

Legislative Link

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

WHAT'S INSIDE:

Page
Bills Heard This Week.....2



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Florida – 43rd in Child Homelessness

The National Center on Family Homelessness released a study this week concluding that one of every 50 American children experiences homelessness. In 2005-2006, the study estimates that 1.5 million children experienced homelessness at least once in the United States. Florida, which has 49,886 homeless children on record, ranked 43rd among the 50 states in the number of homeless children within its borders.

Louisiana, following Hurricane Katrina, ranked 50th, followed by Texas and California.

As is well known and documented in the report, homeless children are far more likely than other children to experience hunger, suffer chronic health problems, repeat a grade in school and drop out of high school.

TABOR Passes Committee

This week, the Senate Community Affairs Committee passed Senate Joint Resolution 1906 (SJR 1906), commonly known as the Taxpayers Bill of Rights (TABOR). Given the negative connotations “TABOR” as accrued over the last year in Florida, the sponsor of the bill is calling it the “Smart Cap” bill. Basically, it would place on the 2010 ballot a constitutional amendment that would prohibit state and local revenues from increasing at a faster rate than population growth plus inflation. Colorado has had a Tabor in place for several years and it has been disastrous for human services, education and other state funding. At the Committee hearing, numerous groups stood to oppose the measure, while the Florida Association of Realtors and the National Federation of Independent Businesses were the only groups to voice their support.

The day after the hearing, CFO Alex Sink weighed in, agreeing with opponents that TABOR would lower the state's credit ratings and limit the ability of municipalities to effectively govern. "With the economic uncertainty of today, state and local governments need more flexibility – not less as TABOR would create – to adequately provide essential services and safeguard Florida's citizens, especially if a major hurricane were to hit our state" said Sink.

IMPRISONING THE MENTALLY ILL

There are an estimated 600,000 Floridians with mental illness, and the number of Floridians with mental illness in prison has grown 145 percent to 17,000 in the past 10 years, according to testimony this week in the Florida Senate.

This information - which is reiterated year after year as Florida's system for serving the mental ill sinks deeper into deficit - was elicited during testimony on SB 2018 by Senator Mike Fasano which calls for significantly increased

community mental health services. The bill would rechannel existing resources to community-based programs designed to provide more effective treatment for mentally ill people who commit relatively minor crimes -- not just stabilize them for court appearances.

The bill comes on the heels of a National Alliance for the Mentally Ill "Grading the States 2009" report that gave the Florida a "D" for its current mental health system, down from a "C" in 2006.

According to the report, Florida ranks 49th among states, ahead only of Arizona, in the number of state and community psychiatric beds per 1,000 adults with serious mental illness, while state programs to cover the uninsured often exclude mental-health and substance-abuse treatment.

According to projections, Florida will have to spend an estimated \$3.6 billion to build new prisons if the number of people with mental illness behind bars keeps growing as fast as it has.

MANPOWER STUDY BLEAK

This week, Manpower Inc. released a report on strength of the job markets in cities throughout the country. Unfortunately, several Florida cities are at the top of the "weakest" list.

Cape Coral-Fort Myers ranks No. 1 on a list of the weakest areas in the country for job prospects from April to June, sharing honors with San Juan, Puerto Rico, the only metropolitan statistical area outside the U.S. that's included in the national survey.

Other Florida areas that made the list of weakest job markets are: Port St. Lucie and Miami-Fort Lauderdale-Pompano Beach shared the No. 2 spot; Naples-Marco Island at third; Tallahassee tied at No. 4; and Ocala at fifth.

The complete results of the latest Manpower survey can be found at <http://www.us.manpower.com/meos>

BILLS HEARD THIS WEEK

(Some information below is excerpted from legislative staff analysis)

HB 157 - Service Learning in the Public School System (Kriseman and others)

HB 157 encourages service-learning programs and activities in K-12 classes. Service learning is a student-centered, research-based teaching and learning strategy that engages students in meaningful service activities in their schools and communities. Service-learning activities are directly tied to academic curricula and foster academic achievement, character development, civic engagement, and career exploration.

The bill requires the Florida Department of Education (DOE) to:

- Encourage school districts to initiate, adopt, expand, and institutionalize service-learning programs, activities, and policies in K-12.
- Provide assistance to any school district electing to implement service-learning programs, activities, or policies.
- Develop and adopt elective service-learning courses for middle and high school course code directories.

School districts are encouraged to:

- Include K-12 service-learning programs and activities in proposals submitted to the DOE under federal entitlement grants and competitive state and federal grants.

Bill Heard This Week Continued

- Provide support for the use of service learning as an instructional strategy to address appropriate areas of state education standards for student knowledge and performance.
- Include service learning as part of any course or activity required for high school graduation. Accept service-learning activities and hours in requirements for academic awards.

The hours that high school students devote to course-based service-learning activities may count toward high school graduation and the Florida Bright Futures Scholarship Program community service requirements.

Last Action: 03/10/09 HOUSE Favorable by PreK-12 Policy Committee

HB 173 - Juvenile Justice (Adams and other

The bill amends several statutes relating to the detention of juveniles. Among others, the bill:

- Permits the court to retain jurisdiction over a child beyond the age of 18, and the child's parents or guardians, until all fees, costs, and costs associated with court-appointed counsel have been satisfied.
- Permits a child to be taken into custody for violating the conditions of preadjudicatory release set by the court.
- Permits the detention of a child that absconds from home or nonsecure detention care or otherwise violates the terms of release while awaiting placement in a residential facility, or commits a new law violation, or that intentionally fails to appear for trial otherwise violated the terms of postadjudication release.
- Requires that a child be placed in secure detention care upon intake if alleged to have absconded from home or nonsecure detention or otherwise violated the terms of postadjudication release.
- Provides that the pre and postadjudication time limits for holding a child in detention care do not apply to a child held in secure detention for absconding from home or nonsecure detention, committing a new law violation, or otherwise violating the terms of release after adjudication while awaiting placement in a residential facility; escaping or absconding from certain residential, probation or other programs; being charged with certain acts specified in current law; or intentionally failing to make a court appearance.
- Provides counties with the option to levy a mandatory court cost of up to \$50 to fund local juvenile crime initiatives.

Last Action: 03/10/09 HOUSE Favorable with CS by Criminal & Civil Justice Policy Council

CS/HB185 - Healthy Kids Corporation (Health Care Regulation Policy committee and Hudson and others)

The Florida Healthy Kids Corporation ("Corporation"), under contract with the Agency for Health Care Administration, performs administrative functions for the overall Florida KidCare program and administers the SCHIP HealthyKids program. The Corporation handles eligibility determination, premium billing and collection, refunds, and customer service for KidCare, except for the large Medicaid component, which is administered by the Agency and the Department of Children and Families.

Among others, the bill increases the Florida Healthy Kids Corporation board of directors from 11 to 12 members. The member would be appointed by the Governor from three candidates nominated by the Florida Dental Association.

Last Action: 03/10/09 HOUSE Favorable by Insurance, Business & Financial Affairs Policy Committee

SB 242 - Autism Spectrum Disorder Screening/Minors (Senator Ring)

Senate Bill 242 provides that a physician is required to refer a minor to an appropriate specialist to be screened for autism spectrum disorder under specific circumstances. The bill defines the term "appropriate specialist" and "neuropsychologist."

Last Action: 03/11/09 SENATE Favorable with 1 amendment by Children, Families, and Elder Affairs;

SB 260 - Alzheimer's disease (Senator Wise)

SB 260 requires the Department of Elder Affairs (DOEA or "the department") to establish a program to educate the public with respect to screening for memory impairment. The department is required to submit an annual report concerning these activities.

The bill authorizes DOEA to award grants in support of programs which provide both information about memory screening and memory screening services. The bill establishes criteria for selecting grant recipients and requires that the department give preference to entities meeting certain requirements. Each grantee must submit an evaluation of its activities to DOEA.

Last Action: 03/11/09 SENATE Favorable with CS by Children, Families, and Elder Affairs

SJR 314 - Basic Rights (Senator Sobel and others)

Senate Joint Resolution 314 proposes an amendment to the Florida Constitution to delete provisions authorizing the Legislature to regulate or prohibit the ownership, inheritance, disposition, and possession of real property by aliens ineligible for citizenship.

Last Action: 03/11/09 SENATE Favorable by Military Affairs and Domestic Security Committee

SB 344 - Safety Belt Law (Senators Rich, Oelrich, and Others)

SB 344, cited as the "Dori Slosberg and Katie Marchetti Safety Belt Law," amends the "Florida Safety Belt Law" to provide for primary enforcement of the safety belt law for operators and front seat passengers. Section 316.614, F.S., currently provides for primary enforcement of the safety belt law for all passengers under the age of 18 years and secondary enforcement of the safety belt law for operators and front seat passengers over 18 years of age. SB 344 would allow enforcement officers to stop motorists solely for not using their safety belts. A person violating this section would be cited for a nonmoving violation, punishable by a \$30 fine.

Last Action: 03/10/09 SENATE Favorable with CS by Transportation Committee

SB 348 - Medicaid Buy-in for Persons with Disabilities (Senator Crist)

SB 348 establishes new Medicaid "buy-in" coverage for working disabled individuals aged 16 through 64 who would be eligible for Supplemental Security Income (SSI) if earnings equal to 250 percent of the Federal Poverty Level (FPL) were disregarded, and unearned income did not exceed 88 percent of the FPL. A participant in the Medicaid buy-in program must be charged a premium based on a sliding scale once the participant's earned income exceeds 100 percent of the FPL. Assets excluded, in addition to SSI, are: cash assets in the amount of \$10,000 for a single individual and \$15,000 for a couple; any retirement account recognized by the Internal Revenue Service; and, a second vehicle for a couple.

The bill also requires the Agency for Health Care Administration (AHCA) to seek amendments to existing Medicaid waiver coverage groups that would allow those who are eligible under the Medicaid

Bill Heard This Week Continued

buy-in program to be eligible to receive services provided under Medicaid waivers serving persons with disabilities.

Last Action: 03/11/09 SENATE Favorable with 1 Amendment by Health Regulation Committee

HB 381 - Care of Children (Thompson)

This bill makes a number of changes to chapter 39, Florida Statutes, relating to grandparents and other relatives caring for children. This bill provides, in part, the following:

- The Florida Department of Children and Families' (Department's) quality assurance program must analyze unaccepted reports to the abuse hotline by identified relatives as part of its review of screened out hotline calls;
- A relative may request to receive notification of all proceedings and hearings related to a child and the attorney for the Department must provide such notification to a relative who requests it;
- Authority to develop liaison functions under the relative caregiver program for relatives who care for children;
- Physicians and mental health professionals engaged in the care or treatment of a child may have access to reports and records in cases of child abuse or neglect and specified medical records must be preserved in permanent form by the Department; and
- A reporter of abuse, abandonment or neglect must be provided with the name and other contact information of the protective investigator.

Last Action: 03/06/09 HOUSE Favorable by Civil Justice & Courts Policy Committee

HB 597 - Homelessness (Reed)

HB 597 makes revisions to multiple sections and creates new sections of the Florida Statutes relating to homelessness including, but not limited to, the following:

- Authorizes the collection of voluntary contributions in the amount of \$1 to be added to the issuance and renewal of motor vehicle registrations and drivers licenses to aid the homeless;
- Replaces the existing Emergency Financial Assistance for Housing program with a homeless prevention grant program to be administered by local homeless continuums of care to provide emergency financial assistance to families facing the loss of their current home due to financial or other crises;
- Defines the phrase "children and youths who are experiencing homelessness" to mirror the federal McKinney-Vento definition;
- Amends the current definition of the term "homeless" to include changes in the proposed federal HEARTH Act;
- Encourages local coalitions for the homeless to adopt the Housing First approach to ending homelessness;
- Encourages the Department of Children and Family Services (DCF or department) and the community-based care lead agencies (CBCs) to develop and implement procedures to reduce the number of young adults who become homeless after leaving the child welfare system;
- Extends the 30 day temporary extension allowed for the documentation of age, health examinations, and immunizations required for school admission for youth in foster care.

Last Action: 03/10/09 HOUSE Favorable by Health Care Services Policy Committee

SB 666 - Senior Services/Independent Special Districts (Senator Rich)

SB 666 would authorize each county, by ordinance, to create an independent special district to provide county wide funding for senior services. The boundaries of each district must be coterminous with the

Bill Heard This Week Continued

boundaries of the county. "Senior" means a person who is at least 60 years of age.

Upon adoption of the ordinance creating the district, the levy of ad valorem taxes at a rate not to exceed 0.5 mills of assessed valuation of all properties subject to ad valorem taxes within the county, which will be used to fund the district, must be placed on the ballot by the governing body of the county enacting the ordinance, and shall take effect if approved by a majority of the electors of the county voting in a referendum held for such purpose.

The district could be dissolved by a special act of the legislature, or the county governing body may, by ordinance, dissolve the district subject to approval by a majority of the electors voting in the county voting on the issue.

The district would be governed by a 10 member council including: the executive director of the Area Agency on Aging or designee; the county director of social services or a designee; the director of the adult services program at the department of Children and Family Services, or a designee; two members appointed by a majority of the county governing body; and four members appointed by the Governor.

Among others, the council would be responsible for identifying and assessing the needs of seniors within the county and providing a written report describing the activities, services and opportunities that would be provided to seniors, the manner in which seniors would be served, the anticipated schedule for providing those services, the manner in which the council would seek and obtain funding for unmet needs, and the strategy for inner-agency coordination in order to maximize existing human and fiscal resources.

Last Action: 03/10/09 SENATE Favorable with 1 Amendment by Community Affairs Committee

HB 745 - Prepaid Services for Parents of Children with Developmental Disabilities (Ford)

This bill establishes a study group to determine the feasibility of creating a prepaid service plan for children with disabilities modeled after the Florida Prepaid College Plan. The prepaid service plan would allow funds to be paid into a fund on behalf of a child and would be used for vouchers for services to help the child to transition into the workforce. In addition, the bill:

- Specifies membership of the study group
- Provides that administrative support for the study group will be provided by APD; and
- Requires the study group to submit a final report to the legislature no later than January 29, 2010 and that the study group will be abolished upon submission of the final report.

The final report will address services for which a voucher could be used, financial requirements, qualifications of service providers and steps necessary to qualify this plan for a federal waiver program that would allow for federal financial participation

Last Action: 03/10/09 HOUSE Favorable with CS by Health Care Services Policy Committee

HB 767 - Mental Health and Substance Abuse Services (Fitzgerald and others)

This bill creates Chapter 394.4996, Florida Statutes, for an integrated adult mental health crisis stabilization and addictions receiving facility program in the Department of Children and Families (DCF).

Last Action: 03/10/09 HOUSE Favorable by Health Care Services Policy Committee

SB 1132 - Credit Counseling Services (Senator Fasano)

Credit counseling agencies or credit counseling organizations (CCOs) were initially established to assist consumers in financial difficulty to gain control of their personal finances, repay their credit card debts,

Bill Heard This Week Continued

and avoid bankruptcy. However, some unscrupulous credit counseling agencies are deceptively marketing their services (i.e., promising the cancellation of debts for pennies on the dollar) or charging egregious fees for debt negotiation services that will never be provided to the consumer. According to the Department of Legal Affairs, the number of consumer complaints related to credit counseling agencies has increased over 200 percent during the last two calendar years.

SB 1132 provides the following additional protections for consumers that engage the services of CCOs:

- Requires CCOs to register and renew annually with the Office of Financial Regulation and meet registration requirements. Currently, Florida does not require licensure or registration of credit counseling organizations.
- Establishes additional prohibited acts for credit counseling organizations, including the receipt of fees prior to the execution of a written contract and the use of false or misleading representations in connection with the offer or sale of the services of the CCO.
- Requires CCOs to maintain a \$100,000 surety bond for the benefit of any consumer who suffers any loss due to any violation of part IV of ch. 817, F.S.
- Specifies disclosures related to the services to be performed that must be included in a CCO's written service contract with the consumer, including the right to cancel within 5 business days after the contract is signed.

Last Action: 03/10/09 SENATE Favorable with CS by Banking and Insurance Committee

SB 1278 - Children with Disabilities/Prepaid Service Plan (Senator Altman)

Senate Bill 1278 establishes a study group to evaluate the use of a prepaid system to be used to obtain services for children with disabilities upon the child's exit from an exceptional student program.

Last Action: 03/11/09 SENATE Favorable with 2 Amendments by Children, Families, and Elder Affairs

SB 1540 - Zero Tolerance Policies/Schools (Senator Wise)

SB 1540 requires district school boards to revise their zero-tolerance policies to:

- Define petty misconduct and offenses that pose a serious threat to school safety;
- Prohibit the reporting of petty misconduct and certain misdemeanors to a law enforcement agency;
- Provide for an appeal of any disciplinary action taken against a student; and
- Consider the individual student and the circumstances surrounding his or her misbehavior in any disciplinary or prosecutorial action.

The bill also requires cooperative agreements to specify guidelines for offenses that pose a serious threat to school safety and reporting them to law enforcement.

Last Action: 03/05/09 SENATE Favorable with CS by Education Pre-K - 12 Committee

SJR 1906 - TABOR (Senator Haridopolos)

On Tuesday, the Senate Community Affairs Committee considered Senate Joint Resolution 1906, by Senator Haridopolos. Commonly referred to as a Taxpayers Bill of Rights (TABOR), the resolution proposes an amendment to the state constitution that would appear on the 2010 ballot and that would, among others:

- Create state and local government revenue limits.
- Limit property tax revenues based on changes in local growth and school enrollment changes.
- Authorize voters to permit collection of revenues in excess of the limits by simple majority vote

Bill Heard This Week Continued

- Authorize the Legislature and the local government governing bodies to approve emergency taxes by a supermajority vote, and
- Prohibit state and local governments from imposing new taxes, fees, assessments, or charges for services without first obtaining approval by a supermajority vote of electors voting on the issue.

This joint resolution must be approved by a three-fifths vote of the membership of each house of the Legislature.

In 1994, Florida voters approved an amendment to the State Constitution to limit state revenue collections to the prior year's allowed revenue plus an adjustment for growth based on the growth rate of state personal income over the preceding five years, excess collections are to be deposited in the budget stabilization fund. This joint resolution creates a new section to Art. VII of the State Constitution would limit state and local government revenue growth to amount equal to government revenues collected in the 2010-2011 fiscal year multiplied for each fiscal year by the combined rate of inflation and rate of population change.

This joint resolution has not been heard by the Revenue Estimating Conference and the full impact of the provisions in the resolution on state and local government are unknown at this time.

Last Action: 03/10/09 SENATE Favorable with 3 Amendments by Community Affairs Committee

SB 1980 - Reorganization of the Department of Children and Families (Senator Storms)

The Department of Children and Families, pursuant to authorization granted by the Legislature a couple of years ago, plans, administers, and delivers most of its services to target groups through offices in six regions and 20 circuits aligned to match the state's 20 judicial circuits. SB 1980 allows the Department to maintain the structure it has implemented pursuant to that reorganization authority.

The bill also makes permissive, rather than mandatory, the establishment of community alliances in each county, and allows the Secretary of the department to establish statewide advisory groups.

Last Action: 03/11/09 SENATE Favorable with CS by Children, Families, and Elder Affairs



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