

Legislative Link

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

FIRST UPK BILL HEARD

On Wednesday, the House K-12 Education Committee passed – along party lines – the first Universal Prekindergarten (UPK) bill to be heard this session. Although it has been several months since the UPK Council submitted its final report and recommendations, the committee substitute for HB 821 was only released on Monday. It has supporters of the UPK Council recommendations up in arms, as it fails to address core quality criteria supported by the United Way of Florida and our partners.

Following four hours of public testimony and discussion last week, it is anticipated the Senate UPK bill – using the Governor’s bill as its framework – will be filed early next week, if it has not been filed by the time you read this *Legislative Link*.

Although the “Governor’s bill” and CS/HB 821 both envision a voluntary, universal, UPK program that is voucher-based and authorized through a variety of providers selected by parent choice, there are significant differences, some of which are reflected below.

Differences between CS/HB 821 and “Governor’s Bill”

	CS/HB 821	DRAFT “GOVERNOR’S BILL”*
Teacher/Child Ratio	No Ratios	1:10 Ratio
Annual Hours of Instruction	540 or 310	780
UPK Provider Eligibility	must offer “literacy-based and numeracy-based foundation curriculum	Gold Seal Accreditation
Outcomes	all students must perform at average or above level in kindergarten	goal of 100% ready for school
Teacher Qualifications	must complete web-based program	CDA with future AA and BA goals
Governance	AWI & 28 Local Coalitions	DOE & 28 Local Councils
Parent can supplement UPK Rate	Yes	No
* These components within the “Governor’s bill ”largely mirror “Key Principles” being promoted by supporters of quality UPK.		

WHAT’S INSIDE:

Page

Florida Gives \$100 Million.....	2
Healthy Families Florida	2
Lack of Nursing Home Funding	3
Largest Tax Increase.....	3
Fetal Alcohol Syndrome	3
Affordable Housing at Risk	4
Tobacco Report Card.....	4
Florida: An Economic Snapshot	5
Bills Heard this Week.....	5



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

FLORIDA GIVES AWAY \$100 MILLION!!!

This year Florida is giving away over \$100 million to residents of other states to help feed their poor children during the summer.

That's right. Florida is eligible to receive \$117.5 million from the federal government each year to provide food during the summer months to children who are eligible for free or reduced priced school lunches; up to 185 percent of the poverty level. The money is available free of charge . . . with absolutely no match required.

Yet, Florida is only drawing down \$13.7 million of those dollars – leaving \$103.7 million on the table. In other words, only 1 out of 10 children who receive free or reduced priced school meals during the school year is afforded the opportunity to receive food through the Summer Food Service Program (SFSP) when school is out. Many of the other nine go hungry.

The SFSP has been around for 34 years. Local governments and their agencies, school districts and nonprofits can sponsor SFSP sites, which may include schools, parks, playgrounds, recreation centers, housing projects, migrant centers, Indian

reservations, YMCAs, Boys and Girl's Clubs, houses of worship, summer camps, and other sites.

The opportunity to provide the program through such a wide variety of organizations coupled with the fact that the money is "free" for the taking makes it hard to believe that Florida isn't doing everything it can to draw down these funds.

Fortunately, Senator Steve Wise (SB 2096) and Representative Ron Greenstein (HB 1115) have filed legislation requiring the Food & Nutrition Management Office of the Department of Education to develop a plan for providing the SFSP program in every school district in Florida.

The bills require that by the summer of 2005, at least one summer food program shall operate in each school district for at least 40 days during the summer months within 5 minutes of an elementary school at which 50 percent or more of the students are eligible for free or reduced price school meals. The bill also requires the plan to require all school districts, by the summer of 2006 have a summer food site within ten miles of every elementary school at which 50 percent or more of the students are eligible for free or reduced price school meals.

"The only alternative to coexistence is codestruction." - Jawaharlal Nehru (1889 - 1964)

HEALTHY FAMILIES FLORIDA

"I applaud the efforts of the hard-working and dedicated people at Healthy Families Florida. This validates the long standing commitment to this tremendous effort to reduce child abuse and neglect in Florida by providing parents with the resources they need to create and maintain stable and nurturing homes."...Governor Jeb Bush

Healthy Families Florida has been instrumental in helping new parents develop the skills they need to create a loving and stable home environment. The program boasts that:

- 98 percent of the children in families who completed the program were free from abuse within 12 months after they completed the program.
- 96 percent of the children whose families participated in Healthy Families for more than six months were free from abuse.
- 98 percent of families reported an overall satisfaction with Healthy Families Florida.
- 92 percent of mothers in the program waited to have another child for at least two years -- which means healthier moms, healthier babies and healthier families.

LACK OF NURSING HOME FUNDING THREATENS SERVICES

The 2001 Florida Legislature passed omnibus legislation intended to help Florida's struggling nursing home operators. Since then, thanks in part to increased Medicaid funding, it appears nursing home quality has indeed improved. However, current budget proposals would slash more than \$200 million from nursing home providers, threatening to throw the system into disarray.

Last year, nursing home services were cut by \$27 million. This year, cuts being proposed include: 1) \$115.3 million to fully fund price level cost increases; 2) \$24.3 million to continue current bed-hold policy; 3) \$62.6 million to fully fund the 2.6 staffing increase pursuant to the 2001 legislation; and 4) \$360,000 to continue funding for background screening.

These cuts are huge, and avoidable. To avoid the cuts, the Legislature needs to invest \$87 million of the recently "found" windfall of almost \$1 billion. This will allow the state to draw down the additional \$130 million in federal matching dollars that – together with the state's share – can be used to avert the crisis.

LARGEST TAX INCREASE IN 10 YEARS?

Beginning in April, most Florida employers will pay unemployment taxes that are 2.7 times higher than they paid this year. During four of the last five years, the unemployment tax per employee was \$7/year. This year it rose to \$9.10 for each employee. But beginning in April, it will increase to \$24.50 per employee, generating \$133 million in increased unemployment compensation taxes from employers.

The increase is at least partly – many claim largely – due to the \$187 million unemployment tax cut for businesses passed by the Legislature in 1999. That cut, being made on the heels of high employment rates and a strong economy, has resulted in draining of the unemployment compensation fund due to the sluggish economy which has pushed the cost of jobless benefits near an all-time high, which in turn has dropped the unemployment account to its lowest point in nearly a decade.

This tax increase – the largest in 10 years – is automatically triggered when the unemployment compensation fund balance dips below a statutory minimum.

Please Support Efforts to Eliminate FETAL ALCOHOL SYNDROME

On any given day in the United States. . . .

- 10,657 babies are born. Of these:
 - 1 is HIV positive.
 - 3 are born with Muscular Dystrophy
 - 4 are born with Spina Bifida.
 - 10 are born with Down Syndrome.
 - 20 are born with Fetal Alcohol Syndrome.
 - 100 are born with Alcohol Related Neurodevelopment Disorder.

The comprehensive lifetime cost of just one baby with fetal alcohol syndrome (FAS) can be as much as \$4 million. The cost to American taxpayers for Fetal Alcohol Syndrome is estimated to be \$5 million a day (\$1.9 billion/year) according to the National Institute on Drugs and Alcohol.

For more information on Fetal alcohol syndrome go to the National Organization on Fetal Alcohol Syndrome website at <http://www.nofas.org/> and the FAS Community Resource Center – <http://www.come-over.to/FASCRC>

SOURCE: FAS COMMUNITY RESOURCE CENTER

AFFORDABLE HOUSING FUNDS AT RISK AGAIN

In 1992, the Florida Legislature adopted landmark legislation for affordable housing known as the William E. Sadowski Affordable Housing Act, providing funds for affordable housing to all 67 counties and an additional 48 cities. Since its inception, the Sadowski Act has assisted more than 150,000 families with affordable home ownership or rental housing through programs such as the State Housing Initiatives Partnership (SHIP) program, the State Apartment Incentive Loan (SAIL) program, and the Florida Affordable Housing Guaranty Fund. In addition, the Sadowski Act has enabled local governments and the state to bring in over \$620 million in federal monies, drawn down by local match.

The Sadowski Act uses a portion of the state real estate documentary transfer fee to fund the state and local housing trust funds. For every dollar of Sadowski Funds, the public and private sector invest at least \$6, resulting in an estimated \$9 billion in

additional public and private sector investments since the act was implemented.

Governor Bush has proposed, and the Florida Legislature is considering, taking \$167.2 million from the Sadowski Act Trust Fund to plug into general revenue next year.

Research tells us that this will result in a \$1.3 billion loss in total economic activity surrounding the use of those dollars. In addition, more than 11,611 units will go unbuilt/unrented - representing thousands of Florida families who need a hand up as they work to improve their lives, but who will instead go unassisted by these incredibly important funds.

A growing coalition of groups opposed to using Sadowski Trust monies to support general revenue is distributing information to legislators identifying the fiscal impact it will have in their districts. For that information and more, go to www.flhousing.org.

They Said THIS in the Church Bulletin?

- *The sermon this morning: "Jesus Walks On the Water." The sermon tonight: "Searching for Jesus."*
 - *At the evening service tonight, the sermon topic will be "What Is Hell?" Come early and listen to our choir practice.*
-

TOBACCO REPORT CARD

Grades given to Florida for its tobacco prevention efforts by the American Lung Association, state chapter:

Tobacco prevention and control spending: Grade F

- Florida spending \$1 million now, compared with \$70 million in fiscal 1998; Centers for Disease Control and Prevention recommends spending at least \$78 million.

Cigarette tax: Grade F

- Florida 41st among the states in taxing tobacco, with 33.9 cents tax per pack.

Youth access: Grade D

- Vending and free distribution of cigarettes restricted, but customers who appear to be under 21 not required to show photo ID to buy tobacco.

Smoke-free air: Grade B

- Statewide ban on smoking in workplaces, schools and restaurants, though exception for stand-alone bars.

Florida: An ECONOMIC SNAPSHOT

Florida's economy lags behind other states in key areas, according to a report by the Florida Chamber of Commerce. This is where the state stands, and where the chamber thinks it should stand by the end of this decade:

	<i>Today</i>	<i>2010 Target</i>
Per capita income (percentage of U.S. average)	96%	104%
Gross State Product (percent of U.S. total)	4.8%	5.5%
Quality of life (grade in 50-state survey)	D	B
High-school graduation rate	56%	62%
U.S. Ranking	45 th	15 th
Baccalaureate degree production (U.S. ranking)	44 th	25 th
R&D spending (as percent of Gross State Product)	1.0%	1.7%
U.S. Ranking	36 th	25 th
Patents created (U.S. ranking)	30 th	17 th
Venture capital (per \$1,000 GSP)	\$3.38	\$9.22
U.S. Ranking	21 st	7 th
Source: <i>New Cornerstone</i> report by the Florida Chamber Foundation		

BILLS HEARD THIS WEEK

(Excerpted from legislative staff analyses.)

To view any bill or staff analysis, go to <http://www.leg.state.fl.us/>.

HB 27 Developmental Disabilities/ Familial Dysautonomia.

HB 27 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: 3/15/04 HOUSE NOW IN HEALTH APPROPRIATIONS

CS/SB 158 - Religious-Exempt Child Care Programs

Committee Substitute for Senate Bill 158 requires religious-affiliated child care programs and weekday preschool programs to be a member or participant of, or be accredited by, an accrediting agency recognized by the Department of Children and Family Services in order to qualify for the religious exemption from licensure as a child care facility. The committee substitute also establishes requirements for an accrediting agency to be recognized. These accrediting requirements would generally apply the minimum standards for licensed childcare facilities to religious-exempt programs, with certain exemptions, and would require the accrediting agencies to mandate that religious-exempt programs comply with the agency's accrediting standards.

LAST ACTION: 3/16/04 SENATE READ THIRD TIME; AMENDMENT ADOPTED; CS PASSED AS AMENDED

BASIC MATH

- 2000 mockingbirds: Two kilo mockingbirds
- 1 kilogram of falling figs: 1 Fig Newton
 - 8 nickels: 2 paradigms

CS/SB 316 Substance Abuse Treatment Intervention

SC/SB 316 allows the court, at a dependency shelter hearing, adjudicatory hearing, or upon judicial review of a case plan for a parent, to order a substance abuse assessment of a child or the child's parent, caregiver, legal custodian, or other person requesting custody of the child. The court may require participation in substance abuse treatment services when appropriate and available, including treatment-based drug court programs.

This committee substitute specifies that with the approval of the state attorney, a defendant (child or adult) assessed with a substance abuse problem who is charged for the first time with a nonviolent third-degree felony or who has previously been convicted of a nonviolent third degree felony and is charged with a second or subsequent nonviolent third-degree felony may be referred to a pretrial substance abuse education and treatment intervention program. Upon completion of the program, the defendant is entitled to dismissal of the pending charge involving a nonviolent third-degree felony.

LAST ACTION: 2/17/04 SENATE FAVORABLE BY JUDICIARY

HB 363 Motor Vehicle Insurance for Foster Children

The Department of Children and Family Services has reported that children in foster care who have attained the required age and met the other statutory requirements to be eligible to be issued a driver's license have not obtained driver's licenses and been allowed to drive because foster parents were not eligible to sign the minor's application for a license, because foster parents were unwilling to assume the liability associated with a teen driver, or because foster parents were unwilling or unable to bear the financial obligation associated with insuring a teen driver. This inability to drive reportedly creates a barrier for a foster child attempting to gain independence and limits the child's employment opportunities.

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 vehicle 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: 3/11/04 HOUSE FAVORABLE BY INSURANCE

CS/SB 466 Review of Public Records Exemption/Statewide Public Guardianship Office

This bill reenacts and amends s. 744.7081, F.S., which provides an exemption from chapter 119, F.S., the Public Records Law, and section 24(a), Article I of the State Constitution for all records held by the Statewide Public Guardianship Office relating to the medical, financial, or mental health of vulnerable adults as defined in ch. 415, F.S., persons with a developmental disability as defined in ch. 393, F.S., or persons with a mental illness as defined in ch. 394, F.S.

LAST ACTION: 3/16/04 READ SECOND TIME

CS/SB 492 Geriatric Specialty Nursing

CS/SB492 is the "Clara Ramsey Care of the Elderly Act". The bill creates a category of geriatric specialty nursing called certified geriatric specialist. The bill establishes: (1) a scope of practice for certified geriatric specialists; (2) certification requirements, including education requirements; and (3) penalties for using the title of certified geriatric specialist or for practicing geriatric specialty nursing without a certificate.

The bill creates the Certified Geriatric Specialist Preparation Pilot Program for delivery of geriatric nursing education to CNAs who wish to become certified geriatric specialists. The AWI must select two pilot sites in nursing homes that:

- Have received the Gold Seal designation under s. 400.235, F.S.,
- Have been designated a teaching nursing home under s. 430.80, F.S., or

Bills Heard this Week (continued)

- Have not received a class I or class II deficiency, under s. 400.23(8), F.S., within the 30 months preceding application for the program.

To be able to receive geriatric nursing education under the pilot program, a CNA must have been employed by a participating nursing home for at least one year and have received a high school diploma or its equivalent. The geriatric nursing education must be provided at the worksite and in coordination with the CNA's work schedule. Faculty will provide the instruction under a nursing program approved pursuant to s. 464.019, F.S.

The bill appropriates \$157,017 from the General Revenue fund to the Agency for Workforce Innovation to support implementation of the pilot program in FY 2004-05.

LAST ACTION: 3/10/04 HOUSE IN MESSAGES

CS/SB 510 Child Care Facilities

Committee Substitute for SB 510 amends the statutory provisions relative to enforcement of child care regulations to expand and clarify the authority and actions available to ensure compliance. Specifically, the bill:

- Requires an applicant for licensure to attest to the accuracy of the information regarding previous violations by signing an affidavit;
- Provides for certain childcare facility licensure application and renewal requirements to apply to the licensure of family day care homes and large family childcare homes;
- Provides for the application of a provisional license to include registered family day care homes, licensed family day care homes, and licensed large family childcare homes;
- Allows for revocation of provisional licenses or registrations;
- Expands the scope of disciplinary actions available to impose a range of disciplinary actions for serious violations, to apply the disciplinary actions to registered family day care homes, and to convert a license or registration to probation status;
- Directs the Department of Children and Families to adopt rules relative to the enforcement provisions stipulated in the bill;
- Removes conflicting administrative fine provisions; and
- Requires a statewide data system for violations and penalties imposed on child care settings.

LAST ACTION: 3/16/04 SENATE READ THIRD TIME; CS PASSED

CS/SB 602 Crimes Against Children

CS/SB 602 proposes that additional court costs be imposed in cases of certain crimes against children. These crimes include battery of a child, kidnapping or false imprisonment, 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 found guilty of, regardless of adjudication, any of the specified offenses against a minor.

The committee substitute also directs the Clerk of the Court to transfer \$100 from each court cost collected to the State Treasury for deposit into 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. One dollar from each cost collected is to be retained by the Clerk of the Court as a service charge.

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.

Bills Heard this Week (continued)

While the services offered by child advocacy centers vary based upon their funding and needs of the community, each center offers some combination of the following services:

- a neutral, child-friendly setting where all the agencies can interview and examine the child;
- medical evaluations of the child;
- coordination of multi-discipline team meeting of all of the agencies involved in a case;
- on-site victim advocacy; and
- mental health services.

LAST ACTION: 3/10/04 SENATE CS BY CHILDREN AND FAMILIES

CS/SB 606 Child Advocacy Trust Fund

The committee substitute for SB 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.

The Board of Directors for the Florida Network of Children's Advocacy Centers, Inc., is directed to retain 10 percent of funds generated for network expenditures to provide funds to match local contributions, at a rate not to exceed equal match, in communities establishing children's advocacy centers. Up to five percent of any funds not used for local match may be used to support the activities of the network office. The committee substitute further requires the board of directors to develop funding criteria and allocation methodologies that take into account certain factors to ensure equitable distribution of funding to children's advocacy centers that are members of the network.

LAST ACTION: 3/10/04 SENATE CS BY CHILDREN AND FAMILIES

SB620 Florida Food Banks (Imagine) License Plate

The bill directs the Department of Highway Safety and Motor Vehicles (DHSMV) to issue a Florida Food Bank (Imagine) specialty license plate. In addition to applicable motor vehicle registration taxes and fees, a \$25 annual use fee will be charged for this new specialty license plate. The annual use fees will be distributed to the Florida Association of Food Banks, Inc., to fund programs to end hunger in Florida.

The bill provides for the distribution of annual use fees to the association, which may use up to 25 percent for marketing its concept and the specialty license plate. An advisory board of the Florida Association of Food Banks, Inc., consisting of a member representative from each of the association's affiliated Florida food banks shall review the distribution of the funds.

The Florida Legislature created the first specialty license plates in 1986, one commemorating the seven astronauts who died when the space shuttle Challenger exploded after lift-off, and one for each of the nine universities then in the State university system. Since then, the Legislature has authorized 78 more specialty license plates.

LAST ACTION: 3/9/07 SENATE FAVORABLE BY TRANSPORTATION

CS/SB 700 Baker Act

The committee substitute for SB 700 amends chapter 394, Part I, F.S. (the Baker Act) to include criteria and a process for involuntary outpatient placement that will allow individuals with mental illness who meet certain criteria to be ordered by the court to participate in community based mental health treatment. In order for the court to order such services, the responsible service provider must certify to the court that the appropriate mental health services are available in the community. The court orders must address specific treatments that are to be provided to the individual and must be issued contingent upon the availability of treatment services in the community.

Bills Heard this Week (continued)

Non-compliance with court-ordered outpatient treatment may result in the individual being evaluated for involuntary inpatient treatment if he or she is believed to meet the criteria.

The committee substitute:

- Establishes a process for long-term involuntary placement for outpatient services for persons 18 years of age or older who meet other statutory criteria but only if services or programs are available in the county or circuit,
- Provides options for such persons for voluntary agreements for involuntary outpatient services;
- Adds a process for continued involuntary placement for outpatient services based on maximum 6-month intervals;
- Revises the criteria for involuntary examination under the Baker Act;
- Makes other conforming changes to the Baker Act to distinguish between the procedures for involuntary placement for inpatient treatment versus involuntary outpatient placement; and
- Provides rulemaking authority to the Department of Children and Family Services.

LAST ACTION: 3/9/04 SENATE CS BY JUDICIARY

HB 887 Aging Resource Center

HB 887 requires the Department of Elder Affairs to develop a model system that integrates all state-funded services for the elderly into a managed, long-term-care system, directed by an Aging Resource Center. DOEA is responsible for administrative oversight of the model system, designating areas and proposals to develop Aging Resource Centers, and determining capitation rates for the centrally provided services. Providers are to either coordinate or provide services, not both.

House Bill 887 authorizes the Department of Elder Affairs to modify its local system of service delivery to develop a single point of entry for all persons over 60 seeking services through the Community-Care for-the-Elderly Program, the Home-Care-for-the-Elderly Program, the Aging Disabled Services Medicaid Waiver Program, the Assisted Living for the Elderly Program, and the Older American's Act. The new single point of entry is to be called an "aging resource center."

The aging resource center (ARC) is to "integrate" the staff of DOEA's CARES nursing home screening program, as well as a sufficient number of staff of the Department of Children and Families Economic Self-Sufficiency Services Program Office to determine financial eligibility for all persons age 60 and older seeking Medicaid services. The staff of the local Area Agency on Aging is also to be integrated into the ARC.

The bill encourages DOEA to develop and pay capitation rates for services delivered via the aging resource center system; requires an evaluation which is to include a plan for expansion of the services under the aging resource center's direction and a plan to address the appropriateness of integrating the state's various Medicaid waivers into fewer programs that serve a broader population of elders.

The bill requires that providers in the ARC system either coordinate or provide services under the program but does not allow providers to do both, having the effect of separating case management from service provision in aging services delivery.

LAST ACTION: 3/17/04 HOUSE CS BY THE FUTURE OF FLORIDA'S FAMILIES

Funny Signs. . .

In the front yard of a funeral home: "Drive carefully. We'll wait."

On a fence: "Salesmen welcome! Dog food is expensive."

At a car dealership: "The best way to get back on your feet - miss a car payment."

Bills Heard this Week (continued)

HB 897 Suicide Prevention

HB 897 creates the Office of Suicide Prevention in the Office of Drug Control Policy in the Executive Office of the Governor. The bill creates a 20 member coordinating council to guide the Office of Suicide Prevention.

The bill appropriates \$100,000 and one FTE for the new Office of Suicide Prevention. The bill takes effect July 1, 2004.

LAST ACTION: 3/17/04 HOUSE CS BY THE FUTURE OF FLORIDA'S FAMILIES

HB 1107 211 Telephone Service

House Memorial 1107 encourages the Congress of the United States to pass the Calling for 2-1-1 Act of 2003. On July 21, 2000, the Federal Communications Commission (FCC) adopted Order No. FCC 00-256, in CC Docket No. 92-105, relating to the 2-1-1 dialing code. The FCC reserved 2-1-1 dialing code for community information and referral services. The 2-1-1 code is intended to be an easy-to-remember and universally recognizable number that would enable a critical connection between individuals and families in need and the appropriate community-based organizations and government agencies. Dialing 2-1-1 helps the elderly, the disabled, those who do not speak English, those who are having a personal crisis, the illiterate, or those who are new to their communities, among others, by providing referrals to and information about health and human services organizations and agencies.

LAST ACTION: 3/10/04 HOUSE FAVORABLE BY BUSINESS REGULATION

CS/SB 1226 Long-Term Care Service Delivery System

CS/SB 1226 implements the recommendations contained in Senate Interim Project Report 2004-144, "Model Long-Term Care System/Analyzing Long-Term Care Initiatives in Florida."

This bill makes changes to the long-term care service delivery system administered through the Department of Elder Affairs (DOEA) and the Agency for Health Care Administration (AHCA). Specifically, the bill:

- Requires each Area Agency on Aging (AAA) board, in consultation with the Secretary of Elder Affairs, to annually appoint a chief executive officer of the AAA, requires the performance of the executive director of each AAA to be annually evaluated by the Secretary, and requires the board to consider this evaluation and recommendation when it considers reappointments;
- Gives AHCA the authority, in consultation with DOEA, to contract for any function or activity of the Comprehensive Assessment and Review of Long-Term Care Services (CARES) program including any function or activity required by 483 of the Code of Federal Regulation relating to Preadmission Screening and Resident Review (PASARR);
- Requires CARES staff to assess all individuals whose nursing home stay is expected to exceed 20 days regardless of the initial funding source for nursing home placement, and provides that this requirement does not apply to continuing care facilities licensed under chapter 651, and retirement communities that provide a combination of nursing home, independent living, and other long-term care services;
- Requires DOEA to develop a database to track individuals over time, who are assessed under the CARES program and who are diverted from nursing home placement, and requires DOEA to submit to the Legislature and the Office of Long-Term Care Policy each year, a longitudinal study of the individuals who are diverted from nursing home placement;
- Revises the requirements by which DOEA can take action against a AAA to include: the AAA exceeds its authority related to its contract with the department or has exceeded its authority, or otherwise failed to adhere to the provisions specifically provided by statute or rule adopted by DOEA; and if the AAA has failed to properly determine client eligibility as defined by DOEA or efficiently manage program budgets;
- Makes changes to the Office of Long-Term Care Policy including:
 - Locating the Office of Long-Term Care policy in DOEA for administrative purposes only;
 - Providing that the office and its director shall not be subject to control, supervision, or direction by DOEA;

Bills Heard this Week (continued)

- Replacing the advisory council with an inter-agency coordinating team and specifying the composition of the inter-agency coordinating team; and
- Revising reporting requirements;
- Redefines the terms “community care service system” and “lead agency,” and requires a single lead agency to provide the array of services to functionally impaired elderly persons. This agency can provide any combination of those services;
- Requires DOEA and AHCA to develop an integrated long-term care service delivery system including:
 - Requiring DOEA and AHCA to phase in implementation of the integrated long-term care system;
 - Specifying timeframes and activities for each implementation phase;
 - Authorizing AHCA to seek federal waivers to implement the changes;
 - Providing rulemaking authority to AHCA and DOEA; and
 - Requiring reports to the Governor and the Legislature.
- Requires CARES staff to review at least 20 percent of Medicaid nursing home resident case files annually to determine whether these residents can be transitioned to a less restrictive setting;
- Provides additional requirements for entities that want to enroll as Nursing Home Diversion waiver program providers;
- Provides additional requirements to be used in the development of capitation rates for the Nursing Home Diversion waiver program¹; and
- Provides additional requirements for the evaluation of the Nursing Home Diversion waiver program.

LAST ACTION: 3/16/04 SENATE TEMPORARILY POSTPONED BY APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

HB 1245 Credit Counseling Services

Credit counseling services generally advertise a service intended to assist people with managing their personal debt. Credit counseling services may attempt to help an individual avoid foreclosure and bankruptcy, reduce interest rates, and lower or consolidate monthly payments.

Currently, there are no laws in Florida regulating credit counseling organizations. There is growing concern across the nation as new organizations obtain non-profit status from the IRS and use this status to gain the confidence of consumers. Many times, these organizations will charge upfront fees or “voluntary contributions” for their services.

According to a representative with the Florida Attorney General’s Office, there are currently two investigations into questionable credit counseling practices in Florida.

Many credit counseling services offer assistance through “debt management plans” (DMP). The DMP is advertised as a way to pay down debt through monthly deposits to the credit counseling service, which in turn distributes these funds to the creditors. Credit counseling services advertise that they work with clients and creditors to design a debt repayment program that will minimize monthly payments, interest and related fees, providing a manageable plan for clients.

Under current law, there is no limit on fees charged by credit counseling services and debt managers. HB 1245 allows a maximum of \$50 for an initial set up or consultation fee for a debt management plan and \$120 per year for additional consultations. The bill will allow up to 7.5%, or \$25, whichever is greater, of the amount paid monthly by the debtor to the creditors for collection by the debt manager. The bill requires any debt manager or credit counselor to have a certified public accountant audit the accounts in which funds of debtors are deposited on an annual basis. The bill requires a debt manager or credit counselor to maintain insurance coverage in the amount of \$100,000, or 10 percent of the monthly average for the immediately preceding six months of the aggregate amount of all deposits made with the debt manager by debtors, whichever is greater. The bill requires that a debt manager or credit counselor disburse funds of the debtor to the proper creditor not more than 30 days after receiving such funds. The bill authorizes the Attorney General and the Office of Financial Regulation (OFR) to prosecute any case arising under this bill.

Bills Heard this Week (continued)

The bill provides exceptions for certain persons who may engage in debt management including those in the practice of law, any person who incidentally engages in debt adjustment, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, a bank, a bank holding company, trust company, savings and loan association, credit union, credit card bank, or savings bank that is regulated by the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the Federal Reserve, the Federal Deposit Insurance Corporation, the National Credit Union Administration, or the Department of Financial Services.

LAST ACTION: 3/17/04 HOUSE CS BY COMMERCE

HB 1255 Tax Credits/Hiring/Disabilities

Based on 2000 Census data for Florida, 22.2% of the population has a disability. Of those working age persons with a disability (age 21-64), 58.3% were employed compared to 74.9% of working age persons without a disability.

HB 1255 provides sales, use, and corporate income tax credit to businesses that hire persons with disabilities on or after July 1, 2004. The credit against the tax is effective January 1, 2005 and the business must demonstrate to the Department of Education's Division of Vocational Rehabilitation that a person with a disability was hired.

The bill establishes a computation for the sales and use tax credit which is 20% of the actual monthly wages paid in Florida during a taxable period to each employee who has a disability. The sales and use tax credit may be claimed for no more than five such employees per taxable period and may not exceed \$670 per eligible employee per month. A business claiming the sales and use tax credit cannot use the corporate income tax credit.

Unused tax credits may be carried forward for up to 5 years.

LAST ACTION: 3/17/04 HOUSE CS BY COMMERCE

HB 1307 Commission on Migrant Labor

HB 1307 revises certain aspects of the Legislative Commission on Migrant Labor (commission). The bill provides for the commission to be responsible for reviewing issues of state concern to the farming and migrant industry, including migrant housing, basic rights of migrant workers, and fair business practices.

In addition, the proposed legislation provides that the advisory committee to the commission include the following members:

- One member representing the Executive Office of the Governor;
- One member, who is not for profit, representing migrant social services;
- One member representing the Department of Business and Professional Regulation;
- One member representing the Agency for Workforce Innovation; and,
- One member representing the Department of Children and Families.

And lastly, the bill authorizes the Governor's Office to consult with migrant workers, as well as their employers, regarding improving working conditions, and to providing coordination for the enforcement of farm labor registration.

The bill was voted out of the Committee on Agriculture as a committee substitute o March 11. The above overview addresses the original bill, not the CS.

LAST ACTION: 3/11/04 HOUSE CS BY AGRICULTURE

Fractured History Tale by 5th & 6th graders in Ohio

Ancient Egypt was old. It was inhabited by gypsies and mummies who all wrote in hydraulics. They lived in the Sarah Dessert. The climate of the Sarah is such that all the inhabitants have to live elsewhere.

HB 1379 Juvenile Psychotropic Studies

HB 1379 establishes the Center for Juvenile Psychotropic Studies within the Department of Psychiatry of the College of Medicine of the University of Florida for the purpose of collecting, tracking, and assessing information regarding dependent minors in state custody who have been or are currently being prescribed psychotropic medications.

The bill creates a nine-member advisory board and provides for the members' appointments. It also provides for the appointment of the director of the center.

The center is required to report its findings and recommendations by January 1, 2005. The bill abolishes the center and repeals the act on July 1, 2005.

LAST ACTION: 3/15/04 HOUSE FAVORABLE WITH 1 AMENDMENT BY CHILDREN'S SERVICES

CS/SB 1394 Obesity, Public Policy, and Tort Claims Against Fast-Food Companies

Obesity is a serious public health threat that manifests itself in diseases and chronic disabling conditions such as diabetes, coronary heart disease and high blood pressure. The Surgeon General noted that the numbers of deaths associated with obesity are nearly 300,000 per year in the United States. According to a recent study by the Centers for Disease Control and Prevention (CDC), between 1971 and 2000, the daily caloric intake of Americans rose by more than 7 percent on average for men and 20 percent for women.

The bill bars a claim for damages arising from personal injury or wrongful death against a manufacturer, distributor, or seller of foods or nonalcoholic beverages if the claim is premised upon a person's weight gain or obesity, or a health condition related to weight gain or obesity, resulting from long-term consumption of such foods or nonalcoholic beverages. The limitation on such claims does not bar a claim otherwise available under law against a manufacturer, distributor, or seller of foods or nonalcoholic beverages if such person have failed to disclose statutorily required nutritional content information or have provided materially false or misleading information to the public.

LAST ACTION: 3/9/04 SENATE FAVORABLE WITH 1 AMENDMENT BY JUDICIARY

CS/SB 1400 Local Government Solid Waste Fees/Goodwill

Representatives from Goodwill Industries of Florida report that last year they recycled over 83 million pounds of material. Other non-recyclable material they collect is hauled to landfills and incinerators, in many cases, at Goodwill's expense. They report that they are charged 'tipping fees' in all but one county, amounting to approximately \$1 million annually statewide.

This Committee Substitute (CS) requires, rather than authorizes, local governments to waive solid waste fees, for nonprofit organizations that collect donated goods for charitable purposes and that have a recycling rate of 50 percent or more. However, this waiver is not required for construction and demolition debris or manufacturing by-products.

The CS stipulates that tipping fees or similar user fees may not be increased as a result of these waivers.

Finally, waivers are not required in counties or municipalities that have included a covenant prohibiting free service in an ordinance or resolution securing its outstanding solid waste revenue bonds that are payable in whole or in part from solid waste fees.

LAST ACTION: 3/9/04 SENATE NOW IN FINANCE AND TAXATION

Fractured History Tales by 5th & 6th graders in Ohio . . .

The Greeks were a highly sculptured people, and without them we wouldn't have history. The Greeks also had myths. A myth is a young female moth.

CS/SB 1572 Child Care Personnel Training

The Committee Substitute for SB1572 requires that childcare personnel in childcare facilities receive training relative to shaken baby syndrome, sudden infant death syndrome, and early childhood brain development.

Shaken Baby Syndrome is damage to the brain or other neurological alteration that is caused by the violent shaking of an infant or small child or the impacting of the head of an infant or small child.¹ Such shaking often occurs as a result of anger or frustration when the baby will not stop crying or has not responded to the commands or desires of the caregiver.² Approximately 20 percent of the shaken baby syndrome cases are fatal within days of the injury, and the remaining children often experience disabilities ranging from mild learning disorders and behavioral changes to more severe disabilities such as profound mental retardation, paralysis, blindness, or remaining in a permanent vegetative state.³

Sudden Infant Death Syndrome (SIDS) is “the sudden death of an infant under 1 year of age which remains unexplained after a thorough case investigation, including performance of a complete autopsy, examination of the death scene, and review of the clinical record.”⁴ The greatest number of SIDS deaths occur in infants between 2 and 4 months and usually are unexpected and take place during sleep. While not preventable, the risk of a SIDS death can be reduced by placing infants on their backs to sleep and on a firm surface, providing the infant with a smoke-free environment, and preventing the infant from becoming overheated.

LAST ACTION: 3/16/04 SENATE READ SECOND TIME

CS/SB 1554 Program of All-Inclusive Care for the Elderly (PACE)

The Program of All-inclusive Care for the Elderly (PACE) is a capitated benefit authorized by the Balanced Budget Act of 1997 (BBA) that features a comprehensive service delivery system which integrates Medicare and Medicaid financing for the elderly.

The program is modeled after the system of acute and long-term care services developed by On Lok Senior Health Services in San Francisco, California. The PACE model was developed to address the needs of long-term care clients, providers, and payers. For most participants, the comprehensive service package permits them to continue living at home while receiving services, rather than being institutionalized. Capitated financing allows providers to deliver all services that participants need rather than being limited to those services reimbursable under the Medicare and Medicaid fee-for-service systems.

The Balanced Budget Act (BBA) established the PACE model of care as a permanent model within the Medicare program and enables states to provide PACE services to Medicaid beneficiaries under the Medicaid state plan.

One of the strengths of the PACE model is that it combines two disparate payment systems (Medicare and Medicaid) into one capitated payment to one provider who is then responsible for meeting all of the enrollee’s needs. The PACE program is incented to prevent hospitalization, excessive medication, and nursing home placement because the provider is financially liable for those high cost services.

There is one PACE provider in Florida, Florida PACE Centers, Inc., a subsidiary of Miami Jewish Home and Hospital for the Aged. There are 41 people enrolled in this PACE program.

CS/SB 1554 directs the Agency for Health Care Administration (AHCA) and the Department of Elder Affairs (DOEA) to assist a private, not-for-profit organization located in Lee County, and a private, not-for-profit organization in Martin County, that provide comprehensive services, including hospice services to the frail and elderly, to gain approval as Program of All-inclusive Care for the Elderly (PACE) sites.

LAST ACTION: 3/3/04 SENATE CS BY HEALTH, AGING, AND LONG-TERM CARE; Companion bill CS/SB 1554 - Care for Elderly Persons – Last Action: 3/3/04 SENATE CS BY HEALTH, AGING, AND LONG-TERM CARE

CS/SB 1706 Specialty behavioral healthcare providers

Assisted living facilities (ALFs) provide housing, meals, and personal assistance to frail elders and persons with physical and mental disabilities who need support to live in the community but do not require institutionalization. Residents with mental illness receive personal services from the facilities and mental health services from local community mental health centers. Any ALF serving three or more mental health residents is required under s. 400.4075, F.S., to obtain a limited mental health license.

There are currently more than 75,000 ALF beds statewide in 2,250 facilities. There are 675 ALF providers in the state holding a limited mental health license; approximately 8,500 individuals with mental illness live in these facilities. In District 4, there are 24 ALFs with limited mental health licenses with approximately 480 residents living in these facilities.

Since 1996, at least two reports to the Florida Legislature have raised concerns about the provision of behavioral health (mental health and substance abuse) services for residents living in ALFs. Specific concerns have been raised regarding the adequacy of available placement resources for mental health clients and the adequacy of services available to support community placement options for individuals with severe mental illnesses. The availability of after-hours mental health coverage is also a problem that is frequently cited by ALF administrators.

The Committee Substitute for SB 1706 directs the Department of Children and Family Services (DCF) to establish a demonstration project in District 4 for the purpose of determining the benefits of having a specialty behavioral health care provider deliver behavioral health services to residents of an assisted living facility with a limited mental health license.

The bill further directs the department to establish a workgroup and specifies the membership of that workgroup. The workgroup is directed to develop the request for proposal and recommend the standards criteria, and array of services to be included in the procurement document used to select the specialty behavioral health care provider.

The Agency for Health Care Administration (AHCA) is directed to authorize the selected behavioral health care provider to negotiate a capitated payment for the demonstration project's behavioral healthcare services if a managed care system is implemented in District 4.

The Office of Program Policy Analysis and Government Accountability (OPPAGA) is directed to conduct an evaluation of the demonstration project and submit a report to the Legislature by January 1, 2008.

LAST ACTION: 3/10/04 SENATE CS BY CHILDREN AND FAMILIES

CS/SB 1918 Blind Services

CS/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;
- 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;

Bills Heard this Week (continued)

- 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.

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

SB 2042 Suicide Prevention

In 2001, approximately 765,000 people in the U.S. attempted to take their own lives and more than 30,000 succeeded. Suicide was the eleventh leading cause of death in the U.S. in 2001. It was the eighth leading cause of death for males and the nineteenth leading cause of death for females. For teenagers and young adults, suicide is the third leading cause of death, only behind accidental death and murder. Overall, suicide takes fifty percent more lives each year than homicide. In 1999, the U.S. Surgeon General declared suicide a significant public health problem.

SB 2042 creates the Statewide Office of Suicide Prevention in the Florida Office of Drug Control. The bill specifies functions for the office including:

- Implementing the statewide plan prepared by the Suicide Prevention Coordinating Council;
- Building a network of community-based programs to integrate suicide prevention initiatives;
- Increasing public awareness concerning topics relating to suicide prevention; and
- Coordinating education and training curricula in suicide prevention efforts.

The bill creates a position for a coordinator of the Statewide Office of Suicide Prevention and details the duties and responsibilities of the coordinator. The bill also creates a Suicide Prevention Coordinating Council to develop strategies for preventing suicide, and a state interagency workgroup consisting of those agencies that are part of the coordinating council, in order to coordinate state agency plans for suicide prevention. The bill specifies the membership, terms of office, and the duties of the council and the workgroup. The council is to provide findings and recommendations regarding suicide prevention programs and activities, and to prepare a report annually to be presented to the Governor and the Legislature.

The bill appropriates \$100,000 from the General Revenue Fund and authorizes one additional full-time equivalent position to the Office of Drug Control.

LAST ACTION: 3/3/04 SENATE FAVORABLE BY HEALTH, AGING, AND LONG-TERM CARE

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

Theodore G. Granger
President & Editor

Lynn Groves
Success By 6 Coordinator

Julia Cunningham
Office Manager

phone-----850/488-8287

fax-----850/681-9137

Legislative Link is published by the United Way of Florida, Inc. for our members who may reproduce this newsletter for staff, volunteers, and agencies. All others must call 850/488-8287 for reprint permission.

