

December 17, 2004
Special Session

Legislative Link

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

WHAT'S INSIDE:

	Page
KidCare.....	2
2-1-1	2
Juvenile Detention Costs	2
Hurricane Human Service.....	3
Other Special Session Bills.....	3



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



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VPK: On the Way!

In 2002, Florida voters amended our state constitution to provide that “Every four-year old child in Florida shall be provided by the State a high quality pre-kindergarten learning opportunity in the form of an early childhood development and education program which shall be voluntary, high quality, free, and delivered according to professionally accepted standards...”.

During the last 14 months, legislators have been barraged by tens of thousands of letters from advocates (including parents, providers, etc) “educating” them as to what “voluntary”, “high quality”, and “professionally developed standards” really are.

Those advocates are (very) generally in two camps: those who want more stringent regulations and parameters placed on the program, which themselves are intended to create high quality, and those who favor fewer regulations and parameters, intended to create an environment in which market forces will compel providers to achieve high quality. Both camps recognize the fundamental importance of outcome and accountability measures.

Because the Legislature is a political body and politics is the art of compromise, the Voluntary Pre-K bill (SB 1A) blends issues held dear by both camps. It also improves upon the VPK bill passed and vetoed earlier this year. As a civics primer, VPK teaches us the reality of Legislative incrementalism; where compromise results in an evolutionary maturation of issues and decisions which, in the case of VPK, will be enhanced by the bill’s outcome and accountability measures (which will need some refinement in the spring).

All of this is to say that Legislators used their life experiences and input from thousands of Floridians to lay a solid foundation for our state’s VPK program. It has been an arduous journey. The bottom line: VPK is on the way, and it will help children succeed in school and in life!

The dynamics of the special session bode well for the regular session in many ways. The House and Senate worked together collegially. Leadership was excellent on KidCare and a myriad of hurricane issues. Specifically with regard to VPK, legislative leaders who brokered the bill - together with the Governor and Lt. Governor - are committed to remain intimately involved in making sure the VPK program evolves as it should. They have also expressed their commitment not to “pull a lottery”; intending to appropriate “new” money for VPK (probably in the neighborhood of \$350-\$400 million).

Speaking of the regular session.....

Florida’s Constitution mandates VPK “...be implemented no later than the beginning of the 2005 school year through funds generated in addition to those used for existing education, health, and development programs.” Legislators will not open the VPK bill for wholesale changes during the 2005 regular session, which begins March 8. However, they must fund the program, and advocates will seek some refinements, particularly to the assessment provisions.

VPK Overview – We will distribute a detailed summary of the enrolled VPK bill shortly. To access the bill itself, go to:

<http://www.flsenate.gov/data/session/2004A/House/bills/billtext/pdf/h0001Aer.pdf>

Prep for VPK Funding Issues

To prep for the money issues that will be at the heart of the 2005 regular session VPK debate, attached is a VPK Cost Model developed by the Policy Group for Florida's Families and Children, together with supporting materials. It is the most thorough, research-based, fiscal overview of VPK funding components available.

KIDCARE

In response to thousands of children not being able to maintain or access health insurance through Florida's KidCare program, yesterday the Florida Legislature passed SB 28A. The bill removes onerous paper-work requirements by allowing applicants to the program for low-income children to prove they are eligible by submitting their federal income tax return, wages and earnings statements (pay stubs), W-2 forms, or other appropriate documents. Currently, applicants are required to provide all three documents.

The actual bill language reads "Proof of family income...must include a copy of the applicant's most recent federal income tax return. In the absence of a federal income tax return, an applicant may submit wages and earnings statements (pay stubs), W-2 forms, or other appropriate documents." In an effort to ensure clarity, Representative Hasner, who spearheaded the bill in the House, stated for the record that "Yes, HB 45A and SB 28A intend that one piece of documentation be required and that an IRS return, pay stubs, wage statements, or other appropriate documents are acceptable."

2-1-1

Legislative leaders and the Governor developed and stuck to a short-list of special session issues that had to be addressed. As a result, 2-1-1 funding was not added to the call.

However, thanks to the many legislative contacts made by United Ways and 2-1-1s in the weeks leading up to the special session, the Florida 2-1-1 Network is well positioned to receive funding during the regular session. Senator Ken Pruitt and Representative Ed Jennings, who understand the importance and potential of 2-1-1, will support a legislative member community budget request for \$5 million during the regular session.

JUVENILE DETENTION COSTS

As part of its constitutionally mandated overhaul of the state's judicial system, the 2004 Legislature, transferred its responsibility for funding pretrial detention for juveniles to the counties. In response to a lawsuit filed by several counties, a court recently determined the transfer violated the constitutional prohibition against unfunded mandates (i.e. state Legislature telling local government to do something, but not providing the funding to do it) because the mandate had not passed by the constitutionally required 2/3 vote in each House.

Yesterday, the Legislature passed SB4A, which among others, transfers pretrial detention responsibility back to the Counties.....together with its \$90 million annual price tag.

The bill passed by more than 2/3s! (82-34 House; 34-5 Senate)

HURRICANE HUMAN SERVICES

SB 18A, passed yesterday by the Florida Legislature, states “The Legislature finds that immediate assistance is needed to provide nutritional, medical, and social services to the elderly, children, families, individuals with disabilities, and low-income individuals and to provide services within the communities in which they live in order to address the impact of Hurricanes Charley, Frances, Jeanne, and Ivan and Tropical Storm Bonnie, which struck the state during 2004.” It then makes the following appropriations:

- \$12 million from the Federal Grants Trust Fund to the Department of Elderly Affairs for minor home repairs and chore services, meals, case management, individual and group counseling, and temporary housing;
- \$4,704,736 from the Social Services Block Grant Trust Fund to the Department of Children and Family Services to support domestic violence needs, adult services, and child welfare services;
- \$4,500,000 from the Alcohol, Drug Abuse, and Mental Health Trust Fund to the Department of Children and Family Services to assist those in need of substance abuse and mental health clinic services, intervention and treatment; and
- \$1,313,429 from the Social Services Block Grant Trust Fund to the Agency for Persons with Disabilities for supported living, general repair, and respite care for the developmentally disabled.

OTHER SPECIAL SESSION ISSUES

To access bills, and staff analyses, go to <http://www.leg.state.fl.us/>

HB 5A - Relating to Discount Medical Plan Organizations (Farkas)

Discount Medical Plan Organizations; delays date by which such organization or marketer must comply with requirements of provisions re licensure & regulation of discount medical plan organizations.

EFFECTIVE DATE: Upon becoming law.

SB 8A - Relating to Residences/Damage/Tropical Systems (Atwater)

Residences/Damage/Tropical Systems; provides for reimbursement of portion of ad valorem tax levied on house or other residential building if building is rendered uninhabitable due to named tropical system; requires that application for such reimbursement be made with property appraiser; provides for reimbursement of state sales tax paid on purchase of mobile home to replace mobile home that experienced major damage from named tropical storm, etc. APPROPRIATION: \$35,070,000. EFFECTIVE DATE: Upon becoming law.

HB 9A - Relating to Hurricane Deductibles (Ross)

Hurricane Deductibles; provides for Financial Services Dept. to reimburse policyholders of residential property insurance for multiple deductibles applied by insurers for two or more hurricanes; prohibits insurers from changing methods of waiving or applying deductibles due to provisions of law providing for reimbursement to policyholders; requires State Administration Bd. to increase future premiums to Fla. Hurricane Catastrophe Fund, etc. Amends 627.701. APPROPRIATION: \$150,000,000. EFFECTIVE DATE: Upon becoming law.

HB 11A - Relating to Educational Facilities/Restoration (Pickens)

Educational Facilities/Restoration; creates Educational Facilities Hurricane Restoration Cash Flow Loan Program for purpose of assisting district school boards in making timely payments in restoring educational facilities; provides eligibility requirements for receiving cash flow loan; requires DOE to administer loan program & distribute loan funds; requires DCA to notify DOE when certain federal payments have been distributed. APPROPRIATION: \$100,000,000. EFFECTIVE DATE: Upon becoming law.

SB 14A - Relating to Hurricane-Damaged Beaches & Dunes (Clary)

Hurricane-damaged Beaches & Dunes; provides legislative findings re hurricane damage to state's beach & dune systems; requires DEP to provide report on repair & restoration of state's beaches & dunes to Governor & Legislature; requires local match for certain appropriations; limits local match to counties & municipalities with certain per capita personal income

level; authorizes Executive Office of Governor to approve waiver under certain conditions, etc. APPROPRIATION: \$68,400,000. EFFECTIVE DATE: Upon becoming law.

SB 16A - Relating to Agricultural Prog./Hurricane Impact (Argenziano)

Agricultural Prog./Hurricane Impact; provides legislative findings re impact of hurricanes & tropical storm of 2004 on Agriculture & Consumer Services Dept.'s citrus canker eradication & compensation programs, spread of infestation of soybean rust resulting in need to conduct surveys to determine extent of such infestation, & projected shortfall in revenues of Plant Industry TF; requires dept. to provide report on citrus canker eradication to Governor & Legislature, etc. APPROPRIATION: \$13,100,000. EFFECTIVE DATE: Upon becoming law.

SB 18A - Relating to Hurricane Relief/Health/Human Svcs. (Saunders)

Hurricane Relief/Health/Human Svcs.; provides legislative findings re need to provide nutritional, medical, & social services to elderly, children, families, individuals with disabilities, & low-income individuals due to impact of hurricanes & tropical storm in this state during 2004; requires that Executive Office of Governor provide prior notice to Legislative Budget Commission of allocations from lump-sum appropriations to appropriation categories, etc. APPROPRIATION: \$22,518,165. EFFECTIVE DATE: Upon becoming law.

HB 19A - Relating to Hurricane-Relief Funding (Waters)

Hurricane-relief Funding; requires that state & affected local government provide certain amounts of matching funds following acceptance of federal public assistance funds that are conditioned upon such match; authorizes Executive Office of Governor to waive requirement under certain circumstances; requires that recipient provide required match before receiving federal hazard-mitigation funds; provides for certain exceptions, etc. Amends 252.37. APPROPRIATION: \$762,219,710. EFFECTIVE DATE: Upon becoming law.

HB 21A - Relating to Displaced Workers/Funding/Hurricane (Davis)

Displaced Workers/Funding/Hurricane; requires agency to provide quarterly reports on certain expenditures; requires report to be submitted to Governor & Legislature; provides that report must contain certain information; requires that appropriation be used for additional temporary jobs for eligible dislocated workers; authorizes agency to spend appropriation as permitted by Federal Government; provides that appropriation is nonrecurring, etc. APPROPRIATION: \$21,000,000. EFFECTIVE DATE: Upon becoming law.

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