

Legislative Link

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

WRAP-UP EDITION

WHAT'S INSIDE:

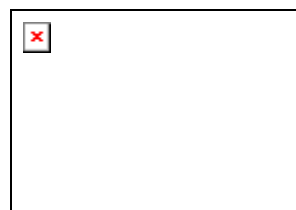
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BILLS THAT PASSED THE 2006 LEGISLATIVE SESSION:

HB 127 – Immunizations by Hays and others
HB 127 amends s. 1002.23, F.S., to require the Department of Education to develop guidelines for a parent guide to successful achievement that includes parental information regarding school entry requirements, recommended immunization schedule, and other student health resource information. The bill also requires each school district and the governing authority of each private school to provide certain health information, including a recommended immunizations schedule, and information regarding meningococcal disease. Subject to the Governor's veto powers, the effective date of this bill is July 1, 2006.

HB 241 – Florida KidCare Program by Vana and others
The Florida KidCare Program was created in 1998 to provide health benefits to uninsured children through the State Children's Health Insurance Program (SCHIP) or Medicaid. KidCare has four program components: Medicaid, Medikids, Florida Healthy Kids, and the Children's Medical Services (CMS) Network. Participation by children in these components is contingent on age, family income, and special health care needs. HB 241 amends s. 409.814, F.S., to allow a child ineligible to participate in the Medikids or Florida Healthy Kids components to participate if the family pays the full premium without any premium assistance. These children are known as "full-pays." The bill requires the Agency for Health Care Administration to begin enrollment of fullpays by July 1, 2006. Subject to the Governor's veto powers, the effective date of this bill is July 1, 2006.

HB 329 – Adult Protective Services by Culp and others
HB 329 amends the Adult Protective Services Act to allow the Department of Children and Family Services (DCF) explicit authority to protect individuals from the effects of self-neglect by redefining the term "neglect," and by redefining the term "abuse" to include abuse by a relative or household member. The bill further amends Ch. 415, F.S., by including the Agency for Persons with Disabilities (APD) among the department agencies, employees, and agents with access to all records concerning reports of abuse, neglect, or exploitation of a vulnerable adult, including all reports made to the central abuse hotline, and all records generated as a result of such reports. Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.



United Way of Florida, Inc.
307 E. Seventh Avenue
Tallahassee, FL 32303
850/488-8287

Bills that Passed the 2006 Legislative Session:

HB 595 – Community Behavioral Health Agencies by 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 non-economic 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. Conditional limitations on damages specified by the act are increased at the rate of 5 percent each year, to be prorated from its effective date to the date at which damages subject to such limitations are awarded by final judgment or settlement. Subject to the Governor's veto powers, the effective date of this bill is July 1, 2006.

HB 661 – Governmental Services Telephone Systems by Arza and others

The bill establishes within the Department of Community Affairs (DCA) a matching grant program to provide funds to local governments for the implementation and coordination of "311 non-emergency and other governmental services telephone systems." It provides legislative intent that a coordinated 311 system may reduce the volume of non-emergency 911 calls and provide seamless access to various governmental entities. It authorizes DCA to accept and administer appropriated funds to provide grants. Under the grant program, a municipality or county receiving grant funds must provide \$1 for every \$1 in grant money it receives. The bill provides a system for awarding the grants, and limits the award amount that a municipality or county may receive. The bill provides that a report be submitted by December 15, 2007, from each 311 system receiving funding. The bill assigns the DCA the tasks of reviewing grant applications, arranging them in order of priority, and approving or disapproving funding. The bill provides minimum criteria for the DCA to consider when evaluating the grant requests and gives the DCA rulemaking authority to administer the provisions of the bill. The bill specifies that funds for the grant program may be awarded to the extent they are appropriated in law or made available from private sources. Subject to the Governor's veto powers, the effective date of this bill is July 1, 2006.

CS/SB 840 — School Readiness Equity Allocation by Transportation and Economic Development Appropriations Committee and Senator Fasano

This bill revises the approval process for the allocation formula for School Readiness funds provided to the early learning coalitions. It provides that the Agency for Workforce Innovation must submit the recommended formula to the Governor and to the Legislature by January 1 of each year, instead of to the Governor and to the Legislative Budget Commission for approval. The Legislature must specify in the General Appropriations Act any changes from the prior year allocation methodology that must be used by the Agency for Workforce Innovation in allocating funds to the early learning coalitions. This bill also authorizes the Agency for Workforce Innovation to contract for the Teacher Education And Compensation Helps, or "TEACH" program, instead of the Department of Children and Families, using funds appropriated for school readiness. This change conforms the statutes to current practice, as authorization has been granted for the Agency for Workforce Innovation to administer this program in each of the past four years in the appropriations implementing bill. If approved by the Governor, these provisions take effect July 1, 2006. *Vote: Senate 39-0; House 116-0*

This bill amends ch. 39, F.S., Florida's child protection statute, to conform to the federal Adoptions and Safe Families Act (ASFA) in three major areas. These areas are reasonable efforts, case planning, and permanency. As to reasonable efforts, the bill amends current law to:

- Describe when reasonable efforts are required; and
- Clarify the nature of reasonable efforts required regarding both parental and relative placements at the stages of dependency proceedings.

As 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;
- Define "concurrent planning" and give direction for its use;
- Replace confusing pre-ASFA language relating to "extending the case plan" with clear direction as to the time frames and requirements for permanency hearings;
- Clarify the options available to the court when it becomes clear that a case plan cannot be completed within the first 12 months a child is in care;
- Provide new emphasis on current language that "time is of the essence" in case planning by placing that language more prominently in the statute; and
- Clarify the considerations and process to be used in amending a case plan.

As to permanency, the bill amends current law to:

- Define "permanency hearings," "permanency plan," and "permanency goal," and
- Conform the permanency options under Florida law to those described in federal law.

The bill also includes language clarifying the restrictions placed on the use of child abuse reports and the ability of the Department of Children and Family Services to investigate reports that a child is without a responsible adult to provide care for the child. If approved by the Governor, these provisions take effect July 1, 2006. *Vote: Senate 33-0; House 120-0*

HB 1129 – Florida State Employees' Charitable Campaign by Henriquez and others

The bill changes the distribution formula for undesignated contributions made by state employees participating in the Florida State Employees' Charitable Campaign. Undesignated funds in each local fiscal agent area must be shared proportionately by participating charitable organizations that provide direct services in that local fiscal agent area based upon the percentage of their designations in such area. The local steering committee is responsible for distributing any remaining funds. Subject to the Governor's veto powers, the effective date of this bill is July 1, 2006.

HB 1363 – Affordable Housing by Davis, M. and others

HB 1363 addresses the issue of affordable housing in Florida by creating a pilot program to encourage the provision of workforce housing for essential service personnel; by creating a definition of extremely-low-income and extending housing assistance to individuals in that income level; and by providing other financial and regulatory incentives to encourage the provision of affordable housing to individuals in several income levels. The bill includes a declaration of important state interest.

COMMUNITY WORKFORCE HOUSING INNOVATION PILOT PROGRAM (CWHIPP):

The bill creates, and appropriates \$50 million to fund, the CWHIPP, to provide financial and regulatory incentives for the provision of affordable rental and ownership housing for essential service personnel, as those personnel are identified in local housing assistance plans. CWHIPP will provide loans and incentives for construction or rehabilitation of workforce housing in eligible areas. Funding will target projects in areas where the disparity between the area median income and the median sales price for a single-family home is greatest.

EXTREMELY-LOW-INCOME DEFINITION: The bill provides a definition of “extremely low-income” persons as those with household incomes that do not exceed 30 percent of median annual adjusted gross income for households within the state and a series of changes to existing state and local housing programs to incentivize the development of extremely-low-income housing. Further, the bill expands the scope of various housing assistance programs to include extremely-low-income persons.

INDEPENDENT SPECIAL DISTRICTS: The bill authorizes certain independent special districts to provide housing or housing assistance to its employed personnel whose total annual household income does not exceed 140% of the area median income, adjusted for family size. This authority applies to any independent special district created by special act or general law, for the purpose of providing urban infrastructure or services.

The grant of authority includes, but is not limited to: special districts (ch. 189, F.S.); community development districts (ch. 190, F.S.); independent fire control districts, (ch. 191, F.S.); or drainage and water control districts (ch. 298, F.S.).

COUNTY AND MUNICIPAL PROPERTY INVENTORY: The bill requires counties and municipalities to prepare an inventory of all real property it holds in fee simple title that is appropriate for use as affordable housing by July 1, 2007, and every three years thereafter. The bill specifies what information must be included in the inventory and requires the adoption of a resolution containing the inventory following a public hearing.

The bill provides for the use of or disposition of such properties for the production and preservation of permanent affordable housing.

STATE-OWNED LANDS: The bill includes affordable housing meeting the criteria of s. 420.0004(3), F.S., in the permissible uses of surplus state-owned lands, as provided in s. 253.034(6)(f)1., F.S. Further, the bill provides that a local government may request that state lands be specifically declared surplus lands for the purpose of providing affordable housing. The bill provides requirements and for the request and for the disposition of such lands.

ACCESSORY DWELLING UNITS: The bill includes extremely-low-income, as defined in s. 420.0004(8), F.S., in the categories for which the permitting of an accessory dwelling unit is encouraged in s. 163.31771, F.S.

SMALL SCALE AMENDMENT LIMITATION: The bill excludes the exemption from the comprehensive plan amendment frequency limitations of real property subject to certain extended use agreements, by virtue of the amendment to s. 163.3187(1)(c)1.f., F.S.

HOMESTEAD TAX DEFERRAL: The bill amends s. 197.252(2), F.S., to broaden the applicability of the homestead ad valorem tax deferral by lowering the required applicant age to 65 from 70 years and by adjusting the eligible income to that designated for the additional homestead exemption for persons over 65 years of age.

DISABLED VETERANS FEE EXEMPTION: The bill amends s. 295.16, F.S., to provide relief for disabled veterans from paying certain license and permit fees on housing.

DEVELOPMENT OF REGIONAL IMPACT (DRI): The bill provides that when the number of dwelling units of an approved DRI are increased by the greater of 50% or 200 units and include 15% of the dwelling units dedicated to affordable workforce housing, then the development does not constitute a substantial deviation requiring additional DRI review. Further, when all additional dwelling units, up to 200 units, are dedicated to affordable workforce housing, the addition of those units to an approved DRI does not constitute a substantial deviation. Additionally, the bill creates a statewide guideline for workforce housing that will provide guidance in determining whether a particular development activity

would constitute a DRI. The guideline provides a 50% increase in the applicable residential development guideline where at least 15% of the total residential dwelling units will be dedicated to affordable workforce housing.

FARMWORKER: The bill provides a cross reference of the state definition of “farmworker” with the federal definition of “domestic farm laborer” under certain circumstances. The bill also repeals s. 420.530, F.S., relating to the State Farmworker Housing Pilot Loan Program.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL): The bill authorizes SAIL mortgage loans at zero to 3% on a pro rata basis for units set aside for homeless residents under certain conditions; and one to 9% for projects targeted at other than farmworkers, commercial fishing workers, and the homeless. Further, the bill allows loans exceeding 25% of the project cost and to forgive certain indebtedness when serving extremely-low-income persons. Also, the bill authorizes certain rulemaking for the Florida Housing Finance Corporation.

STATE HOUSING INITIATIVES PARTNERSHIP (SHIP): The bill requires local housing assistance plans established under the SHIP to define essential service personnel; to provide strategies for recruitment and retention of these personnel; and to provide strategies to address the needs of persons who are deprived affordable housing due to the closure of a mobile home park or conversion of affordable rental units to condominiums.

DISTRICT SCHOOL BOARDS: The bill authorizes district school boards to use certain property for affordable housing for teachers and other district personnel.

LAND DONATION DENSITY BONUS: The bill provides local governments the discretion to allow a density bonus to any landowner who voluntarily donates fee simple interest in real property to the local government for the purpose of assisting in the provision of affordable housing and criteria and guidelines to be used for such density bonus.

APPROPRIATIONS: The bill appropriates:

- \$75.9 million for the Rental Recovery Loan Program.
- \$15 million for the Farmworker Housing Recovery Program and the Special Housing Assistance and Development Program.
- \$17 million for the Rental Recovery Program.
- \$82.904 million to meet the needs of communities impacted by Hurricanes Wilma and Katrina, consistent with identified requirements.
- \$50 million to implement the CHWIPP.
- \$30 million to assist in the production of housing units for extremely-low-income persons.
- \$250,000 of recurring and \$300,000 of nonrecurring funds for the Century Commission for a Sustainable Florida.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2006, except as otherwise expressly provided.

HB 1417 – Hospices

by Sansom and others

HB 1417 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 be made to licensure and certificate of need provisions until 2012. The bill requires all entities in the state offering, describing or advertising hospice services to state the year of initial state licensure. The bill permits the Agency for Health Care Administration (AHCA) to deny a license to any hospice that fails to meet any condition imposed by the agency in the certificate of need. It requires hospices to use trained volunteers in an amount equal to at least 5

percent of total patient care or administrative hours of all paid employees and staff. The bill also requires the Department of Elderly Affairs (DOEA), in conjunction with the Agency for Health Care Administration, to develop quality and effectiveness outcome measures, consider and adopt national initiatives, and develop an annual report. Subject to the Governor's veto powers, the effective date of this bill is July 1, 2006.

HB 7121 – Disaster Preparedness Response and Recovery by Domestic Security; Adams and others

The bill directs the Department of Community Affairs (DCA) to conduct a feasibility study on incorporating into the state's emergency management plan the logistical supply and distribution of essential commodities by non-government agencies and private entities. It appropriates \$151.7 million to provide emergency power generators in special needs shelters, improvements to emergency operation centers and evacuation shelters; increase storage capacity; improve technologies; maintain supplies; and fund a public awareness campaign. Strategies for the evacuation and sheltering of persons with pets will also be included in the state's emergency plan. DCA is responsible for community education and outreach to special needs clients. Additionally, a special needs registry will be developed to provide services to citizens whose needs are not currently addressed. Local emergency management agencies, in conjunction with the Department of Community Affairs; will promote and maintain a registry of persons with special needs. The DCA Division of Emergency Management is required to complete an inventory of portable generators owned by the state, as well as conduct an inventory of available shelter space. This combined effort of inventories of generators and shelter space, as well as the special needs registry, will enable emergency management officials to assess the needs of the population and develop a contingency plan to assist those individuals in an emergency.

The bill requires the Secretary of the Department of Health to establish a special needs interagency committee. The committee is directed to:

- Define "a person with special needs"
- Establish a process for reimbursement of health care services
- Develop guidelines for staffing
- Establish standards for eligibility and admission into a shelter
- Review interagency agreements
- Include industry representatives in disaster plans and preparedness efforts

The Agency for Health Care Administration (AHCA) may contact each nursing home and assisted living facility in a disaster area to assess the facilities' emergency requirements. The AHCA will publish a phone number on the internet for nursing homes and assisted living facilities to request disaster assistance. Additionally, health care facilities are required to develop contingency plans should the facility need to be evacuated. The plan must include how services will be maintained for the patient if they are evacuated to a special needs shelter. The plans must be submitted and approved by the county health department or the facility may be subject to a fine. The legislation also includes guidelines for hospice care providers and home medical equipment providers. Hospice providers may establish links to determine a mechanism to provide continuing care for hospice clients who need alternative caregiver services in the event of an emergency. Home medical equipment providers must maintain a contingency plan to provide life supporting equipment and services to patients during an emergency. The plan must include notifying local emergency response staff of the patients' needs and identify supplementary resources that can assist patients. It must be approved by the health department or be subject to a fine. Should a facility sustain damage during the emergency, the bill establishes the guidelines for the re-issuance of licenses. The bill creates the Florida Disaster Motor Fuel Supplier Program within the DCA. The voluntary program allows motor fuel retail outlets doing business in the state to participate in a network of emergency responders to provide fuel supplies and services to government agencies, medical institutions and critical responders, as well as the general public within 24 hours following the disaster. Each motor fuel dispensing facility that sells motor fuel

must be capable of operating its distribution racks using an alternate generated power source for a minimum of 72 hours, no later than 36 hours after a major disaster. Each county governing body that chooses to participate is authorized to administer the program within certain guidelines, including charging fees to cover actual program costs. Certain motor fuel retail outlets in close proximity of interstate highways or evacuation routes and new or substantially renovated outlets must be pre-wired with an appropriate transfer switch capable of operating all required equipment using an alternate power source. Each entity owning 10 or more motor fuel retail outlets located within a single county must maintain an appropriate number of generators to service those outlets. The bill establishes a layered criterion of requirements for ownership of additional outlets. The bill preempts to the state certain responsibilities regarding retail outlet emergency provisions. Retail establishments that meet the Division of Emergency Management's standards will receive written certification that preempts local requirements. Retail establishments that have not received written certification are subject to local laws and ordinances. The bill also limits the prohibition against price gouging during a Governor's declared state of emergency to 60 days and requires a specific renewal statement for this prohibition. The bill requires all multi-family dwellings that are at least 75 feet high and contain a public elevator, to have at least one public elevator that is capable of operating on an alternate power source available to residents for a number of hours each day over a 5-day period following a disaster. Any entity that operates a residential dwelling is required to provide proof of a current contract for an alternate power source. Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 7173 – Welfare of Children
others

by Future of Florida's Families; Galvano and others

HB 7173 establishes a centralized office to examine, oversee, and implement abuse prevention services by creating the Office of Child Abuse Prevention within the Executive Office of the Governor and describing the composition of the office and its powers and duties. Creating an Office of Child Abuse Prevention to untangle the fragmented web of services to bring a more efficient, streamlined and accessible array of services to the families of the State of Florida.

The bill makes numerous changes to current law regarding the independent living transition services which the Department of Children and Family Services (DCF) and its contracted services providers, the community-based care lead agencies, currently provide to children in foster care and young adults in foster care. In reference to the independent living program, 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 to adulthood;
- 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, and requires that any eligible young adult who requests a direct payment must receive such payment;
- 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; and
- Expands the Medicaid eligibility criteria to include 18 and 19 year old young adults aging out of foster care, and clarifies that 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 are eligible for Medicaid.

The bill makes alleged abuse, neglect, or abandonment of a child by a public school employee subject to the reporting requirements of Ch. 39, F.S., and, thus, requires the initiation of a protective investigation by DCF. Because of an exemption from regulation by both the Department of Children and Family Services and the Department of Education, the bill requires that boarding schools, in order to be licensed, be accredited and lists the accrediting agencies. Finally, the ability of the Statewide Advocacy Council (SAC), and Local Advocacy Councils to monitor, investigate, and resolve claims of abuse and neglect is strengthened. The bill expresses the intent of the Legislature that state agencies cooperate with the SAC in forming interagency agreements to provide the councils with authorized client records so that the councils may monitor services and investigate claims. The bill directs SAC to develop a written protocol for all complaints generated by the statewide council in order to provide the Governor's Office with specific information. It reduces the number of SAC meetings from six times annually to once annually. The term "clients" is defined as the Agency for Persons with Disabilities, the Agency for Health Care Administration, the Department of Children and Family Services, and the Department of Elder Affairs.

- For FY 2006-2007, funding is provided for the following provisions of the act and at the following levels:
- \$243,557 from the General Revenue Fund to the Executive Office of the Governor for the establishment of the Office of Child Abuse Prevention;
 - \$236,376 from the General Revenue Fund to the Department of Children & Family Services to handle the increased workload as a result of the mandatory abuse reporting requirement for public school personnel; and
 - \$2,802,522 from the General Revenue Fund and \$3,994,766 from the Medical Care Trust Fund to the Agency for Health Care Administration to fund the Medicaid expansion.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2006, except that ss. 409.1451(2) and (5)(b)2.a., F.S., as amended in this act, shall take effect only if a specific appropriation to fund the provisions of those sections is made in the General Appropriations Act for FY 2006-2007.

UNITED WAY OF FLORIDA, INC.

**307 East Seventh Avenue
Tallahassee, FL 32303
Phone - (850) 488-8287
Fax - (850) 681-9137**

Theodore G. Granger
President & Editor

Beth Meredith
Chief Operating Officer

Kay Racine
Office Manager

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