

THE FLORIDA LEGISLATURE



DON GAETZ
The Florida Senate
Republican President-designate



WILL WEATHERFORD
The Florida House of
Representatives
Speaker-designate

November 15, 2012

The Honorable Kathleen Sebelius, Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Sebelius:

The State of Florida has not made a decision on how to proceed with the implementation of the Patient Protection and Affordable Care Act (PPACA), and the state is unable to provide a Declaration Letter in accordance with the timeframe outlined by the U.S. Department of Health and Human Services. The purpose of this letter is to explain the reasons the deadline cannot be met and outline the process by which Florida will make decisions about any future participation in operation of an exchange.

Two factors prevent immediate state action on the establishment of an exchange. First, the Legislature has not authorized the Governor or any state agency or other entity to develop and operate an exchange, and no such authority can be established until the Legislature convenes in March. Second, the state lacks sufficient information to fully evaluate the potential impact of choosing one exchange model over another. The first issue will be addressed through the debate and decisions expected to occur during the 2013 legislative session. However, resolution of the second issue depends on the ability of your agency to provide answers to numerous critical questions.

PPACA is a complex and comprehensive law that will touch almost every aspect of health care financing and service delivery. With implementation now inevitable, it is time for Florida to focus on determining the manner and extent of state participation.

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Our consideration of the options available to states will be framed by our shared commitment to the following goals:

- Increases in costs for health insurance should be mitigated to the extent possible;
- The health insurance market for individuals and small groups should continue to be a robust competitive environment that offers choice and reliable coverage for consumers; and,
- Consumer protections must be meaningful and enforceable.

Our ability to set a course for achieving these goals depends on access to and analysis of complete information about how the various exchange models will operate. Therefore, we are requesting your assistance in responding to the concerns and questions included in the attachment in this letter. Additionally, we hope to begin working with your agency to secure such federal resources as may be available for detailed planning related to possible state operations of exchange functions in Florida.

Thank you for your immediate attention to these important questions.

Sincerely,



Don Gaetz
President-designate
The Florida Senate

Sincerely,



Will Weatherford
Speaker-designate
The Florida House of Representatives

Attachment