



Journal of the Senate

Number 2—Special Session A

Wednesday, June 3, 2015

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CALL TO ORDER

The Senate was called to order by President Gardiner at 1:00 p.m. A quorum present—36:

Mr. President	Evers	Legg
Altman	Gaetz	Margolis
Bean	Galvano	Montford
Benacquisto	Garcia	Negron
Bradley	Gibson	Richter
Brandes	Grimsley	Ring
Braynon	Hays	Simmons
Bullard	Hukill	Simpson
Clemens	Hutson	Smith
Dean	Joyner	Sobel
Detert	Latvala	Soto
Diaz de la Portilla	Lee	Thompson

Excused: Senators Abruzzo, Flores, Sachs, and Stargel

PRAYER

The following prayer was offered by Senator Montford:

Father, we thank you for the blessings bestowed upon our state and our country. We thank you for the blessing of bringing us back together in this special session. We gather in your name and ask for your divine guidance to govern in a manner that honors you and serves the people of our great state. Please help us remember the impact of what we do on those who are the most vulnerable and the most needy, because we know that you have us here for that purpose. We ask that you instill in us the unwavering commitment to do what is right. If we falter, please forgive us and correct our paths so that we may serve the people and fulfill the duty you have given to us.

Father, we know that we face what some may see as insurmountable challenges, but we also know that you are all powerful. We find in *1 Samuel 16:7*, "People look at outward appearance, but the Lord looks at the heart." It is comforting and reassuring to know that you indeed know what is in our hearts. We know that you search our hearts and souls and move us to do what is right. Because we know when we do your will, when we do what is right, it will be pleasing to you, and we will be serving your people.

We come to you today to ask for your moral leadership. As you have provided for us, you have also given us the task of providing for those around us. You have given each of us the responsibility to care for our neighbors, for your children, and we ask for guidance in that care. Thank you, Lord, for the opportunity for this Senate to be a moral compass and an example of empathy and sacrifice as you have been an example of sacrifice and empathy to us.

In closing, Father, we ask for your continued support and guidance and your blessings to this body, the state, and the country. We ask for special blessings, Father, for the military men and women and their families who sacrifice every day to help ensure the freedom that we enjoy. Father, we are grateful for our Senate President Gardiner who leads this chamber in a moral, ethical, and most importantly, a family-oriented manner. In your name we pray. Amen.

PLEDGE

Senator Bean led the Senate in the Pledge of Allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

MOTION TO INTRODUCE RESOLUTION

On motion by Senator Joyner, by the required constitutional two-thirds vote of the membership, the following resolution was admitted for introduction outside the purview of the call:

On motion by Senator Joyner, by unanimous consent—

By Senator Joyner—

SR 12-A—A resolution remembering the remarkable life and public service of former Senator Helen Gordon Davis and expressing a profound sense of loss in her passing.

WHEREAS, Helen Gordon Davis was born on December 25, 1926, in New York City, and

WHEREAS, when she was just 15 years old, Helen Gordon Davis became a "Powers Girl," modeling for the John Robert Powers Agency in New York City, and

WHEREAS, Helen Gordon Davis earned a degree in theater from Brooklyn College and appeared in George Bernard Shaw radio plays on New York City's WNYC, and

WHEREAS, in 1948, Helen Gordon Davis and her husband, Gene Davis, moved to Tampa, and in 1953, they built a home in Davis Islands, where they raised their three children, Gordon, Stephanie, and Karen, and

WHEREAS, Helen Gordon Davis wholeheartedly embraced the role of wife and mother and continued to pursue creative endeavors by teaching high school drama and acting in community theater, where she won two Gaspar Awards, and

WHEREAS, Helen Gordon Davis went on to earn a master's degree in theater from the University of South Florida, and

WHEREAS, Helen Gordon Davis's striking good looks paled in comparison to her intellect, wit, integrity, and determination, which she demonstrated throughout her personal and public life, and

WHEREAS, in the 1950s, Helen Gordon Davis emerged as an unlikely champion of civil rights after a bus driver refused to allow her black housekeeper to sit with her children in the front of a city bus on a shopping trip, and

WHEREAS, shortly after the fateful shopping trip, Helen Gordon Davis marched down Nebraska Avenue, children in tow, to join the local

chapter of the NAACP, becoming the first white woman in Florida to hold NAACP membership, and

WHEREAS, the indomitable Helen Gordon Davis went on to join black patrons at a Woolworth's lunch counter to press for desegregation of Tampa's public facilities, and

WHEREAS, in 1974, Helen Gordon Davis became the first woman from Hillsborough County elected to the Florida House of Representatives, where she encountered dismissiveness and, in some cases, hostility from a number of her male colleagues, and

WHEREAS, despite this adversity, Helen Gordon Davis held fast to her commitment to fight institutionalized injustice against women, minorities, and the poor, championing legislation to benefit displaced homemakers and to ensure equal pay for women and minority state workers, and

WHEREAS, Helen Gordon Davis was reelected six times to her seat in the House of Representatives and in 1988 was elected to the Florida Senate, where she served with great distinction for one term, and

WHEREAS, with her husband, Helen Gordon Davis provided the financial support for the founding of Tampa's Centre for Women, a pillar of support for victims of domestic violence and women facing financial ruin after divorce, which now bears her name, and

WHEREAS, Helen Gordon Davis was the first recipient of the League of Women Voters of Hillsborough County's Lifetime Achievement Award and was inducted into the Hillsborough County Women's Hall of Fame by the Commission on the Status of Women, and

WHEREAS, in an interview with the Tampa Bay Times, Helen Gordon Davis's daughter, Stephanie Davis, remembered her mother as "a fierce warrior and a vanguard for social change who raised us all to be strong and independent and to follow our own path," and

WHEREAS, Helen Gordon Davis changed the face of the Legislature by challenging strongholds of discrimination and was fearless in fighting for the rights of all Floridians, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That we pause to remember the remarkable life and public service of our friend and former colleague Senator Helen Gordon Davis and express a profound sense of loss in her passing.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Gordon, Stephanie, and Karen Davis as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Joyner, **SR 12-A** was read the second time in full and adopted.

SPECIAL ORDER CALENDAR

SENATOR RICHTER PRESIDING

On motion by Senator Bean, by two-thirds vote—

CS for CS for SB 2-A—A bill to be entitled An act relating to the health insurance affordability exchange; providing a directive to the Division of Law Revision and Information; creating s. 409.72, F.S.; providing a short title; creating s. 409.721, F.S.; creating the Florida Health Insurance Affordability Exchange Program (FHIX) within the Agency for Health Care Administration; providing program authority and principles; creating s. 409.722, F.S.; defining terms; creating s. 409.723, F.S.; providing eligibility and enrollment criteria; providing patient rights and responsibilities; defining the term "disabled" providing premium levels; creating s. 409.724, F.S.; providing for premium credits and choice counseling; establishing an education campaign; providing for customer support and disenrollment; creating s. 409.725, F.S.; providing for available products and services; creating s. 409.726, F.S.; requiring the department to develop accountability measures and performance standards governing the administration of the program; creating s. 409.727, F.S.; providing for a readiness review and a two-phase implementation schedule; creating s. 409.728, F.S.; providing program operation and

management duties; creating s. 409.729, F.S.; providing for the development of a long-term reorganization plan and the formation of the FHIX Workgroup; creating s. 409.73, F.S.; authorizing the agency to seek federal approval; prohibiting the agency from implementing the FHIX waiver under certain circumstances; creating s. 409.731, F.S.; providing for program expiration; providing for the establishment of a commission; providing purposes and duties of the commission and for the appointment of members; requiring a commission report to be submitted to the Governor and the Legislature; repealing s. 408.70, F.S., relating to legislative findings regarding access to affordable health care; amending s. 408.910, F.S.; revising legislative intent; redefining terms; revising the scope of the Florida Health Choices Program and the pricing of services under the program; providing requirements for operation of the marketplace; providing additional duties for the corporation to perform; requiring an annual report to the Governor and the Legislature; amending s. 409.904, F.S.; limiting eligible persons in the Medically Needy program to those under the age of 21 and pregnant women, and specifying an effective date; providing an expiration date for the program; amending s. 624.91, F.S.; revising eligibility requirements for state-funded assistance; revising the duties and powers of the Florida Healthy Kids Corporation; revising provisions for the appointment of members of the board of the Florida Healthy Kids Corporation; requiring transition plans; repealing s. 624.915, F.S., relating to the operating fund of the Florida Healthy Kids Corporation; providing a directive to the Division of Law Revision and Information; providing for construction of the act in pari materia with laws enacted during the 2015 Regular Session of the Legislature; providing an effective date.

—was read the second time by title.

THE PRESIDENT PRESIDING

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendments was allowed:

Senator Bean moved the following amendments which were adopted:

Amendment 1 (121532)—Delete lines 250-279 and insert:

(5) *COST SHARING.*—

(a) *Except for enrollees eligible under paragraph (1)(c), enrollees are assessed monthly premiums based on their modified adjusted gross income. The maximum monthly premium payments are set at the following income levels:*

1. *At or below 22 percent of the federal poverty level: \$3.*
2. *Greater than 22 percent, but at or below 50 percent, of the federal poverty level: \$8.*
3. *Greater than 50 percent, but at or below 75 percent, of the federal poverty level: \$15.*
4. *Greater than 75 percent, but at or below 100 percent, of the federal poverty level: \$20.*
5. *Greater than 100 percent of the federal poverty level: \$25.*

(b) *Depending on the products and services selected by the enrollee, the enrollee may also incur additional cost sharing, such as copayments, deductibles, or other out-of-pocket costs.*

(c) *An enrollee may be subject to charges for an inappropriate emergency room visit of up to \$8 for the first visit and up to \$25 for any subsequent visit, based on the enrollee's benefit plan, to discourage inappropriate use of the emergency room.*

(d) *Cumulative annual cost sharing per enrollee may not exceed 5 percent of an enrollee's annual modified adjusted gross income.*

(e) *If, after a 30-day grace period, a full premium payment has not been received, the enrollee shall be transitioned from coverage to inactive status and may not reenroll for a minimum of 6 months, unless a hardship exception has been granted. Enrollees may seek a hardship exception under the Medicaid Fair Hearing Process.*

(f) Enrollees eligible under paragraph (1)(c) must pay premiums according to the Title XXI state plan amendment and follow disenrollment criteria for noncompliance in accordance with s. 624.91.

Amendment 2 (619710)—Delete lines 284-286 and insert:

(a) *Standard amount.*—The agency shall develop a monthly premium credit structure appropriate to a benefit plan that meets the bronze metal standard of the Affordable Care Act.

Amendment 3 (945482)—Delete lines 209-210 and insert:

2. *On-the-job training or job placement activities. Evidence of participation in job placement activities must include registration with CareerSource Florida and may include other documentation such as, but not limited to, written acknowledgment from a potential employer of receipt of an employment application from the participant; confirmation from a potential employer of a job interview with the participant; documentation of job-seeking activities; and documentation of assistance or training related to preparing a resume, completing an employment application, or interviewing skills.*

Amendment 4 (144308)—Delete lines 511-516 and insert:

(e) *Annually determine the appropriate premium credit based on the difference in the price of a benchmark product on the FHIX marketplace and the enrollee premium contribution as outlined in s. 409.723(5)(a). For purposes of this paragraph, the benchmark product on the FHIX marketplace is the bronze-level plan under the Affordable Care Act. For plans on the FHIX marketplace, the agency shall annually establish a retroactive methodology to adjust premium revenue to the relative clinical risk profile of each plan’s enrollees.*

Amendment 5 (851446)—Between lines 493 and 494 insert:

(h) *A provision that is applicable to an individual under s. 624.91 is available and applicable to an enrollee who is eligible under s. 409.723(1)(c).*

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Braynon moved the following amendment which failed:

Amendment 6 (187734)—Delete lines 650-654 and insert:

(4) *The Health Outcomes Review Commission shall consist of eleven members. The Governor, the President of the Senate, and the Speaker of the House shall each appoint three members. The Governor and each presiding officer shall appoint one healthcare professional, one private business representative or consumer representative, and one elected official. The Senate Minority Leader and the House Minority Leader shall each appoint one member.*

On motion by Senator Bean, by two-thirds vote, **CS for CS for SB 2-A** as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—33

Mr. President	Evers	Margolis
Altman	Gaetz	Montford
Bean	Galvano	Negron
Benacquisto	Garcia	Richter
Bradley	Gibson	Ring
Braynon	Grimsley	Simmons
Bullard	Hukill	Simpson
Clemens	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lee	Soto
Diaz de la Portilla	Legg	Thompson

Nays—3

Brandes	Hays	Hutson
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REPORTS OF COMMITTEES

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bill to be placed on the Special Order Calendar for Wednesday, June 3, 2015: CS for CS for SB 2-A.

Respectfully submitted,
 David Simmons, Rules Chair
 Bill Galvano, Majority Leader
 Arthenia L. Joyner, Minority Leader

The Committee on Health Policy recommends a committee substitute for the following: SB 2-A

The bill with committee substitute attached was referred to the Committee on Appropriations under the original reference.

The Committee on Appropriations recommends a committee substitute for the following: CS for SB 2-A

The bill with committee substitute attached was placed on the Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Health Policy; and Senator Bean—

CS for SB 2-A—A bill to be entitled An act relating to the health insurance affordability exchange; providing a directive to the Division of Law Revision and Information; creating s. 409.72, F.S.; providing a short title; creating s. 409.721, F.S.; creating the Florida Health Insurance Affordability Exchange Program (FHIX) within the Agency for Health Care Administration; providing program authority and principles; creating s. 409.722, F.S.; defining terms; creating s. 409.723, F.S.; providing eligibility and enrollment criteria; providing patient rights and responsibilities; defining the term “disabled” providing premium levels; creating s. 409.724, F.S.; providing for premium credits and choice counseling; establishing an education campaign; providing for customer support and disenrollment; creating s. 409.725, F.S.; providing for available products and services; creating s. 409.726, F.S.; requiring the department to develop accountability measures and performance standards governing the administration of the program; creating s. 409.727, F.S.; providing for a readiness review and a two-phase implementation schedule; creating s. 409.728, F.S.; providing program operation and management duties; creating s. 409.729, F.S.; providing for the development of a long-term reorganization plan and the formation of the FHIX Workgroup; creating s. 409.73, F.S.; authorizing the agency to seek federal approval; prohibiting the agency from implementing the FHIX waiver under certain circumstances; creating s. 409.731, F.S.; providing for program expiration; repealing s. 408.70, F.S., relating to legislative findings regarding access to affordable health care; amending s. 408.910, F.S.; revising legislative intent; redefining terms; revising the scope of the Florida Health Choices Program and the pricing of services under the program; providing requirements for operation of the marketplace; providing additional duties for the corporation to perform; requiring an annual report to the Governor and the Legislature; amending s. 409.904, F.S.; limiting eligible persons in the Medically Needy program to those under the age of 21 and pregnant women, and specifying an effective date; providing an expiration date for the program; amending s. 624.91, F.S.; revising eligibility requirements for state-funded assistance; revising the duties and powers of the Florida Healthy Kids Corporation; revising provisions for the appointment of members of the board of the Florida Healthy Kids Corporation; requiring transition plans; repealing s. 624.915, F.S., relating to the operating fund of the Florida Healthy Kids Corporation; providing a directive to the Division of Law Revision and Information; providing for construction of the act in pari materia with laws enacted during the 2015 Regular Session of the Legislature; providing an effective date.

By the Committees on Appropriations; and Health Policy; and Senator Bean—

CS for CS for SB 2-A—A bill to be entitled An act relating to the health insurance affordability exchange; providing a directive to the Division of Law Revision and Information; creating s. 409.72, F.S.; providing a short title; creating s. 409.721, F.S.; creating the Florida Health Insurance Affordability Exchange Program (FHIX) within the Agency for Health Care Administration; providing program authority and principles; creating s. 409.722, F.S.; defining terms; creating s. 409.723, F.S.; providing eligibility and enrollment criteria; providing patient rights and responsibilities; defining the term “disabled” providing premium levels; creating s. 409.724, F.S.; providing for premium credits and choice counseling; establishing an education campaign; providing for customer support and disenrollment; creating s. 409.725, F.S.; providing for available products and services; creating s. 409.726, F.S.; requiring the department to develop accountability measures and performance standards governing the administration of the program; creating s. 409.727, F.S.; providing for a readiness review and a two-phase implementation schedule; creating s. 409.728, F.S.; providing program operation and management duties; creating s. 409.729, F.S.; providing for the development of a long-term reorganization plan and the formation of the FHIX Workgroup; creating s. 409.73, F.S.; authorizing the agency to seek federal approval; prohibiting the agency from implementing the FHIX waiver under certain circumstances; creating s. 409.731, F.S.; providing for program expiration; providing for the establishment of a commission; providing purposes and duties of the commission and for the appointment of members; requiring a commission report to be submitted to the Governor and the Legislature; repealing s. 408.70, F.S., relating to legislative findings regarding access to affordable health care;

amending s. 408.910, F.S.; revising legislative intent; redefining terms; revising the scope of the Florida Health Choices Program and the pricing of services under the program; providing requirements for operation of the marketplace; providing additional duties for the corporation to perform; requiring an annual report to the Governor and the Legislature; amending s. 409.904, F.S.; limiting eligible persons in the Medically Needy program to those under the age of 21 and pregnant women, and specifying an effective date; providing an expiration date for the program; amending s. 624.91, F.S.; revising eligibility requirements for state-funded assistance; revising the duties and powers of the Florida Healthy Kids Corporation; revising provisions for the appointment of members of the board of the Florida Healthy Kids Corporation; requiring transition plans; repealing s. 624.915, F.S., relating to the operating fund of the Florida Healthy Kids Corporation; providing a directive to the Division of Law Revision and Information; providing for construction of the act in pari materia with laws enacted during the 2015 Regular Session of the Legislature; providing an effective date.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of June 1 was corrected and approved.

ADJOURNMENT

On motion by Senator Simmons, the Senate adjourned at 4:07 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 1:00 p.m., Friday, June 5 or upon call of the President.