

Legislative Link

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

WHAT'S INSIDE:

Page

Bills Heard This Week.....All



United Way of Florida

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BILLS HEARD THIS WEEK

(Some information below is excerpted from legislative staff analyses)

CS/HB 13 – Department of Elderly Affairs (Robaina)

The bill specifies that if the Department of Elderly Affairs takes an intermediate measure against an area agency on aging as provided in subsection (2) and the department determines, at least 90 days after such measure is taken, that the agency has failed to effectively plan, fund, or administer contracts for programs and services not funded by the federal Older Americans Act, the department may terminate an agency's contract for such programs or services. Notwithstanding any law to the contrary, in the event of the termination of a contract with an agency, the department shall contract, in accordance with chapter 287, with an entity to plan, fund, and administer the programs and services previously under contract in the affected planning and service area. The department may directly provide the affected program or service for a limited period of time but shall initiate a competitive procurement process to replace the agency within 180 days after the termination of the agency's contract. Any contract or referral agreement effective on or after July 1, 2006, between an area agency on aging and a lead agency or service provider must be assignable to the department and subsequently to an entity competitively selected under this subsection.

Last Action: 4/11/06 HOUSE Favorable by Health Care Appropriations

HB 97 – Safety Belt Law Enforcement (Slosberg)

Current law requires a motor vehicle operator, front seat passengers, and all passengers and operators less than 18 years of age to wear safety belts. The "Florida Safety Belt Law" is enforced as a secondary offense for operators and passengers 18 and older; that is, law enforcement officers cannot stop motorists 18 and older solely for not using safety belts. Instead, an officer must first stop a motorist who is 18 or older for a suspected violation of state traffic, motor vehicle, or driver license laws before issuing a uniform traffic citation for failure to wear a safety belt. It is a primary offense to operate a motor vehicle in this state unless each passenger and the operator of the vehicle under the age of 18 are restrained by a safety belt or by a child restraint device.

HB 97 gives the act the popular name the "Dori Slosberg Safety Belt Law" and amends the Florida Safety Belt Law to provide for primary enforcement for all motorists. A law enforcement officer would be authorized to stop a motorist and issue a citation for a safety belt violation upon reasonable suspicion that the driver, any passenger under the age of 18 years, or any passenger in the front seat who is 18 years of age or older, is not restrained. A person violating this provision would be cited for a nonmoving violation, punishable by a \$30 fine plus applicable fees and court costs. The fees and court costs vary from county to county, but the total paid for each citation would range from \$68.50 to \$89.50.

Last Action: 4/11/06 HOUSE Favorable by Transportation & Economic Development Appropriations

Bills Heard this Week continued

CS/HB 531 – Prosperity Campaigns (Jennings)

HB 531 CS creates a Prosperity Campaign Council (Council) to be housed in Workforce Florida, Inc., to develop, enhance and assist in the coordination of Prosperity Campaigns throughout the state with the goal of providing economic benefit services and related information to Florida citizens.

The Florida Prosperity Campaign Council, is composed of 20 members and assigned the following responsibilities:

- Assist in the development and enhancement of Prosperity Campaigns and related programs throughout the state;
- Work with all levels of government, non-profit entities and the private sector to provide economic benefit services and related information to Florida citizens;
- Work with the Department of Education in developing financial literacy instruction to be part of the life management skills course;
- Take other action as necessary to perform its function; and
- Provide a report to the Governor regarding the effectiveness of the Council.

Additionally, HB 531 CS requires financial literacy instruction to be included in the required high school life management skills course.

Last Action: 4/11/06 HOUSE Favorable by Commerce Council

HM 541 – National Catastrophe Insurance Program (Ross and others)

In the span of 15 months, Florida suffered damage from four tropical storms and eight hurricanes. Of the eight hurricanes hitting Florida, seven are considered among the twelve costliest insured catastrophes in United States history. In total, Florida lost over \$15 billion in 2004 and over \$13.5 billion in 2005.

In response to these catastrophes, House Memorial 541 urges the United States Congress to create a National Catastrophe Insurance Program. The resolution calls for a program that provides consumers with all-perils protection; promotes personal responsibility through mitigation; creates a tax-deferred insurance company; enhances local and state government's role in catastrophic events; and creates a national catastrophic financing mechanism.

Last Action: 4/11/06 HOUSE Favorable with CS by Commerce Council

CS/HB 595 – Community Behavioral Health Agencies (Cannon)

The bill limits liability in negligence actions involving crisis services provided by detoxification programs, addictions receiving facilities, or designated public receiving facilities. The bill requires that net economic damages be limited to \$1 million per liability claim, including, but not limited to, past and future medical expenses, wage loss, and loss of earning capacity. Additionally, any noneconomic damages are limited to \$200,000 per claim.

The bill specifies that the limitations on liability enjoyed by a provider under the provisions of this act extend to an employer of the provider when the employee is acting in furtherance of the provider's responsibilities under its contract with the Department of Children and Family Services. However, these limitations are not applicable to a provider or employee who acts in a culpably negligent manner or with willful and wanton disregard or unprovoked physical aggression when such acts result in injury or death.

The bill requires each provider to obtain and maintain liability insurance coverage in the amount of \$1 million per claim and \$3 million per incident.

Last Action: 4/11/06 HOUSE Favorable with CS by Health Care Appropriations

Church Bulletin Bloopers

*The church will host an evening of fine dining, super entertainment and gracious hostility.
Potluck supper Sunday at 5:00 PM - prayer and medication to follow.*

CS/HB 645 – Nursing Home Facilities (Gelber)

House Bill 645 CS provides legislative intent to encourage all nursing homes to have emergency electrical power system capacity to allow these facilities to remain fully operational during and after an emergency and to provide care to residents evacuated from other nursing homes.

The bill specifies that the Agency for Health Care Administration (AHCA) implement a 2-year pilot program to reimburse certain nursing home facilities for the costs of installing a quick connect electrical service entry allowing a temporary generator connection. The bill also provides for reimbursement of one-half the cost—up to \$15,000—to certain nursing homes for the cost of an electrical generator services contract.

Last Action: 4/11/06 HOUSE Favorable by Health Care Appropriations

CS/HB 999 – Suicide Prevention (Adams)

The bill establishes a pilot program on suicide and depression prevention to be conducted by the Signs of Suicide Prevention Program (SOS) for secondary schools in Brevard, Orange, Osceola, and Seminole counties during the 2006-2007 fiscal year.

In order for a county included in the pilot to receive funding, a proposal must be submitted to the Department of Education (DOE) by September 1, 2006.

The bill requires that local school personnel in each participating county receive materials necessary for program implementation. The parent of each student must be provided with a copy of a screening form and program information to assist the parent in the identification of depression and suicidal tendencies and to help initiate family discussions.

Last Action: 4/11/06 HOUSE Favorable with CS by Education Appropriations

CS/HB 1033 – Child Abuse (Vana)

House Bill 1033 CS requires that all Department of Children and Family Services (DCF) or community-based care employees working as child abuse professionals or anyone employed in the occupational categories defined as a “mandated reporter” by s. 39.201, F.S., (such as teachers, social workers, law enforcement and judges) must complete a 1-hour continuing education course on child abuse each year.

Last Action: 4/11/06 HOUSE Favorable by Health Care Appropriations

CS/HB 1211 – Notification Regarding the State Minimum Wage (Fields)

This bill creates a new section of law requiring each employer who must pay an employee the Florida minimum wage to display a poster in a conspicuous and accessible place at a worksite indicating the applicable wage. The bill requires the Agency for Workforce Innovation (AWI) to create the required posters in English and in Spanish and make them available to employers on or before December 1st of each year. Under this bill, each poster must contain specific language outlining the restrictions on employers, the rights of employees, and the penalties for non-compliance with Florida’s minimum wage law. The bill also provides formatting, font and size requirements for the posters.

Last Action: 4/11/06 HOUSE Favorable with CS by Commerce Council

CS/HB 1247 – Developmental Disabilities (Kravitz)

House Bill 1247 CS amends s. 409.912, F.S., and requires the Agency for Health Care Administration to work with the Agency for Persons with Disabilities to develop and seek federal approval to expand the statutorily-required home and community-based waiver serving children who are diagnosed with Familial Dysautonomia to include adults. The bill also amends the nature of this waiver by deleting a requirement that the agencies seek approval for a “model” waiver.

Last Action: 4/11/06 HOUSE Favorable with CS by Health Care Appropriations

*"I woke up one morning and all of my stuff had been stolen... and replaced by exact duplicates."
Steven Wright*

CS/HB 1417 – Hospices (Sansom)

House Bill 1417 CS amends the definition of “hospice” contained in s. 400.601(3), F.S., to remove the requirement that hospices be organized as not-for-profit corporations, and directs the Office of Program Policy Analysis and Government Accountability to submit a report by January 1, 2010 analyzing the impact of for-profit hospices on the delivery of care to terminally ill patients in the state. Additionally, the bill provides legislative intent that no change in law or in administrative rule be made to licensure and certificate of need provisions until 2012.

The bill also requires the Department of Elderly Affairs, in conjunction with the Agency for Health Care Administration and all hospices licensed in Florida, to develop quality and effectiveness outcome measures, consider and adopt national initiatives, and develop an annual report.

Last Action: 4/11/06 HOUSE Favorable with CS by Health Care Appropriations



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