

Legislative Link

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

WRAP-UP EDITION

BILLS THAT PASSED THE 2006 LEGISLATIVE SESSION:

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United Way of Florida

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SB 2 – Unattended Child in Motor Vehicle

Dawson and others

Currently, s. 316.6135, F.S., prohibits a parent, legal guardian, or other person responsible for a child from leaving a child under the age of 6 years unattended or unsupervised in a motor vehicle for a period in excess of 15 minutes. If the motor vehicle is running or the health of the child is in danger, such persons are prohibited from leaving a child unattended or unsupervised for any period of time. A violation of this section is a non-criminal traffic infraction which is punishable by a fine of up to \$100; or between \$50 and \$500 if the motor vehicle was running or the health of the child was in danger.

The bill provides that if any person commits this offense and in so doing causes great bodily harm, permanent disability or permanent disfigurement to a child, the offense is a third degree felony, punishable by up to five years in prison and a fine of up to \$5,000. The bill makes it a second degree misdemeanor, punishable by up to 60 days in jail and a fine of up to \$500 for a parent, legal guardian or other person responsible for a child to leave a child under the age of 6 years unattended or unsupervised in a motor vehicle for a period in excess of 15 minutes. The offense of leaving a child under 6 years of age unattended in a motor vehicle if the vehicle is running or the health of the child is in danger will remain a non-criminal traffic infraction.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007

HB 55 – Domestic Violence

Porth and others

Any person who is either the victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming the victim of any act of domestic violence may file a sworn petition for an injunction for protection against domestic violence. Florida law currently prohibits dismissing from employment any person who testifies in a judicial proceeding in response to a subpoena but does not address other protections enumerated in the bill to victims of domestic violence.

The bill requires employers with 50 or more employees to allow employees who have been employed for at least 3 months to request or take up to three working days of leave with or without pay within a 12-month period if the employee is the victim of domestic violence and the leave is sought to:

- seek an injunction for protection against domestic violence;
- obtain medical care or mental health counseling;
- obtain services from a victim-services organization;
- make the employee's home secure or to seek new housing; or
- to seek legal assistance to address issues arising from the act of domestic violence and to attend and prepare for court-related proceedings arising from the act of domestic violence.

The bill requires employees to provide advance notice of the leave (except in cases of imminent danger) and use all available annual or vacation leave, personal leave, and sick leave available to the employee prior to using the leave provided for in this bill (unless this requirement is waived by the employer).

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The bill authorizes employers to require documentation of the act of domestic violence, requires employers to keep information relating to the employee's leave confidential, and prohibits employers from taking any disciplinary action against the employee for exercising rights under the bill. The bill specifies that the remedy for damages to an employee aggrieved under the bill is limited to a civil suit for damages or equitable relief in the circuit court

A tied bill, HB 63, has been passed to provide the public records exemption needed to keep confidential the information covered by this bill in public employee personnel files.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HB 99 – Charitable Public Solicitations

Hooper and others

Generally, state law prohibits activities that obstruct or create a hazard to the free and normal use of public roadways or pose a safety risk to pedestrians and motorists. HB 99 provides an exemption for non-profit or charitable organizations qualified under s. 501(c)(3) of the Internal Revenue Code and registered pursuant to chapter 496, F.S., and persons or organizations acting on their behalf, from the permit requirement from a local government for activities on non-state maintained roadways as long as they meet certain requirements. The bill also provides that eligible organizations are limited to 10 cumulative days of solicitation activities a year; all solicitation must occur during daylight hours, and solicitation activities must not interfere with the safe and efficient movement of traffic or cause danger to the participants or the public. Additionally, the bill provides that no person engaged in solicitation may persist in soliciting a contribution once it has been denied, nor may they act in a demeaning or harassing manner, nor use any sound or voice-amplifying device. Further, the bill provides that no one under the age of 18 may participate in the solicitation activity, and signage providing notice of the solicitation must be posted at least 500 feet before the site of the solicitation. A local government may stop solicitation activities if any conditions or requirements are not met.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HB 139 – Suicide Prevention

Gibson, H. and others

CS/HB 139 creates the Office of Suicide Prevention as a unit of the Office of Drug Control within the Executive Office of the Governor. The Director of the Office of Drug Control is required, contingent upon a specific appropriation, to employ a coordinator for the office whose responsibility it is to achieve the office's goals and objectives as set forth in the bill. The bill requires the office, within available resources, to:

- Develop a network of community-based programs to improve suicide prevention initiatives.
- Prepare and implement a statewide plan for suicide prevention.
- Increase public awareness concerning topics relating to suicide prevention.
- Coordinate education and training curricula in suicide prevention efforts for professionals who may have contact with persons at risk of committing suicide.

The bill creates a Suicide Prevention Coordinating Council of 28 members within the office. The bill specifies terms of office of the council members, specifies the council's meeting schedule, and authorizes per diem and travel reimbursement for council members as authorized by s 112.061, Florida Statutes. In addition to the 28 council members, the Director of the Office of Drug Control serves as chair and non-voting member of the council. The council is required to advise the office on the development of a statewide plan for suicide prevention and must prepare and submit an annual report to the Governor and Legislature regarding suicide prevention programs, activities, and future initiatives. The bill authorizes the office to solicit grants from federal, state, and local sources to fund operations and expenses of the office and the council. The bill requires any revenues obtained from grants to be deposited in the Grants and Donations Trust Fund within the Executive Office of the Governor.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

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HB 211 - Hurricane Preparedness

Nehr and others

The bill provides that no sales tax will be collected on certain items that assist residents in preparing for hurricane season from June 1, 2007 through June 12, 2007. This coincides with the first day of hurricane season (June 1) and follows National Hurricane Preparedness Week (May 20-26, 2007). The list of exempt hurricane preparedness items includes:

- Any portable self-powered light source selling for \$20 or less;
- Any portable self-powered radio, two-way radio, or weatherband radio selling for \$75 or less;
- Any tarpaulin or other flexible waterproof sheeting selling for \$50 or less;
- Any item sold as, or generally advertised as, a ground anchor system or tie-down kit selling for \$50 or less;
- Any gas or diesel fuel tank selling for \$25 or less;
- Any package of AAA-cell, AA-cell, C-cell, D-cell, 6-volt, or 9-volt batteries, excluding automobile and boat batteries, selling for \$30 or less;
- Any cell phone battery selling for \$60 or less and any cell phone charger selling for \$40 or less;
- Any nonelectric food storage cooler selling for \$30 or less;
- Any portable generator used to provide light or communications or preserve food in the event of a power outage selling for \$1,000 or less;
- Any storm shutter device selling for \$200 or less;
- Any carbon monoxide detector selling for \$75 or less;
- Any re-usable ice selling for \$10 or less; and
- Any single product consisting of two or more of the items listed above selling for \$75 or less.

The provisions of the bill do not apply to sales within an airport, within a public lodging establishment, or within a theme park or entertainment complex. This bill grants rulemaking authority to the Department of Revenue and appropriates \$289,100 from the General Revenue Fund to administer this sales tax holiday. Chapter 2006-7, Laws of Florida, enacted this exemption for the 2005-06 fiscal year, effective May 21 through June 1, 2006. The Governor signed the bill into law on April 30, 2007.

HB 229 – Guardian Ad Litem Program

Mahon and others

The bill authorizes the Statewide Guardian Ad Litem Office to create a direct support organization (DSO). The DSO may conduct programs and activities, raise funds, and make expenditures that directly or indirectly benefit the Statewide Guardian Ad Litem Office.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HB 259 – Mobile Home Relocation Corporation

Attkisson and others

The bill addresses the relocation of mobile homes when a land use change results in the eviction from a mobile home park.

The bill specifies the terms of the notice that mobile home park owners must provide to homeowners at least six months before a change in the use of the park. The bill also imposes late fees for a mobile home park owner's untimely payment of a relocation fee to be deposited into the Florida Mobile Home Relocation Trust Fund.

The bill provides that the Florida Mobile Home Relocation Corporation may file and maintain the action to collect payments in Leon County. Leon County is specified as the proper venue for any action to which the corporation is a party.

The bill prohibits a mobile home owner from making an application for funding from the Florida Mobile Home Relocation Corporation for relocation expenses if the applicant has settled a claim or cause of action against the corporation, park owner, or the park owner's successors in interest directly related to the change in the use of the land for the mobile home park. The bill also limits the period for filing an application for moving expenses to one year after the expiration of the eviction period as established in the notice of the change of land use. If the homeowner has filed a claim or cause of action that is subsequently dismissed with prejudice, the bill gives the homeowner six months following the dismissal to submit the application for moving expenses. However, such an applicant must file the application

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within two years after the expiration of the eviction period as established in the notice of the change of land use.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 359 – Motor Vehicle Financial Responsibility

Kriseman and others

CS/CS/HB 359 creates a new section of statute entitled, "Financial responsibility for bodily injury or death." The bill requires proof of increased financial responsibility for motor vehicle owners or operators who have been found guilty of DUI after October 1, 2007. The bill also requires the driver to have proof of the increased coverage in their possession at all times when operating a motor vehicle.

Under Florida law, motorists are required to purchase personal injury protection (PIP) and property damage (PD) liability coverage. The no-fault coverage, referred to as PIP, provides \$10,000 of coverage. Current law also requires vehicle owners to obtain \$10,000 in PD liability coverage which pays for the physical damage expenses caused by the insured to third parties in the accident. Additionally, under Florida's Financial Responsibility law, motorists must provide proof of ability to pay monetary damages for bodily injury (BI) and PD liability after motor vehicle accidents or serious traffic violations.

Current law requires a person who leases a motor vehicle for one year or longer to obtain insurance containing limits not less than \$100,000/\$300,000 BI liability and \$50,000 PD liability.

CS/CS/HB 359 requires two separate limits of liability insurance, depending on the motorist's type of offense. The current law with limits of \$10,000/\$20,000/\$10,000 continues to apply to motorists who are involved in serious traffic violations. The bill increases the limits to \$100,000/\$300,000/\$50,000 whenever a revocation is applied on a person's driver's license for driving under the influence (DUI).

The bill indicates that the revised higher limits apply to any owner or operator who has been found guilty of a charge of DUI after October 1, 2007. The Department of Highway Safety and Motor Vehicles (Department) estimates that there are 45,000 new DUI convictions each year. Such higher limits must be carried for a minimum of three years. If the person is not convicted of a DUI or a felony traffic offense during the three year period, they may return to the standard coverage requirements.

The bill requires law enforcement officers to verify proof of insurance and to verify that a driver carries the right type of coverage based on the violation the person has committed. Violation of this provision is a nonmoving traffic violation. If the violator provides the necessary proof before the court date, the fine and court appearance may be waived. Failure to furnish proof results in suspension of the registration and driver's license of the person until such proof is furnished.

The bill requires tax collector employees to verify that BI insurance has been purchased by a person required to do so at the time the person applies for a vehicle registration or registration renewal.

The bill increases the driver's license reinstatement fee for violation of the required increased liability insurance from \$15 to \$150 for a first reinstatement of a driver's license, \$250 for a second reinstatement, or \$500 for each subsequent reinstatement during the three years following the first reinstatement.

The bill prohibits an insurer from denying an application, imposing a surcharge on, or increasing the premium rate for an automobile liability policy solely on the basis that the applicant is a volunteer driver. A volunteer driver is defined as a person who provides services, including transporting individuals or goods, without compensation in excess of expenses to a private nonprofit agency or a charitable organization.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 397 – Caregivers for Adults

Anderson and others

HB 397 allows the Department of Elder Affairs (DOEA) to establish a pilot program to train persons to act as companions and provide personal assistance to frail adults age 60 or older. The purpose of the pilot is to assist in meeting the growing demand for companion and personal assistance services, prevent institutionalization and act as a referral service for the Department of Elder Affairs. The location of the pilot may be Pinellas county, Pasco county or both.

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The Department of Elder Affairs must submit a status report to the Senate and House by January 1, 2010, that also includes recommendations regarding expansion of the pilot and further legislation. The bill appropriates \$75,000 of non-recurring general revenue to the Department of Elder Affairs to fund the pilot program.

HB 397 also provides recurring funds to the Department of Elder Affairs to complete statewide implementation of the Aging Resource Centers. The bill provides \$1,350,000 in General Revenue and \$1,650,000 in Operations and Maintenance Trust Funds for this purpose.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007

SB 430 – Mental Health Facilities

Saunders and others

CS/SB 430 establishes data reporting requirements for mental health receiving and treatment facilities. The bill specifies that these facilities are required to annually report the following data to the Department of Children and Families (DCF):

- The number of licensed beds.
- The number of contract days.
- The number of admissions by payer class and diagnoses.
- The number of bed days by payer class.
- The average length of stay by payer class.
- The total revenues by payer class.

Such data must be submitted to the DCF no later than 90 days following the end of the facility's fiscal year.

The DCF is required to issue an annual report based on these data to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HB 449 – Criminal Offenses

Snyder and others

The bill reclassifies the felony degree of certain burglary and theft offenses if the offense was committed within a county that is subject to a state of emergency declared by the Governor, and the perpetration of the offense was facilitated by conditions arising from the emergency. A person arrested for committing such an offense may not be released until the person appears before a committing magistrate at a first-appearance hearing.

The bill increases the severity of a theft offense if the property stolen is law enforcement equipment valued at \$300 or more that is taken from an authorized emergency vehicle. The offense will be a second degree felony.

The bill also increased the severity of a burglary offense when the person enters or remains in an authorized emergency vehicle. This offense will be a second degree felony and will be treated in the same manner as a burglary offense where the offender enters or remains in an occupied conveyance.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HB 509 – Children's Services

Ausley and others

CS/HB 509 creates a Children and Youth Cabinet in the Office of the Governor to coordinate state agency policy and services for children and youth.

The Governor will chair the cabinet. Members of the cabinet include the Secretaries of Children and Families, Juvenile Justice, Health, and Health Care Administration; the Directors of the Agencies for Persons with Disabilities, and Workforce Innovation; the Commissioner of Education; and the Directors of the Statewide Guardian Ad Litem Office and the Office of Child Abuse Prevention. Five members appointed by the Governor will represent children and youth advocacy organizations.

The bill requires the cabinet to develop a strategic plan to align public resources for children from prenatal care through transition to adulthood, and to measure their results.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

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HB 967 – Physical Education

Weatherford and others

The bill requires district school boards to provide 150 minutes of physical education each week to students in kindergarten through grade 5. The bill broadly defines physical education as the development or maintenance of skills related to strength, agility, flexibility, movement, and stamina, including dance. The definition also includes the development of knowledge and skills regarding teamwork and fair play; the development of knowledge and skills regarding nutrition and physical fitness as part of a healthy lifestyle; and the development of positive attitudes regarding sound nutrition and physical activity as a component of personal well-being.

The bill also requires the Commissioner of Education to make available on the Department of Education's website: links to the Internet-based clearinghouse for professional development; school wellness and physical education policies; and other internet sites that provide professional development for elementary teachers of physical education. The information on the department's website must provide elementary teachers with information concerning current physical education and nutrition philosophy. In addition, the bill requires the State Board of Education to review, and revise as necessary, the Sunshine State Standards to ensure the standards reflect the state-of-the-art physical education philosophy and practice in this state.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 1051- Property Tax Exemptions for Totally and Permanently Disabled Person

Mealor

Unless expressly exempted, all real and personal property belonging to residents of Florida is subject to taxation. Current statute provides that any real estate used and owned as a homestead by a totally and permanently disabled person, who is legally blind, is exempt from taxation. The person applying for the exemption must provide certification of disability from two physicians.

This bill authorizes optometrists to certify disability based on legal blindness for the purpose of a tax exemption on homestead property. It still requires one of the two persons certifying the disability due to legal blindness to be a physician.

This bill also provides the language and form of an optometrist's certification for purposes of this section of law.

Subject to the Governor's veto powers, this bill has an effective date of July 1, 2007.

SB 1126 – Statewide Tobacco Education & Prevention

Peaden

The bill creates s. 381.84, F.S., to implement s. 27, Art. X of the Florida Constitution, requiring funding of a Comprehensive Statewide Tobacco Education and Prevention Program. The Department of Health is required to create a comprehensive, statewide program consistent with the 1999 Best Practices for Comprehensive Tobacco Control

Programs developed by the United States Centers for Disease Control and Prevention. The program must include the following components:

- A counter-marketing and advertising campaign and a cyberspace resource center.
- Cessation, counseling, and treatment programs.
- Surveillance of behaviors, attitudes, and outcomes related to tobacco and evaluation of program components.
- Youth school programs.
- Community-based programs that include chronic disease prevention.
- Training of health care practitioners, smoking cessation counselors, and teachers.
- Administration and core funding for county health departments.
- Monitoring of the enforcement of the Clean Indoor Air Act and laws prohibiting the sale or provision of tobacco to minors.

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- Expansion of the Area Health Education Centers' (AHEC) smoking cessation initiative to each county within the state and other activities.

The bill creates the Tobacco Education and Use Prevention Advisory Council consisting of 23 members, including the Secretary of Health; one county health director; two members appointed by the Commissioner of Education; the chief executive officers of the American Cancer Society, American Heart Association, American Lung Association, Campaign for Tobacco Free Kids, and the Legacy Foundation; the deans of the Florida public and private medical schools; and members appointed by the Governor, Speaker of the House, and President of the Senate. The council must advise the Secretary of Health as to the direction and scope of the program. The council's duties include:

- Providing advice on program priorities and emphases.
- Providing advice on overall program budget.
- Reviewing broadcast material.
- Participating in periodic program evaluation.
- Assisting in the development of administrative procedures relating to the award of contracts and grants.
- Reviewing reports of peer-review panels.
- Recommending meaningful outcome measures.
- Recommending policies to encourage a coordinated response to tobacco use in the state.

The Secretary of Health, in consultation with the council, must award contracts and grants for the program components on the basis of merit through a competitive, peer-reviewed process. In addition, contracts and grants must be awarded no later than October 1 of each fiscal year and must limit:

- The use of food and promotional items to no more than 2.5 percent of the total amount of each contract or grant
- Overhead or indirect costs to no more than 7.5 percent of the total amount of each contract or grant.
- Production fees, buyer commissions, and related costs to no more than 10 percent of the total of each advertising contract amount.

The bill requires the department to award a contract or grant of \$10 million to the AHEC network for the 2007-2008 and 2008-2009 fiscal years. After this period, the AHEC network may participate in the competitive peer-reviewed contract and grant process.

Finally, the bill requires the department to annually produce a report that evaluates the program's effectiveness in reducing and preventing tobacco use and recommends improvements to enhance the program's effectiveness.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HB 1269 – Infant Mortality

Reed and others

This bill creates the black infant health practice initiative to determine factors associated with racial disparity in infant mortality through the use of specific infant mortality methodologies. The initiative will be administered through collaboration among the Department of Health, federal and state healthy start

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coalitions, and public universities and colleges that have expertise in public health. The bill requires the department to conduct an annual evaluation of the initiative.

The bill authorizes federal and local healthy state coalitions or consortiums to participate in the initiative and requires the department to develop a grant program for the coalitions to implement the objectives of the bill. Subject to a specific appropriation, the department must distribute at least two grants to these coalitions: one to a coalition that represents

an urban county and one to a coalition that represents a rural county.

Participating coalitions must develop an interdisciplinary team to oversee the process of examining infant deaths. The bill clarifies that the participating coalitions, their professional staff, and review team members are immune from civil liability.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HB 1309 – Adoption and Child Protection

Galvano and others

The bill changes all references to the Office of Child Abuse Prevention to the Office of Adoption and Child Protection and adds the promotion of adoption and the support of adoptive families to all references made to the purposes and goals of the Office. It also renames the director of the Office as the Chief Child Advocate.

The bill specifies duties for the Chief Child Advocate including formulating and recommending rules pertaining to the promotion of adoption, supporting adoptive families, implementing child abuse prevention efforts, and developing adoption and child abuse prevention public awareness campaigns.

The bill authorizes and directs the Office to oversee the preparation and implementation of a state plan; revise and update the plan as necessary; conduct or provide for continuing professional education and training in the prevention of child abuse and neglect; and monitor and evaluate the development and quality of local and statewide services; and, distribute and publish an annual report of its findings before January 1 of each year. The report is to include a summary of the activities of the Office, a summary of adoption data and child abuse prevention data and recommendations for improvement.

The bill renames the Child Abuse Prevention Advisory Council as the Child Abuse Prevention and Permanency Council, and specifies that an adoptive parent who has adopted a child from within the child welfare system shall also serve as a member of the Council. The promotion of adoption and support of adoptive families is made part of the Council's mission.

The bill authorizes the Office of Adoption and Child Protection to establish a direct-support organization to support the state in carrying out its purposes and responsibilities regarding the promotion of adoption and the support of adoptive families and the prevention of child abuse, by raising money, receiving grants and making expenditures on behalf of the Office.

The bill requires the Department of Children and Family Services to provide adoption assistance to parents who adopt a child within the welfare system in the amount of \$5,000 annually or in an amount other than \$5,000 as determined by the adoptive parents and the department.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HB 1375 – Affordable Housing

Davis

The bill contains a number of provisions intended to further incentivize and encourage the provision of affordable housing. The bill revises elements of local government comprehensive plans relating to housing by authorizing the inclusion of adequate sites for affordable workforce housing in the housing element and transportation concurrency exceptions for certain workforce housing in close proximity to employment centers. In addition, the bill requires certain counties to adopt a plan for ensuring affordable workforce housing by July 1, 2008, at a minimum identifying adequate sites for such housing. A penalty is provided for local governments who do not comply. Local governments are authorized to identify in their comprehensive plans the types of housing development and conditions under which they will expedite consideration of amendments consistent with identified affordable housing incentive strategies.

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The bill provides that a specified prohibition on the adoption of plan amendments until the evaluation and appraisal report (EAR) update amendments have been adopted and transmitted does not apply to a proposed plan amendment in certain cases. Such prohibition does not apply to a proposed plan amendment adopted by a local government in order to integrate a port master plan with the coastal management plan element of the local comprehensive plan, if the port master plan or proposed plan amendment does not cause or contribute to the local government's failure to comply with the EAR requirements.

The bill authorizes a board of county commissioners or the governing authority of a municipality to adopt an ordinance to allow for ad valorem tax or non-ad valorem assessment deferrals on affordable rental housing property. The bill provides for a deferral application process, creates an appeals process when deferral is denied, and provides for a process in the case of a change in use or ownership of property. In addition, the bill requires the tax collector to notify each local governing body of the amount of ad valorem taxes and non-ad valorem assessments deferred which would have otherwise been collected.

The bill provides for a transfer of specified property from the Board of Trustees of the Internal Improvement Trust Fund to Miami-Dade County for the purpose of providing workforce housing. Employees of the Miami-Dade State Attorney and the Miami-Dade Public Defender who apply for and meet the income qualifications shall receive preference for this housing.

The bill provides that in recognition of the 2007 real estate market conditions, all phase, build out, and expiration dates for projects that are developments-of-regional-impact (DRI) and under active construction on July 1, 2007, are extended for three years. Such extension is not a substantial deviation, not subject to further DRI review, and not to be considered when determining whether a subsequent extension is a substantial deviation.

The bill modifies the guidelines and standards used to determine if a hotel or motel development is a DRI in more populated counties. As a result, fewer hotel or motel developments will be identified as a DRI and will not have to undergo regional and statewide review under the DRI program.

The bill allows local governments to amend the development order for approved DRIs that have requirements to sell housing for certain incomes to allow for sale to a person who earns less than 120 percent of the area median income without going through a substantial deviation review under certain conditions. The amended development order is sent to the Department of Community Affairs (DCA) and DCA may appeal if the agency believes the change creates additional regional impacts.

The bill contains clarifying provisions to address issues related to the transfer of assets/liabilities and rights and responsibilities from the former Florida Housing Finance Agency formerly within DCA to the Florida Housing Finance Corporation.

The bill requires that, as a condition of financing a multifamily affordable rental project, an agreement must be recorded in the official public records of the county where the property is located. Such agreements are state land use regulations that limit the highest and best use of property for ad valorem taxing purposes.

The bill allows the corporation to partially forgive certain loans for projects where a dedicated number of units provide housing for elderly persons with extremely-The bill modifies the guidelines and standards used to determine if a hotel or motel development is a DRI in more populated counties. As a result, fewer hotel or motel developments will be identified as a DRI and will not have to undergo regional and statewide review under the DRI program.

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certain conditions. The amended development order is sent to the Department of Community Affairs (DCA) and DCA may appeal if the agency believes the change creates additional regional impacts.

The bill contains clarifying provisions to address issues related to the transfer of assets/liabilities and rights and responsibilities from the former Florida Housing Finance Agency formerly within DCA to the Florida Housing Finance Corporation.

The bill requires that, as a condition of financing a multifamily affordable rental project, an agreement must be recorded in the official public records of the county where the property is located. Such agreements are state land use regulations that limit the highest and best use of property for ad valorem taxing purposes.

The bill allows the corporation to partially forgive certain loans for projects where a dedicated number of units provide housing for elderly persons with extremely-low-incomes and adjusts the cap on predevelopment loans for affordable housing projects to the lesser of the development and acquisition costs for the project, or \$750,000.

Revisions are made regarding the selection of projects funded under the Community Workforce Housing Innovation Pilot Program (CWHIP), and the expedited processing of development orders and development permits for innovative community workforce housing projects is required. Additionally, the annual reporting requirements relating to the success of CWHIP are to be included in the annual reports submitted by the corporation and are to address the success of CWHIP in meeting the housing needs of the eligible areas.

The bill includes a provision to exempt from taxation all notes, mortgages, security agreements, letters of credit, or other instruments that arise out of, or are given to secure, the repayment of loans issued in connection with the financing of any housing project under s. 420.513, F.S., regardless of the status of any party thereto as a private party.

The bill provides additional opportunities for partnerships in affordable housing by strengthening the role of local affordable housing advisory committees. It revises affordable housing committees by increasing their membership and providing specified duties of the committee.

The bill authorizes certain public housing authorities to create a self-insurance fund and exempts such authorities from certain assessments.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

SB 1394 – Children & Families

Storms

The bill authorizes the Department of Children and Family Services to begin the process of departmental reorganization, subject to further legislative review. It directs the department to integrate Substance Abuse and Mental Health programs into the overall structure and priorities of the department. It also authorizes the department to plan for realignment of department districts with judicial circuits and to phase in organizational changes to ensure that children currently in the system are not adversely impacted.

The bill requires the department to submit to the Legislature a report on its organizational modifications concurrently with the Sunset Review Report required by existing law and allows DCF to use the name Department of Children and Families. The bill authorizes the department to establish community partnerships at the request of local communities, and permits the Secretary to establish advisory groups at the state level. The bill provides that members of community partnerships or advisory groups are entitled to receive reimbursement for certain expenses. However, the bill specifies that these costs must be absorbed within existing resources. Provisions pertaining to departmental reorganization will expire on June 30, 2008.

The bill specifies that it is unlawful to create, as well as to alter, destroy, deface, overwrite, remove or discard, official records relating to individuals in the care and custody of a state agency and certain records of DCF.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law except as otherwise provided.

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HB 1477 – Forensic Mental Health

Ausley and others

The bill provides matching grants to communities to bring together criminal justice, mental health, and community leaders to develop local programs to identify and treat adults and juveniles with mental health problems to reduce their burden on the criminal justice system.

Counties can apply for one-year planning grants or three-year program grants. Local Public Safety Councils or other committees will serve as planning groups for the grants and make recommendations to county commissioners. The groups are required to include mental health and substance abuse experts, consumers, and representatives of the juvenile justice system, in addition to their regular public safety representatives.

The bill also establishes the Criminal Justice Mental Health Policy Council to coordinate policy among state agencies, and creates the Public Safety, Mental Health, and Substance Abuse Technical Assistance Center at the University of South Florida, to help communities plan and implement their local efforts.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

SM 1506 – State Children's Health Insurance Program

Peaden and others

This Memorial is a resolution by the Legislature that will be sent to the President and Congress to encourage reauthorization of funding for the State Children's Health Insurance Program (SCHIP). SCHIP funds are used to match state funds to pay for premium assistance for children in low-income families who are uninsured and not eligible for Medicaid.

Copies of the memorial will be sent to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

SM 1698 – People of Darfur/Peace

Margolis and others

The memorial provides a historical overview of the situation in Darfur. On May 8, 2006, President Bush stated, "we will call genocide by its rightful name, and we will stand up for the innocent until the peace of Darfur is secured." On May 15, 2006, then United Nations Secretary-General Kofi Annan described the ongoing crisis in Darfur as "the world's worst humanitarian crisis," hundreds of thousands of people have died and more than 2.5 million have been displaced in Darfur since 2003.

The memorial supports the principles of the Addis Ababa Agreement of November 17, 2006; the deployment of an African Union-United Nations peacekeeping force under the command and control of the United Nations as the minimum acceptable effort of the international community; and the strengthening of the African Union peacekeeping mission in Sudan.

The memorial calls upon the government of Sudan to allow the implementation of the United Nations light and heavy support packages as provided for in the Addis Ababa Agreement; work with the United Nations and the international community to deploy United Nations peacekeepers to Darfur; and adhere to the Joint Statement issued by Governor Bill Richardson and President Omar Hassan Al-Bashir on January 10, 2007.

The memorial urges the President to continue work with other members of the international community; ensure the ability of any peacekeeping force deployed to Darfur to carry out its mandate; vigorously pursue, in cooperation with other members of the international community, strong punitive action against those persons responsible for crimes against humanity; and make all necessary efforts to address the widespread incidents of gender-based violence in Darfur.

The memorial calls upon Congress, the leadership in Congress, and the Florida delegation to provide all necessary funding and support for United Nations and African Union peacekeeping operations in Darfur and affected areas of Chad and the Central

African Republic; conduct sufficient oversight of actions by the United States administration continue to monitor the conflict and political processes.

The memorial urges Congress to do all in its power to further the goals expressed in this memorial in order to bring lasting peace to the people of Darfur.

Bills that Passed the 2007 Legislative Session:

Copies of the memorial will be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

SB 1732 – Primary Care Access Network

Webster and others

The bill requires the Agency for Health Care Administration (AHCA) to establish one-year pilot programs in Orlando, Pasco, Manatee, Sarasota and DeSoto Counties to offer health care services during the weekend and after regular business hours during the week at PCAN clinics to the extent funding is available. The agency is directed to develop procedures for operating the pilot programs.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

SB 2114 – Independent Living Transition Services

Rich and others

The bill provides for a number of changes related to older children who are in the foster care system, including:

- Authorizing the caseworker at the agency at which the state has placed a child to sign a minor's application for a driver's license. The caseworker is required to notify the foster parents or other responsible party of his or her intent to sign the application;
- Making young adults who were placed with a court-approved dependency guardian or adopted from foster care after reaching age 16 and have spent a minimum of 6 months in foster care within the 12 months preceding such adoption or placement eligible to be provided with independent living transition services;
- Providing that foster parents or caregivers cannot have their licensure status jeopardized as a result of actions of a child engaged in approved independent living activities;
- Requiring a child who has reached 16 years of age to be formally evaluated for a subsidized independent living arrangement;
- Expanding the Medicaid eligibility criteria to include 20 year old young adults who have aged out of foster care; and
- Removing the disability of nonage for minors for the purposes of securing depository financial services such as checking and savings accounts.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HB 7065 – Medicaid

Gibson, H.

The bill amends ss. 409.912(5), 408.040, and 409.915, F.S., to implement an integrated fixed-payment service delivery system for Medicaid recipients age 60 and older or individuals who are dually eligible for Medicaid and Medicare. The system is to be implemented on a pilot basis in Areas 7 and 11 of the Agency for Health Care Administration. The bill provides the Agency for Health Care Administration with the authority to implement the pilot programs in accordance with approved federal waivers.

The bill makes participation of eligible individuals voluntary. The bill specifies that individuals who choose to participate in the pilot may remain in their current licensed

residence even if this residence is not under contract to the managed care program operator. The bill also provides enrollees access to a grievance process through the Subscriber Assistance Panel. The bill removes the requirement for the agency to competitively procure managed care entities to operate the pilot program. Instead, the agency will approve managed care entities that meet or exceed the minimum standards of the agency. In addition, providers who participate are provided with a grievance system that includes a formal and informal process. The bill creates a 10-business-day prompt payment requirement for participating managed care organizations in the pilot projects to make payment to nursing homes that submit claims electronically. This bill also requires county contributions to Medicaid nursing home cost reimbursement under the fixed-payment model (s. 409.915, F.S.).

The bill makes changes to the evaluation requirement and requires the agency to perform an analysis of the merits of seeking a combined Medicaid and Medicare federal waiver.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.



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