

Legislative Link

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

GOOD TIDINGS: LEADERSHIP & MONEY

WHAT'S INSIDE:

	<u>Page</u>
Florida Legislative Overview	2
Legislative Dates	2
What About	3
Children's Summer Nutrition	3
United Way of Florida 2005 Legislative Issue Papers	4
Privatization to be Reviewed	9
Governor's 2005-06 Budget	9
Bills Heard this Week	10

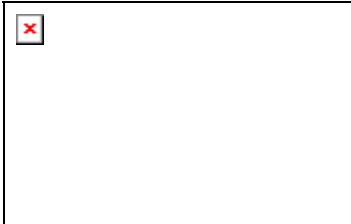
Proclamations have resounded near and far heralding a new era of civility and decorum amid the capital halls.

The proclamations are right. President Lee and Speaker Bense, two statesmen with their feet firmly on the ground, are expected to blunt the edges of the recent House/Senate rivalries culminating with last year's House Speaker Johnny Byrd – one of the most polarizing figures in modern Florida politics.

While their leadership will go far in smoothing the potholes that litter every session's road, this session – like every other one – will have its share of potholes.

Key among them will be Governor Bush's proposal to overhaul Medicaid, inadequate prekindergarten funding, Senate President Lee's goal of trying to install stricter budget discipline on lawmakers, campaign fundraising, growth management, implementation of the constitutionally required minimum wage, property insurance reforms, oversight of the state's university system, and more.

In addition to new leadership, bumps caused by the potholes will be lessened by the influx of more new revenues than the state has had in years. The projected \$5 billion in new revenues will make must-pay expenses much easier to swallow, to wit: \$800 million for 60,000 new K-12 students plus university and community college funding; \$700+ million increase in Medicaid; \$600 million for hurricane recovery; \$500 million for constitutionally mandated class size reduction; \$400 million for universal prekindergarten; \$400 million to fund the Medically Needy Program; \$260 million to eliminate the intangibles tax; etc; etc; etc.



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WELCOME TO YOUR FIRST 2005 LEGISLATIVE LINK!

As always, your Legislative Link will keep you up to date on legislative activities relating to human service and other issues of interest to United Ways, United Way agencies, and United Way supporters. It will be published weekly during the 2005 Legislative Session; in your email each Friday afternoon, highlighting legislative activity during the week.

During the course of the session, if you have any questions or comments regarding the Legislative Link or any issues it addresses - or should address - please don't hesitate to contact the United Way of Florida. Have a great session!

FLORIDA LEGISLATIVE OVERVIEW: WHO ARE OUR LEGISLATORS?

Women Legislators Not Gaining Despite Demographics - Although women voters make up more than half of Florida voters, women hold only 38 of the 160 legislative seats – two less than they had last year and about the same number they have held since 1996. Only two women have ever served as Senate President, and no woman has ever been a House Speaker.

Florida Turning Republican – Since 2000, Democrats have won only one of seven statewide races for President, Governor, Senate, or State Cabinet. That was U.S. Senator Bill Nelson’s election victory in 2000. The changing tide has also affected the dynamics in the state Legislature where Republicans outnumber Democrats by more than 2 to 1, with an 84-36 majority in the House and a 36-14 majority in the state Senate.

Builders Both – House Speaker Allan Bense is a contractor and real estate developer from Panama City first elected in 1998. Senate President Tom Lee is Vice President of a Hillsborough County homebuilding company who first took office in 1996. Both are former Democrats.

- Republicans now hold 84 of the 120 House seats, an increase of three seats over last year.
- The GOP only took control of the House in 1996.
- The majority now held by Republicans is the largest they have ever had, rivaling that of the Democrats in the early 1970’s.
- The House has 19 new legislators, while two former House members will take seats in the Senate.
- The 2005 Session is the first time in history that either party has had Black leaders in both chambers – House Minority Leader Chris Smith and Senate Minority Leader Les Miller are both leading the Democrats in their respective chambers.

IMPORTANT LEGISLATIVE DATES

March 8	First Day of Session 2005; 107 th Regular Session
March 8	Filing deadline for general bills
April 4	Filing deadline for bills originating in committee
April 21	Last day for councils, committees, or subcommittees to meet after giving 2 days notice
May 6	Last day of Regular Session

WORLD’S THINNEST BOOKS

MY SUPER BOWL HIGHLIGHTS
By Dan Marino

MY PLAN TO FIND REAL KILLERS
By O.J. Simpson

THE AMISH PHONE DIRECTORY

WHAT ABOUT.....

Medicaid?...Arguably the most significant health and human service issue the Legislature has ever tackled, Governor Bush has put a far reaching overhaul on the table, but Legislators appear reluctant to make major changes in one year. Look for efforts to create broader HMOization of health services, particularly in elder services and mental health.

VPK?... Or VPK or VUPK...The Legislature is loath to open up the pre-k law passed during last December's special session. While others may arise, funding will likely be the major issue considered. The Governor's proposed \$2,500 per student funding is receiving support in the Legislature but causing concern among advocates and providers.

Healthy Kids?...Efforts to return to year-round open enrollment are gaining momentum as administrators report that over 140,000 slots remain open.

2-1-1? – Efforts to secure a \$5 million appropriation to support statewide implementation of the Florida 2-1-1 Network Business Plan are moving full steam ahead. On the one hand, \$5 million is a drop in the bucket compared to the \$60+ billion proposed budget. On the other hand, it's \$5 million dollars that many other groups have also targeted.

Next week your Legislative Link will begin reporting on these and other key issues being considered by the 2005 Legislature.

CHILDREN'S SUMMER NUTRITION ACT (SPONSOR: EDUCATION K-20) - 2004

The Summer Food Service Program (SFSP) for children is a federally funded program operated nationally by the United States Department of Agriculture (USDA). In Florida, the Food and Nutrition Management Office of the Department of Education (DOE) administers the program. The SFSP is intended to "provide food service to children from needy areas during periods when area schools are closed for vacation." Needy areas, or areas in which poor economic conditions exist, mean areas where at least 50 percent of the children are eligible for free or reduced price lunches.

It is estimated that over 1.1 million children in Florida are eligible for free or reduced price lunches. In the summer of 2003, the average daily attendance in Florida for the Summer Food Service Program was 115,535. This number represents the fourth consecutive decrease in the average number of lunches served. In 1999, 197,140 meals were served per day. Currently, summer food programs reach approximately 1 out of every 10 children in Florida qualified for free and reduced price lunches.

The DOE attributed at least some of the decrease to the reduction in the number of summer school programs being offered at Florida schools. In response the department is attempting to provide information to other non public school potential sponsors, including faith-based providers. Instituting summer food sites at those schools offering summer reading

camps is another option that may be explored to increase the number of sponsors.

This year, Senator Steve Wise has filed SB 752, attempting to ensure there is a summer food nutrition program in every school district. The bill creates the "Ms. Willie Ann Glenn Act, and provides that each district school board shall develop a plan by May 1, 2006, to sponsor a summer nutrition program beginning the summer of 2006 to operate sites in the school district within 5 miles of at least one elementary school at which 50 percent or more of the students are eligible for free or reduced-price school meals and for 40 consecutive days; and within 10 miles of each elementary school at which 50 percent or more of the students are eligible for free or reduced-price school meals. A district school board can exempt itself from the above requirements by including the issue on an agenda at a regular or special district school board meeting that is publicly noticed, providing residents an opportunity to participate in the discussion, and voting on whether to be exempt. This process would have to take place every year.

The bill also provides that the superintendent of schools may collaborate with municipal and county governmental agencies and private, not-for-profit leaders in implementing the plan.

UNITED WAY OF FLORIDA 2005 LEGISLATIVE ISSUE PAPERS

FLORIDA STATE EMPLOYEES' CHARITABLE CAMPAIGN

State government supporting its employees.

Background:

In 1993, the Florida State Employees' Campaign was placed into section 110.181, Florida Statutes, and renamed the Florida State Employees' Charitable Campaign (FSECC). Pursuant to that law, the Florida Department of Management Services (DMS) provides staff support to the FSECC Steering Committee, which is comprised of state employees and charged with overseeing the Campaign. This support includes reviewing campaign brochures and pledge cards, enforcing eligibility requirements, reviewing and recommending agencies for acceptance or rejection, ensuring participants are properly registered with appropriate state agencies, etc.

Before 1993, DMS funded this staff position. The 1993 statute, however, requires that if the Legislature does not fund the position, DMS must be reimbursed for it out of gross FSECC contributions, not to exceed two percent (about \$20,000) of the total campaign. From 1993-1997, DMS was reimbursed by FSECC fiscal agents about \$17,000 annually. Until 2003, the Legislature annually appropriated \$17,000 to fund the position, thereby negating the need to pay for it with state employees FSECC contributions FSECC funds. However, the 2003 Legislature failed to appropriate funding for the position, so state employees ended up footing the bill.

State employee contributions to the FSECC are intended to be used for charitable purposes, to help people in need. Instead, \$17,000 of those contributions are being used to offset the state's cost for conducting the campaign - a cost that thousands of other large public and private employers absorb as a cost of supporting their employees and being good corporate citizens. This reduces the amount of money available to help people in need, and is contrary to the intent of state employees who contribute to the campaign.

For this minimal investment of \$17,000, the state yields more than \$2.9 million through the FSECC, reducing the need for at least that amount of state funding for hundreds of individual and family support services.

Because of the critical need for experienced staff, and recognizing the positive message state funding for the DMS staff position would be to state employees, the FSECC Steering Committee has voted to support this request for funding.

The United Way of Florida urges the 2005 Florida Legislature to appropriate funds to provide staff support through the Department of Management Services for the Florida State Employees' Charitable Campaign.

For additional information, contact the United Way of Florida offices at (850) 488-8287.

FLORIDA STATE EMPLOYEES' CHARITABLE CAMPAIGN

State employees generously supporting their communities.

Background:

In 1993, the Florida State Employees' Campaign (FSECC) was placed into law (s. 110.181, F.S.). It clearly expresses the Legislature's intent that the FSECC be directed by the people for whom it is named and established – state employees themselves: It creates a nine member FSECC Steering Committee of state employees at the state level to oversee the Campaign, and requires local steering committees of state employees “to assist in conducting the campaign and to direct the distribution of undesignated funds.”

“Undesignated funds” are donations that are not directed by the donor to go to a specific charity. FSECC pledge cards tell donors that their undesignated contributions will be allocated by their state employee local steering committees. The fiscal agent must provide all participating organizations and federations a two-week notice of any meeting at which the local steering committee considers undesignated funds.

A federation is an umbrella organization representing more than one charity participating in the FSECC. Federations act merely as “pass throughs” for funds contributed to the charities in their networks, and often represent charities that provide minimal, if any, direct services within a given Florida community. They believe undesignated funds should be allocated by a statutory formula rather than by the local state employee steering committees.

This belief is contrary to express Legislative intent and would eliminate the most meaningful tool state employees have in operating and directing their campaign.

Creating an arbitrary, state-mandated formula to distribute undesignated funds discounts the tremendous leadership state employees bring to their campaign, ignores their ability to represent their colleagues by distributing the funds in ways that best accommodate the needs of their communities, and removes from their control one of their best tools for assuring that their colleagues' contributions have the most impact in their communities, where they live and work. It also assumes that a predetermined formula better reflects where donors would like their undesignated funds to go. In fact, the opposite is true. Since most local state employee campaign committees have historically allocated undesignated funds to United Way, the fact that state employees continue to make undesignated contributions indicates they fully support the actions of their peers on the local committees.

The FSECC was not created for the convenience of charities and federations, but rather for state employees and to lessen workplace disruption. To apply a formula to undesignated funds presumes that employees who choose not to designate don't know what they're doing and can't read the pledge card.

The United Way of Florida opposes limiting state employee oversight and control of the Florida State Employees' Charitable Campaign by, among others, changing the way undesignated funds are allocated.

***The United Way of Florida urges the 2005 Florida Legislature
to maintain existing FSECC Law.***

For additional information, contact the United Way of Florida offices at (850) 488-8287

UNIVERSAL PREKINDERGARTEN IMPLEMENTATION

Florida's new Universal Prekindergarten program must be a quality one.

Background:

In November 2002, Florida voters overwhelmingly approved an amendment to the Florida Constitution requiring implementation of a high quality Universal Prekindergarten (UPK) program by the 2005 school year for all four year olds whose parents want them to participate.

The 2003 Legislature passed CS/CS/SB 1334, directing the Office of Policy Planning and Governmental Accountability (OPPAGA) and the Auditor General's office to study the existing School Readiness system, and creating the Universal Prekindergarten Council to make recommendations regarding (UPK) program implementation.

The Universal Pre-Kindergarten Council presented its final recommendations to the State Board of Education on October 15, 2003. The recommendations fully embrace the concept of a high quality UPK program, addressing accountability, assessment, community partnership, costs/resources, service delivery design and parental involvement, including curriculum, child and program outcomes, programmatic requirements, coordination with existing programs, best practices, and cost estimates.

Among it's key recommendations are; (1) consistent state-wide UPK program quality, recognizing the uniqueness of each child, and emphasizing oral language skills; (2) on going assessments used to inform instruction of children's individual not to stigmatize children; (3) requiring each program/provider to establish referral processes for children who need support; (4) expectation of strong parental involvement; (5) age-appropriate, literacy-focused, individually-directed, and research-based curriculum that instills a love of learning in each child; (6) maximum class size of 20 children, with a minimum of five per class; (7) minimum staffing of one teacher per 10 children, with a second person required for 11-20 children; (8) at least two staff for every 20 children (must have a minimum of a national CDA credential or Florida equivalent); (9) ongoing staff development combined with multi-level reimbursement and career ladder opportunities; (10) five-year target of at least one staff member in each UPK class with an associates degree and, after eight years, at least one staff member in each class with a BA degree; (11) school year of 1080 hours with 720 contact hours; and (12) placement of all School Readiness programs and UPK in the Department of Education under a Chancellor of Early Education; and (13) maintain modified local school readiness coalitions that will administer the programs locally.

The 2004 Florida Legislature passed legislation creating the new UPK program that failed to include most of the recommendations of the UPK Council. Consequently, Governor Bush vetoed the bill. In order to get the program up and running in time for the 2005 school year, the Legislature will meet in special session in December, 2004 to re-write the UPK bill.

The UPK Council recommendations are wholly consistent with the United Way of Florida's long-standing philosophy and approach to early care and education.

The United Way of Florida urges the 2005 Florida Legislature to adopt the recommendations of the Universal Prekindergarten Council.

For additional information, please contact the United Way of Florida at (850) 488-8287.

FLORIDA 2-1-1 NETWORK

The state should play its indispensable role in this public/private partnership.

Background:

On July 21, 2000, the Federal Communications Commission (FCC) designated the telephone number “2-1-1” as the abbreviated dialing code for access to community Information and Referral (I&R) services nationwide. 2-1-1 is an easy-to-remember and universally recognized number that makes a critical connection between individuals and families in need and community-based organizations and governmental agencies that can help them. “2-1-1” is the 911 telephone number for non-emergency human services and for crisis response information.

The 2002 Florida Legislature passed visionary legislation creating the Health and Human Service Access Act, recognizing 2-1-1 as an invaluable “front door” for simplifying and streamlining access to human service information, and charging the Agency for Health Care Administration with certifying 2-1-1 providers to assure quality and uniformity.

2-1-1 is available in 34 counties, representing 78% of Florida’s population (11,837,000 people).

2005 Legislative Issue:

Florida Information and Referral (I&R) providers – who answer three million telephone inquiries about human services annually – have compiled information on thousands of human service programs across the state. They are making it easier for 11 million Floridians to get the information they need to keep them out of emergency rooms, off of government assistance, out of “deep end” social service programs, safe from abuse, and in stable housing. These 2-1-1 providers also help callers find job training and assistance, elder care and child care, and before-and-after-school care that will allow them to stay employed. During the 2004 hurricanes, 2-1-1s provided critically needed support to many Emergency Operation Centers, and provided information to more than 100,000 Floridians; a role that will be just as important during recovery efforts over the next few years.

Based on a study by the Office of Program Policy Analysis and Government Accountability, Florida’s state agencies annually spend more than \$20 million, and state employees expend more than 1,000,000 hours, providing I&R services. Yet, there is no I&R “system”; virtually all of these autonomous I&Rs act in isolation from one another, with no way to share information or act in a coordinated manner that will result in more efficient and effective expenditure of state resources. Implementation of a Florida 211 Network will ensure that a comprehensive, quality, efficient, and effective 211 “system” will be created in Florida. The alternative is a fragmented, inefficient “non-system” that fails to maximize use of tax dollars, and does not effectively help people to help themselves and help others.

In this era of government accountability, public-private partnerships, maximizing use of technology to reduce governmental costs, and reliance on individuals to be self-sufficient, state funding for implementation of the Florida 211 Network is a true winner.

The United Way of Florida urges the 2005 Florida Legislature to appropriate sufficient funding to allow 2-1-1 to be available statewide.

For additional information, please contact the United Way of Florida at (850) 488-8287.

Guiding Principles for Florida Medicaid Reform

Coalition for Responsible Health Care Reform.

Medicaid is a key health care safety net program for Florida's families. It provides vital health care services to nearly 2.2 million children, pregnant woman, seniors, and people with severe disabilities. The Florida Medicaid program also helps strengthen our state's economy. State Medicaid matching dollars support 174,000 jobs, \$6.5 billion in wages and \$16.8 billion in business activity for FY 2005.1 As the Governor, state legislature and federal officials evaluate proposals for restructuring the Florida Medicaid program, it is important to protect the core elements of this safety net program and consider the following principles:

Medicaid reform should be done in the sunshine.

Changes to the Medicaid program affect the life and health of millions of Medicaid consumers and their families. A meaningful public process allowing for public review and comment on Medicaid reform proposals is essential to laying the groundwork for successful reform. This includes the opportunity to review and comment on any proposed Medicaid waiver application *prior* to its submission to the federal government for approval.

Maintain the guarantee of Medicaid coverage for consumers.

Today, Floridians who qualify for Medicaid and who need health care coverage receive it, regardless of where they live or when they apply for coverage. They can rely on the program to provide medically necessary services at the time they need it. Any Medicaid reform plan should maintain this important commitment.

Ensure Medicaid consumers' access to quality health care services and choice of providers.

People who rely on Medicaid have very low incomes and many have intensive needs for services due to special needs (developmental, physical, medical, mental, emotional, and behavioral). Therefore, the coverage consumers get through Medicaid must ensure that their wide-ranging vital health care needs are met. Further, inadequate access to and choice of Medicaid providers is a significant problem in many parts of the state. Medicaid reform must include initiatives such as rate adjustments to attract more Medicaid providers, particularly in rural communities. Moreover, Medicaid reform initiatives must focus on improving the quality of health care services provided to Medicaid consumers. This should include data compilation and publication to document improved outcomes, particularly for historically under served populations such as racial and ethnic minorities.

Maintain the open-ended federal commitment to sharing the cost of Medicaid.

Every dollar (\$1) that the state of Florida spends on Medicaid services draws down \$1.43 in federal funding. This federal match system gives Florida the flexibility to respond to downturns in the economy, increases in the number of uninsured, or public health or other emergencies that occur, knowing we will not shoulder those expenses on our own. Florida should not agree to any plan that weakens this federal-state partnership.

The United Way of Florida urges the 2005 Florida Legislature to support the Guiding Principles for Florida Medicaid Reform developed by the Coalition for Responsible Health Care Reform.

For additional information, please contact the United Way of Florida at (850) 488-8287.

PRIVATIZATION TO BE REVIEWED

The \$23 billion Florida currently spends on contract services is nearly four times as much as the state's \$6 billion employee payroll and constitutes about 41 percent of the \$57 billion state budget.

Amid calls from both parties to examine privatization initiatives, Senator Nancy Argenziano, the new Chair of the Senate Governmental Oversight and Productivity Committee - whose district includes part of Leon County where thousands of state workers reside - has committed to take a hard look at the issue. Heading into Session, she asked the Auditor General's office and the Office of

Program Policy Analysis and Governmental Accountability (OPPAGA) to provide the Committee examples of privatization successes and failures.

Key among the privatization efforts that will be reviewed is the largest privatization effort in state history - the \$350 million nine year contract with Convergys Corporation for handling payroll, benefits, recruiting, and other personnel functions. This privatization project has affected about 900 state personnel jobs, is about two years behind schedule, and has been plagued by problems.

PHILOSOPHY 101

*"Atheism is a non-prophet organization."
"What if there were no hypothetical questions?"*

GOVERNOR'S 2005-2006 BUDGET: SNAPSHOT

To view the governor's proposed 2005-2006 budget, go to <http://www.ebudget.state.fl.us/>

The only bill the Legislature is required to pass each year is the budget. Earlier this year, Governor Bush submitted his proposed \$61.6 billion 2005-2006 budget to the Legislature.

The Governor has about \$5 billion in new general revenue to spend for 2005-06, about 60% of which is non-recurring. Under his proposed budget, this is where most of that new money would go:

- \$1.373 billion (31%) – Education
- \$713 million (16%) – Health and Human Services
- \$690 million (15%) – Budget Stabilization fund and other reserves
- \$486 million (11%) – Cash paid instead of debt
- \$312 million (7%) – Public Safety
- \$256 million (6%) – Tax relief

• **Education**

- \$17 billion for K-12 education, an increase of \$1.1 billion (7.5%). This increases per-student spending 5.5% to \$6,370 for each of Florida's 2.6 million students
- \$400 million for universal pre-k; \$2,500 per child for either the school year or summer program
- \$666 million for school readiness funding
- \$500 million for class-size reduction
- Community Colleges: 5.6 percent
- Universities: 4.3 percent
- Tuition increases of 5% for community colleges and 7.5% for university undergrads.

- **Health and Human Services.**
 - \$14.7 billion for the state's Medicaid program, a \$707.1 million increase over this year.
 - \$354.4 million to respond to the increased affordable housing needs created by the hurricanes.
 - \$989 million for child welfare
 - 7.8 percent increase for substance abuse
 - \$53.1 for veterans' services.
 - **Environment** - \$485.6 million for Florida Forever (\$300 million), Everglades's restoration (\$100 million) and class-size reduction capital outlay (\$85.6 million).
 - **State Employee Pay** - \$77.8 million for a 2.5% state employee pay raise.
 - **Hurricane Recovery** - \$590 million for hurricane recovery funds which, when combined with the \$360 million appropriated during the special session, will supplement the \$3.7 billion in federal funds coming to the state.
 - **Reserves** - \$3.8 billion for budgetary reserves.
 - **Smaller, More Efficient Government**
 - Limits government growth to 1.6 percent, below total personal income growth of 5.6 percent.
 - **Tax Relief** - \$285 million in new tax relief that includes a sales tax holiday on clothing, incentives to attract and retain manufacturing, extending tax credits for low income housing, repeal of the taxes on alcoholic beverages sold by the drink, a two year phase out of the remaining intangibles tax.
 - Total tax relief passed during Governor Bush's tenure, if this package passes: \$10.7 billion.
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Church Bulletin Bloopers

*"The peacemaking meeting scheduled for today has been canceled due to a conflict."
"Low Self Esteem Support Group will meet Thursday at 7 PM. Please use the back door."*

BILLS HEARD THIS WEEK

(Some information below is excerpted from legislative staff analyses)

HB 99 – Official Fruit of Florida (Clarke) - Florida is the largest producer of oranges among the states; its 2003-04 crops comprised 84% of the United States' total orange production. That season, the state produced 10.8 million short tons of fruit. The public consumes most Florida oranges as juice.

Among the states that have state fruit designations are Arkansas (South Arkansas vine ripe pink tomato), Georgia (peach), Idaho (huckleberry), New York (apple), North Carolina (scuppernong grape), Rhode Island (Rhode Island Greening Apple), Texas (Texas red grapefruit), Utah (cherry), and Washington (apple).

HB 99 designates the orange as the official fruit of Florida.

LAST ACTION: HOUSE Favorable by Agriculture; Now in State Administration Council

CS/HB 107 – Community Residential Homes (Lopez-Cantera) - This bill amends existing law to add to the required local government notification provisions applicable to an agency sponsoring a community residential home of six or fewer residents. The bill requires that prior to occupancy, such sponsoring agency provide the local government with the most recently published data identifying all community residential homes in the district in which the proposed site is located in order to show that no other community residential home with six or fewer residents is within a radius of 1,000 feet of the proposed home. The purpose of this change is to eliminate the clustering of community residential homes with six or fewer residents within a community.

Previously, the sponsoring agency or the Department of Children and Family Services was required only at the time of occupancy to notify local government that the home was licensed by the department. Now in addition to the “prior to occupancy” requirement addressed above, the licensing notification responsibility lies only with the sponsoring agency.

LAST ACTION: HOUSE Favorable by Growth Management; Now in Health Care Appropriations

HB 151 – Access to Health Care Act – Section 766.1115, Florida Statutes, entitled “The Access to Health Care Act,” was enacted in 1992 to encourage health care providers to provide free medical care to low-income persons. The act extends sovereign immunity to health care providers who execute a contract with a governmental contractor and who provide volunteer, uncompensated health care services to low-income individuals as an agent of the state. The Department of Health was authorized to administer the provisions of the act; as a result, the department established the Volunteer Health Care Provider Program.

The program operates in 55 of Florida’s 67 counties and uses local health care providers who volunteer their services free of charge. The various health care providers include, but are not limited to, physicians, nurses, dentists, free clinics, birth centers, health maintenance organizations, and hospitals.

Section 766.1115, Florida Statutes, defines low income as: 1) A person who is Medicaid-eligible under Florida law; 2) A person who is without health insurance and whose family income does not exceed 150 percent of the federal poverty level as defined annually by the federal Office of Management and Budget; or 3) Any client of the department who voluntarily chooses to participate in a program offered or approved by the department and meets the program eligibility guidelines of the department.

House Bill 151 expands the definition of low income from 150 percent to 200 percent of the federal poverty level, which will increase the number of persons potentially eligible for the program. The Department of Health program staff estimate that an additional 468,637 persons would qualify for the program. According to the Department of Health, however, the proposed revision in eligibility is not expected to significantly increase the number of clients participating statewide in the program because there is no expectation of a significant increase in the number health care providers donating services.

LAST ACTION: HOUSE Favorable by Health Care Regulation; Now in Fiscal Council

SB 208 – Child Care Facilities (Lynn) - Senate Bill 208 revises the requirements for applicants for child care facility licensure to provide that applicants must attest to the accuracy of the information provided regarding any previous denial, revocation, or suspension of a license or disciplinary action by signing an affidavit. The bill expands the licensure application and renewal process to include family day care homes and large family child care homes and authorizes the licensing agency to issue provisional registrations to family day care homes that are unable to conform to statutory requirements, as well as provisional licenses to child care facilities, family day care homes required to be licensed, and large family child care homes. The option of issuing a provisional license if the screening material has been timely submitted but has not been processed is specifically limited to child care facilities.

SB 208 (continued) - The licensing agency is explicitly authorized to revoke provisional licenses and registrations, and issuance of a provisional license or registration is limited to the initial license or registration or upon renewal of the license or registration.

Lastly, the bill expands the scope of disciplinary actions available to licensing authorities and requires DCF to establish and maintain a statewide data system for information relating to violations, citations, and penalties imposed against child care facilities, family day care homes, and large family child care homes.

LAST ACTION: SENATE Favorable by Community Affairs; Now in Health and Human Services Appropriation

CS/SB 246 – Child Safety (Hill) - The committee substitute requires that school districts, nonpublic schools and child care providers adopt policies by July 1, 2006 to ensure that students are only released to persons who are authorized to retrieve them. These policies must include a requirement that a person attempting to retrieve a student at a public school present one of three types of picture identifications to either the school principal or the principal’s designee before the student is released to the person. At the nonpublic schools, the policies must also include a requirement that a person attempting to retrieve a student present one of three types of picture identification to the appropriate school or child care official or his or her designee before the child is released to the person. “Picture identification” is defined as a valid state driver’s license, a valid state identification card, or a valid United States military identification card.

This committee substitute applies to persons retrieving students at:

- A public school;
- A non-public school exempt from child care licensure under s. 402.3025, F.S.;
- A child care facility licensed under s. 402.305, F.S.;
- A family day care home licensed under s. 402.313, F.S.;
- A family day care home licensed or registered under s. 402.3131, F.S.;
- A large family child care home licensed under s. 402.3131, F.S.;
- A private school as defined in s. 1002.01, F.S.; or
- A faith-based child care provider exempt from licensure under s. 402.316, F.S.

LAST ACTION: SENATE Read Second Time

SB 274 – Interstate Compact for Juveniles (Crist) - Part V of Chapter 985, F.S., (ss. 985.501- 985.507), contains the Interstate Compact on Juveniles. This compact provides for the movement of juveniles across state lines as follows:

- ✓ Transfer of supervision of delinquent juveniles on probation or parole from one state to another;
- ✓ Extradition of juveniles who have been adjudicated by the court and escaped or absconded to other states while under the court’s jurisdiction;
- ✓ Extradition of juveniles who have not yet been adjudicated delinquent but who have been “charged” as being delinquent; and
- ✓ Return of non-delinquent runaways to their home state when informal arrangements cannot be made between the holding facility and the runaway’s parent or guardian.
- ✓

Senate Bill 274 substantially amends s. 985.502, F.S., to revise and update the provisions of the current Interstate Compact on Juveniles, which provides for cooperation among states in supervising and returning juveniles who have run away or escaped from detention across state boundaries as follows:

- Establishes an independent compact administrative agency with the authority to administer ongoing compact activity, including a provision for full-time staff support (National Commission).

SB 274 continued

- Provides gubernatorial appointment of authorized voting representatives for all member states on a national governing commission, which meets at least annually to attend to general business, rule making, and enforcement procedures on behalf of the administrative body.
- Delegates rule making authority to the National Commission and makes provisions for sanctions to administer and enforce the operation of the compact.
- Provides a mandatory funding mechanism sufficient to support essential compact operations (staffing, data collection, and training/education).
- Provides for the collection of standardized information and information sharing systems.
- Provides for the coordination and cooperation with other interstate compacts which have “overlapping” jurisdiction (like the Interstate Compact on the Placement of Children and the Interstate Compact for Adult Offender Supervision).

According to the Council of State Governments (CSG) and the Office of Juvenile Justice and Delinquency Prevention (OJJDP), eleven states have passed legislation revising and updating the interstate compact and many more states, like Florida, are taking up the legislation for consideration. Once 35 states have passed the new compact language, it will go into effect. The CSG and the OJJDP estimate this to be in the spring or fall of 2006.

LAST ACTION: SENATE Favorable with 1 Amendment by Criminal Justice

SB 354 – Family Child Care Homes (Lynn) - Senate Bill 354 requires that all family day care homes be licensed, eliminating the option of registration for family day care homes. A deadline of July 1, 2006, is provided for existing registered family day care homes to become licensed. The term “family day care” is updated and changed to “family child care.” In addition, the minimum standards the Department of Children and Families (DCF) is authorized to establish for family day care homes under s. 402.313, F.S., is expanded to allow for the development of safety requirements. The provisions of this bill are contingent upon the allocation of funds sufficient to support the positions necessary to provide for the licensure of the additional family day care homes now registered.

LAST ACTION: SENATE Favorable with 1 Amendment by Community Affairs; Now in Health and Human Services Appropriations

CS/SB 434 – Disabilities/Service Animals (Governmental Oversight and Productivity) – CS/SB 434 updates the Florida Statutes to correspond to federal legislation by eliminating the terms “dog guide” and “service dog” and replacing them with the broader Federal definition of “service animals”. Further, the committee substitute creates definitions that are based on the Federal definitions for the terms: “direct threat,” “housing accommodation,” “individual with a disability,” “major life activities,” “mental impairment,” “physical impairment,” “place of public accommodation,” and “substantially limits. In addition, the committee substitute provides that an individual with a disability is entitled to full and equal access in all state and local government facilities, programs, services, and activities.

As provided in federal law, the committee substitute prohibits requiring documentation that a service animal is trained as a precondition for providing service to an individual accompanied by a service animal; however, a proprietor is authorized to ask if the animal is a service animal or what tasks the animal has been trained to perform in order to distinguish a service animal from a pet. An individual with a service animal may not be segregated from other customers or the public.

Idle Thoughts of a Retired Person

- I had amnesia once – – or twice.

-
- I used to be indecisive. Now I'm not sure.

SB 434 (continued) - A proprietor may not charge a deposit or surcharge as a condition of providing access to an individual accompanied by a service animal. However, if it is the regular policy of the proprietor to charge a nondisabled person for damage caused by their pet, the individual with a disability must also pay for any damage caused by their service animal.

The provision allows a proprietor or government employee to exclude or remove a service animal from the premises if the animal's behavior poses a direct threat to the health and safety of others. Allergies and fear of animals are not permissible bases for exclusion under the committee substitute.

In addition, the committee substitute amends subsection (5) of s. 413.08, F.S., which is renumbered as subsection (13), with an increase in the penalty for discriminating against an individual with a disability when providing housing accommodations. For the first offense, the penalty remains a second degree misdemeanor but subsequent offenses are raised to a first degree misdemeanor.

LAST ACTION: SENATE Favorable with CS by Commerce and Consumer Services; Placed on Calendar, on second reading

SB 498 – Immigrant Children/Residency Status (Margolis & Wilson) – Most issues relating to immigrants are controlled by federal law. Under federal immigration law, a person who is not a citizen of this country is termed an “alien.” Aliens may either be lawful permanent residents or may be undocumented. Lawful permanent residents are identified by green cards. Without a green card, aliens are subject to deportation, are unable to work in recognized occupations, and are ineligible for other benefits.¹

The Special Immigrant Juvenile Status (SIJS) law is a federal statute that allows undocumented aliens who are children under the jurisdiction of the state juvenile court to become lawful permanent residents. It is only available to a child who is under the jurisdiction of a state juvenile court and who has been deemed eligible for long-term foster care by that state juvenile court.

SB 498 enhances the ability of undocumented, alien children who are abused, neglected, or abandoned to receive the classification of Special Immigrant Juvenile Status (SIJS) and become lawful, permanent residents.

This bill defines the term “eligible for long-term foster care” as a situation in which reunification with parents is not an appropriate permanent solution for the child. “May be eligible for special immigrant juvenile status under federal law” indicates that the child has been found dependent based on abuse, neglect, or abandonment allegations; the child is eligible for long-term foster care; it is in the child's best interest to stay in the U.S.; and the child remains under juvenile court jurisdiction. These provisions help eliminate confusion as to the required elements of the petition to the court regarding undocumented alien dependent children.

This bill requires DCF or community-based care providers to identify whether children who are adjudicated dependent are citizens of the United States no later than the first judicial review and to keep the court apprised of efforts to address the child's citizenship status. Where abuse, neglect, or abandonment allegations have been made, this bill requires services to be provided regardless of the child's citizenship, unless statutorily precluded for specific services. If the child is not a citizen, DCF or the community-based care provider is required to include in the child's case plan a recommendation as to whether the permanency plan for the child will include remaining in this country.

Gems of Steven Wright . . .

“Borrow money from pessimists – they don't expect it back.”

“42.7% of all statistics are made up on the spot.”

Bills Heard this Week continued

SB 498 (continued) - This bill requires that, if the plan includes the child remaining in this country, DCF or the community-based care provider evaluate whether, under federal law, the child may be eligible for SIJS. However, the determination as to whether an order supporting an application for this status is granted remains in the discretion of the court, which must consider the best interests of the child, a component of which is the express wishes of the child when possible.

The bill directs DCF or the community-based care provider to file a petition requesting SIJS and an application for adjustment of status to lawful permanent residency within 60 days after an order supporting such a petition and application is granted, using either its own, contracted, or volunteer attorneys.

If the petition and application have been filed but have not been granted by the time the child reaches 18 years of age, the court is authorized to retain jurisdiction solely to permit continued consideration of the petition by federal authorities. This expanded jurisdiction expires no later than the child's 22nd birthday.

LAST ACTION: SENATE Favorable by Judiciary; Now in Health and Human Services Appropriations

SB 752 – Ms. Willie Ann Glenn Act (Wise) - The bill creates the "Ms. Willie Ann Glenn Act, and provides that each district school board shall develop a plan by May 1, 2006, to sponsor a summer nutrition program beginning the summer of 2006 to operate sites in the school district within 5 miles of at least one elementary school at which 50 percent or more of the students are eligible for free or reduced-price school meals and for 40 consecutive days; and within 10 miles of each elementary school at which 50 percent or more of the students are eligible for free or reduced-price school meals. A district school board can exempt itself from the above requirements by including the issue on an agenda at a regular or special district school board meeting that is publicly noticed, providing residents an opportunity to participate in the discussion, and voting on whether to be exempt. This process would have to take place every year.

The bill also provides that the superintendent of schools may collaborate with municipal and county governmental agencies and private, not-for-profit leaders in implementing the plan.

LAST ACTION: SENATE Favorable by Education; Now in Children & Families

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