

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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WHAT DOES IT MEAN TO “LIVE WITHIN OUR MEANS”?

The threshold budget issue facing the 2003 Florida Legislature is whether or not to increase revenues by eliminating sales tax exemptions, reducing or eliminating tax breaks that are currently being phased in, or approving video lottery, among others.

The House has drawn a line in the sand, stating that there will be no action taken on raising additional revenues, and that “Florida must live within its means”. Led by Speaker Johnny Byrd, the House - in large part following Governor Bush - is poised to pass a budget that is balanced on bonds and nonrecurring funds (i.e. trust funds), and that is so confusing that few can figure out where the money really goes and what programs are being axed.

The Senate has expressed a willingness to explore new revenue options. To highlight what “living within our means” means, it will pass a budget in the near future that is crafted to highlight the Senate’s view that our means are simply not enough, and that the state needs additional revenue. It axes programs across-the-board.

Which raises the question . . . What are Florida’s “means”?

The Senate says they are our current recurring revenue streams, and that they are insufficient.

The House and Governor Bush - as expressed in their proposed budgets - say our current revenue streams are sufficient if nonrecurring trust fund monies, bonds, and increased local taxes are adopted (the Florida Association of Counties estimates counties will be forced to raise more than \$200 million in local taxes to balance the Governor’s proposed budget).

The answer to the question is also being answered on a number of fronts, with some surprising new voices:

- Associated Industries CEO, Jon Shebel, has suggested that the state’s future economic vitality may be tied to implementing a personal income tax.
- Florida TaxWatch, a budget watchdog whose board is comprised of top corporate CEOs from around the state, has suggested that the Legislature consider eliminating over \$2 billion in sales tax exemptions that appear not to benefit the overall state economy.
- The Office of Policy Planning and Government Accountability (OPPAGA) - the Legislature’s own research arm - has concluded that “The governor’s proposed budget...barely scratches the surface of the financial crisis: Florida is perilously close to the amount of bonds it can legally sell to fund such critical items as roads and school construction; relies on a tax system that is unusually generous compared with other states; and must find new sources of cash - or face a continuing series of budget crises. (As reported in the March 24 Edition of the *Orlando Business Journal*). *Continued on page 2*

“Living Within Our Means” continued

- Numerous others, including OPPAGA, point out that Florida ranks 45th among states in the amount of personal income paid in state and local taxes; Florida ranks 17th in per capita wealth; the state is sinking deeply into debt, approaching its 7 percent debt limit cap (so is the federal government, see “CED” article below); Florida has about the lowest number of state employees per capita of any state; teacher salaries are \$5,000 below the national average; etc., etc.

With those revenue-system issues as a backdrop, the Florida Legislature must figure out how to pay billions for constitutional amendments relating to class size, bullet train, universal pre-kindergarten, and Article V judicial restructuring. The state is also facing continuing crises on numerous fronts, including child welfare and foster care, Medically Needy, an array of prevention programs, transportation disadvantaged, and recruitment and retention of nurses and teachers that will require significant state funds to address.

The Bottom Line on 2003 Legislative Budget Discussions → At some point in the coming weeks or months, the Legislature will have to determine what “Living Within Our Means” really means in terms of the quality of life in our state. The key to this decision will be the extent to which the decision is made to either raise additional revenue this year and thereby raise the hackles of “no new revenue”, or to delay until next year the hard choice by utilizing nonrecurring trust funds and by paying for today’s costs with tomorrow-we-pay bonding (Florida is over \$19 billion in debt, paying \$1.4 billion each year in interest payments – nearly 7 percent of annual revenues, and more per capita than California.)

Chance an American knows that more Palestinians than Israelis have died in political violence since 2000: 1 in 3
(*Harper’s Index*)

BILL PROTECTS VICTIMS OF SEXUAL VIOLENCE	KUDOS TO SECRETARY REGIER
<p>Current law exempts from public records information revealing the home or employment address, telephone number, photograph or other information that could be used to identify victims of sexual battery. Legislation to exempt photographs, videotape and electronic images of the body of a victim of sexual battery – even if they do not identify the victim - was approved by the Senate Criminal Justice Committee and the House Public Safety and Crime Prevention Committee this week.</p> <p>Senate Bill 126, filed by Senator Skip Campbell, is a reaction to <i>Weeks v. Golden</i>, where the court upheld a convicted rapist’s request for forensic photographs taken after the crime of his victim’s genital area. Twisted. The courts authorized release of the pictures because Florida’s public records laws do not exempt photographs that do not identify the victim. SB 126, and its House companion, HB 453 would exempt such non-identifying pictures.</p>	<p>Just two weeks after being named Secretary of the Department of Children and Families late last year, Secretary Jerry Regier requested increased funding of \$474 million, to raise the agency’s budget to more than \$4.1 billion. Most of the money – about \$200 million – was targeted for increases to child welfare programs, which now account for \$860 million of the Department’s budget. The increase would have been used, in part, to: 1) hire more workers to investigate child abuse and conduct background screenings (\$89 million); 2), address persistent turnover rates of more than 50 percent in many areas of the state, raising the average pay of front line workers from \$30,000 to \$34,000 (\$48 million); and 3) nearly double prevention and intervention programs (\$47 million); and 4) an additional \$12 million for Healthy Families.</p> <p>Although the Governor’s proposed budget and the legislative budgets don’t come close to Secretary Regier’s request, he deserves kudos for boldly putting on the table the true needs of the Department, particularly when he was so new to the state, and hadn’t even been confirmed by the Senate.</p>

SCHOOL READINESS BILLS – FINALLY

This week, the fourth week of the eight-week regular session, the House Subcommittee on Pre-K-12 passed HB 193, and the Senate Commerce, Economic Opportunities, and Consumer Services Committee passed CS/SB 1334. Both bills require the Office of Program Policy Analysis and Government Accountability (OPPAGA) and the Auditor General, together with the Florida Board of Education, to study the current school readiness system and recommend to the 2004 Legislature how to implement the new Universal Pre-Kindergarten (UPK) program.

While the bills are generally the same, the Senate bill actually creates the voluntary Universal Pre-Kindergarten Program within the Agency for Workforce Innovation, and declares that the UPK shall be administered by the Florida Partnership for School Readiness and School Readiness Coalitions. The House bill does not mandate this placement. Instead, it requires OPPAGA to recommend where UPK and school readiness will “live” after analyzing programmatic and funding issues impacting them.

On the other hand, the House bill requires the state Board of Education to prescribe best practices for establishing UPK in a manner that emphasizes instruction for 4 year olds in the areas of language, cognitive, and early reading development. The Senate includes this language, but also addresses emotional, social, and developmentally appropriate curriculum and standards that will provide children high quality Pre-K learning opportunities that

address and enhance each child’s ability to make age appropriate progress.

Both bills direct the Board of Education to recommend the optimal number of hours per day and days per year for the UPK program.

Discussions over the last couple of months, culminating in letters that were sent from the House Speaker and Senate President to OPPAGA and the Auditor General a couple of weeks ago, indicate that one of these bills – or, likely, a hybrid of the two - will pass this session. The broader “whole child” context embraced by the Senate bill, together with the open-ended, analysis-based approach to governance contained in the House bill, appear to provide the best of the two options combined.

Regardless, it will be nice – for the first time since 1999 – for they’re to be a reasoned discussion and study on how best to proceed.

On another school readiness front, Senator Lynn’s CS/SB 194 passed the Senate Children and Families Committee on Wednesday. Thanks to Senator Lynn’s leadership, and that of Ellen McKinley (the faith based representative on the Florida Partnership for School Readiness), this bill will ensure quality in faith based early care and education settings.

See “Bill Closes Child Safety Loophole” below for more information on this important bill.

BILL RECOGNIZES PARENTING AS A LIFE MANAGEMENT SKILL

Frederica Wilson, now in the Senate after serving four years in the House, is again sponsoring legislation to add parenting to the curriculum of the half-credit life management skills course required for high school graduation. This week, SB 1260 was approved unanimously by the Senate Health, Aging, and Long Term Care Committee and now heads to Education Appropriations. The House companion bill, HB 1189 by Representative Sobel, has not yet been scheduled for a committee hearing.

FUNNY SIGNS

Pizza shop slogan: "7 days without pizza makes one weak."

Another Pizza shop slogan: "Buy our pizza. We knead the dough."

CED: 75 YEARS TO PAY OFF DEFICIT

In a recently released report, the Committee for Economic Development (CED) - a non-profit, non-partisan organization of more than 200 business leaders and university presidents - urges the Administration and Congress to “wage war on many fronts” against our nation’s deteriorating fiscal situation, and to set aside any effort to stimulate the economy through tax reductions at this time. *Exploding Deficits, Declining Growth: The Federal Budget and the Aging of America* concludes that “The deficit is now growing at such a rate that we cannot grow out of it...were we to put the budget on a sound actuarial footing for the next 75 years – roughly the lifetime of a child born today – we would have to close a gap of almost 5 percent of gross domestic product annually – about \$480 billion per year in spending cuts or tax increases.’ This is a legacy we cannot leave for the next generation,” says CED Chairman Roy J. Bostock, Chairman Emeritus at Bcom³ Group, Inc..

The report concludes that: 1) only a comprehensive plan that includes Social Security restructuring, Medicare reform, defense and security spending restraint, and new revenue will prevent a long-term budget crisis; 2) the Jobs and Growth Package proposed by the Administration would unacceptably raise the cumulative 2003-2013 deficit by about \$920 billion (including interest) and raise the annual deficit 10 years from now by about \$100 billion; and 3) it is extremely unlikely that the long-term budget problem can be solved without added revenues.

(*Exploding Deficits, Declining Growth: The Federal Budget and the Aging of America* is available from the Committee for Economic Development, 2000 L Street NW, Suite 700, Washington DC 20036, and telephone – (202) 296-5860. The full text of the report will be available on the CED website, www.ced.org, after its release in the near future.)

CHILD CARE AND PUBLIC SCHOOLS: GIVE YOUR OPINION

Twelve years ago, the *Child Care Information Exchange* (November, 1991) published a status report, "Pre-K in the Public Schools," in which Bettye Caldwell observed . . .

"In my mind advocates for the schools and for child care are natural allies. But in reality they have behaved as natural enemies. School personnel may look down upon child care programs as providing only custodial care, and child care providers may accuse public schools of ignoring the social needs of children and families. As both domains have come under attack -- public schools for 'failing' to educate and child care for 'weakening the family' -- each has sought to bolster its self-esteem by asserting its independence from and superiority to the other.

"But in fact both domains provide both care and education, and both domains have much to gain by working together. One might be tempted to suggest that attempts to unite the two domains are too late: the general public now sees both services as inadequate and flawed. But I believe it is never too late to develop a service program that is in harmony with patterns of human need. A blending of care and education can meet the needs of children for developmental guidance and the needs of parents for effective supervision of their children more conveniently than any other pattern of service."

The March 2003 issue of *Child Care Information Exchange* will take a new look at the role public school systems in the United States are playing in the early childhood world, and editors are requesting input for their articles. Given Florida’s unique school readiness initiative, input from participants might be quite enlightening. Send your thoughts to Roger Neugebauer at ccroger@ccie.com. (Partially excerpted from August 5, 2002 *Child Care Advocacy Newsletter*, Children’s Defense Fund")

THINGS THAT IT TOOK OVER 50 YEARS TO LEARN (BY DAVE BARRY)

- Never, under any circumstances, take a sleeping pill and a laxative on the same night.
- You should not confuse your career with your life.
- The most destructive force in the universe is gossip.

DEED RESTRICTIONS HAMPER FAMILY CHILD CARE

About 4 million children nationwide are cared for by one million family child care providers, accounting for nearly half of all outside-the-home child care provided. In Florida, there are about 4,819 licensed and 3,616 registered family child care providers.

Family child care is the only business that by legal definition must be performed in a caregiver's own home. Until recently, it was simply an unregulated 'informal' type of business. Parents choose family child care for a variety of reasons – it can provide care for mixed age groups in the same program, offering the opportunity for siblings to stay together in the same group; flexible scheduling; and proximity to child's own home.

But the NIMBY principle (i.e. Not In My Back Yard) has taken root in some communities, and deed restrictions have been adopted to keep family child care providers from offering their services. Increased noise and traffic seem to be the most commonly anticipated problems. In reality, most people would have a hard time identifying a family child care home in most neighborhoods.

Another common complaint from neighbors is the prospect of lowered property values. There is no substantiated evidence showing that having a family child care home in a neighborhood decreases the value of any home in the neighborhood. Indeed, real estate agents have successfully used the availability of quality child care as a positive selling point to prospective buyers.

In response to this often unfounded fear, Representative Bob Henriquez has filed HB 459, which would:

- protection licensed family child care homes from being charged commercial utility rates;
- protect registered and licensed family child care homes from local zoning regulations that would restrict allowing family child care homes to operate;
- protect licensed family child care home providers from having their homeowner's insurance cancelled due to offering child care in their home;
- includes family child care providers in the Child Care Plus Program;
- offers Gold Seal Family Child Care Providers enhanced rates;
- gives licensed Family Child Care Providers the right to participate in the Subsidized Child Care Program; and
- allow deed restrictions prohibiting family child care in retirement communities, condominiums and cooperatives, and other communities in which a family child care site would jeopardize the health, safety or welfare of the community.

HB 459 is badly needed. Unfortunately, it has no Senate sponsor, and has yet to be heard. (Some of the information from this article was provided by the Florida Family Child Care Association.)

Answers provided by 6th graders during a recent history test...

- *Ancient Egypt was inhabited by mummies and they 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.*
- *Solomon had three hundred wives and seven hundred porcupines.*

COLUMBIA CREW HONORED

SB 1698 has passed the Senate Transportation and the Military and Veteran's Affairs Committees. The bill adds the space shuttle Columbia's name to the popular Challenger license tag, which was created in 1987 following that shuttle's explosion. The tag has generated \$37.9 million in the last 6 years.

**UPDATE – DOMESTIC VIOLENCE AND
GUARDIAN AD LITEM**

Two bills reported in Issue 3 of your *Legislative Link* moved forward this week. Senate Bill 1216 shifts the responsibility for receiving and approving or rejecting domestic violence centers' applications for funding from DCF to the Florida Coalition Against Domestic Violence, moves responsibility for contracting from the department to the Coalition, and adds implementation of services to the required Coalition responsibilities. This week the bill was approved by the Senate Criminal Justice Committee and now heads to Health and Human Services Appropriations.

House Bill 439, which creates a statewide Guardian ad Litem office within the Justice Administrative Commission, was approved by the Future of Florida's Families Committee this week. Brad Thomas, Public Safety Policy Coordinator for Governor Bush's office expressed the Governor's support for the bill, which is sponsored by Representative Nan Rich.

ELDER ABUSE ON THE RISE

The National Center on Elder Abuse reports there were 472,000 reports of elder abuse nationwide in 2000, an increase of about 180,000 over the number reported in 1996. Between July 1, 2001, and June 30, 2002, the Florida Department of Children and Families received almost 31,000 abuse reports for individuals over 60 years old.

GIRLS vs. BOYS

Over the last 10 years, there has been a 67 percent increase in the number of girls referred to juvenile delinquency programs in Florida, compared to a 25 percent increase for boys.

Number of countries in which at least one U.S. soldier was stationed last year and in 1950, respectively: 148, 95 (Harper's Index)

CHILD ADVOCACY CENTERS RECEIVE FUNDING UNDER TRUST FUND PROPOSAL

The Governor's Office, House and, to a much lesser degree, Senate, budget writers appear intent on raiding trust funds this year in order to balance their budgets.

Despite significant opposition to these raids – particularly by the Senate - several bills have been filed to create additional trust funds. SB 1048 proposes creation of the Child Advocacy Trust, which would be administered by the Department of Children and Families. Its implementation is dependent on SB 1056, which imposes \$101 in court costs in addition to any other cost or penalty required by law against persons who plead guilty or no contest to, or who are found guilty of crimes against minors including child abuse, kidnapping, sexual battery, among others. The clerk of the court is to deposit the proceeds of the court cost into the State Treasury for deposit into this trust fund. Funds shall be appropriated to DCF as grants-in-aid and dispersed to the Florida Network of Children's Advocacy Centers, Inc. for the purpose of providing community-based services that augment, but do not duplicate, services provided by state agencies.

While SB 1048 and SB 1056, which are sponsored by Senator Smith, are moving quickly through the committee process, the companion bills, HB 1533 and HB 1535, by Representative Gelber, have not yet been heard by any of their committees of reference.

THE THINGS THAT MOVIES TEACH YOU

Once applied, lipstick will never rub off - even while scuba diving.

Should you wish to pass yourself off as a German officer, it will not be necessary to speak the language. A German accent will do.

RILYA WILSON ACT PASSES COMMITTEE

Legislation (SB 1318 and HB 1177) seeking to further protect children under the care of the Department of Children and Families was passed by its first committee in both houses this week. The Rilya Wilson Act, named after the Miami foster girl disappeared last year, is sponsored by Senator Frederica Wilson (no relation) and Representative Eleanor Sobel.

Senate Bill 1318 and House Bill 1177 would:

- require children age 3-6 year olds under court ordered protective supervision or in the custody of DCF or a community based lead agency, to be enrolled in a licensed early education or child care program five days a week;
- prohibit withdrawal of these children from the early education or child care program without prior written approval of the DCF or the community based lead agency;
- classify absences that are not reported by the person with whom the child resides by the end of the business day, as “unexcused”;
- requires the program to report any unexcused absence or seven consecutive excused absences to the Family Safety Program or the

community based lead agency by the end of the business day following the unexcused absence or seventh consecutive excused absences;

- requires DCF or the lead agency to conduct a site visit of child’s residence upon receiving a report of two consecutive unexcused absences or seven consecutive excused absences and shall report the child missing if the site visit warrants this action;
- amends current law to specify that priority for participation in the school readiness program shall be given to children “who are served by the Family Safety Program Office of the Department of Children and Families or a community-based lead agency and for whom child care is needed to minimize risk of further abuse, neglect, or abandonment.”; and
- requires DCF and the Agency for Workforce Innovation to conduct a study regarding the role participation licensed early education or child care programs can have in protecting children in who are wards of the state.

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- Number of Uninsured Grows – According to a Kaiser Commission on Medicaid and the Uninsured report, about two million Americans lost their health insurance in 2001, and 83 percent of the uninsured are in working families. Health care costs cost \$1.424 trillion in 2001 – 14.1 percent of the gross domestic product, up from \$1.310 trillion in 2000. That averages out to \$5,035 for every resident of the United States!
-

2003 Department of Health and Human Services Poverty Guidelines

Size of Family Unit	48 Contiguous States and D.C.
1	\$8,980
2	12,120
3	15,260
4	18,400
5	21,540
6	24,680
7	27,820
8	30,960
For each additional person, add	3,140

BILL CLOSES CHILD CARE SAFETY LOOPHOLE

The Senate Children and Families Committee has approved SB 194, which

- Requires an applicant for licensure to attest to the accuracy of the information regarding previous violations by signing an affidavit.
- Authorizes DCF to establish uniform penalties for violations of the licensing requirements.
- Directs the department to establish a definition of child care that distinguishes between programs requiring licensure and after school programs that do not require licensure.
- Directs the Department of Children and Families to establish and maintain a central database to record and compile all district information relating to violations, citations, and penalties imposed against child care facilities regulated by the department.
- Requires accrediting agencies for religious exemption to:
 - (a) Adopt minimum standards for operating a child care program or weekday preschool program which meet or exceed the department's minimum standards set forth in current law;
 - (b) Publish its minimum standards and requires a child care program or weekday preschool program that is a member or participant of, or accredited by, the agency to comply with the accrediting agency's minimum standards;
 - (c) Require a program that is a member or participant of, or accredited by, the agency to meet the minimum requirements of the local governing body with respect to health, sanitation, and safety, including, but not limited to, minimum requirements for environmental health, fire safety, zoning, and building codes;
 - (d) Require a program that is a member or participant of, or accredited by, the agency to inform parents that the program is exempt from state licensing requirements but meets the standards of the program's accrediting agency, which meet or exceed the department's minimum standards.
- Specifically states that it does not authorize the department to regulate or control an accrediting agency for religious exemption or to regulate or control the governance, religious curriculum, discipline, or hiring practices of any religious-exempt child care program.
- Directs the department to establish in rule a definition of child care that distinguishes between child care programs requiring licensure and after school programs not requiring licensure.
- Transfers the Child Care Program from the Department of Children and Families to the Department of Health.

Debra Russo of the Department of Children and Families Child Care Regulation office, stated that as of February 2003, 1109 of 1450 religious exempt child care facilities were licensed, leaving 441 that this bill could impact. Ellen McKinley, Faith Based Representative on the Partnership for School Readiness, spoke passionately in support of this legislation. Representatives of the YMCA and Boys and Girls Clubs also expressed their support. SB 194 is now in the Commerce, Economic Opportunities and Consumer Services Committee.

THE THINGS THAT MOVIES TEACH YOU

- The Eiffel Tower can be seen from any window of any building in Paris.
- Mothers routinely cook eggs, bacon and waffles for their family every morning, even though the husband and children never have time to eat them.

BILLS FOCUS ON MENTAL HEALTH AND SUBSTANCE ABUSE

In Issue 2, we told you about the efforts this session to provide greater focus on the issues of mental health and substance abuse by restructuring the administration of the programs.

The Senate Children and Families Committee this week approved Senate Bill 700, which creates the Florida Substance Abuse and Mental Health Board, Inc. This board is given the authority to set direction and policy for the substance abuse and mental health programs. While this board would be administratively housed in the Department of Children and Families, it would not be a unit or entity of state government. SB 700 provides guidelines for board membership, staff, responsibilities, budget, annual audit and report. The bill directs the DCF Secretary to appoint an Assistant Secretary for Substance Abuse and Mental Health from recommendations made by the Board. Further, an amendment to the bill transfers CINS/ FINS from the Department of Juvenile Justice to the Department of Children and Families.

Senator Lynn, sponsor of the bill, said that she supported keeping mental health and substance abuse under DCF because of the relationship between child abuse and neglect and these issues. Several senators expressed concerns, including the creation of a new bureaucracy and the placement of mental health in DCF instead of the Department of Health. Representatives of the Florida Alcohol and Drug Abuse Association and the Florida Council for Behavioral Health Care spoke in support of the bill. Proponents say that it is a positive move toward increased attention and priority on these issues. SB 700 will next be heard by the Health and Human Services Appropriations Committee. There is no House companion bill.

Meanwhile, in the House...

The Future of Florida's Families Committee approved House Bill 433, which creates an Agency for Human Services within the Department of Children and Families. This agency would include mental health, substance abuse, developmental and aging services. Regarding the pre-paid behavioral health plan, the bill provides that:

- The agency seeks federal approval to contract with a single entity to provide comprehensive behavioral health care services to all Medicaid recipients in a group of districts or counties.
- AHCA contract by July 1, 2005 with a single managed care entity to provide comprehensive inpatient and outpatient mental health and substance abuse services through capitated prepaid arrangements to all Medicaid recipients for whom such plans are allowable under federal law and regulations and who live in the geographic area designated by the agency to be served by the single managed care entity.
- By October 1, 2003, the agency is to submit a plan to the Governor and legislative leaders for review and approval that describes how the capitated prepaid behavioral health care will be implemented in all regions of the state. Implementation begins in 2003 in those areas where an actuarially sound rate can be developed.

Regarding the management of the Mental Health program, the bill:

- provides standards which allow local tax dollars to be "certified" for purposes of matching federal Medicaid dollars;
- limits DCF to an off-site desk review of its contractors' most recent financial audit and authorizes it to conduct on-site monitoring only of problems identified by such audit; and
- deletes the requirement for health maintenance organizations that provide pre-paid behavioral health services spend 80 percent of the capitation payment on services for recipients or return the difference to AHCA.

It is fair to say that neither of these bills are in their final form and that changes likely lie ahead. Stay tuned to the *Legislative Link* for updates on these bills.

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