

Legislative Link

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

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Bills Heard This Week.....All

BILLS HEARD THIS WEEK

(Some information below is excerpted from legislative staff analyses)

CS/HB 161 – Building Assessment and Remediation (Domino)

Currently, there are numerous companies in Florida that hold themselves out to be mold assessors or mold remediators or conduct mold related services. There are no licensure or regulatory requirements to be a mold assessor or mold remediator.

This bill provides education guidelines and certification for those who engage in business as a mold assessor or mold remediator. The bill does not require disclosure to the customer of compliance with the statutorily specified credentials to become a mold assessor or mold remediator. The bill requires that a contract to perform mold assessment or mold remediation must be signed or otherwise authenticated by the parties.

Currently, home inspectors are not regulated. “Home inspection” means a limited visual examination of systems and components for the purpose of providing a written professional opinion of the condition of a home.

The bill states that “a person may not work as a home inspector unless” that person has successfully completed a course of study of not less than 60 hours....and passes a psychometrically valid examination in home inspections. The course of study “must be accredited by a nationally recognized third-party independent accrediting entity.”

Last Action: 4/20/06 HOUSE Favorable with CS by Commerce Council

CS/SB 220 – Motor Vehicle Insurance for Foster Children (Bennett)

The Committee Substitute for Senate Bill 220 establishes a three-year pilot program for the purpose of reimbursing foster parents, residential facilities, or foster children who live independently for a portion of the increased costs of motor vehicle insurance for a foster child who has a driver’s license. The bill directs the Department of Children and Family Services (DCF or the department) to establish the pilot program in Sarasota, Desoto, Manatee, Pinellas, and Pasco counties. Through the pilot program, DCF will provide one-half of the amount of the increase which is incurred as a result of adding the foster child to the motor vehicle insurance policy or less than one-half if another source of funding to pay for the increase is available.

Last Action: 4/18/06 SENATE Favorable by Health and Human Services Appropriations



United Way of Florida

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THE EARTHQUAKES: When you rearrange the letters: THAT QUEER SHAKE

Bills Heard this Week continued

SB 280 – Community Behavioral Health Agencies (Fasano and Lynn)

This bill limits liability in tort 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 extends the immunities enjoyed by a provider to an employee of the provider under certain conditions.

Last Action: 4/19/06 SENATE Favorable with CS by Health and Human Services Appropriations

HB 393 – Lead Poisoning Prevention Screening and Education Act (Joyner)

House Bill 393 creates the “Lead Poisoning Prevention Screening and Education Act”.

The bill establishes a public information initiative for the purpose of communicating to the public the significance of lead poisoning prevention. The bill expands the Department of Health’s role as the entity responsible for this initiative.

The bill establishes a screening program within the Department of Health to systematically screen children less than six years of age within certain categories and requires the Department of Health to maintain comprehensive screening records. The bill also requires the Department of Health to disclose cases or probable cases of lead poisoning to the affected individual, his or her parent or legal guardian if the individual is a minor, and to the secretary of the Department of Health.

Last Action: 4/17/06 HOUSE Favorable with CS by Health Care Appropriations

SB 448 – Independent Living (Wilson)

The bill establishes a pilot program in Miami-Dade County to allow 50 young adults who are former foster children to continue to receive all foster care program services until the age of 21. Participants are to be selected by the circuit court having jurisdiction over the foster care case. Participants must be under the age of 18 at the time of selection.

The bill requires that the Department of Children and Family Services (DCF or the department) identify a cohort of 50 young adults who are not eligible for the Road to Independence (RTI) scholarship program as a comparison group for the participants in the pilot program.

Last Action: 4/18/06 SENATE Favorable with CS by Health and Human Services Appropriations

SB 972 – Florida KidCare Program/Eligibility (Rich)

This bill modifies the eligibility criteria for the Florida KidCare Program to allow a child whose family income exceeds 200 percent of the federal poverty level to participate in the Medikids program, or if the child is ineligible for the Medikids program due to age, to participate in the Florida Healthy Kids program, if the family pays the entire cost of the premium, including administrative costs, and such enrollees do not exceed 10 percent of total enrollees in either the Medikids program or the Florida Healthy Kids program.

Last Action: 4/18/06 SENATE Favorable by Health and Human Services Appropriations

Church Bulletin Bloopers

- *Please place your donation in the envelope along with the deceased person you want remembered.*
- *Attend and you will hear an excellent speaker and have a healthy lunch.*
- *The ladies of the Church have cast off clothing of every kind. They may be seen in the basement on Friday afternoon.*

HB 1239 – Child Abuse (Detert)

Florida has two statutes that address child abuse. Chapter 39, F.S., is a civil statute, relating to dependency, that defines child abuse, and specifically defines, what constitutes excessive corporal punishment. Section 827.03, F.S., is a criminal statute that defines “child abuse” (simple child abuse) and “aggravated child abuse”, but does not specifically address corporal punishment.

Courts have looked to the above statutes in an attempt to determine when corporal discipline rises to the level of criminal child abuse. The courts’ analyses and opinions have resulted in an “either or” approach to classifying excessive corporal discipline. Either excessive corporal discipline is civil child abuse, or it’s simple (or aggravated) criminal abuse. The case law does not appear to contemplate that the same act of excessive corporal discipline (e.g., a severe beating that causes significant bruises or welts) could qualify as both civil and simple child abuse.

This bill amends the definition of the term “child abuse” in s. 827.03(1), F.S., to include inappropriate or excessively harsh discipline of a child by a parent, legal custodian, or caregiver. The bill then defines the term “inappropriate or excessively harsh corporal discipline” as an act of discipline that results in or could reasonably be expected to result in any of the following or other similar injuries:

- sprains, dislocations, or cartilage damage; bone or skull fractures;
- brain or spinal cord damage;
- intracranial hemorrhage or injury to other internal organs; asphyxiation, suffocation, or drowning; injury resulting from the use of a deadly weapon; burns or scalding;
- cuts, lacerations, punctures, or bites; disfigurement;
- loss or impairment of a body part or function; significant bruises or welts; or
- mental injury.

Last Action: 4/17/06 HOUSE Favorable by Criminal Justice Appropriations

SB 1314 – Services for Seniors (Rich)

This bill authorizes each county, by ordinance, to create an independent special district to fund services for seniors throughout the county. The county must obtain approval, by a majority vote of those electors voting on the question, annually to levy ad valorem taxes that may not exceed 0.5 mills of assessed valuation of all properties within the county that are subject to ad valorem county taxes. The referendum required to approve the ad valorem tax levy must be held at the first general election immediately following adoption of the ordinance creating the independent special district.

Last Action: 4/18/06 SENATE Favorable by Government Efficiency Appropriations

CS/HB 1363 – Affordable Housing (Davis)

CS/HB 1363 substantially amended the originally filed bill to include the following:

- Authorizes the disposition of county property for affordable housing.
- Provides a density bonus in both the development of regional impact substantial deviation and statewide guidelines and standards provisions.
- Authorizes the disposition of municipal property for affordable housing.
- Authorizes independent special districts to provide housing and housing assistance for its employed personnel.
- Removes the cap on the distribution of certain revenues into the State Housing Trust Fund.
- Authorizes the use of state-owned surplus lands for affordable housing.
- Creates an incentive to provide workforce housing within developments of regional impact.
- Authorizes the Florida Housing Finance Corporation to adjust low income guidelines; provides definitions.

- Creates the Community Workforce Housing Innovation Program.
- Authorizes school boards to provide affordable housing for teachers and other instructional personnel.
- Creates and appropriation of \$20 million from the State Housing Trust Fund to the Florida Housing Finance Corporation to provide funding to teachers eligible for affordable housing.
- Added “extremely-low-income persons” to the allowable classes of persons to whom a unit may be rented pursuant to newly created s. 125.379(4), F.S.
- Changed the percentage to 150% from 120% relating to the newly created workforce housing bonus in the DRI threshold of s. 380.0651(3)(k), F.S.
- Clarifies that the reservation of funds for home ownership for very low income persons is a goal and not a requirement.

Last Action: 4/20/06 HOUSE Now in State Infrastructure Council

CS/HB 1365 – Florida Healthy Kids Corporation Act (Davis, M.)

As originally filed, House Bill 1365:

- Allowed illegal and legal aliens to participate in the Florida KidCare Program.
- Allowed the children of state employees to participate in the Florida KidCare Program.
- Repealed the local match requirement for non-Title XXI children.
- Directed the Agency for Health Care Administration (AHCA) to pursue a federal waiver to increase the financial eligibility threshold for Title XXI premium assistance to up to 300 percent of the federal poverty level (FPL) guidelines.
- Allowed health and dental plans participating in the Florida Healthy Kids Program to market the program.
- Allowed the Florida Healthy Kids Corporation to release certain information concerning a child’s application to parents or legal guardians of the child.

At Monday’s meeting of the Health Care Appropriations Committee, a strike-all amendment was adopted which eliminates the provisions discussed above, and instead provides that once a child is enrolled in the Florida KidCare program, the child is eligible for coverage under the program for 12 months without a redetermination or reverification of eligibility when switching from one component of the program to another. Participating health and dental plans may develop marketing and other promotional materials and participate in activities, such as health fairs and public events, as approved by the Agency for Health Care Administration. The health and dental plans may also contact their enrollees and former enrollees to encourage continued participation in the KidCare program.

Last Action: 4/20/06 HOUSE Favorable with CS by Health & Families Council

SB 1384 – School Safety/Bullying (Baker)

This bill prohibits the bullying and harassment of any public K-12 student or employee and requires school districts to take specific measures to protect students and school employees from the physical and psychological harm of bullying and harassment.

The bill includes specific definitions of bullying and harassment and provides requirements for school districts to adopt a bullying and harassment policy. The policy may not establish categories of students; rather, the policy must afford all students the same protection regardless of their status under the law. The school district’s receipt of safe schools funds under the 2007–2008 General Appropriations Act is contingent upon the Department of Education’s approval of the school district’s policy on bullying and harassment.

Last Action: 4/18/06 SENATE Favorable by Education

Reporters interviewing a 104-year-old woman: "And what do you think is the best thing about being 104?" the reporter asked. She simply replied, "No peer pressure."

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 CS provides legislative intent that no change in law be made to licensure and certificate of need provisions until 2012.

Last Action: 4/18/06 HOUSE Favorable by Health & Families Council

CS/HB 1623 – Persons with Disabilities (Bean)

The CS for HB 1623 creates the Interagency Services Committee for Youth and Young Adults with Disabilities within the Agency for Persons with Disabilities. It directs the committee to establish goals to ensure the successful transition to employment or further education of youth and young adults with disabilities and to eliminate barriers that impede educational opportunities leading to future employment.

The CS specifies committee membership, and directs the Department of Children and Family Services, the Department of Education, the Department of Health, and the Agency for Persons with Disabilities to provide staff support to the committee. The CS also provides duties and responsibilities of the committee.

The committee shall present a progress report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 1, 2007, and a final report detailing committee findings and recommendations by January 1, 2008. The committee is abolished on June 1, 2008.

Last Action: 4/20/06 HOUSE Not Received by Health & Families Council

CS/SB 1798 – Independent Living Transition Services (Rich)

This bill makes numerous changes to current law regarding the independent living transition services which the Department of Children and Family Services (DCF or the department) and its contracted services providers, the community-based care lead agencies currently provide to children in foster care and young adults formerly in foster care.

The bill:

- Expands the eligibility for independent living services to include young adults who were adopted from foster care after age 16 and those who spent at least six months in foster care and were placed in guardianships by the court after reaching 16 years of age;
- Describes additional requirements for case planning for older foster children, including educational and career path planning, planning for age-appropriate activities, and planning for the transition into adulthood;
- Requires the department or community-based care lead agency providing independent living services to develop an annual plan for implementing these services;
- Requires that payments be made to young adults by direct deposit after the young adult has received services in financial literacy skills and lists exceptions to this requirement;
- Requires DCF to provide administrative support to the Independent Living Advisory Council;
- Authorizes community-based care lead agencies to purchase housing, education, transportation, and employment services in order to make these services available to young adults in lieu of providing direct payments;
- Extends the age of eligibility for young adults formerly in foster care enrolling in the Florida KidCare program from 19 to 20 years;
- Removes the disability of nonage from foster children above the age of 17 for the sole purpose of entering into contracts for the lease of real property.

Last Action: 4/18/06 SENATE Favorable with Cs by Education

SB 1878 – Traffic Control/Solicitation/Non-Profits (Argenziano)

State law generally prohibits activities that obstruct the free flow of traffic on public roadways and pose safety hazards to motorists and pedestrians. Sections 316.2045 and 337.406, F.S., provide some limited exceptions and require state or local authorizations for certain uses. Solicitation of funds by federally-recognized nonprofit organizations or by charitable groups registered under ch. 496, F.S., is largely prohibited on state-maintained roads, while local governments are authorized to permit such activities on non-state-maintained roads.

This bill amends s. 316.2045, F.S., to exempt organizations that are qualified under s. 501(c)(3) of the Internal Revenue Code and which are registered under ch. 496, F.S., and persons acting on behalf of these organizations, from local government permitting requirements for solicitation along non-state-maintained roadways.

Last Action: 4/18/06 SENATE Favorable with CS by Community Affairs

SB 1928 – High School Athletics/Steroid Tests (Peaden)

This bill requires the Florida High School Athletic Association (FHSAA) to implement a three year steroid testing program for grade 9 through 12 student athletes who participate in interscholastic competitions at member schools. Public and private schools are required to consent to the program as a prerequisite to membership under this bill.

Last Action: 4/18/06 SENATE Favorable by Education

SB 2016 – Accessible Parking Spaces (Wise)

This bill requires a facility with more than one accessible parking space to set aside at least 25 percent, but no fewer than one space, for the exclusive use of persons who have a disabled parking permit and require extra room to deploy a mobility or other device to enter or exit the vehicle. These spaces must be posted with a sign stating “VANS OR VEHICLES WITH ATTACHED WHEELCHAIR DEVICES” and stating the penalty for illegal use of the space. This bill provides that a person who illegally parks in a space dedicated to vehicles with attached wheelchair devices is subject to a fine of \$500.

Last Action: 4/18/06 SENATE Temporarily postponed by Community Affairs

HB 7123 – Child Protective Services (Future of Florida’s Families Committee; Galvano)

This bill amends the statutes relating to child protection, to conform to those provisions of the federal Adoption and Safe Families Act (ASFA) in three major areas. These areas are reasonable efforts, case planning, and permanency. These changes are to ensure that Florida continues to receive federal funds under the ASFA.

Concerning reasonable efforts, the bill amends current law to describe when reasonable efforts are required, and provide the nature of reasonable efforts required regarding both parental and relative placements at each stage of dependency proceedings. With regard to case planning, the bill amends current law to:

- Provide that agreeing to a case plan does not constitute an admission of wrongdoing or consent to a finding of dependency;
- Recognize the role of mediation and family conferencing in the development of case plans;
- Define “concurrent case planning” and provide direction for its use;
- Replace language relating to “extending the case plan” with clear direction as to the time frames and requirements for permanency hearings;
- Provide options available to the court when it is clear that a case plan cannot be completed within the first 12 months that a child is in care;
- Provide new emphasis on current language that “time is of the essence” in case planning; and
- Provide the considerations and the process to be used in amending a case plan.

Why do we say something is out of whack? What's a whack? – George Carlin Strikes Again

Finally, with regard to permanency, the bill amends current law to define “permanency hearings,” “permanency plan,” and “permanency goal;” and conform the permanency options to those contained in federal law.

Last Action: 4/18/06 HOUSE Favorable with CS by Health & Families Council

HB 7139 – Emergency Management (Harrell)

The bill amends certain sections of chapter 252, F. S., and other chapters addressing pre- and post disaster planning to address services to persons with special needs before, during, and after disasters. The bill assigns lead responsibility for certain functions to specific state agencies and establishes a multiagency emergency special needs shelter discharge planning team to assist local areas impacted by natural or manmade disasters that require the use of special needs shelters. The bill also provides certain pre- and post disaster facility use and licensure flexibility. The effect of these provisions should be to provide increased coordination among federal, state and local entities and to facility the timely and appropriate use of facilities to serve the special needs population.

The bill provides the following:

- Includes individuals with cognitive impairments among persons considered to have special needs.
- Expands the communication and outreach efforts regarding special needs registration.
- Requires year-round maintenance of the special needs registry.
- Provides local law enforcement agencies with access to shelter registration information.
- Designates the Department of Community Affairs as the lead agency responsible for community education and outreach and requires the department to coordinate with certain other entities in those efforts.
- Provides that a special needs shelter is considered a public facility when activated for a disaster and as such must allow people with disabilities to bring their service animals into the facility.
- Authorizes the Department of Agriculture and Consumer Services to serve as the lead agency responsible for pet and animal sheltering during a disaster.
- Designates Children’s Medical Services as the lead agency for coordinating local medical and health care providers for the staffing and management of pediatric special needs shelters.
- Authorizes the Agency for Health Care Administration to monitor nursing homes during emergencies to determine if assistance is needed and that the agency publishes an emergency telephone number for nursing homes to use.
- Specifies that the Division of Emergency Management include special needs shelter assessment, location, estimated need, and other information in its statewide emergency shelter plan.
- Requires the local emergency management agency to inspect a facility to determine its readiness prior to activating such facility.
- Assigns the county health departments, in conjunction with the local emergency management agencies, the lead responsibility to coordinate and recruit health care practitioners to staff local special needs shelters, and encourages coordination of non-medical staffing and operating of special needs shelters.
- Establishes a multiagency emergency special needs shelter discharge planning team.
- Directs the Department of Elder Affairs to convene the multiagency special needs shelter discharge planning team as necessary to assist local areas impacted by emergency or disaster.
- Allows certain practitioners, hospitals, nursing homes or receiving facilities to request reimbursement for sheltering persons with special needs.
- Provides licensure and use flexibility to allow nursing homes, assisted living facilities, and other residential care facilities to exceed their licensed bed capacity to act as a receiving facility in accordance with emergency operations plans.

Last Action: 4/20/06 HOUSE Favorable with CS by Health & Families Council

CS/HB 7203 – Obesity (Health Care Regulations Committee)

House Bill 7203 CS addresses the issue of obesity in Florida. In 2000, more than six and a half million Florida adults were overweight or obese based on self-reported height and weight; and of those, approximately 2.5 million adults were obese. Its implications include serious health consequences such as diabetes, coronary heart disease, high blood pressure, high cholesterol, osteoarthritis, sleep disturbances and breathing problems, and certain cancers.

The bill requires the Department of Health (DOH or department), in addition to its current health promotion and prevention activities, to:

- Collaborate with other state agencies to develop policies and strategies for preventing obesity, which must be incorporated into programs administered by each agency and which must include promoting healthy lifestyles of employees of each agency; and
- Advise Florida-licensed health care practitioners regarding the morbidity, mortality, and costs associated with the conditions of being overweight or obese, inform such practitioners of clinical best practices for preventing obesity, and encourage practitioners to counsel their patients regarding the adoption of healthy lifestyles.

Last Action: 4/20/06 HOUSE Favorable with CS by Health & Families Council



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