

# Broward SLI

State Legislative Information

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## Senate Ethics and Elections Committee Discusses 2012 General Election

On December 4, 2012, the Senate Ethics and Elections Committee hosted Secretary of State Ken Detzner to provide an update on issues associated with the November 6th General Election. Secretary Detzner identified 5 counties in Florida that “underperformed:” Broward, Lee, Miami-Dade, Palm Beach and St. Lucie. When probed on what contributed most to long vote lines, Detzner opined that the ballot length was the single largest contributor to the slow moving lines across the state. The Secretary also pointed to unexpected and record turnout on Election Day. Secretary Detzner will meet with each underperforming county in the coming weeks to analyze problems and discuss solutions. The committee asked that he review turnout projections and to better communicate with each Supervisor of Elections. Sen. Darren Soto asked whether the reduction of early voting days passed in HB1355 in 2011, contributed to the problems. The Secretary replied that the impacts of that legislation were not analyzed but it was his belief that the legislation provided each Supervisor with flexibility. At least one Senator voiced a concern that voting issues were a result of counties underfunding Supervisor of Elections offices. He added that county governments, as well as the Supervisors, are accountable because they fund the SOEs.

Sen. Sobel, the Broward Legislative Delegation Chair, asked whether there are legislative solutions the committee should consider. Expanding the eligibility of locations that can host early voting received universal support among the committee and speakers. Ron Labasky, General Counsel to the Florida Association of Supervisors of Elections, followed the Secretary and echoed support for increasing flexibility with respect to eligible early voting locations.

## Select Committee on Patient Protection and Affordable Care Act Convenes for the First Time

Following the 2012 General Election, Senate President Don Gaetz created a Select Committee on the Patient Protection and Affordable Care Act (PPACA). The committee, chaired by Sen. Joe Negron, set the tone and agenda for the policy considerations to be discussed this upcoming session. Chair Negron insisted that implementation of the federal reforms will be tailored for Florida. Such reforms include guaranteed access to quality care, protection of individual freedoms, heightened competition, affordability, and reduction of over-burdensome regulations.

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Chair Negrón also stated that the Medicaid budget consumed \$8 billion of the state budget in 2000 and \$21 billion in 2012. He stated that Medicaid is “crowding out” other worthy programs such as higher education. Negrón reiterated that “affordability” and “predictability of costs” must be a significant focus of the committee.

During the meeting, no votes were cast and all presentations were purely informational. The meeting was also open to public comment.

In related news, the Centers for Medicare and Medicaid Services (CMS) clarified that there will be no federal dollars for a partial expansion. Multiple states inquired whether a phase in or partial expansion of Medicaid would be eligible approaches to receive full expansion funding. CMS stated that PPACA only provides for full expansion.

## **AHCA Secretary Updates Health and Human Services Appropriations Committee on 1915 (b)/(c) Medicaid Waiver**

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AHCA Secretary Elizabeth Dudek addressed the Health and Human Services Committee on Thursday December 6, 2012 providing updates on several pertinent issues, including an update on the federal waiver approval process for Florida’s Medicaid program. In 2011, the Legislature passed HB 7107 which called for the transition of all Medicaid recipients away from a fee-for-service system into a managed care system. Secretary Dudek informed the committee that members of her staff would be in Washington D.C. the week of December 10 to engage in final discussions before the final approval of Medicaid waiver. Florida is seeking approval of its 1915 (b)/(c) waiver which AHCA submitted to the federal government in 2011.

The term, 1915 (b)/(c) Medicaid Waiver, refers to portions of the Social Security Act that allow states to apply for waivers from federal Medicaid policy. The (b) Waiver allows Medicaid beneficiaries to enroll in managed care plans and allows Medicaid to limit the provider network based upon needs of recipients. The (c) Waiver provides home and community-based care to Medicaid beneficiaries in lieu of nursing home care services.

Secretary Dudek is confident that the Centers for Medicare and Medicaid Services will approve the state’s waiver and that Florida will be ready for statewide implementation of Medicaid reform on October 1, 2013.

## **Emergency Management Director to Appeal FEMA Public Assistance Denial from Hurricane Isaac**

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During a brief meeting with Emergency Management Director Bryan Koon, Office of Intergovernmental Affairs county staff was told that Florida will appeal the Federal Emergency Management Agencies denial of Public Assistance following Hurricane Isaac. In November, FEMA denied requests from Broward, Lee, Miami-Dade and Okeechobee Counties maintain that the damage to infrastructure in the respective counties did not reach a level of severity and magnitude to warrant Assistance. The denial must be appealed by December 14, 2012. Director Koon indicated that an appeal is being prepared.

## Texting While Driving Legislation Filed for 2013 Legislative Session

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Recently, two different bills to prohibit cell phone use while driving were filed in the Legislature. SB 52, by Sen. Nancy Detert, prohibits the texting or manually inputting information into a cell phone or smart phone while driving. Anyone who violates the provisions in the bill can be charged with a noncriminal traffic infraction punishable as a nonmoving violation. SB 52 also provides that law enforcement may only issue a citation for texting while driving as an action secondary to an initial offense. SB 74, by Sen. Maria Sachs, differs in that it broadly prohibits cell phone use while driving a vehicle. However, hands free cell phone use is permitted. Unlike SB 52, Sen. Sach's legislation allows citations under the bill to be issued by law enforcement as a primary offense. SB 74 punishes violators with a noncriminal, nonmoving traffic violation in the same manner as SB 52 by Sen. Detert. House Bill 13, the identical bill to SB 52, has been filed in the House of Representatives by Rep. Holder. Senator Sach's bill has not yet received a House companion.

The Broward County Board of County Commissioners has included a statement supporting similar prohibitions in the proposed 2013 State Legislative Program.