

# Legislative Link

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

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## KEEP THE PROMISE: QUALITY UPK IMPLEMENTATION IN FLORIDA!

Opposition has formed to quality implementation of the universal pre-kindergarten constitutional amendment in Florida.

Emails and letters in the hundreds, some say thousands, are flooding the capitol. Opponents are recommending, among other things, that implementation remain within the Agency for Workforce Innovation instead of moving to the Department of Education and that improvements in quality are not needed. In essence, they are pushing the status quo with a voucher-based system wrapped around the slogan of "parental choice", thereby relegating the new UPK program to improved childcare for four-year-olds.

Supporters of high quality have been relatively silent, taking a thoughtful approach to analyzing legislation and weighing pros and cons. It's time now to speak up. There is not a minute to waste.

If You Support High quality UPK in Florida, and want  
 Legislators to KEEP THE PROMISE . . . HIGH QUALITY  
 PRE-KINDERGARTEN, see page 2 and call and email your  
 legislators today!

## WHAT'S GOING ON WITH UPK?

Before funding and implementing the constitutionally mandated Universal Prekindergarten (UPK) program in 2005, it's anticipated that the 2004 Legislature will pass legislation defining the parameters of the program.

Generally, by this point in the legislative session, we have an idea of where competing interests stand on filed legislation. Unfortunately, while the lines delineating competing UPK interests have been drawn, only one relevant bill has yet been filed, HB 821.

HB 821 is supported by some private providers and faith-based organizations. Simply put, it would plug the new UPK program for 4 year olds into the existing school readiness system within the Agency for Workforce Innovation (AWI), and require UPK providers to be gold seal accredited. It does not have a Senate sponsor (check). *(Continued on page 3)*



Helping all children succeed for life.  
An initiative of the United Way of Florida,  
Publix Super Market Charities, Inc. and  
Bank of America.



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

## KEEP THE PROMISE ... HIGH QUALITY PRE-KINDERGARTEN

Based on all we have heard, the Children's Campaign, United Way of Florida/Success by 6, Florida Children's Forum, Florida Head Start Association, and our national partners at the Trust for Early Education, we are asking you today to use the following message points and talk and write to policy-makers immediately.

A promise has been made to Florida parents and families. Passed by voters, the promise, a constitutional mandate, guarantees that every four-year-old in Florida will be provided a high quality pre-kindergarten program by the State, free of charge, on a voluntary basis, with appropriate professional standards.

Decisions will be made in Tallahassee that will either make or break that promise.

Will preparing children for school become the most important educational reform undertaken by our state in our lifetime?

The answer is YES! But it will take Common Sense, Local Innovation and Control, and Statewide Accountability & Standards.

### Common Sense

1. Voters approved a constitutional amendment aimed at **reforming education**. The place to implement this mandate for a high quality pre-kindergarten program is through the Florida Department of Education (DOE), with a **Chancellor for Early Learning** accountable to Florida's taxpayers.

Some have argued that the program should be provided through the Agency for Workforce Innovation (AWI), a placement that has its historical roots in supplying childcare for the working poor. Putting this educational program at AWI is appealing only to a few insiders who favor the status quo.

They argue too that a new bureaucracy at DOE will be created. This is not true. Existing resources will shift from AWI to DOE. Obviously, moving a government agency from one department to another does not result in two separate agencies anymore than a baseball player traded from one team to another results in two baseball players.

2. High quality pre-kindergarten classes require **high quality teachers**. Teacher qualifications are important with the CDA Certificate as a starting point, but Florida must have a plan in place to employ Associate and Bachelor degree level teachers. Without benchmarks and strict accountability measures guiding their progress, spelled out in law, Florida's educational and bureaucratic institutions will not move quickly enough in the right direction.

### Local Innovation and Local Control

3. **Parents must have choices** of programs and settings based on their values and beliefs. This will require the active local involvement of **private, faith-based, non-profit, family child care homes, and school-based providers** of early childhood services. All must work together. All must be treated fairly with a "level" playing field. All must be accountable to taxpayers.

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*"Democracy is a process by which the people are free to choose the man who will get the blame." - [Laurence J. Peter](#) (1919 - 1988)*

*Keep the Promises (continued)*

4. High quality programs for every community in Florida will be best achieved under the watchful eye of **Early Learning Councils** comprised of local citizens concerned about local children. Local oversight of statewide quality standards is a better option than relying solely on management by a centralized Tallahassee-based bureaucracy.
5. A **unified system** of pre-kindergarten and child care programs, focusing on children ages birth to five, is highly recommended by community leaders and children's experts. Think of the chaos facing parents if their three-year-old and four-year-old children are served in the same setting but under two different sets of rules or structures!
6. Parents need help to find the right educational setting at the right time. **Quality Resource and Referral** services provide parents with information to make the most important decisions about where to send their children and where to go for specialized care when needed.
7. Law enforcement emphasizes the importance of services to **school-age children**, keeping them safe and away from crime between the hours when the school bell rings and the dinner bell sounds. Funding for neighborhood after-school programs must be preserved.

### **Statewide Accountability and Standards**

8. Voters clearly understand that education and the protection of children are state responsibilities. Licensing standards guaranteeing the health and safety of every child and **Gold Seal** accreditation provide parents and taxpayers the assurances needed that programs in Florida are of high quality.
9. Everyone agrees: too many children and not enough teachers result in poor quality. The ratio of teachers to children should not exceed **1:10**, with no more than 20 children per class.
10. The absence of **career ladder** incentives, lack of training and educational opportunities, and low wages result in high staff turnover. A pathway to professionalism can be created through a carefully planned professional development system.

It's a proven fact: a better start for children improves education, reduces school dropouts, and prevents future crime. Keep the Promise of High Quality Pre-kindergarten. Let your voice be heard!

A legislator contact database can be found at the Children's Campaign website. Use it to contact your legislators today! [WWW.Iamforkids.org](http://WWW.Iamforkids.org).

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### ***What's Going on With UPK? (continued from page 1)***

"The Governor's bill" which has not yet been filed, is a draft bill that would implement the recommendations of the state Board of Education, based upon the report of the UPK Council that met during the interim. It proposes moving UPK and school readiness programs to a new Division of Early Learning within the Department of Education headed by a separate chancellor for early education, creates a career ladder for early care and education/UPK workers, and addresses resources referral for parents, teacher training, teacher child ratios, and numerous other quality issues.

*What's Going on With UPK? (continued)*

Both bills provide that UPK will be 100 percent voucher driven, will run 4 hours a day, 720 hours/180 days each year, and stress parent involvement. Of course, it's way to early to determine how the final UPK bill will look when finally passed – if indeed one is passed this year. One issue is clear: UPK must be a quality program, and the Governor's bill, while not perfect, addresses and attempts to embrace most of the items that will ensure the program is high quality. It is the framework from which the Legislature should work.

There is one theme that is unifying UPK advocates: the new UPK program must be a quality one.

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- ✓ *Consumer spending accounts for roughly two-thirds of all economic activity in the United States*
- ✓ *US households own more than \$14 trillion in real estate assets – almost twice the amount they own in mutual funds and directly hold in stocks*  
*... Federal Reserve Chairman Alan Greenspan*

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**BILLS HEARD THIS WEEK**

*(The summaries below are excerpted directly from House and Senate staff analyses)*

**HOUSE BILLS**

**Developmental Disabilities**

HB 27 amends section 409.912, F.S., related to the cost-effective purchasing of Medicaid services. The bill requires the Agency for Health Care Administration to work with the Department of Children and Family Services to develop and seek federal approval for a Model home and community-based waiver to serve children who are diagnosed with familial dysautonomia.

Familial dysautonomia is also known as “Riley-Day syndrome” and “autonomic neuropathy-Type III”.

*LAST ACTION: 3-10-04 HOUSE Not Considered by the Future of Florida's Families*

**Nursing Homes**

HB 267 authorizes nursing home facilities, subject to approval by the Agency for Health Care Administration, to use licensed nursing home beds for alternatives to nursing home care. Those alternatives include: adult day care and assisted living (with extended congregate care or limited nursing services specialty licenses).

This bill amends s. 400.021, F.S., to allow a registered nurse employee with institutional responsibilities the ability to sign the residents' care plan on behalf of the facility.

The Certificate-of-Need (CON) regulatory process for health care services is revised for nursing homes to ease the awarding of a CON when occupancy is at 94 percent; to allow expedited review of requests to replace a nursing home in the same district and for the relocation of some beds to another facility in the same district; and to provide an exemption to the current CON moratorium on nursing home beds.

*LAST ACTION: 3/10/04 HOUSE CS by the Future of Florida's Families*

**Indigent Care Surtax/Small Counties**

Currently, counties with a population of fewer than 800,000 residents may levy a 0.5 percent indigent care surtax pursuant to an ordinance conditioned to take effect upon a majority vote of the electors of the county voting in a referendum.

CS/HB 297 authorizes counties with a population of fewer than 50,000 residents to levy an indigent care surtax of up to 1 percent rather than the 0.5 percent surtax authorized in existing law. Currently, 27 Florida counties could exercise this authority.

The bill expands the use of the tax in counties with fewer than 50,000 residents to include issuing bonds to finance, plan, construct, or reconstruct a public or not-for-profit hospital in the county and any land acquisition, land improvement, design, or engineering costs related to such hospital, if the governing body determines that a hospital in existence at the time of the issuance of the bonds would, more likely than not, otherwise cease to operate.

*LAST ACTION: 3/10/04 HOUSE CS by Health Care*

**Motor Vehicle Insurance for Foster Children**

HB 363 requires the Department of Children and Family Services to establish a 3-year pilot program in Sarasota, DeSoto, and Manatee Counties to provide funds to reimburse foster parents for one-half of the increase in motor vehicles insurance premium that occurs when a foster child is added to the foster parent's insurance policy. The foster child is required to pay the other half of the increased premium cost.

*LAST ACTION: 3/10/04 HOUSE Favorable by Insurance*

**Elder Abuse and Neglect**

HB 379 creates section 825.108, F.S., and requires the Department of Children & Family Services (DCF) to request a mental health evaluation of any victim of abuse or neglect who the DCF worker has reason to believe may be incompetent. The examination must be completed within 48 hours after the initial observation by the DCF worker. The bill revises the crime of aggravated abuse of an elderly or disabled person from a second-degree felony to a first-degree felony. The bill establishes the Task Force Against Abuse and Neglect of the Elderly in the Department of Children & Family Services.

*LAST ACTION: 3/10/04 HOUSE CS by the Future of Florida's Families*

**Mental Health**

HB 463 amends the Baker Act to include voluntary and involuntary outpatient treatment as alternatives to inpatient commitment. The bill provides criteria and procedures for receipt of outpatient services, assuming such services and programs are available.

The bill grants DCF rulemaking authority to implement the act.

Part I of Chapter 394, F.S., is known as the Florida Mental Health Act or the "Baker Act." The Baker Act contains all of the statutory provisions for the involuntary examination and the involuntary placement of persons who are mentally ill and require mental health treatment.

Section 394.463, F.S., specifies the criteria for an involuntary mental health examination. A person may be taken to a receiving facility for involuntary examination if there is reason to believe that he or she is mentally ill and because of his mental illness the person:

- has refused voluntary examination after conscientious explanation and disclosure of the purpose of the examination; or
- is unable to determine for himself if the examination is necessary; and
- without care or treatment, is likely to suffer from neglect or refuses to care for himself which poses a real and present threat of substantial harm to his well-being; and it is not apparent that harm may be avoided through the help of willing family members or friends or the provision of other services; or

*Bills Heard this Week (continued)*

- there is a substantial likelihood, as evidenced by recent behavior that, without care or treatment, the person will cause serious bodily harm to himself or others in the near future.

The CS creates new section 394.4655, F.S., relating to involuntary outpatient placement.

**PROVIDES CRITERIA FOR INVOLUNTARY OUTPATIENT PLACEMENT**

- Requires the court to find by clear and convincing evidence that
  - The person is 18 or older; and
  - The person has a mental illness; and
  - Based on a clinical determination the person is unlikely to survive safely in the community without supervision; and
  - The person has a history of noncompliance with treatment for mental illness; and The person has
    - At least twice within the last 36 months been admitted for examination or placement in a receiving or treatment facility or received mental health services in a forensic or correctional facility, which period of time excludes any period during which the person was admitted or incarcerated; or
    - Engaged in one or more acts of serious violent behavior to self or others or engaged in attempts at serious bodily harm to self or others within the preceding 36 months; and
    - The person is unlikely to voluntarily participate in treatment; and
    - The person is in need of involuntary outpatient placement in order to prevent a relapse or deterioration of condition which would result in harm to self or others; and
    - The person will likely benefit from involuntary outpatient placement; and All available less restrictive alternatives have been judged to be inappropriate.

Each of the criteria must be alleged and substantiated in a petition for involuntary outpatient placement which shall include a clinical determination by a qualified professional

*LAST ACTION: 3/10/04 HOUSE Not Considered by the Future of Florida's Families*

**Infant Cribs**

House Bill 525 prohibits the manufacture and sale of infant cribs determined to be unsafe and prohibits transient public lodging establishments and child care facilities from using unsafe cribs. Violations constitute deceptive and unfair trade practices, which are thereby subject to increased civil liability. In addition, transient public lodging establishments and child care facilities are subject to penalties governed by their respective regulatory statutes. Further, a willful-and-knowing violation by a commercial user – other than by a transient public lodging establishment or by a child care facility – is subject to criminal penalties.

The bill creates a demonstration program in five counties until June 30, 2007, limiting inspection for unsafe cribs in transient public lodging establishments to cribs in establishments located within the affected counties. The bill requires a report to the Governor and the Legislature, evaluating the demonstration program. Upon the expiration of the demonstration program, inspections are required statewide and revert to standard inspection requirements.

*LAST ACTION: 3/10/04 HOUSE Favorable by Agriculture*

**Child Care Personnel Training**

HB 569 amends existing law to add course work on shaken baby syndrome, preventing sudden infant death, and understanding childhood brain development to the minimum training required of child care personnel.

*LAST ACTION: 3/10/04 HOUSE Not Considered by The Future of Florida's Families*

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***Favorite Country Song Titles***

*I Sold A Car To A Guy Who Stole My Girl, But It Don't Run So We're Even*

*If the Phone Don't Ring, You'll Know It's Me*

*Bills Heard this Week (continued)*

**Minority Health Care**

A 1998 study of health disparities in nine states by the federal Office of Minority Health found that in Florida:

- Infant mortality rates were at least twice as high for black infants as for white infants;
- Twenty-one percent of Florida counties (14) had shortages of mental health and primary care professionals and 12 of these counties had above average percentages of minorities; and
- Data on Hispanics and Native Americans was limited in Florida as it is in the other study states.

HB 645 addresses these issues by requiring the Department of Health (DOH) to implement, within existing resources, a Florida Healthy People 2010 Program to advance the goals of the federal Healthy People 2010 Initiative. The federal initiative is a comprehensive, nationwide health promotion and disease prevention agenda. The goals of the Florida program are to help individuals of all ages increase life expectancy and improve their quality of life, and eliminate health disparities among different segments of the population.

DOH is required to report annually to the Legislature on progress meeting the program's goals using federal health indicators. DOH is required to support development of programs to educate health care professionals on cultural issues; support partnerships with charitable organizations, hospitals, and minority physician networks to increase the proportion of health care professionals from minority backgrounds; and support research to reduce disparities at colleges and universities with large minority enrollments by encouraging minority college students to pursue professions in health care.

*LAST ACTION: 3/10/04 HOUSE CS by Health Care*

**Multiservice Senior Centers**

HB 647 revises the definition of multiservice senior center to more closely parallel the definition in the federal Older American's Act. The bill encourages multiservice senior centers to have an automated external defibrillator (AED) in each center. The bill requires training of staff, registration of the location of the device with the appropriate county office, and provides immunity from liability under the Good Samaritan Act and the Cardiac Arrest Survival Act for persons who use the AED.

The bill appropriates \$270,000 to the Department of Elder Affairs (DOEA) to purchase AEDs. The department is directed to distribute the equipment to multiservice senior centers in the order in which they are requested and limits one AED to each center. Senior centers, except those in rural areas, are to reimburse the department for fifty percent of the cost.

*Bills Heard this Week (continued)*

*LAST ACTION: 3/9/04 HOUSE CS by The Future of Florida's Families*

**Hospice Facilities/Florida Building Code**

HB 1109 removes the requirement that the Department of Elderly Affairs establish minimum standards and procedures for "the physical plant standards for hospice residential and inpatient facilities".

The bill creates a new subsection which provides that the construction and renovation of a hospice inpatient facility or unit, or a hospice residence, must comply with the building construction standards, the Florida Building Code, and the other applicable provisions of chapter 553, Florida Statutes.

*LAST ACTION: 3/10/04 HOUSE CS by Local Government & Veterans' Affairs*

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*For those who appreciate the intricacies of the English language . . . the Washington Post publishes a yearly contest in which readers are asked to supply alternate meanings for various words. The following were some of this year's winning entries:*

- *Coffee (n.), a person who is coughed upon.*

- *Flabbergasted (adj.), appalled over how much weight you have gained.*
- Abdicate (v.), to give up all hope of ever having a flat stomach.
- *Esplanade (v.), to attempt an explanation while drunk.*



**SENATE BILLS**

**Persons with Disabled**

SB 440 makes the pilot program that provides personal care attendants for individual who have spinal cord injuries a permanent program.

*LAST ACTION: 3/10/04 SENATE Now in Education*

**Crimes Against Children**

Children's Advocacy Centers (CAC) are primarily designed and governed at the local level to provide support to the child protective investigations process. These centers work to coordinate the activities of the several agencies involved in the child abuse investigation to reduce the number of times the child must be interviewed, thereby reducing trauma to the child, to facilitate joint investigations, and to provide for prompt access to mental health and other appropriate services.

The Florida Network of Children's Advocacy Centers, Inc., is a state chapter of the National Children's Alliance. All 21 of Florida's children advocacy centers participate in this network.

Senate Bill 602 proposes that additional court costs be imposed in cases of battery of a child, kidnapping or false imprisonment of a child, sexual battery, procuring persons under the age of 18 for prostitution, lewd or lascivious offenses on or in the presence of persons less than sixteen years of age, abuse of children, buying or selling of minors, and sexual misconduct of Juvenile Justice employees. An additional court cost of \$101 would be imposed against each offender pleading guilty or nolo contendere to, or is found guilty of, regardless of adjudication, any of the specified offenses against a minor.

The bill directs the Clerk of the Court to transfer \$100 from each court cost collected to the Child Advocacy Trust Fund for disbursement to the Florida Network of Children's Advocacy Centers, Inc., for the purpose of funding children's advocacy centers that are members of the network.

*LAST ACTION: 3/10/04 SENATE CS by Children and Families*

**Trust Funds**

Senate Bill 606 creates the Child Advocacy Trust Fund within the Department of Children and Family Services (DCF). The source of funding for this proposed trust fund is designated court costs for specified crimes against children which are to be disbursed to the Florida Network of Children's Advocacy Centers, Inc., to provide community based services that augment but do not duplicate services provided by any state agency.

*LAST ACTION: 3/10/04 SENATE CS by Children and Families*

*Bills Heard This Week (continued)*

**Public Health Services**

SB 1658 creates a new type of licensed facility setting for providing care for children who are medically fragile or technologically dependent and who are transitioning from a hospital to their home or to a lower level of care. A subacute pediatric prescribed extended alternative care center would provide therapies for children in a setting that could be residential. The bill requires licensure of the facilities and specifies staffing requirements for the centers and services to be provided.

*LAST ACTION: 3/11/04 SENATE Now in Finance and Taxation*

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***Favorite Country Song Titles***

I'm So Miserable Without You, It's Like Having You Here  
She Got the Ring and I Got the Finger

*Bills Heard this Week (continued)*

**Guardianship Programs**

SB 1782 creates the “Joining Forces for Public Guardianship” grant program. The program is to be established and administered by the Statewide Public Guardianship Office within DOEA. The purpose of this program is to provide start-up funding to encourage communities to develop and administer locally-funded and supported public guardianship programs to address the needs of indigent and incapacitated residents.

This section provides that the Statewide Public Guardianship Office may distribute the grant funds as follows:

- As initial start-up funding to encourage counties that have not office of public guardian to establish an office or to open an additional office of public guardian within a county that needs more than one office;
- As support funding to operational offices of public guardian to meet the needs of a particular geographic area in the state which the office serves; and
- To assist counties that have an operating public guardianship program to expand the geographic area or population of persons they serve, or to develop and administer innovative programs to increase access to public guardianship.

*LAST ACTION: 3/11/04 SENATE On Committee agenda – Health, Aging, and Long-Term Care*

**Random Drug Testing of Public School Student Athletes**

SB 1838 authorizes direct school boards to adopt programs and policies to require middle school and high school students to consent to urinalysis drug testing as a condition of participation in any extracurricular activity. The bill provides that procedures for implementing the testing provisions must be prescribed by rules of the State Board of Education.

*LAST ACTION: 3/10/04 SENATE Temporarily postponed by Education*

**School-Entry Vision Examinations**

SB 1844 expands the requirements for all children initially entering Florida’s public and private schools to include a comprehensive vision examination by a licensed optometrist or ophthalmologist. School districts may develop policies to allow students up to 120 days to present certification that a school-entry comprehensive vision examination was completed. Any child in public or private school is exempt from the vision examination requirement if a parent submits a written request stating objections on religious grounds.

*LAST ACTION: 3/9/04 SENATE Not Considered by Health, Aging, and Long-Term Care*

**Blind Services**

SB 1918 expands the authority and responsibilities of the Division of Blind Services (division) to include:

- ✓ Developing and implementing state plans for vocational rehabilitation services and independent living services for blind individuals;
- ✓ Establishing an orientation and adjustment center or centers to provide independent living skills training and other important training and skills;
- ✓ Establishing and implementing a small business enterprises program;
- ✓ Serving as the state licensing agency for blind individuals;
- ✓ Purchasing and distributing specialized equipment obtained directly from specialty vendors without using state centralized purchasing procedures;
- ✓ Providing, in cooperation with the Library of Congress, library services to blind individuals and those with other print-related disabilities;

*Bills Heard This Week (continued)*

- ✓ Providing technical assistance in cooperation with appropriate entities for auxiliary aids and services to blind individuals and their families;
- ✓ Providing technical assistance to agencies regarding state purchased information technology for use by blind individuals;
- ✓ Applying for money from any state or federal agency to support the programs of the division; and
- ✓ Adopting rules for administering the programs of the division.

*Bills Heard this Week (continued)*

In addition, the CS:

- ✓ Eliminates the division requirement to maintain the blind registry;
- ✓ Establishes within the division a children's program to serve blind children from five years of age through transition to the Vocational Rehabilitation Program;
- ✓ Excludes property purchased by a state agency for the purpose of making accommodations for individuals who are blind from the record and inventory requirements of s. 273.02, F.S.;
- ✓ Requires all employees and applicants for employment to undergo and meet level 2 criminal background screenings pursuant to s. 435.04, F.S., as a condition of employment and continued employment;
- ✓ Provides that the division retains title to certain real and personal property and authorizes the division to sell or exchange surplus property under specified conditions; and
- ✓ Authorizes the division to establish a direct-support organization.

*LAST ACTION: 3/10/04 SENATE CS by Education*

**Urging Congress to Change the Existing Formula for Distribution of Medicaid Funds**

SM 2084 urges the United States Congress to change the existing formula for distribution of Federal Medicaid program funding to the states from one that uses per capita income as a key indicator of the state's ability to fund medical services for the impoverished, to one based on total taxable resources and the poverty rate.

The memorial expresses legislative findings that:

- The use of PCI assumes that states with lower PCIs have higher rates of poverty, which is a false assumption based on data from the US 2000 Census;
- The funding formula does not account for states' respective populations in poverty, the wealth distribution of larger states, or the costs to serve Medicaid populations in respective states, and the use of PCI in the funding formula fails to accurately reflect the needs of the more populous states;
- The use of a state's total taxable resources in the formula, as recommended by GAO, would result in Florida receiving hundreds of millions of dollars more in federal funds, which amounts to its fair share.

*LAST ACTION: 3/9/04 SENATE Favorable by Health, Aging, and Long-Term Care*

**Pregnant Minor's Parent/Notification**

SJR 2178 proposes the creation of Section 22 of Article X of the State Constitution to require a physician to notify the parent or guardian of a pregnant minor at least 48 hours before the physician terminates the minor's pregnancy. The joint resolution provides conditions under which notice will not be required, provides for judiciary bypass, and provides conditions that must be met by the court in judicial proceedings.

*LAST ACTION: 3/9/04 SENATE CS by Health, Aging, and Long-Term Care*

**Florida Childhood Lead Poisoning Reduction Act**

SB 2202 creates the "Florida Childhood Lead Poisoning Reduction Act" and authorizes the Secretary of Health to appoint a Director of Lead Poisoning Prevention, establishes a Lead Poisoning Prevention Coordinating Council and the Lead Poisoning Prevention Commission.

The bill provides requirements for property constructed before 1978 to be designated as lead-free or lead-safe properties and specifies actions that must be taken by the property owner, who is not the occupant of the affected property, to protect the occupants from health hazards during work to remove or reduce lead-based-paint or lead-based-paint hazards.

If the tenant or an affected property refuses to respond to reasonable requests of the property owner to vacate the property for work to be done, the property owner is immune for any damages arising from the tenant's refusal to vacate.

The bill provides for voluntary inspections to determine if a property is lead-free or lead-safe and authorizes mandatory inspections under certain circumstances.

*Bills Heard this Week (continued)*

The bill provides for liability protection for property owners, which applies to all potential civil liability for alleged injury or loss due to lead ingestion attributable to a property covered by this bill. Liability protection does not apply to any claim in which the elevated blood-lead level of the person at risk is documented 60 days or less after the property has been certified as lead-free or lead-safe.

*LAST ACTION: 3/11/04 SENATE On Committee agenda – Health, Aging, and Long-Term Care*

**Workers' Compensation Joint Underwriting Association**

Senate Bill 2270 provides a one-time appropriation and transfer of \$15 million from the Workers' Compensation Administration Trust Fund in the Department of Financial Services to the Workers' Compensation Joint Underwriting Association.

Due to growing concerns regarding the availability and affordability of workers' compensation insurance to Florida, Senate Bill 50-A was enacted in the 2003 Special Session A that substantially revised many aspects of the workers' compensation law. The bill created subplan D in the Worker's Compensation Joint Underwriting Association (JUA) and capped premiums at 25 percent above the voluntary market premium for small employers and 10 percent above the voluntary market premium for charitable organizations meeting certain criterion. The bill also provided these policies are assessable, meaning that any deficit in the subplan must be funded by assessing the JUA policyholders for additional premiums.

Since these capped premiums are not actuarially sound, the JUA recently reported that subplan D incurred a \$9,864,901 deficit, as of December 31, 2003, and has projected a deficit of more than \$36 million, as of December 31, 2004, if additional funding is not provided. Given the limited financial resources of many small employers in the subplan, as well as the history of largely unsuccessful attempts at collecting assessments from members of insolvent group self-insurance funds, the likelihood of collecting the total assessment is doubtful.

*LAST ACTION: 3/10/04 SENATE Temporarily Postponed by Banking and Insurance*

**UNIVERSAL PRE-KINDERGARTEN PROGRAM**

Florida Constitution  
Section 1 (b) and (c), Article IX

(b) Every four-year old child in Florida shall be provided by the State a high quality pre-kindergarten learning opportunity in the form of an early childhood development and education program which shall be voluntary, high quality, free, and delivered according to professionally accepted standards. An early childhood development and education program means an organized program designed to address and enhance each child's ability to make age appropriate progress in an appropriate range of settings in the development of language and cognitive capabilities and emotional, social, regulatory and moral capacities through education in basic skills and such other skills as the Legislature may determine to be appropriate.

(c) The early childhood education and development programs provided by reason of subparagraph (b) shall be implemented no later than the beginning of the 2005 school year through funds generated in addition to those used for existing education, health, and development programs. Existing education, health, and development programs are those funded by the State as of January 1, 2002 that provided for child or adult education, health care, or development.

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For those who appreciate the intricacies of the English language . . . the Washington Post publishes a yearly contest in which readers are asked to supply alternate meanings for various words. The following were some of this year's winning entries:

- ✓ Willy-nilly (adj.), impotent.
- ✓ Negligent (adj.), describes a condition in which you absentmindedly answer the door in your nightie.

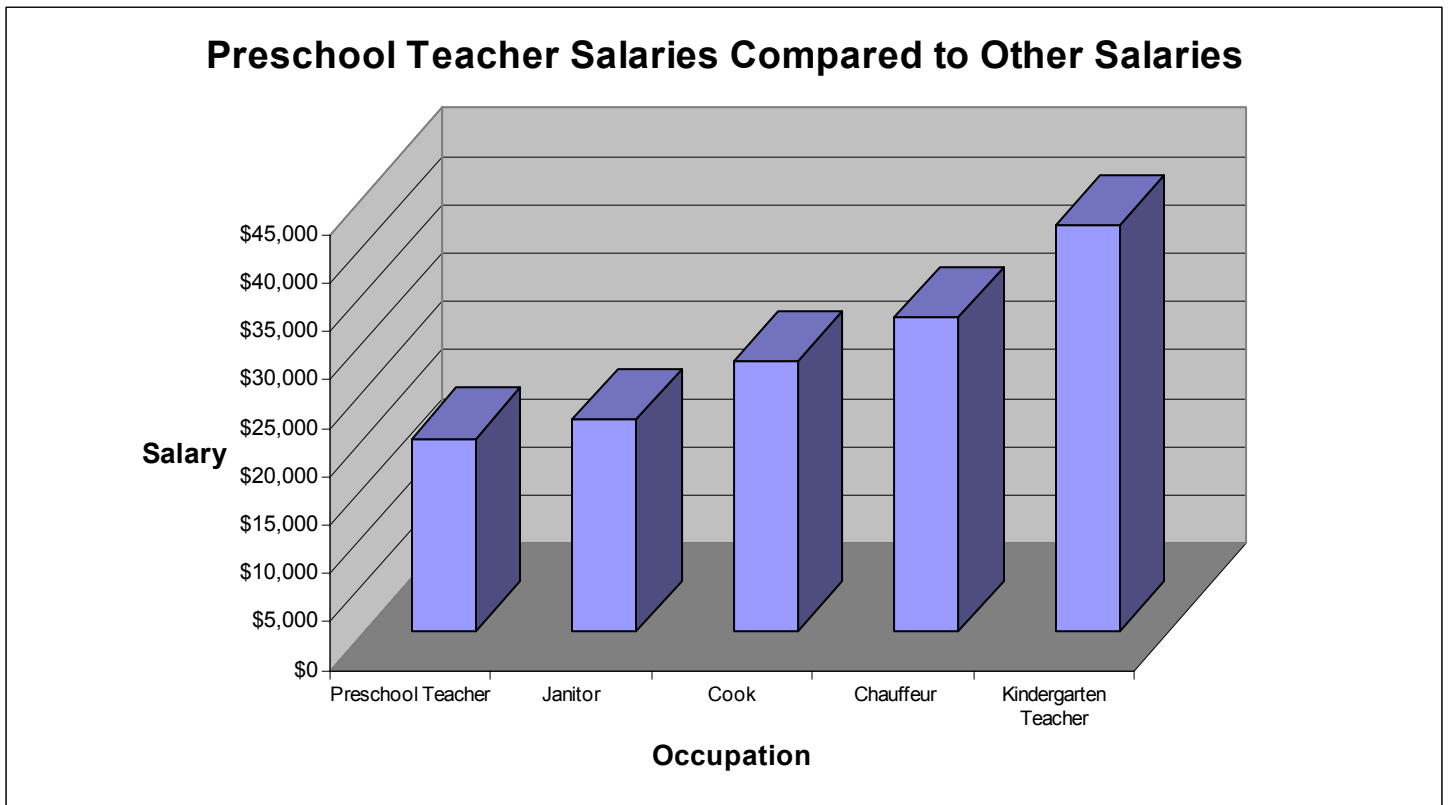
## LEGISLATIVE FIAT

During the first couple of weeks of my now nine year old son's first grade year, he would often not write down his homework assignment in his Journal. He figured if it wasn't written down, he didn't have to do it. Out of sight out of mind...no written homework assignment, therefore, no homework. By simply ignoring the teacher's instructions to write down the assignment, he could ignore the assignment itself. Although I admired his creativity, my wife and I quickly disabused him of his errant notions.

Alas, the Florida Senate – which has been a voice of reason on human services in recent

years –is wonderfully poised to fund 90,000 of the 100,000+ KidCare waiting list, but in the same fell swoop will erase the list so it can't be kept in the future. No list. No problem; no kids needing health care.

Sadly, while my son's failed attempt to evade homework responsibilities was innocently enough formed, the Legislature's proposed erasing of the waiting list appears to be motivated by political expediency. Thousands of kids needing health care is not good political news.



## 211 GETS LEGISLATIVE BOOST

More than 70 percent of Florida's population currently has access to 211 telephone services. On Wednesday, HB 1107, sponsored by Representative Sheri McInvale passed the House Business Regulation Committee. The memorial urges Congress to pass the Calling for 211 Act, sponsored by Senators Dole and Clinton, that would appropriate \$200 million nationwide to help with the implementation of 211 services. These funds could be incredibly important to Florida, as we work to strengthen existing 211s and continue efforts to ensure that every Floridian has access to these services. (See chart on next page)

State of Florida						
2-1-1 IMPLEMENTATION BY COUNTY						
September 8, 2003						
211 AVAILABLE			211 NOT AVAILABLE			
County	Population	% of State	County	Population	% of State	
Brevard	476,230	2.98%	Alachua	217,955	1.36%	
Broward	1,623,018	10.16%	Bay	148,217	0.93%	
Duval	778,879	4.87%	Calhoun	13,017	0.08%	
Baker	22,259	0.14%	Charlotte	141,627	0.89%	
Bradford	26,088	0.00%	Citrus	118,085	0.74%	
Clay	140,814	0.16%	Collier	251,377	1.57%	
St. Johns	123,135	0.77%	De Soto	32,209	0.20%	
Nassau	57,663	0.36%	Dixie	13,827	0.09%	
Columbia	56,513	0.35%	Escambia	294,410	1.84%	
Suwannee	34,844	0.22%	Flagler	49,832	0.31%	
Hamilton	13,327	0.08%	Gilchrist	14,437	0.09%	
Putnam	70,423	0.44%	Glades	10,576	0.07%	
Hernando	130,802	0.82%	Gulf	13,332	0.08%	
Hillsborough	998,948	6.25%	Hardee	26,938	0.17%	
Lee	440,888	2.76%	Hendry	36,210	0.23%	
Leon	239,452	1.50%	Highlands	87,366	0.55%	
Franklin	11,057	0.07%	Holmes	18,564	0.12%	
Gadsden	45,087	0.28%	Jackson	46,755	0.29%	
Jefferson	12,902	0.08%	Lafayette	7,022	0.04%	
Liberty	7,021	0.04%	Lake	210,528	1.32%	
Madison	18,733	0.12%	Levy	34,450	0.22%	
Taylor	19,256	0.12%	Manatee	264,002	1.65%	
Wakulla	22,863	0.14%	Monroe	79,589	0.50%	
Marion	258,916	1.62%	Okaloosa	170,498	1.07%	
Miami Dade	2,253,362	14.00%	Pasco	344,765	2.16%	
Orange	896,344	5.61%	Polk	483,924	3.03%	
Osceola	172,493	1.08%	Santa Rosa	117,743	0.74%	
Seminole	365,196	2.28%	Sarasota	325,957	2.04%	
Palm Beach	1,131,184	7.08%	Sumter	53,345	0.33%	
Indian River	112,947	0.71%	Union	13,442	0.08%	
Martin	126,731	0.79%	Volusia	443,343	2.77%	
Okeechobee	35,910	0.22%	Walton	40,601	0.25%	
Pinellas	921,482	5.77%	Washington	20,973	0.13%	
St. Lucie	192,695	1.21%				
<b>TOTALS</b>	<b>11,837,462</b>	<b>73.08%</b>	<b>TOTAL</b>	<b>4,144,916</b>	<b>25.94%</b>	

### NEW UPK KIDS

When the UPK program is implemented in 2005, it is projected there will be 2,017,140 four years olds in Florida. History and research indicate that about 70% of those children will participate in the UPK program for 151,998. Currently, all of Florida's publicly funded early care education programs (subsidized child care, Head Start, etc.) serve 61,555 children. Consequently it is anticipated that an additional 90,000 children will need to be served, at an anticipated additional cost of \$425 million to \$650 million dollars per year. The \$225 million dollar difference constitutes the amount of money currently spent on those four year old.

**UNITED WAY OF FLORIDA, INC.**  
**307 East Seventh Avenue**  
**Tallahassee, FL 32303**

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**Theodore G. Granger**  
*President & Editor*

**Lynn Groves**  
*Success By 6 Coordinator*

**Julia Cunningham**  
*Office Manager*

phone-----850/488-8287

fax-----850/681-9137

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