

Legislative Link

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

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



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REV MAX: A LIGHT THROUGH THE DARKNESS

Florida's gloomy fiscal picture got gloomier today, as the Revenue Estimating Conference projected Florida will have about \$300 million less to spend next year than had previously been projected. The worst budget scenario long-time capitol observers have ever seen just got worse.

But on Wednesday, thanks to the vision and efforts of Senator Jeff Atwater, the Senate Comprehensive Planning Committee unanimously passed his Local Funding Revenue Maximization Act (SB 1454).

SB 1454 will not generate the billions of dollars necessary to address Florida's pressing human service, juvenile justice, education, or environmental needs. But it will give communities throughout the state the opportunity to use their money to draw down some of the hundreds of millions of dollars Florida "leaves on the table" in Washington each year.

That's right. The Federal government allocates billions of dollars to states each year, much of which can be accessed by the states only if they put up matching dollars to draw the federal funds down. Florida ranks 47th in the country in drawing its funds down (i.e. 46 states draw down more than we do). Had Florida received the national average draw-down since 1996, \$4.8 billion in additional funding would have come to the state.

Where does the money go if Florida doesn't draw it down? It either reverts to the Federal Treasury, or is accessed by other states that are maximizing their federal revenues to improve their quality of life.

It just doesn't make sense to Senator Atwater that Florida would turn away these "free" federal dollars. Nor does it to Florida's Children's Services Councils and United Ways, who are leading the charge to pass the legislation, together with the Children's Home Society, counties and school districts around the state, and numerous other partners.

We are fortunate in the House to have a sponsor who understood and supported local revenue maximization long before most; Representative Sandy Murman is leading the House effort, with HB 475. It has not yet been heard.

It is anticipated that local revenue maximization initiatives emanating from the legislation will focus on a wide array of services, primarily for prevention programs, and early childhood, juvenile justice, disability, and other services. Because of the importance of enhancing elder services throughout the state, and because the largest single federal "pot" for funding elder services – The Older Americans Act – is currently capped, efforts are being made to identify potential matching opportunities to also enhance those services.

ELDER SERVICES IN GOVERNOR BUSH'S BUDGET

About 3.7 million seniors live in Florida. In his proposed 2003-2004 state budget, Governor Bush proposes spending an additional \$11.8 million on senior programs intended to keep the most frail elders out of nursing homes.

There are about 15,000 seniors ages 65 and older on the waiting list for Community Care for the Elderly, which provides home care for seniors who might otherwise have to be placed in more expensive nursing home facilities. All seniors are eligible for community care for the elderly.

About 2,500 of the 15,000 people on the waiting list are very close to needing placement in a nursing home. In a recent report, the Florida Council on Aging reported it would cost about \$6.25 million to place them into nursing homes, at an average cost of about \$45,000 per person per year. By comparison, one year of community care costs the state about \$2,432 per person per year.

Advocates are concerned that Governor Bush's proposal, while quite generous in this difficult fiscal time, may end up moving money out of the Community Care for the Elderly program, which all elders in the state are eligible for and which costs \$2,432 per person per year, into Medicaid Home and Community Based Waiver Programs, which serve only elders near or at the poverty level who have no more than \$2,000 in assets. The state's share of Medicaid Nursing Care is \$16,925 per person per year.

WORKERS IN RELIGIOUS ORGANIZATIONS: GIVE NAMES WHEN REPORTING CHILD ABUSE

In Fiscal Year 2000-01, 171 reports of abuse were received from clergy. However, individuals employed or supervised by religious institutions, including their affiliated organizations, are not specifically identified and required by statute to report child abuse. SB 606 adds these individuals to the list of current mandated reporters, which includes physicians, nurses, and other health and mental health professionals; practitioners who rely on spiritual means for healing; school teachers, officials, and other personnel; social workers, child care workers, and other social service personnel; law enforcement officers, and judges.

However, this does not alter the responsibility of these persons to report child abuse, except that they must give their name when doing so. Florida law requires *any person* who knows or has reasonable cause to suspect that child abuse, neglect, or abandonment has occurred to report their suspicion or knowledge to the abuse hotline. The bill exempts clergy members whose communication is privileged under Florida law.

SB 606, sponsored by Senator Les Miller, was approved this week by the Children and Families Committee 9-0. It now moves to the Education Committee. The House companion bill, HB 629, by Representative Audrey Gibson, has been referred to three committees.

Quote from a Hero . . .

"It's no big deal that we keep the children safe, no big deal that we feed them nutritious food. That's obvious. That's our obligation. But we are putting these kids into a situation where – from day one – they are doomed to failure. This is our biggest challenge at RCMA. To get out kids ready for school. To make sure that they enter kindergarten ready to compete in an environment stacked against them." Wendell N. Rollason

HEALTH CARE INSURANCE CRISIS

A recent Florida Chamber of Commerce study of 4,000 businesses found that 76 percent offered health coverage last year, down from 91 percent in 1999. The reason – cost. Over the last year, 86 percent of employers said premiums increased, and 47 percent paid increases greater than 20 percent.

FLORIDA AGAIN AT BOTTOM: TAXES AND STATE EMPLOYEES

The Office of Program Policy Analysis and Government Accountability (OPPAGA) just released a report showing that Florida ranks 45th in the nation in combined state and local tax burdens per capita. Florida's 9.2 percent of personal income going to state and local taxes was the second lowest out of the 12 largest states, with only Texas, at 8.9 percent, being lower than Florida's 9.2 percent.

The same holds true for state employees. Florida had the second lowest number of state and local public employees per 1,000 residents among the 12 largest states in fiscal year 2000-2001. Florida's 49 state employees per 1,000 residents is 5 more than the lowest state, Pennsylvania, which has 44 state employees per 1,000. This puts Florida 5.3 employees below the national average and 4.3 employees below that of larger states.

For those who contend Florida's tax burden is too high, and that state government is bloated with too many employees, this study should cause pause.

FUNNY SIGNS

Door of a plastic surgeon's office: "Hello. Can we pick your nose?"
At a towing company: "We don't charge an arm and a leg. We want tows."

TRANSPORTATION DISADVANTAGED GET A FREE RIDE

Medicaid Recipients will no longer have to pay for transportation services under legislation sponsored by Senator Mike Fasano and Representative Nancy Detert. Currently, some Medicaid recipients are responsible for a \$1.00 co-payment for each one-way transportation trip. Exempt from the co-payment include, among others: children under 18, pregnant women, institutional care program recipients, and family planning service recipients. This legislation deletes transportation services from the list of additional services under the Medicaid program for which a co-payment is required. While HB 903 has yet to be heard in committee, SB 644 was unanimously approved by the Senate Health, Aging, and Long Term Care Committee this week. It now heads to the Transportation Committee.

This legislation is a legislative priority of the Commission for the Transportation Disadvantaged.

For more information about the Commission, visit their website: <http://www11.myflorida.com/ctd/>

COMMISSION PROPOSED TO TACKLE WAGE DISPARITIES

The Senate Commerce, Economic Opportunities, and Consumer Services Committee this week approved legislation requiring the director of the Agency for Workforce Innovation to appoint a nine member Equal Pay Commission. The Commission, whose members are delineated in the bill, must submit a report by January 15, 2004, to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the director of Workforce Innovation detailing; 1) wage disparities in the public sector between men and women, and minorities and non-minorities; 2) the factors that cause or tend to cause wage disparities; and 3) recommendations for addressing these issues. The bill requires the Agency for Workforce Innovation to provide staff and administrative support for the commission and provides a \$250,000 appropriation.

SB 1004, sponsored by Senator Mandy Dawson, now moves to the Ethics and Elections Committee. The House companion bill, HB 1175 sponsored by Representative Eleanor Sobel, has not yet been heard by its first committee of reference.

TRUST FUNDS: 2003-2004 BUDGET SAVIOR?

Governor Bush – and now the Legislature – faced a horrible fiscal situation in putting together his proposed 2003-2004 state budget. Holding to the Republican “no new tax” mantra, he went to the only place in the state budget where there is “extra” money: Trust Funds.

There are about 450 state trust funds, comprising about 60 percent of Governor Bush’s proposed \$54 billion budget. Some of them carry large balances forward from year to year. They include everything from federal funds to phosphate reclamation funds to road building funds.

Historically, trust funds have been created by the Legislature to collect fees from certain constituencies, and then to funnel the money back into services for those constituencies (for example, using gas taxes to pay for highway construction). Until the Governor’s proposed 2003-2004 budget hit the table, trust fund monies were generally held to be sacrosanct by the Legislature, seldom used outside their intended purposes.

To balance his proposed budget, Bush pulls from about 2 dozen of the 400+ state trust funds, and reclassifies the money as “general revenue” which can be spent on anything the Legislature wants. A wide array of trust funds are hit, including \$2.4 billion from the telecommunication’s tax (earmarked to build an additional 12,000 classrooms ala the class size amendment), \$26 million from the trust fund used to clean up leaking gas station storage tanks, and about \$577 million from the \$1.6 billion trust fund generated by the documentary stamp tax. The documentary stamp trust fund is funded at a

levied rate of about \$1.05 for every \$100 of value (a \$400,000 homebuyer pays about \$1,050). It funds numerous services ranging from the Florida Forever and Preservation 2000 Conservation Land Buying Programs, to affordable housing programs, to cleaning up lakes and rivers. The Florida Forever and Preservation 2000 programs are largely held harmless, which means numerous other programs funded by this trust fund are hit.

Governor Bush and House Speaker Johnnie Byrd may see the trust fund raid as the answer to their “no new tax” mantra. They contend that many of the trust funds contain surplus funds at the end of the year that will not be used in the near term, or may never be used. They point out that it makes little sense to maintain surplus funds in trust funds when the state is facing such a fiscal crisis.

On the flip side, each of the trust funds has a designated constituency; a constituency that is very interested in assuring that the fees they pay are used for their intended purposes.

The Senate, led by Senate President Jim King and Appropriations Chair Ken Pruitt, is not – at this point – favorably inclined to the trust fund raid. Their opposition, combined with that of numerous groups proclaiming the trust fund raid as a de facto tax increase, will make passage tough.

Keep your eye on this issue. As money takes center stage in a few weeks, this will perhaps be determining factor as to how much blood is let, and how long the session extends into the summer.

Child Welfare Perceptions – The Florida Center for Public Policy and Leadership at the University of North Florida reports that only 16 percent of Floridians who were polled believe lack of money is the main problem facing Florida’s foster care system, while 59 percent believe that the main problem is poor management.

- Ratio of Japanese Killed in 1945 U.S. atomic-bomb attacks to Iraqi children killed due to U.N. sanctions: 1:3 (*Harpers Magazine*)
- Chance that an American filing for bankruptcy last year did so because of medical expenses: 1 in 2 (*Harpers Magazine*)

CHILD ABUSE PREVENTION GETS PLACED ON THE BACK BUMPER

For a \$25 annual fee, you may soon be able to support child abuse prevention efforts by purchasing a Stop Child Abuse license plate. Proceeds from these tags will be distributed to the Children's Home Society of Florida and the Florida Network of Children's Advocacy Centers for child abuse prevention and intervention programs. These organizations have partnered to promote creation of this specialty tag. The bills, SB 310 and HB 249, are sponsored by Senator Rod Smith and Representative David Mealor and have met unanimous approval in their hearings thus far.



DOMESTIC VIOLENCE FUNDING ADMINISTRATION GETS A NEW, BUT FAMILIAR HOME

Administration of domestic violence center contracts would move from the Department of Children and Families to the Florida Coalition Against Domestic Violence under legislation filed by Senator Mike Bennet and approved this week by the Senate Children and Families Committee. Funding for Florida's 38 domestic violence centers would still be distributed based on an allocation formula approved by the department. SB 1216 now heads to the Criminal Justice Committee. A similar bill, HB 1099 by Representative Ken Littlefield, has been referred to four committees for review. For more information on the Florida Coalition Against Domestic Violence, visit their website: www.fcadv.org

Funny Signs

On the trucks of a local plumbing company: "Don't sleep with a drip. Call your plumber."

TICKET TO WORK BILL MAKES A COMEBACK

The 2001 Legislature enacted the Ticket to Work/Medicaid Buy-in Program, which was then repealed during the 2001 Special Session to be effective July 1, 2002. Legislation (SB 1394/ HB 155), sponsored by Senator Debbie Wasserman Schultz and Representative Joyce Cusack, re-enacts the program, authorizing individuals with disabilities, ages 16-64, who have income up to 250 percent of the federal poverty level to "buy in" to the Medicaid program, subject to specific federal authorization. This program was established under the federal "Ticket to Work and Work Incentives Improvement Act of 1999." The Agency for Health Care Administration estimates that this program would provide coverage for 1500 individuals at an annualized recurring cost of \$7,629,791. DCF estimates first year costs at approximately \$1 million.

The Senate Health, Aging, and Long Term Care Committee passed SB 1394 unanimously this week. The bill now heads to Banking and Insurance. HB 155 has been referred to six committees but has not been scheduled for a hearing at this time.

GUARDIAN AD LITEM PROGRAM

When voters passed Revision 7 to Article V of the Florida Constitution in 1998, it signaled a brave new world not only for the state court system but for the Guardian Ad Litem (GAL) program as well. Currently the GAL Program operates in each of Florida's 20 judicial circuits under the administrative supervision and management of the chief judge of that circuit. In May 2002, the Governor's Blue Ribbon Task Force found the Guardian Ad Litem to be "an indispensable intermediary between the child and the court, between the child and DCF."

The GAL Program, however, has not been identified by the judiciary as essential to its core function. Consequently, as the Legislature reconstructs the entire judicial system pursuant to the Article V constitutional amendment, the GAL Program will likely be transferred out of the judicial branch. To ensure it success, and the invaluable services it provides, the program must be given a new "home" during the 2003 Legislative session.

Senator Skip Campbell and Representative Nan Rich have introduced legislation (HB 439/SB 1974) to transfer the GAL Program to the Justice Administration Commission (JAC). Their bills also

provide a statewide infrastructure to increase functioning and standardization among the local programs. The Justice Administration Commission is a uniquely attractive "home" for the GAL Program because it offers some sense of "closeness" to a court-related function. Furthermore, because the JAC operates primarily as an "administrative pass-through" for its constituent groups, it will not negatively interfere with the GAL Program, but will rather allow it to develop and reach its own potential.

The Campbell/Rich bills also: 1) shift all current resources allocated to the Office of State Courts for operation and management of the GAL Program; 2) contain additional objectives outlined in a Governor's Task Force Report, including providing for an Executive Director, oversight responsibilities, development of performance measures and standards, training programs, requiring reports be submitted to the Legislature for review; and 3) transfers the pilot program for Attorneys ad Litem for dependent children established in s.39.4086 from the Office of the State Courts Administrator to the Statewide Guardian ad Litem Office within the JAC.

Why Athletes Can't Have Real Jobs

Chicago Cubs outfielder Andre Dawson on being a role model: "I wan' all dem kids to do what I do, to look up to me. I wan' all the kids to copulate me."

CHILD HEALTH CARE TRIUMPH: 1990 OBRA

The Omnibus Budget Reconciliation Act of 1990 has arguably done more for children's health than any legislation in history . . . It still continues to have a huge impact.

Last September 30, 2002, the final phase of the Omnibus Budget Reconciliation Act (OBRA) was completed, including making all children through age 18 living in families with incomes below the poverty level eligible for health care coverage under Medicaid. As a result, children age 18 and younger living with families with incomes below \$18,100 for a family of four are now eligible. More than 21 million children are covered by Medicaid.

The 1990 OBRA legislation has also been characterized by the Children's Defense Fund as the "springboard" for passage in 1997 of the Children's Health Insurance Program (CHIP) which covers children and families with incomes too high for Medicaid eligibility but who cannot afford to pay for health insurance. In 2001, the CHIP program provided coverage for 4.6 million children.

Unfortunately, there are still about 5.8 million uninsured children living in families with incomes below 200 percent of the poverty level who are eligible but not enrolled in either Medicaid or CHIP.

WILL PEOPLE DIE?

Human service advocates – the author included – often sound like Chicken Little as session approaches. Sometimes with good reason, sometimes because we feel swamped by a wealth of need. This year however, one of the programs on the chopping block may very well directly lead to people dying.

The Medically Needy Program covers 26,000 Floridians who don't qualify for Medicaid and can't afford regular insurance. Beginning in June, participants in the program will have to "spend-down" all of their monthly income to \$450 in order to qualify for the program. It's not an easy street by any means.

Medically Needy participants have catastrophic health care needs – individuals who have had transplants, are on ventilators, etc.

On July 1, the program will cease to exist unless the 2003 Legislature "finds" \$110 million to keep it going.

Governor Bush has proposed preserving part of the program, offering to provide prescription drug coverage, although recipients will still have to pay a significant amount of the costs upfront and will also have a co-pay on the drugs themselves. The program's coverage for outpatient or hospital based care, which makes up 56 percent of its current \$368 million price tag, will be eliminated.

Of course, if the program is eliminated, hospitals and emergency care facilities will likely end up paying the tab (i.e. all of us will pick up the tab through higher hospital and insurance bills), at least for a while. Their largesse and ability to provide extremely expensive care basically for free, however, will be limited. After that.....

BILL KEEPS PACE WITH NEEDS OF FLORIDA'S SENIORS

Senate Bill 1112 directs the Agency for Health Care Administration and the Department of Elder Affairs to assist a private, non-profit organization located in Lee County to get approval as a Program of All-inclusive Care for the Elderly (PACE). The organization must provide comprehensive services, including hospice services to the frail and elderly. Participants must be at least 55 years old, live in the PACE service area, and be certified as eligible for nursing home care. The PACE program becomes their sole source of services, which may include primary medical care, prescription drugs, home health care, social services, respite care, adult day care, nursing, therapies, meals, nutrition, and personal care.

PACE is an opportunity to reduce Medicaid costs for long-term care by diverting these individuals from nursing homes. The related budget request states that PACE has reduced Medicaid long-term care expenditures in states by 10%-15% for those Medicaid enrollees participating in the program. There is currently one PACE provider in Florida, Florida PACE Centers, Inc, a subsidiary of Miami Jewish Home and Hospital for the Aged.

Senator Saunders, sponsor of SB 1112, has requested \$150,000 for Hope Hospice in Ft. Myers for this PACE program. The funding request has also been filed in the House by Representative Carole Green. SB 1112 was unanimously approved by the Health, Aging, and Long Term Care Committee this week and now heads to the Health and Human Services Appropriations Committee.

The Things That Movies Teach You

- All grocery shopping bags contain at least one stick of French bread.
- It's easy for anyone to land a plane, providing there is someone in the control tower to talk you down.

HOUSE SUBCOMMITTEE PASSES REVISED MENTAL HEALTH/SUBSTANCE ABUSE RESTRUCTURING BILL

Rep. Sandy Murman's revised proposal for restructuring administration of Florida's mental health and substance abuse programs easily passed its first House committee hurdle March 11. The Subcommittee on Elder Affairs and Long Term Care unanimously voted for the revised version of Murman's HB 433.

Murman's amended version of the bill would create an Agency for Human Services within the Department of Children & Families—instead of the Agency for Mental Health and Substance Abuse Services originally proposed. The new agency would have responsibility for mental health, substance abuse, developmental services and adult services now administered by DCF.

The agency would be headed by a director appointed by the Governor, with the concurrence of the DCF Secretary. The director would report to the Governor and would have responsibility for coordinating activities with the department.

There would be four divisions reporting to the agency director, each with its own deputy director. These would be the Divisions of Mental Health, Substance Abuse, Community Services (developmental services, adult services and adult protective services) and Administrative Services.

The agency would have its own budget and line authority over staff. The bill authorizes creation of regional offices aligned with one or more of the regions of the Agency for Health Care Administration.

Murman told committee members the shift of programs to the new agency would lessen DCF's administrative burden and allow it to focus its full attention on child welfare. At the same time, she said the proposal would give mental health and substance abuse programs greater visibility and the capability to tackle initiatives to improve their system.

"They really have been a stepchild to child welfare," Murman said. "... They have to be thought of on a level playing field."

In addition, the bill directs the expansion of Medicaid prepaid behavioral health care throughout the state, with a target date of July 1, 2004. The new agency would contract with a single managed care entity to provide comprehensive inpatient and outpatient mental health and substance abuse services for all Medicaid recipients within a certain geographic area.

"Managed care works well," Murman said. "It controls expenditures. It's a very efficient way to manage resources and get good quality services out to people."

(This article contributed by the Florida Council For Community Mental Health.)

THE YEAR'S BEST (ACTUAL) HEADLINES OF 2002

**SOMETHING WENT WRONG IN JET CRASH, EXPERT SAYS
PROSTITUTES APPEAL TO POPE
PANDA MATING FAILS; VETERINARIAN TAKES OVER**

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