

# Legislative Link

A legislative update provided by the United Way of Florida, Inc.

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Helping all children succeed for life.  
An initiative of the United Way of Florida,  
Publix Super Market Charities, Inc. and  
NationsBank



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## LONG TERM CARE REVISITED

During the last several years, the Legislature has become acutely aware of the dramatic increase in the number of elder Floridians, and the need to address their long-term care needs. About 2.8 million individuals over age 65 live in Florida. Over the past 10 years, the number of Floridians over 85 years old increased by nearly 30 percent, to 331,000. By 2020, Florida will experience the full effect of the aging "baby boom" generation, with an estimated 97 percent growth in the over-85 population.

The Medicaid program purchases about 66 percent of the nursing home bed days in Florida. In addition, the Department of Elder Affairs and the Agency for Health Care Administration (ACHA) annually provides about \$265 million in home and community based services to elderly individuals through a variety of programs. Because it is more cost effective to maintain an individual in a community setting, and because elders – like everyone else – prefer programs that are home and community based, the 2001 Legislature imposed a five-year moratorium on the issuance of new certificates of need for nursing home beds, except non-Medicaid beds in Continuing Care Retirement Facilities. The intent of the moratorium was to provide the state time to shift its emphasis from nursing home care to community based care.

Passed by the Senate Health, Aging and Long Term Care Committee last week, PCB/SB 596 requires ACHA to submit a plan to reduce the number of nursing home bed days purchased by the Medicaid program and to replace them with care provided in less costly alternative settings. Before determining there is a need for additional community nursing facility beds, ACHA must determine that the need cannot be met through provision, enhancement, or expansion of home and community based services. The bill also establishes the Office of Long Term Care Policy, housed in the Department of Elderly Affairs but not subject to the control, supervision, or direction of the Department. It is required to analyze the state's long term care system, increase the availability and use of non-institutional settings, and ensure coordination among the agencies responsible for the Long Term Care Continuum. Lastly, the bill establishes the nursing home transition program to assist individuals in nursing homes regain independence and to move to less costly settings.

*"I will ignore all ideas for new works on engines of war, the invention of which has reached its limits and for whose improvements I see no further hope." Sextust Julius Frontinus, First Century A.D., Roman engineer.*

## KIDS: BUCKLE THEM UP

The National Highway Transportation Safety Administration released a study late last year showing that nearly 3 out of 4 children 12 years and younger killed in auto accidents in Florida were not properly buckled in. Only South Carolina and two smaller states had higher rates than Florida. Of the 67 children who were killed in car accidents in 1999 in Florida, 48 were not wearing seat belts or child restraints.

Florida law requires children under 16 to wear seat belts no matter where they sit in the vehicle, and children up to age 3 must be in a federally approved child safety seat. Four and five year olds must be restrained as well in either a booster seat, a child safety seat, or seatbelt, depending on the child's size.

Improperly buckling up a child can also be dangerous: A study by State Farm Insurance, Children's Hospital of Philadelphia and the University of Pennsylvania concluded that children ages 2-5 who are buckled into adult seatbelts are 3.5 times more likely to suffer a significant injury and four times more likely to suffer a significant head injury than their counterparts who are buckled in with an appropriate child safety seat or booster seat

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*“You can observe a lot by watching.” – Yogi Berra*

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### 211 BILL PASSES COMMITTEE

On Tuesday, the Senate Health, Aging and Long Term Care Committee unanimously passed SB 1276. The bill creates the “Florida Health and Human Services Access Act”, requires creation of a pilot site wherein eligibility for all state funded health care programs will be integrated in order to streamline and expedite eligibility determination for consumers, and establishes 211 as one of the front doors into new eligibility process. (See last week's *Legislative Link* – Volume XII, Issue 2 – for a complete synopsis of the bill.) Two technical amendments were made, plus an amendment to require that the evaluation of the pilot project be submitted to the Governor and Legislature by June 1, 2004, rather than June 30, 2004.

### FLORIDA'S SEPTEMBER 11TH VICTIMS MAY RECEIVE STATE HELP

On Tuesday, the Senate Health, Aging and Long Term Care Committee passed SB 1238. The bill grants Medicaid eligibility to people who are ineligible for insurance coverage under COBRA and who become or became unemployed after September 11, 2001, and before December 31, 2002. For those who are eligible for COBRA but unable to afford the premium, and who become or became unemployed after September 11, 2001, and before December 31, 2002, the bill would provide a 25 percent premium subsidy for their health insurance. Both provisions are contingent on passage of federal legislation authorizing those actions, and both would expire on December 31, 2002.

President Bush Signs Appropriations Bills - On January 14th, President Bush signed appropriations bills that among others, provide:

- o funding of \$1.7 billion for fiscal year 2002 for the **Social Services Block Grant** (SSB), a \$25 million reduction from fiscal year 2001. This results in a \$1.1 billion-shortfall from the amount promised to the states during 1996 welfare reform discussion.
- o level funding of \$140 million for fiscal year 2002 for the **Emergency Food and Shelter Program**.

## HOME IS WHERE THE HEART IS

According to the Kinship Support Center at USF, there are 231,000 children living in relative care in Florida. Relative care payments are funded through the Temporary Assistance to Needy Families (TANF) block grant. The federal Administration on Children and Families has set new guidelines allowing TANF funds to be used for half-siblings under the Relative Caregiver Program. Based on these new guidelines, SB 360/HB 161 would expand eligibility for Florida's Relative Caregiver Program to a child who is determined dependent and who is a half-sibling of another child who is placed with the same relative caregiver. The bill also provides that

children in relative care have priority for participation in school readiness programs and, like foster children, and that they are "students" for whom certain fee exemptions are provided for post-secondary education and workforce development programs. In an effort to learn more about the needs and circumstances of relative caregivers and their children, the legislation directs DCF to contract for a study to be submitted to the Legislature by February 1, 2003.

Find more Kinship Care information on-line at <http://www.cas.usf.edu/~krisman/>

### ***Did You Know. . . .***

The "sixth sick sheik's sixth sheep's sick" is said to be the toughest tongue twister in the English language.

### **EMERGENCY TREATMENT SOUGHT FOR RAPE VICTIMS**

According to FDLE, there were 6,952 forcible rapes in Florida in 2000. For survivors of rape, further victimization can occur after the incident when faced with a resulting unwanted pregnancy. Medical advancements now offer a treatment option to victims to prevent pregnancy by preventing ovulation or fertilization. Two FDA approved drugs are currently available that can prevent a pregnancy from occurring if taken within 72 hours of the rape. In response to concerns that some medical facilities and providers fail to offer this treatment to victims, legislation has been filed to require medical facilities and health care practitioners who provide rape treatment to provide information about and access to emergency contraception if it is medically appropriate, or to refer them to a facility or practitioner for such care. According to the bill analysis, the adult pregnancy rate associated with rape is estimated at nearly 5%. Following testimony from a rape survivor who was grateful to have been offered this treatment at the hospital, HB 125 passed unanimously out of its first committee of reference. It has three additional committee references. The Senate companion bill, SB 2246, has not yet been referred to committees for review.

### **MEDICAID FRAUD ADDRESSED**

In a year that will continue to pose significant financial challenges to legislative budget writers, the Legislature is eager to address the issue of fraud in one its most costly programs - Medicaid. According to a recent report by the Office of Program Policy Analysis and Government Accountability (OPPAGA), the Agency for Health Care Administration recovered \$96.7 million from providers who over-billed the Medicaid program from FY 1995-96 to FY 2000-01. It is estimated that during those years the financial toll of Medicaid fraud and abuse ranged from \$2.1 billion to \$4.3 billion, or between 5 percent and 10 percent of total Medicaid health services expenditures. Thus, the recovery of \$96.7 million was the equivalent of only 2.3 percent to 4.5 percent of the actual losses incurred by the state due to fraud and abuse during that time period. In response to the OPPAGA review, the Senate Select Subcommittee on Recovery of Medicaid Overpayments was formed to discuss Medicaid fraud and abuse prevention and prepare recommendations. The Subcommittee concluded its work with 14 proposed rules that have become the substance of Senate Bills 1150 and 1632 by the Health, Aging, and Long Term Care Committee.

Find the full report on-line at [www.oppaga.state.fl.us](http://www.oppaga.state.fl.us)

## GOVERNOR BUSH RELEASES SUPPLEMENTAL BUDGET REQUEST

On Wednesday, Governor Bush released his supplemental 2002-2003 budget request to the Legislature. The request added about \$437.2 million to the original proposal he submitted to the Legislature a couple of weeks ago. Some of the highlights of the request include:

- **School Readiness:**

The Executive Budget provides an **additional \$41.4 million** for the School Readiness Program in order to make services available to all financially eligible 4 year old children in Florida at 150 percent of the federal poverty level. This investment will allow the program to serve up to an additional 16,000 children in the critical year before they enter kindergarten. The total funding for the School Readiness Program in Fiscal Year 2002-2003, as recommended by the Governor, is \$719.1 million, an 8% increase over current year funding. Over the four years of the Bush/Brogan administration, School Readiness funding has increased 37 percent. This budget will allow almost 264,000 children to receive school readiness services, a significant increase over the 186,119 children in the program in Fiscal Year 1999-2000.

- **Developmentally Disabled:**

Governor Bush's supplemental budget contains an **additional \$162.6 million** for developmental services, including an additional \$23 million (\$10 million in general revenue) to cover a funding shortfall in the 2001-2002 developmental services budget, \$21.8 million in state funds to buyback the proposed reductions contained in the Governor's 2002-03 Budget Recommendations, \$10 million to fund personal needs assistance and respite care, \$92 million (\$38 million in state funds) to begin serving the wait list which has accumulated since July, 1999, \$10 million (\$5 million in state funds) to conduct an actuarial study of provider rates so that Medicaid payments can be rebased to actual provider costs, and \$1.3 million (\$.9 million in state funds) and 29 FTE to restore the cuts to staff in the developmental services program.

- **Drug Abuse:**

This recommendation proposes **\$2,176,340 in federal funds** to expand substance abuse family intervention case management and support

services for families involved with the protective services system. These funds will be allocated statewide and used to contract with private non-profit providers for services. This funding will provide support for an additional 1,225 families and 1,543 individuals in those families. The services are intended to: increase access to substance abuse treatment services for families under protective supervision, provide referral information to parents in need of substance abuse services, and provide substance abuse psycho-social evaluations and assessments. Barriers to substance abuse treatment such as lack of childcare while the parent is in treatment and transportation to substance abuse services will also be addressed.

- **Drug Treatment:**

This recommendation is for **\$7,722,697 in federal funds** to reduce waiting lists for substance abuse treatment services by purchasing existing treatment capacity of 175 beds statewide and expanding aftercare and drug court services. This increase supports Governor Bush's drug control strategy to reduce drug use in Florida by 50 percent over a five-year period. Funding provides care for an additional 4,107 adults and 3,637 children in need of substance abuse services. The services will target women who are pregnant, parents with dependent children, and individuals with a primary diagnosis of illicit substance use.

- **Drug Court Funding:**

The supplement to the Executive Budget recommends restoration of Special Session C funding reductions to the Drug Court Program in Pinellas and Brevard Counties. The Drug Court Program attempts to treat criminals with substance-abuse addictions that cause them to repeatedly violate the law. Drug courts provide for the delivery of treatment services, coupled with potential criminal penalties and strong judicial involvement. As of August 2001, Florida had 33 operational and seven planned adult drug courts, 17 operational and four planned juvenile drug courts, eight operational and five planned dependency drug courts, and two reentry drug court programs.

*Continued on page 5*

- **Substance Abuse Treatment for Community Corrections:**

The Governor recommends fully restoring all reductions from Special Session C for residential and outpatient substance abuse treatment for criminal offenders under community supervision. Complete restoration of the reduction will provide for an additional 28,765 outpatient treatment slots and an additional 1,438 residential treatment slots in FY 2002-03. The Executive Budget submitted in January 2002 restores \$2 million to outpatient treatment services and \$5.3 million for residential treatment services. This supplemental request addresses the balance of the reduction by funding **\$2 million in outpatient services and \$1.1 million in residential services** for a total of \$3.1 million. Almost one third of criminal offenders under community supervision are placed on supervision for a drug offense. Residential and out patient substance abuse services for offenders under supervision provide a public safety value. By effectively treating the substance abusing criminal population under supervision, recidivism can be reduced. The total reduction for FY 2002-03 in Special Session C exceeded \$10.4 million. The executive budget submitted in January 2002 provided for a restoration of \$7.3 million dollars of the reduction and this recommendation would restore the balance of cut.

- **Communities in Schools (CIS):**

Funding in the amount of **\$1 million** is provided to replace nonrecurring funding budgeted for FY 2001-02 for this program. CIS is a community-builder delivering resources for kids by partnering with families, schools and community leaders to create a support system for students, utilizing a committed field staff to customize, develop and facilitate effective local programs, successfully garnering support from businesses, organizations and government, social service providers and volunteer groups, and working in partnership with public schools--principals, superintendents, teachers and administrators. This brings Governor Bush's total recommended funding commitment for mentoring to \$14.1 million

- **Juvenile Crime Prevention and Diversion Grants:**

The supplement to the Executive Budget recommends **\$2.5 million in General Revenue** for targeted Prevention and Diversion Grants that will assist circuit boards and county councils implement their prevention and early intervention plans.

*"The right to suffer is one of the joys of a free economy." – Howard Pyle, aid to President Dwight Eisenhower.*

## **HELP WANTED: 34,000 NEW NURSES BY THE YEAR 2006**

A February 2001 survey by the Florida Hospital Association indicated a statewide vacancy rate of registered nurses of 15.6 percent. If you've been in a hospital recently, you'll know this to be true and appreciate the intent of SB 1618/ HB 519- the Nursing Shortage Solutions Act. Sponsored by Senator Saunders and Representative Murman, this legislation aims to improve Florida's nurse recruitment and retention efforts by:

- simplifying eligibility for and modifying the repayment provisions of the Nursing Student Loan Forgiveness Program;
- creating the Sunshine Workforce Solutions Grant Program to encourage middle and high school students to explore the nursing field through coursework at their schools;

- permitting out-of-state applicants who have actively practiced nursing in another state for two of the three preceding years to obtain up to a 180 day temporary license while awaiting results of the required criminal background check and completing a course on Florida laws and rules; and
- appropriating \$1 million from General Revenue to the Department of Health to provide dollar-for dollar matching grants to hospitals with an average nursing vacancy rate of at least 20 percent during the preceding year for nurse retention and out of state recruitment activities during FY 2002-03.

This legislation is supported by Governor Bush and is moving swiftly through the process, with each bill traveling next to an appropriations hearing.

## SCHOOL PRAYER

School prayer continues to be a hot issue with the Legislature. HB 667 was approved by its only committee of reference, the Council for Lifelong Learning, by a vote of 13-4 during the first week of Session. It authorizes school boards to adopt resolutions allowing use of inspirational messages, including invocations or benedictions, at secondary school commencement exercises and secondary school-related noncompulsory student assemblies. While opponents raised concerns regarding lack of a method for selecting the student volunteer who delivers the message or ensuring the non-sectarian and non-proselytizing nature of the message, proponents contend those are issues that can most appropriately be handles by each school. The bill is now before the full House, with a vote expected soon. Similar legislation (SB 572) has been filed in the Senate by Senator Clary, but has not yet been scheduled for a hearing.

*"Don't cry because it's over,  
smile because it happened."  
Unknown*

## RISK SHARING FOR COMMUNITY-BASED CHILD WELFARE

We are currently in the process of transitioning management of most child welfare services from the Department of Children and Families (DCF) to community-based care (CBC) lead agencies. Since local CBC's do not have the same financial flexibility that a statewide agency has to manage unforeseen events or financial challenges, a more realistic apportionment of risk is needed. Today, each CBC must bear the full risk of conducting its business. In many instances, the state can only intervene if the CBC faces actual business failure. Because the state is ultimately responsible for the child welfare system - regardless of who delivers the services - something should be done prior to such a catastrophic event. Formal risk sharing arrangements and the establishment of an emergency reserve can ensure the continued development of community-based child welfare services.

Under current practice, lead agencies receive a global budget with all the risks associated with client services, cost increases, and funding changes. The Department of Children and Families has the separate risk of lead agency failure or disruption, including attendant federal disallowances. Because the goal of community-based care is higher quality services and better outcomes, this arbitrary division of risk is not optimal. Opportunities to share risk or provide reinsurance would create greater protection for the clients being served. An internal reserve is needed to establish the necessary risk sharing

arrangements for those things that are reasonably beyond local CBC control. To the extent that these risks can be adequately addressed within the confines of a permanent cash reserve, a portion of the remaining resources can be safely directed to the creation of appropriate incentive structures for good management practices and to provide the match for optional federal funding opportunities.

Because mandatory contributions from the lead agencies are not viable, DCF has identified excess earnings generated within the child welfare system as a potential source of financing. These dollars would comprise a separate internal reserve, under the Department's fiscal management, for the exclusive benefit of the child welfare system. In order to establish these changes immediately, Governor Bush included \$15,000,000 in the supplemental budget he provided the legislature earlier this week. These funds will be used as "seed" money" to establish the risk sharing pool. It will also allow lead agencies to free up resources to provide more care for Florida's at risk children.

All lead agencies, in consultation with the Governor and Secretary, have been working on this issue and are expected to support this plan, which is subject to approval by the House and Senate Appropriations Committees.

## PRAISING PREVENTION- MORE FUEL FOR THE FIRE

The argument for increasing investment in prevention funding is strengthened by a recent study conducted by Florida TaxWatch, a private, non-profit, non-partisan research institute that conducts research and analyses of government spending. In its evaluation, TaxWatch assessed the services provided by the Florida Network of Youth and Family Services, Inc. This statewide association provides juvenile crime prevention programs serving runaway, truant, ungovernable and other troubled youth and their families under contract with the Florida Department of Juvenile Justice.

Florida has come a long way since 1987, when the Legislature passed the law requiring provision of core services to Children and Families in Need of Services (CINS/FINS). Prior to this act, families in need of such help were ineligible for state assistance until their child was arrested or they were forced to abandon the child. Currently, all youth ages 10 - 18 and their families who need these services are served statewide through CINS/FINS programs.

In 1999-2000, the Florida Network of Youth and Family Services received \$37 million in state (DJJ, local schools, other sources) and federal funding (Medicaid, School Lunch Program, other sources) with \$31 million of those funds coming from the Department of Juvenile Justice (DJJ). This represented 5 percent of the DJJ's total operating budget. The TaxWatch study concluded that CINS/FINS services are cost-effective, citing the average cost for six months of care by DJJ to be \$7,300, compared with a per client cost of \$1,650 for services provided by the Network. Using these figures, the report estimates the six-month cost savings achieved by preventing 895 youth from delinquency at \$5,056,750.

You can review the Executive Summary of the TaxWatch report on-line at [www.floridataxwatch.org](http://www.floridataxwatch.org).

**“The President doesn’t want any yes men and yes women around him. When he says no, we all say no.”**  
*Elizabeth Dole, then Assistant for Public Liaison to President Reagan.*

## EDUCATION: FLORIDA LOST GROUND IN THE ‘90S

The Florida Chamber Foundation has embarked upon a massive study to analyze the competitiveness of Florida’s economy. Part of the study, released last week by the Governor’s office, reveals that Florida lost ground during the 1990’s in educating students and producing high-skilled workers. The study warns that Florida could fall into a vicious economic cycle if it doesn’t improve its intellectual infrastructure quickly. Among others, the study found:

- Florida’s high school graduation rate dropped from 61 percent in 1990 to 56 percent in 1999, 45th in the nation;

- Florida dropped from 27th to 34th in the nation during the 90’s in the share of residents 25 years and older with a high school diploma;
- Florida fell from 35th to 43rd among states in the share of high school graduates who go to college (less than half of Florida’s high school graduates pursue higher education);
- Florida’s funding of public schools fell from 21st to 38th during the 90’s, as the current funding level per pupil of \$5,875 presents a slight decline in the real dollars spent per student in the early 1990’s.

Did You Know. . . . .

More than 50% of the people in the world have never made or received a telephone call.

## DOES HEALTHY KIDS NEED A \$60 MILLION RESERVE?

Earlier this week, the Senate Health, Aging, and Long-Term Care Committee passed SB 968 that would cap the reserve funds maintained by the Healthy Kids Corporation at 20/25 percent, or approximately \$60 million. Is such a large reserve necessary?...Particularly when hundreds of thousands of children remain uninsured in Florida?

The Senate Committee passed the bill believing that prudent business practices dictate that such a large reserve exist. The reason: The Healthy Kids Corporation must allocate about \$20 million on the first of each month to cover the insurance premiums for Healthy Kids enrollees. However, federal funds are distributed on a reimbursement basis only, on average about 23 days after the first-of-the-month payment by the Healthy Kids Corporation. The Corporation claims it needs at least three months of reserves to cover this reimbursement lag, and to allow for a sixth month dissolution of the corporation. Your *Legislative Link* will delve deeper into this issue later.....

## CHILES ENDOWMENT FUND CONSTITUTIONAL AMENDMENT PROPOSED

Last Tuesday, the Senate Health, Aging, and Long-Term Care Committee passed SJR 1018. The resolution would create a ballot initiative for the November 2002 ballot to create Section 20, Article X of the Florida Constitution, creating the Lawton Chiles Endowment Fund. The purpose of the fund would be to provide for a potential source of funding for children's health programs, child welfare programs, community-based health and human services initiatives, and bio-medical research. The joint resolution provides that the capital gains and investment income of the fund could be appropriated in accordance with general law, in a separate act, which would have to be approved by a two-thirds vote of the membership of each house. Such appropriation must not supplant current state or federal funds. The resolution also provides that in the event of an emergency declared by the Legislature, no more than 10 percent of the principal of the endowment fund could be appropriated in a separate act, in any fiscal year for children's health programs, child welfare programs and community-based health and human services. Again, such appropriation would have to be made by a two-thirds vote of the membership of each house.

- "I do not feel that we should allow a shortage of funds to prevent cities from financing needed projects." *Hubert Humphrey, Minnesota Senator and former Vice President*
- "I am ignorant of the government's reason, but I disapprove of them." – *James C. Percey, deciding an English member of Parliament during a heated parliamentary debate circa 1910.*

## PARENTS' AND CHILDRENS' DAY

Representative Lorraine Ausley and Senator Richard Mitchell have filed HB 1283 and SB 1500, respectively, designating the first Sunday in April of each year as Parents' and Childrens' Day. The identical bills proclaim that every parent in Florida should have access to prenatal and infant health care, training and education, and parenting skills to help build healthy families, high quality child care and early learning opportunities, safe and enriching after school experiences, and access to delinquency prevention programs and services to treat children with problems. The bills encourage citizens to wear a white ribbon on Parents' and Childrens' Day, indicating that our children are considered special gifts and are valued for their part in the circle of life.

## SCHOOL READINESS BILLS UNDER CONSIDERATION BY THE 2002 LEGISLATURE

### Quality Measures Required for School Readiness

Last week, Representative Suzanne Kosmas filed HB 1433, amending the Florida Statute (section 411.01) specifying the requirements for the minimum standards and provisions that must be included in a local school readiness coalition plan. The bill primarily addresses four/five issues:

- Staff/Child Ratio – Coalition plans would be required to provide for a ratio of direct instructional personnel for children of one adult to 10 three-year old and four-year old children, or a lower ratio. (A ratio of up to one adult to fifteen three and four-year olds could be requested from the Partnership.)
- 40 Hour Training – Completion of an approved 40-clock hour introductory training course for all personnel would be required. Among others, the course would address: state and local child care rules that govern health, safety, and nutrition; identifying and reporting child abuse and neglect; child growth and development; and use of developmentally appropriate early childhood curriculum. The child care personnel must begin the introductory course within 90 days after employment and complete it within one-year after beginning it. Exemption could be sought for personnel based on educational credentials or passage of competency examinations.
- Continuing Education – Completion of an additional 8-clock hours of in-service training annually would be required.
- Teacher Certification – Teachers who are not certified for the appropriate grade level must obtain proper certification within two years unless extraordinary circumstances prevent it;
- CDA – When individual classrooms are staffed by non-certified teachers, they would have to be staffed by at least one person who has, at a minimum, a Child Development Associate credential or equivalent;
- Administrative and Supervisory Personnel – Administrative and supervisory personnel would have to demonstrate knowledge of pre-kindergarten education programs that increase children's success of achieving future educational success; and
- Child Care Operators – Child care operators would have to complete basic training in serving

children with disabilities within five years after employment.

Having been filed just last Friday, at the time this *Legislative Link* went to press the bill did not yet have a Senate companion.

### Religious Freedom vs. Child Safety

On August 10th, two-year old Zaniyah Hinson died after being left in a hot van following a field trip organized by the Abundant Life Academy of Learning in Daytona Beach. As a result, prosecutors have filed manslaughter and neglect charges in the case, and legislators concerned with the well-being of children have filed bills to try to ensure the safety of children in faith-based child care settings.

Under existing law, about 500 faith-based child care facilities are exempt from state licensure because their standards meet or exceed those governing state licensed facilities. However, there is little to no oversight and enforcement of those standards by the state. To try to address the situation, Representative Evelyn Lynn has filed HB 175, and Senator Don Sullivan has filed SB 536.

Among other things, the bills repeal Section 402.316, Florida Statutes, which currently exempts from the state's child care licensing and regulation laws any "child care facility which is an integral part of church or parochial schools conducting regularly scheduled classes, courses of study, or educational programs accredited by, or by a member of, an organization which publishes and requires compliance with its standards for health, safety, and sanitation".

The Christian Coalition of Florida and the Florida Association of Christian Colleges and Schools have initiated an intense lobbying effort, with thousands of letters received by legislators to date, voicing their opposition to government interference in their activities.

Over their objections, HB 175 passed out of the House Business Regulation Committee yesterday.

*Continued on page 10*

**Bill Filed to Address Impending School Age Child Care Crisis**

As reported in your last *Legislative Link*, the 2001 Florida Legislature repealed the statutory provision authorizing subsidized child care funds to be used to provide before and after school services for more than 50,000 low income children across Florida. The implications of the repeal are far reaching and disturbing.

During the last week of January, Representative Nan Rich and Senator Wasserman-Schultz filed HB 135 and SB 1810, respectively, to avoid the impending crisis. Neither bill has yet been heard in committee. Both would reinstate the provisions allowing children under 12-years of age who are determined to be at risk of abuse, neglect, or exploitation, whose parents are participating in a welfare transition or diversion program, who are children of working families whose family incomes do not exceed 150% of the federal poverty level, who have special needs, or who have a sibling under age five who is eligible to participate in subsidized child care, to receive before and after school services funded by subsidized child care funds.

The bills also require school readiness coalitions to include in their plans a definition of the term “appropriate age of self care” and provide priority for eligibility for before and after school services for children who are under the appropriate age of self care, as defined in their plans.

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**BILLS THAT MOVED THIS WEEK**

**HB 479/SB 952- Elderly/ Disabled Adults/ Exploitation (Slosberg/ Sanderson)** - This bill extends the statute of limitations for exploitation of an elderly person or disabled adult to five years regardless of offense level. (Action: Unanimously Favorable by the House Crime Prevention, Corrections and Safety Committee and the Senate Criminal Justice Committee. Next stops: House Council for Smarter Government; Senate Children and Families)

**HB 629 – Statewide Guardian ad Litem Office (Lerner)** - A statewide Guardian ad Litem office is created by this bill to be housed within the Justice Administrative Commission to increase functioning and standardization among the local programs currently operating in the 20 judicial circuits. (Action: Unanimously Approved by the Judicial Oversight Committee. Next stop: Child and Family Security)

**HB 755 - Residential Group Care (Murman)** - This bill prescribes procedures for the mandatory assessment of certain children for placement in licensed residential group care, specifies timeframes for initiating & for completing transition to community based care and expands authority for establishment of child welfare targeted case management projects. (Action: Unanimously Favorable by Child and Family Security; Next Stop: Health and Human Services Appropriations)

**HB 775 - Adoption (Mahon)** - This legislation reduces the time period within which action must be filed to nullify adoption or termination of parental rights on grounds of fraud or providing false information; provides time limitation for use of scientific testing to show probability of paternity; requires notice to & written consent from registrant in paternity registry for termination of parental rights pending adoption. (Action: Unanimously Favorable by Child and Family Security; Next Stop: Judicial Oversight)

**SB 316 - Domestic Violence (Children & Families; Saunders)** - This bill revises a number of provisions relating to domestic violence by expanding definitions, raising the fee for a dissolution of marriage petition thereby increasing funds to the Domestic Violence Trust Fund, and clarifying the circumstances under which injunctive relief against domestic violence may be sought. (Action: Unanimously Favorable by Finance & Tax; Next Stop: HHS Appropriations) *Continued on page 11*

*Bills that Moved this Week continued*

**SB 968 - Healthy Kids Corp./Operating Fund (Silver)** - This bill would allow the Florida Healthy Kids Corporation to establish and manage an operating fund not to exceed 25% of the annualized expenses. (Action: Favorable by Health, Aging and Long-Term Care 8-1; Next stop: Governmental Oversight and Productivity, 2/12/02, 1:00 pm, 37-S)

**SB 996 - Road to Independence Act (Children and Families; Saunders)** - This bill creates a new section of Florida law dedicated to older children in the foster care system and young adults who were formerly foster children, providing for services for independent living. (Action: Unanimously favorable by Children & Families; Now in HHS Appropriations)

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