Committee.

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