

Legislative Link

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

SCALED BACK BUDGETS PASS HOUSE AND SENATE

With three weeks remaining in session, the House and Senate each passed their proposed 2008-2009 state budgets this week. As such, they are poised to pass the only bill they are constitutionally required to pass during session - next year's budget - on time. This being an election year, legislators certainly do not want to stay in Tallahassee any longer than they must.

Both the Senate's \$65.9 billion budget and the House's \$65.1 billion budget cut well over a billion dollars out of education and human services. As the reality of the pain and suffering those cuts will have for hundreds of thousands of people and the negative impact they will have on the quality of life in Florida are brought into focus, there appears to be growing sentiment that efforts should be engaged to encourage Governor Crist to veto the final budget that is passed, in the likely event that it contains similar cuts.

Democrats have been clambering more and more for the chambers to consider passing new tobacco taxes, eliminating loopholes in the corporate income tax, and eliminating some sales tax exemptions. In a surprise move this week, Representative Ron Saunders proposed during budget sessions on the House floor that sales tax rebates to pro sports teams to pay for stadium upgrades be suspended for a year. Surprisingly, the motion passed on an unrecorded voice vote, reflecting that lawmakers did not want to go on record as supporting tax breaks for sports teams during one of the worst budget years in history. There is no similar provision in the Senate bill, and professional sports teams around the state will be lobbying energetically to make sure the provision is not included in the final budget.

On the other side of the Capitol in the Senate, a small group of Republican legislators attempted to divert \$90 million from a \$641 million deal the state has with CSX to bring commuter rail to Orlando. The \$90 million would have been used to infuse additional funding into healthcare, the courts, and schools, but Senate leaders, stating that the enterprise will generate \$1 billion during its first 18 months in operation, killed the proposal. In an attempt to stimulate the economy, the Senate budget also maintains road building as a priority and does not "sweep" any transportation trust funds into general revenue to lessen the cuts to education and human services. On the other hand, the House budget "sweeps" \$432 million from the transportation trust fund to lessen those cuts.

In most years, intrigue builds as jockeying by lobbyists and legislators to get their particular issues funded goes into high gear and funding is adjusted to accommodate various issues. However, because the proposed cuts this year are so deep and so pervasive - impacting virtually every area of government services - the pressure will again become intense, but the likelihood of success in significantly diminishing cuts to human services is minimal: hence the growing discussions regarding a possible veto.

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BILLS HEARD THIS WEEK

(Some information below is excerpted from legislative staff analysis)

HB 19 Coverage for Mental, Nervous, and Substance-related Disorders (Homan and others)

CS/HB 19 Under group policies or contracts, inpatient hospital benefits, partial hospitalizations benefits, and outpatient benefits consisting of durational limits, dollar amounts, deductibles, and coinsurance factors shall not be less favorable than for physical illness generally for the necessary care and treatment of schizophrenia, schizo-affective disorders, major depression, bipolar disorders, panic disorders, generalized anxiety disorders, post traumatic stress disorders, substance abuse disorders, eating disorders, delirium, dementia, childhood ADD/ADHD, developmental disorders, borderline personality disorder, and mental disorder due to a medical condition.

Last Action: 04/08/08 HOUSE Favorable with CS by Healthcare Council; 18 Yeas, 0 Nays

HB 35 Social Worker Identification (Richardson and others)

HB 35 amends the Clinical, Counseling and Psychotherapy Services Act (chapter 491, Florida Statutes) to create the definition of "social worker" to mean a person who has a bachelor's, master's or doctoral degree in social work. The bill provides title protection for social workers and provides that it is a misdemeanor of the first degree for persons to hold themselves out to the public, for or without compensation, as a social worker.

Last Action: 04/08/08 HOUSE Favorable by Healthcare Council; 17 Yeas, 0 Nays

CS/SB 370 Personal Care Attendant Program (Wise)

Committee Substitute for Senate Bill 370 amends the existing personal care attendant program for individuals who are disabled as the result of a traumatic spinal cord injury and expands participant eligibility to persons who have severe and chronic disabilities of all kinds. The bill also names the program the James Patrick Memorial Work Incentive Personal Attendant Services Program.

Last Action: 04/08/08 SENATE Favorable with CS by Health and Human Services Appropriations; 3 Yeas, 0 Nays; Committee Substitute (C2) Filed; Placed on Calendar, on second reading; Placed on Special Order Calendar for 04/10/08

SB 790 School Safety/Bullying and Harassment (Baker)

This bill prohibits acts of bullying and harassment of any public K-12 student or employee, and requires school districts to adopt policies to protect students and school employees from the physical and psychological harm of bullying and harassment. The adopted policy must afford all students the same protection regardless of their status. However, a school district may establish separate antidiscrimination policies that address categories of students.

Last Action: 04/08/08 SENATE Favorable with CS by Criminal Justice; 7 Yeas, 0 Nays

HB 793 Transitional Services for Young Adults with Disabilities (Davis)

CS/HB 793 requires that the Department of Health shall create a statewide Health Care Transition Services Task Force for Youth and Young Adults with Disabilities. It is the intent of the Legislature that the task force assess the need for health care transition services for youth and young adults with disabilities, develop strategies to ensure successful transition from the pediatric to the adult health care system, and identify existing and potential funding sources.

The task force shall:

- Convene by August 31, 2008.
- Obtain input from key stakeholders, community
- Develop a statewide plan to promote the development of health care transition services.

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- Identify common or comparable performance measures for all entities that serve the needs for health care transition services of youth and young adults who have chronic special health care needs or disabilities.
- Collect and disseminate information concerning best practices in health care transition services for youth and young adults who have chronic special health care need or disabilities.

The bill also creates the Don Davis Health and Transition Services Program of Jacksonville in the Children's Medical Services Network within the Department of Health to assist youth and young adults who have special health care needs or who are developmentally disabled transition from the children's health care and educational system to the adult health care system and to employment. This program is authorized to serve persons age 14 to 26 who have chronic special health care needs or developmental disabilities and who reside in Baker, Clay, Duval, Nassau, and St. Johns Counties.

Last Action: 04/08/08 HOUSE Favorable with CS by Healthcare Council; 17 Yeas, 0 Nays

CS/SB 886 Toxic substances in children's products (Commerce Committee and Justice and Lynn)

The bill creates a new section of the Florida Statutes that provides that a person may not use or apply a toxic substance (a substance containing lead or a lead coating as specified in the bill) in or on any toy or child care article in Florida and further provides that a person may not manufacture, sell, offer for sale, or distribute a toy or child care article in Florida which contains a toxic substance. There is an exception for the sale of a collectible toy that is not marketed to or intended to be used by a minor.

Last Action: 04/08/08 SENATE Favorable by Criminal Justice; 7 Yeas, 0 Nays; Now in Judiciary

PCS/SB 888 The Florida Kidcare Program (Health Policy Committee Dawson)

The bill renames the Children's Medical Services program within the Department of Health (DOH) as the Children's Health program and requires it to consolidate and coordinate Florida Kidcare child health policy, develop pediatric benefit packages, develop budget and federal and state legislative issues, and develop pediatric quality assurance and access standards.

The bill clarifies and adds definitions relating to the Florida Kidcare Program; requires that the program components be marketed collectively as the Florida Kidcare program; specifies that the Agency for Health Care Administration (AHCA or agency) shall assign Medikids applicants to the same managed care plan or to the same MediPass provider to which other family members are assigned; extends eligibility for reasons of good cause for voluntary cancellation of employer-sponsored health coverage; changes the 10 percent limit on full-pay enrollees in Medikids and Florida Healthy Kids to 25 percent under certain circumstances; requires health plans and other providers to be notified of their members losing Medicaid or Medikids eligibility so they may assist them in maintaining continuous coverage in the Florida Kidcare Program; requires eligibility information to be electronically verified to the extent possible; redefines the benchmark benefit package for the program; transfers and consolidates rule making and policy development for many aspects of the Florida Kidcare program to the DOH effective July 1, 2009, and corporation to establish an assignment process that keeps enrollees in the Florida Healthy Kids program with family members assigned to the same managed care plans, to the greatest extent possible, even if some family members are enrolled in a Medicaid managed care plan and others are enrolled in a plan under the program.

Last Action: 04/08/08 SENATE Favorable with CS by Health Policy; 6 Yeas, 0 Nays

CS/SB 988 Transitional Services for Young Adults with Disabilities (Health Policy Committee and Wise)

Committee Substitute for Senate Bill 988 establishes the Health Care Transition Services Task Force for Young Adults with Disabilities. The bill directs the Department of Health (DOH or the department) to

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create this statewide task force. The task force is to be composed of 14 individuals with expertise in youth transitional needs.

The task force must convene by August 31, 2008, to obtain input from key stakeholders and youth who have chronic special health care needs and disabilities and to develop a statewide plan to:

- Promote the development of health care transition services;
- Identify common or comparable performance measures for the program;
- Collect and disseminate information concerning best practices in health care transition services; and
- Identify existing and potential funding sources.

The task force shall present a final report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2009.

Last Action: 04/08/08 SENATE Favorable by Children, Families, and Elder Affairs; 7 Yeas, 0 Nays

CS/CS/SB 1048 Child Protection (Judiciary Committee, Children, Families, and Elder Affairs Committee, Children, Families, and Elder Affairs Committee, and Lynn)

This bill amends and creates several sections of law involving children and families to enhance child protection by:

- Giving the Department of Children and Families (the department) authority to adopt administrative rules relating to children who become missing while they are involved with the department;
- Clarifying that it is the responsibility of the department and its contracted providers to make reasonable efforts to locate a child whose whereabouts become unknown and to report the child as missing;
- Requiring law enforcement agencies to accept reports of missing children from the department or its contracted providers, as well as from the parent or guardian of the child;
- Making it unlawful to knowingly and willfully remove a minor from the state or conceal the location of a minor, after receiving constructive or actual notice of a pending dependency proceeding or abuse investigation involving the minor;
- Providing that if a court finds that termination of parental rights is in the best interest of a child, it is also the least restrictive means of protecting the child;
- Providing exceptions to the requirement that all child protective investigations be closed within 60 days;
- Requiring that notice of proceedings be given to foster and preadoptive parents.

Last Action: 04/08/08 SENATE Favorable with CS by Health and Human Services Appropriations; 3 Yeas, 0 Nays

SB 1280 Criminal Conduct (Aronberg and Storms)

Senate Bill 1280 amends the criminal child abuse statute, s. 827.03, F.S., providing that the term “mental injury” as used in the section has the same meaning as in s. 39.01, F.S., and providing that an act does not violate the section if it is protected by the First Amendment.

Provides that in a criminal child abuse case, “mental injury” means multiple instances of injury by the same abuser to the intellectual or psychological capacity of a child, as evidenced by discernible and substantial impairment and supported by the testimony of an expert licensed pursuant to ch. 458, F.S., governing medical practice, or ch. 459, F.S., governing osteopathic medicine.

Last Action: 04/08/08 SENATE Not considered by Criminal Justice

CS/HB 1429 Substance Abuse and Mental Health Services (Gardiner)

CS/HB 1429 provides that the department may work through a managing entity to develop service delivery strategies to improve the coordination, integration, and management of the delivery of behavioral health services to people with mental or substance use disorders. It is the intent of the Legislature that a well-managed service delivery system will increase access for those in need of care, improve the coordination and continuity of care for vulnerable and high-risk populations, and redirect service dollars from restrictive care settings to community-based recovery services.

The managing entity shall be accountable, at a minimum, for the operational oversight of the delivery of behavioral health services funded by the department and for the collection and submission of the required data pertaining to these contracted services. A managing entity shall serve a geographic area designated by the department.

Last Action: 04/08/08 HOUSE Favorable with CS by Healthcare Council; 15 Yeas, 0 Nays

CS/SB 1458 School food service programs (Committee on Education Pre-K – 12; Wise, Gaetz, and Fasano)

Committee Substitute for Senate Bill 1458 encourages the expansion of school district breakfast programs to middle and high schools by the beginning of the 2008-2009 school year and encourages schools, in which 80 percent or more of the students are eligible for free or reduced-price meals, to provide universal free school breakfasts.

The bill encourages the Department of Education (DOE) to develop, in collaboration with the Department of Agriculture and school breakfast foundations, a cost-effective incentive model to expand student participation, and requires that information regarding the breakfast program be communicated to students and parents through school announcements and written notices.

Last Action: 04/08/08 SENATE Favorable with 1 Amendment by Children, Families, and Elder Affairs; 6 Yeas, 1 Nay

SB 1508 Medicaid Managed Care Program (Saunders)

This bill modifies the mandatory managed care assignment process for Medicaid recipients who do not choose a managed care plan or MediPass provider upon eligibility determination. The bill requires the Agency for Health Care Administration (AHCA), when assigning a recipient who does not make a choice, to take into account:

- How a managed care plan maintains, rather than whether it has, sufficient network capacity to meet the needs of members and the managed care plan's performance and compliance with the network adequacy requirements (which the AHCA must validate on an annual basis);
- Whether a managed care plan has sufficient network capacity to meet the urgent, emergency, acute, and chronic needs of its members and has consistently maintained compliance with the network adequacy requirements over the previous 12-month period; and
- The quality of service and the performance of managed care plans.

The bill requires the AHCA to establish quality-of-care and network adequacy standards for managed care plans, which it must monitor quarterly and evaluate annually, and specifies the criteria upon which these standards shall be based. If the managed care plan does not meet these network adequacy or quality standards, the AHCA may not continue to assign recipients to the plan as part of the mandatory assignment process.

Last Action: 04/08/08 SENATE Favorable with 2 Amendments by Health Regulation; 6 Yeas, 1 Nay

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CS/CS/SB 1670 Early Learning (Children, Families and Elder Affairs Committee, Education Pre-K Committee and Gaetz)

Committee Substitute for Committee Substitute for Senate Bill 1670, the “Success in Early Learning Act,” permits early learning coalition boards to engage in board business by telecommunication methods.

The committee substitute transfers the responsibility for the statewide child care resource and referral network from the Department of Children and Families (DCF) to the Agency for Workforce Innovation (AWI). It also transfers the duties of the Child Care Executive Partnership Program from DCF to AWI and the early learning coalitions.

The committee substitute requires VPK providers to adhere to specified ethics standards, especially with respect to employment practices.

The committee substitute requires that entities that accredit Voluntary Prekindergarten (VPK) programs must have written standards that meet or exceed the state’s licensing requirements and must conduct at least one onsite visit to the provider prior to accreditation.

The committee substitute allows private and public VPK providers to assign a substitute instructor who does not meet the VPK program instructor qualifications to temporarily replace a credentialed instructor under specified circumstances, and gives AWI rulemaking authority to govern the use of substitute instructors in VPK programs.

Last Action: 04/08/08 SENATE Favorable with CS by Commerce; 8 Yeas, 0 Nays; Committee Substitute (C3) Filed

CS/SB 1954 Developmental Disabilities (Children, Families, and Elder Affairs Committee and Rich)

Committee Substitute for Senate Bill 1954 amends the definition of the term “retardation” to be consistent with the term “developmental disability.” The committee substitute changes the term “developmental disabilities institutions” throughout ch. 393, F. S., to the term “developmental disabilities centers” to accurately reflect the nature of services delivered to the clients of the Agency for Persons with Disabilities (APD or “the agency”).

The committee substitute amends the background screening requirements for direct service providers and also authorizes the APD to suspend, revoke, or fine a residential facility licensee if that facility has been found to be responsible for abuse, neglect, abandonment, or exploitation of a child or vulnerable adult.

Last Action: 04/08/08 SENATE Favorable by Health Regulation; 7 Yeas, 0 Nays

SB 2564 Suicide Prevention Education/School Board (Fasano and Lynn)

The bill creates the “Protect Florida’s Youth Act” to require each district school board to provide access to suicide prevention education for all instructional and administrative staff, beginning with the 2008-2009 school year. School districts must use resources approved by the Statewide Office of Suicide Prevention. To meet this requirement, district staff may review education materials relating to youth suicide prevention, bullying prevention, or mental health.

Last Action: 04/08/08 SENATE Favorable by Children, Families, and Elder Affairs; 7 Yeas, 0 Nays

CS/SB 2750 Education for Children in Shelter or Foster Care (Storms)

CS/SB 2750 provides that the court shall appoint a surrogate parent for a child known to the department who has or is suspected of having a disability.

- a. After reasonable efforts, a parent is not be located; or
- b. The court has determined that a person who has the authority, willingness, or ability to serve as the child's educational decision maker is not available.

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The court shall request that the parents consent to providing access to the child's education and medical records and information to the court, the department or its contract agencies, and any guardian ad litem or attorney for the child. If a parent is unavailable or unable to consent or withholds consent and the court determines access to the records and information is necessary to provide services to the child, the court shall issue an order granting access.

Last Action: 04/08/08 SENATE Favorable with 1 Amendment by Children, Families, and Elder Affairs; 7 Yeas, 0 Nays



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