

Legislative Link

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

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HOUSE CONCURRENT RESOLUTION #1

A concurrent resolution providing that the House of Representatives and Senate convene in Joint Session for the purpose of receiving a message from the Governor.

WHEREAS, His Excellency, Governor Jeb Bush, has expressed a desire to address the Legislature in Joint Session, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

That the House of Representatives and the Senate convene in Joint Session in the Chamber of the House of Representatives at 11:00 a.m. this day, March 6, 2001, for the purpose of receiving the message of the Governor.

. . . And so, the 2001 Florida Legislature began last week in Tallahassee. The session promises to be an extraordinarily interesting – and tumultuous – one. The tightest budget year since the recession of the early '90s, more freshmen lawmakers than have been seen in 34 years, the once-a-decade redistricting that will draw the lines of power for the next 10 years, a critical gubernatorial election in 2002, and lingering partisan rancor over the results of the last Presidential election, combine to set the stage for a volatile session. Of course, the philosophical chasm between the majority and minority parties will also play itself out over such fundamental issues as school vouchers, nursing home reform (i.e. tort reform, in part), tax cuts, and cuts to health and human services. Let the games begin!



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



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WELCOME TO YOUR FIRST 2001 LEGISLATIVE LINK!

As always, your *Legislative Link* will keep you up to date on legislative activities relating to human service issues and other issues of interest to United Ways, United Way agencies, and United Way supporters. It will be published weekly during the legislative session - on your desk each Monday morning with highlights from the previous week.

During the course of the session, if you have any questions or comments regarding the *Legislative Link* or any issues it addresses - or should address - please don't hesitate to call the United Way of Florida. Have a great session!

HEALTH AND HUMAN SERVICE QUESTIONS FOR THE SESSION

The 2001 Florida Legislature will answer a multitude of questions, the answers to which will have enormous impact on Florida's health and human service system. Here are some that your *Legislative Link* will track during the next eight weeks:

- ◆ Will the Governor's and Speaker's desire to reduce taxes for a third straight year be accepted by the Senate in light of critical funding needs?
- ◆ Will funding to keep School Readiness Coalitions a viable factor for future positive change be forthcoming?
- ◆ Will draconian proposals to cut the state's premier health care prevention program – Healthy Start – be accepted by the Legislature?
- ◆ Will the Legislature approve the Governor's visionary proposal to add \$1.8 million to Florida's Infants and Toddlers Early Intervention Program?
- ◆ Will the fabric of Florida's health care safety net be shredded by deep cuts to the Medically Needy program, elimination of MediPass?
- ◆ Will individuals who need the state's assistance to get to work and the doctor receive some relief through additional funding for the Transportation Disadvantaged Trust Fund?
- ◆ Will the Department of Juvenile Justice be given the green light to slash front-end prevention services so it can fund additional beds for children in custody?
- ◆ Will additional mental health services be provided to children if they aren't already in the juvenile justice system?
- ◆ Will the \$10 million in nonrecurring funds used by Healthy Families to expand its services this year be replaced by the legislature, or will the program have to take a deep cut?
- ◆ ...and many more.....

CHILES ENDOWMENT CHANGES?

Following the landmark \$13 billion tobacco lawsuit settlement in 1997, Florida legislators created the Lawton Chiles Endowment Fund, intended to be “a perpetual source of funding for the future of state children's health programs, child welfare programs, children's community-based health and human services initiatives, elder programs, and biomedical research activities”. Last year, the Legislature directed that proceeds from the Endowment – generated from interest on settlement funds – be applied 50 percent to children's services, 33.5 percent to biomedical research, and 16.5 percent to elder services.

Governor Bush has fought to ensure that the Endowment stays true to its intended purpose, and is proposing that the amount of funds designated for biomedical research be reduced, so as to put more money into children and elder issues. He has proposed that the 2001 Florida Legislature appropriate \$40.1 million for children's issues, \$9 million for elder issues, and \$6 million for biomedical research, thereby spending the entire \$55 million available from the Endowment.

Last week, the House Health Promotion Committee passed CS/HB 563, making substantial changes to the Endowment. First, it eliminates the requirement that certain percentage of the funds go to elder and children's issues and to biomedical research. Instead, it dedicates \$150 million of the Endowment principal to fund biomedical research until “cures have been found for tobacco related cancer, heart, and lung disease.” It requires the Secretaries of the Departments of Health, Children & Families, and Elder Affairs to develop funding priorities and submit them, no later than September 1, to the Lawton Chiles Endowment Fund Advisory Council. This 13-member council takes the place of the two councils – one for children's issues and one for elder issues – created by last year's Legislature. The Council will provide the Governor and the Legislature its recommendations regarding the priorities identified by the above-named secretaries by November 1 of each year.

Percentage of Americans who say they would prefer being executed to serving a life sentence without parole: **48**



2001: BUDGET CRUNCH

The 2001 Legislature will confront a problem recent legislatures have, fortunately, avoided. In putting together the 2001-2002 state budget, House and Senate budget planners will have to deal with about a \$1 billion short fall.

During the first half of Governor Bush's term, a strong economy helped the state budget grow at a robust pace. As a result, the Governor and Legislature were able to pass \$1.5 billion in tax breaks while still investing almost \$1 billion more each year into public schools and other causes. It appears, at this time, the state can expect about \$2 billion in normal revenue growth next fiscal year. Unfortunately, IT is also facing about \$2.95 billion in new and increased costs for operating existing programs, creating about a \$1 billion shortfall. In anticipation of the shortfall, and continuing to pursue his goal of reducing the size of government, late last year Governor Bush requested state agencies to submit proposed 2001-2002 budgets reflecting five percent budget reductions. The Governor stated it is his goal to request reductions in the same amount for five years, thereby achieving a 25 percent reduction in state government. This is intended to free up money for additional tax cuts and for funding other state needs.

What is causing the hole in the budget? \$600 million for the Medicaid short-fall caused primarily by increased costs for prescription drugs; about \$350 million in tax cuts including continued cuts to the state's intangibles tax, alcohol drink tax, and the annual summer "holiday" from sales taxes on certain back to school clothing purchases; \$400 million to accommodate the anticipated 6 percent increase in enrollment in public schools; \$200 million for Mobility 2000, a road building initiative passed by the 2000 Legislature; \$100 million for Everglades restoration; \$150 million or so to continue dozens of local water improvement projects begun last year; and \$150 million to fund the October 1 state employee pay raise for a full year.

Other ways Governor Bush is attempting to save taxpayer dollars is by privatizing additional state services and by identifying new ways to increase federal spending in Florida.

Unfortunately, this budget crisis comes at a time when numerous visionary state initiatives are extremely vulnerable, poised to either succeed – or fail – if not supported by the Legislature. They include school readiness, Healthy Start, Healthy Families, the Infants and Toddlers Early Intervention Program, and many others. Further aggravating the problem is that the Legislature has its largest freshmen class in decades - 63 new legislators - many of whom will need crash courses on a state budgeting process that takes years to master.

Your next *Legislative Link* will provide an overview of the Governor's proposed budget. In the meantime, if you would like to peruse it go to My Florida on the web – www.myflorida.com.

THE PARADOX OF OUR TIME BY GEORGE CARLIN

- The paradox of our time in history is that we have taller buildings but shorter tempers; wider freeways, but narrower viewpoints. We spend more, but have less.
- We have bigger houses and smaller families, more conveniences, but less time; we have more degrees, but less sense; more knowledge, but less judgment; more experts, yet more problems.
- We have multiplied our possessions, but reduced our values. We've added years to life, not life to years.
- We've been all the way to the moon and back, but have trouble crossing the street to meet a new neighbor.
- We've conquered the atom, but not our prejudice. We've learned to rush, but not to wait.
- These are the days of two incomes but more divorce; fancier houses but broken homes.

THE 2001 FLORIDA LEGISLATURE – NEW FACES

The 2001 Florida Legislature has more new faces than any Legislature since 1967, when court ordered reapportionment ended the reign of rural “pork choppers” from North Florida. There are 75 newly elected lawmakers – 12 new Senators and 63 new Representatives. Senate President John McKay should have an easier time running the Senate than Speaker Feeney in the House, because 11 of the 12 freshman senators are former state representatives. Only one of the new 63 representatives has prior legislative experience – as a state senator. Newcomers include Representative Phillip Brutus (D-Miami) who is the first Haitian-American to serve in the House. Republicans retain their significant majorities over Democrats in both chambers, with a 25-15 spread in the Senate and a margin of 77-43 in the House.

The effects of term limits - which drove most legislators out of the seats freshmen now hold – will be made more clear as the session progresses. It will be interesting to see if term limits have vested legislative staffers and lobbyists with more power than they’ve ever had before - as they fill the void of institutional knowledge within the Capitol - or if all of the new faces will “balance things out”, as new legislators may have fewer special interests to which they are beholden.

DIAZ BALART UTS C FIRST

controversial issues being considered by the 2001 Florida Legislature is Governor Bush’s proposal to revamp the entire Florida State Employee Career Service System. House Bill -Balart, is currently the Senate vehicle for changes. At the re -Balart, last week the House State Administration million Florida State Employees' Chari Campaign.

Current Florida law (Section 110.14, Florida Statutes) authorizes state employees to request that ductions be made from their wages for a variety of purposes, including deferred compensation, su plemental insurance, union dues, and charitable contributions. As originally drafted, HB 369

fee for each deduction re pay for salary deductions they make to the Florida State Employees Charitable Campaign, among

em arities around the state through the FSEC Campaign last year, mostly through payroll deduction.

Payroll deduction is a fast, easy method of contributing that plays a huge factor in making ation in the FSEC Campaign a viable and valued mechanism fo charity. In response to the originally proposed increased fee, employees would have used the campaign less and, as a result, much needed funding would have been lost to charities that benefit



Chance that a contestant
*Who Wants to Be a
Millionaire*
dollars: **1 in 67**





*Number of known asteroids whose size and orbital trajectories render them “potentially hazardous” to Earth: **258***

LEARNING GATEWAY – AN OPPORTUNITY TO ADDRESS LEARNING DISABILITIES

Last year, under the leadership of current Senate President John McKay, the Legislature created the Commission on the Study of Children with Learning Disabilities charged with making recommendations to the 2001 Legislature on how Florida might best identify and assist children with mild learning disabilities who currently “fall through the cracks” because they do not have an established condition and are not eligible for Part C and Part B IDEA (Individuals With Disabilities Education Act) programs. The Commission's recommendations were made to the Governor and the Legislature in January, and Senator Ken Pruitt has filed SB 1018 incorporating the recommendations. It was passed by the Senate Education Committee last Tuesday, May 6.

While creating yet another state level coordinating body and new local interagency consortia, the legislation provides the state a wonderful opportunity for helping thousands of children to become more productive, happy, and socially adjusted students and citizens.

Senate Bill 1018 creates a three-county (Broward, Manatee, and St. Lucie), three-year demonstration program called the Learning Gateway. The demonstration projects are intended to design and test an integrated community based system to lessen the effects of early learning problems and learning disabilities for children from birth through age nine through prevention, early intervention, and early education. The goals of the Learning Gateway are to improve community awareness and parent and practitioner education about the warning signs or pre-cursors of learning disabilities, improve access for children to appropriate programs, services, and supports; improve developmental monitoring and availability of appropriate screening resources; and improve planning, integration, and collaboration among providers.

A 23-member Learning Gateway Steering Committee housed in the Department of Education is created to provide policy development, consultation, oversight, and support for implementation of the three demonstration programs. The Steering Committee must include representatives from disciplines relevant to diagnoses of intervention and early learning problems. The Learning Gateway Steering Committee will accept proposals from inter-agency consortia in Broward, Manatee, and St. Lucie Counties to serve as demonstration sites.

The interagency consortia in the local sites must provide a comprehensive and detailed description of the system of care in their communities and, among other things, recommend to the state Steering Committee the linking or combining of some or all associated local planning bodies, including school readiness coalitions, Healthy Start Coalitions, Part C advisory councils (RPCs), Department of Children and Family Services Community Alliances, and others. At a minimum, the Demonstration Project proposals must provide for establishing communication, coordination, and planning processes within the community; identify action steps for making appropriate linkages to existing services; establish procedures for determining gaps in services and identifying appropriate providers; spell out plans to contract for specialty services; and identify a lead agency to serve as the system access point, or Gateway.

The Learning Gateway system will consist of the following components: 1) community education and family oriented access strategies, including a Learning Gateway provider that conducts family intake, screening, family assessment, referrals, service coordination, and case management; 2) a central information and referral access phone number designated by the Learning Gateway Steering Committee which will be highly publicized; 3) strategies for providing systematic hospital visits in collaboration with local resources such as Healthy Start; and 4) public awareness strategies to provide information to public and private pre-school programs, child care providers, pediatricians, parents, and local business and other organizations. In coordination with the Partnership for School Readiness, the Department of Education, and the Florida Pediatric Society, the Learning Gateway Steering Committee is required to establish guidelines for screening children from birth to age nine, and to assist the pilot projects develop and test screening processes.

Among numerous other responsibilities, the local Learning Gateway is required to provide follow up contact to all families whose children are found ineligible for services under Part B or Part C of IDEA, pilot expansion of newborn screening to include tandem mass spectrometry, and accept automatic referral of high risk newborns from the Office of Vital Statistics.

BILLS HEARD LAST WEEK

Below are some of the bills considered by the legislature during the first week of session. To access additional information regarding these bills – or any others – go to On Line Sunshine at www.leg.state.fl.us/. Or contact the following:

- **SB 1018 LEARNING GATEWAY** (Pruitt) - Relating to authorizing a 3-year demonstration program, designated as Learning Gateway, which is aimed at the prevention and amelioration of learning disabilities in children between birth and age 9. *Last Action:* 3-6-01 S Voted favorably from committee as CS S-EDUCAT
- **HB 369 PUBLIC EMPLOYEES** (Diaz-Balart, M) - Relating to repealing provisions re pilot projects for agencies seeking managerial flexibility for personnel programs; requires all state employees to participate in direct deposit program. *Last Action:* 3-6-01 H Favorable with 1 amendment H-ST ADMIN
- **SB 342 PHARMACY/NEGATIVE FORMULARY** (Clary) - Relating to requiring removal of specified drugs from the negative formulary; specifies that the act does not alter or amend the existing law regarding physician's authority to prohibit substitution. *Last Action:* 3-7-01 S Reported favorably on S-BANK INS
- **HCF 2 PRIVATIZATION OF FOSTER CARE** (House Child & Family Security) - Relating to restricting funding for Dept. of Children & Family Services risk pool for eligible lead community-based providers of foster care and related services to funds appropriated for that purpose. *Last Action:* 3-6-01 Not Considered
- **HB 563 LAWTON CHILES ENDOWMENT FUND** (Fasano) - Relating to revising procedures for the administration of the Lawton Chiles Endowment Fund and revises the availability and use of funds from the endowment fund. *Last Action:* 3-6-01 H Favorable with 1 amendment H-HLT PROM
- **SB 446 HOMELESSNESS** (Constantine, L) - Relating to creating the State Office of Homeless Affairs within the Department of Children and Family Services; authorizing the Secretary of Children and Family Services to appoint an executive director. *Last Action:* 3-7-01 S Voted favorably as CS S-COMP PLA
- **HB 47 FLORIDA VOLUNTEER AND COMMUNITY SERVICE** (Bense) - Relating to creating the Florida Volunteer and Community Service Act of 2001; authorizes the establishment of policies and procedures for the expenditure of funds to encourage and reward volunteerism. *Last Action:* 3-8-01 Hearing set H-FISC POL
- **SB 674 FLORIDA VOLUNTEER AND COMMUNITY SERVICE** (Saunders) - Relating to creating the Florida Volunteer and Community Service Act of 2001; authorizes the establishment of policies and procedures for the expenditure of funds to encourage and reward volunteerism. *Last Action:* 3-8-01 Hearing set S-GOV
- **SB 856 FLORIDA INFANT CRIB SAFETY ACT** (Wasserman Schultz) - Relating to creating the Florida Infant Crib Safety Act; prohibits commercial users from manufacturing, retrofitting, selling, or leasing specified cribs determined to be unsafe for use by infants. *Last Action:* 3-8-01 S Hearing set S-AGR CONS
- **SB 1202 NURSING HOMES/ASSISTED LIVING FACILITIES** (Brown-Waite) - Relating to revising provisions relating to the regulation of nursing homes and assisted living facilities. Comparable to SB 1326
- **SB 350 INDIVIDUAL DEVELOPMENT ACCOUNTS** (Dawson) - Relating to providing for the establishment of individual development accounts for families of limited means. *Last Action:* 3-9-01 Hearing set S-CHIL FAM
- **SB 682 MENTAL HEALTH TREATMENT/DCFS** (Mitchell) - Relating to requiring the Department of Children and Family Services to develop & implement a pilot project to provide client-directed and choice-based mental health treatment & support services to certain adults. *Last Action:* 3-9-01 Hearing set CHIL FAM

HOMELESS LEGISLATION PASSES

Last year, Senator John McKay – now the Senate President – spearheaded passage of legislation creating the Commission on Homelessness charged with making recommendations to the 2001 Legislature on how best to address the plight of homeless people throughout the state. Last week, the Senate Comprehensive Planning, Local and Military affairs Committee passed CS/SB 446, which incorporates those recommendations. If passed, the bill will significantly improve the ability of communities to help their homeless.

CS/SB 446 requires school districts to grant homeless children a 30-day grace period for submitting proof of age, health check ups, and immunizations. Among other things, it also:

- reserves five percent of State Apartment Incentive Loan Program (SAIL) funds for housing programs serving homeless persons, thereby making more than \$1.7 million available annually for homeless housing;
- requires the Affordable Housing Study Commission to analyze solutions and programs to address the state's need for housing for the homeless;
- creates the State Office on Homelessness within the Department of Children and Family Services staffed by an executive director appointed by the Governor;
- creates a 15 member Council on Homelessness to develop and coordinate policy and advise the State Office on Homelessness;
- requires the Council to, among other things: 1) coordinate a statewide consolidated program and financial plan for homeless services; 2) collect and maintain a database of information pertaining to the homeless; 3) monitor, make recommendations, and provide technical assistance to local programs for the homeless; and 4) "spearhead outreach efforts for maximizing access by people who are homeless or at risk for homelessness to state and federal programs and resources";
- authorizes the State Office on Homelessness, with the concurrence of the Council on Homelessness, to distribute "Challenge Grants" of up to \$500,000 annually to agencies providing homeless assistance continuums of care. To qualify, agencies must develop and implement local homeless assistance continuum of care plans (and evidences the intent to appropriate \$3 million for the grants);
- authorizes the State Office on Homelessness, with the concurrence of the Council on Homelessness, to distribute "Homeless Housing Assistance Grants" of up to \$750,000 annually to agencies to construct or rehabilitate transitional or permanent housing units for homeless persons (and transfers \$5 million from the local housing assistance trust fund to fund the grants);
- revises membership provisions relating to local coalitions for the homeless to require that representatives from substance abuse treatment agencies, community health centers, local school districts, agencies serving specific subgroups of the homeless population, local community-based care alliances, and interested business groups and associations be given an opportunity to participate;
- expands the functions of each homeless coalition to include development, or assisting with development, of a local homeless assistance continuum of care plan for the area served by the coalition;
- encourages mental health facilities to ensure that persons leaving their care or custody are not discharged into homelessness;
- designates December 21, the first day of winter and the longest night of the year, as a Homeless Persons' Memorial Day to bring attention to the tragedy of homelessness; and
- appropriates \$625,000 for fiscal year 2001-2002 to fund one position – about \$25,000 - in each of the 25 homeless coalitions in Florida.

ANNUAL REPORT ON HOMELESS CONDITIONS IN FLORIDA – FISCAL YEAR 1998-99

- There are at least 57,400 homeless people in Florida on any given day, up 9 percent from 52,500 in FY 1997-98.
- Of these, approximately 33 percent are families, 46 percent are single men and 21 percent are single women.
- An estimated 29 percent are children and youth ages 18 and younger, up from 25 percent last year.
- In terms of age distribution, 7 percent are ages 60 and older, 64 percent are ages 18 to 59, and 29 percent are younger than age 18.
- More than half have been homeless for less than one year; 37 percent have been homeless for more than a year; 54 percent have experienced previous episodes of homelessness; and 46 percent have not.
- About 37 percent have alcohol and/or drug abuse problems.
- 24% are reported to be mentally ill.
- 20% have both mental illness and substance abuse problems.
- 8% suffer from AIDS or HIV.
- 16% have disabilities.
- 63% are employed, many in part time jobs without benefits.
- 56 percent are Caucasian.
- 34 percent are African-American.
- 8 percent are Hispanic.
- 2 percent are other populations.
- The number of homeless people seeking assistance from community agencies is up 16 percent from last year.

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