

# Legislative Link

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

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## UPK – CONTACT YOUR LEGISLATORS!!!

The House and Senate Universal Pre-Kindergarten (UPK) bills have both passed out of their respective education committees. Neither bill (CS/HB 821; CS/SB 3036) meets even half of the 10 principles for quality supported by United Way, Children's Services Councils, the Early Childhood Association of Florida, the Children's Campaign, the Florida Children's Forum, the Florida PTA and others.

During next week's Passover and Easter holidays, the Legislature is not meeting in Tallahassee. Legislators will have the week off in their districts.



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

PLEASE . . . contact your Legislator's district office today and make an appointment to meet with them next week. If you can't, hand deliver **pages 2 and 3** of this *Legislative Link* to them and urge them to support quality.

Most Importantly – Contact the **Senate Education Appropriations Committee Members**. Tell them to support the 10 Principles!!

[Click on Senate Education Appropriations Committee Roster attachment accompanied with this email for contact information.](#)



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The session is half over. Though House and Senate leaders proclaim their UPK bills are "quality", they don't even approximate the UPK Council recommendations – recommendations developed and unanimously supported by representatives from virtually every stakeholder group.

Unfortunately, as this Legislative Link went to press, the updated Committee Substitutes for SB 3036 and HB 821 had not been posted on the Legislative web pages. However, to compare them against the 10 quality principles, see page 5.

*Listed below are the key principles that must be addressed if Florida's new UPK program is going to indeed be a quality program. Below each key principle is a short statement summarizing how the current Senate UPK bill (CS/SB 3036) and the House Compromise proposal measure up. Please note that summary below applies to the new House proposal that was released earlier this week in outline form (see page 5). Consequently, some issues may not yet be clear.*

## Early Learning Legislation Key Principles

### How do CS/SB 3036 and the House Proposal measure up?

The following principles are crucial for establishing a high quality voluntary universal prekindergarten (VUPK) program and ensuring that no children are negatively impacted by its implementation. These principles are consistent with the recommendations by the UPK Advisory Council and/or the National Association for the Education of Young Children (NAEYC) and framed from the perspective of **common sense**, **local innovation and control**, and **statewide accountability and standards**.

#### COMMON SENSE *(It's about education and educational reform)*

- Services for children birth to five including the VUPK program should be housed in the **Department of Education** under a separate division headed by a Chancellor of Early Learning.
  - **PARTIAL:**
    - Both bills put VUPK in DOE
      - CS/SB 3036 establishes separate Chancellor for Early Childhood Education in DOE.
      - Unclear if Chancellor is created in House Proposal.
    - **Both bills keep school readiness in AWI**
- **Staff qualifications** should be required with no less than a Child Development Associate or Florida equivalency certificate beginning in 2005. Benchmarks for increased educational qualifications should be established with lead teachers possessing an associate's degree by 2010 and a bachelor's degree by 2013.
  - **PARTIAL:**
    - Both bills require a CDA or equivalent but do not speak to increasing educational requirements.
    - The House Proposal is unclear, but does state that "Early Learning staff training and credentialing oversight moved to DOE in exchange for upgraded quality and articulated career path."

#### LOCAL INNOVATION AND CONTROL *(It's about communities and families at their best)*

- A **unified system** for children birth to five with local governance should ensure meaningful involvement and oversight of VUPK and school readiness / early childhood education programs through Early Learning Councils.
  - **PARTIAL:**
    - CS/SB 3036 calls for consolidation of existing school readiness coalitions into 30 or fewer Regional Child Development Boards intended to be the unifying entity at the local level and administer the funds for non-public school providers.
    - The House Proposal calls for consolidation into 28 local councils and limits council involvement to school readiness programs for children 0-3.
- **Parent choice of settings** (private, public, faith-based) is critical to level the playing field and ensure maximum parental involvement, regardless of the setting.
  - **PARTIAL**

- The House Proposal appears to meet this principle.
  - Under CS/SB 3036, parents would not have the choice of a school based provider during the school year. (School based providers authorized only to provide the intensive summer program.)
- **Resource and Referral** should be the delivery system to enable and ensure parent choice, maintenance of provider information profiles, consumer education, and awareness for VUPK and early childhood education / child care programs to avoid costly duplication of parallel structures and confusion to families.
  - **DO NOT MEET:**
    - CS/SB 3036 speaks to a process of distributing profiles of VUPK providers but does not speak specifically to the plethora of information already contained within the CCR&R databases.
    - The House Proposal is unclear, although it calls for an “Integrated resource and referral system and simplified point of entry for both systems will be provided or contracted by AWI.” (The previous House bill - CS/HB 821 - claimed to provide such an integrated system, but actually provided a bifurcated system.)
- **Services for school-age children** through Child Care and Development Block Grant funding should be earmarked in budget proviso language to ensure their safety and well being and to enable family sufficiency.
  - **DO NOT MEET.**
    - Neither the House Proposal nor CS/SB 3036 address school aged care. It appears that the only school-age children to receive services will be those on cash assistance, under CS/SB 3036.

**STATEWIDE ACCOUNTABILITY AND STANDARDS** (*It's about consistency, quality, and the constitutional mandate*)

- **Gold Seal accreditation** should be required of all VUPK providers by 2006.
  - **Partial**
    - CS/SB 3036 **does not require Gold Seal** accreditation for UPK providers. Any licensed provider could provide UPK services.
    - The House Proposal would require Gold Seal accreditation.
- **Staff to child ratios** should not exceed one adult per ten children. **Group size** should not exceed 20 children in any VUPK classroom.
  - **DO NOT MEET.**
    - CS/SB 3036 requires study to be completed and 2005 Legislature to determine staff to child ratios.
    - The House Proposal relies on accreditation to ratios.
- **A minimum of 720 hours** of instruction should be provided to achieve desired learning outcomes.
  - **DO NOT MEET.**
    - CS/SB 3036 speaks to a 300 hour summer program. The number of hours to include beyond the summer program is not addressed and is slated for the 2005 Legislature to decide.
    - The House Proposal calls for 540 hours of instruction during the school year, or a 310 hour intensive summer program. LEP and lowest quartile of students at end of 540 hour program would have option to also attend the intensive summer program.
- **A professional development system** for teachers to improve skills and obtain credentials should be enacted to remove barriers to higher education.
  - **DO NOT MEET.**
    - CS/SB 3036 delays the decision until the 2005 Legislature.
    - The House Proposal establishes a minimal web-based instructional program.
- **Equal access** must be assured through equity in payment and free for all parents.
  - **MEET**
    - Both bills meet this key principle.

## **BLEAK FEDERAL BUDGET – CALL DC NOW!**

The Children's Defense Fund reports that the U.S. House of Representatives and Senate have each passed their own versions of a budget for 2005. Both budgets cut programs that serve low-income families and children, including housing, nutrition, Head Start, child care and juvenile justice. The House budget could also cut Medicaid while making room for billions of dollars in tax cuts. The House and Senate are now negotiating to iron out their differences in order pass a final version of the budget. The final budget agreement must not pass if it includes harmful provisions.

We urge you to call your Senators immediately and urge them to oppose the budget conference report if it hurts children by:

- Imposing cuts in domestic programs that are critical for children: The House resolution would cut \$120 billion over the next five years from critical programs that serve children in need. The Senate resolution would cut roughly \$100 billion over the same period. The final budget must not include these cuts.
- Cutting Medicaid and other entitlement programs: The House budget could cut \$2.2 billion from Medicaid and the Senate considered increasing taxes on low-income working families by cutting the Earned Income Tax Credit. Cutting health insurance for low-income families and increasing taxes on low-income families are unacceptable.

Let your Senators know that tax cuts must be paid for, and programs for children and families cannot be cut! You can reach your Senators' office by calling the Capitol Switchboard at (202) 224-3121.

For more information on the budget, visit <http://www.childrensdefense.org/pdf/robinhood.pdf>.

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### **THE CLASS OF 2007**

*Just in case you weren't feeling old enough today, this will certainly change things. Each year the staff at Beloit College in Wisconsin puts together a list to try to give the Faculty a sense of the mindset of this year's incoming freshman.*

*Here is this year's list:*

- The people who are starting college this fall across the nation were born in 1985.
  - They have no meaningful recollection of the Reagan Era and probably did not know he had ever been shot.
  - They were prepubescent when the Persian Gulf War was waged.
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### **FLORIDA TAX BURDEN: Carried By The Poor**

A 2003 study by the Institute on Taxation and Economic Policy put Florida second only to Washington in terms of the tax burden carried by the very poorest households. The rankings, released last January, found that the poorest 20 percent of Florida households were taxed at a rate at five times that levied against the wealthiest 20 percent, thanks mostly to Florida's heavy dependence on the regressive sales tax.

## HOUSE VPK COMPROMISE PROPOSAL

<b>ISSUE AREAS</b>	<b>HB 821 SPONSORS COMPROMISE PROPOSAL</b>
<b>Quality Expectations and Options:</b>	<ol style="list-style-type: none"> <li>1. Gold seal designation; and National Assoc. for Accreditation of Independent Schools and FAANS Consortium to groups that can evaluate provider’s conformance to standards. Accountability for student outcomes.</li> <li>2. Staff-to-child ratio covered through Gold Seal designation/other accrediting.</li> <li>3. DOE establishes literacy curriculum standards and reviews curricula to ensure that literacy standards are met. Curriculum shall accommodate faith-based.</li> <li>4. 540-hour school year; or 310-hour intensive summer option; for LEP &amp; lowest quartile of students at end of 540-hour program, option to also attend 310-hour program.</li> </ol>
<b>Professional Development; Continuing Education</b>	<ol style="list-style-type: none"> <li>1. CDA or FL equivalent for lead staff.</li> <li>2. Early Learning staff training and credentialing oversight moved to DOE in exchange for upgraded quality and articulated career path.</li> <li>3. Web-based literacy training proposed in CS/HB 821 as a component of both the 45-hour and CDA training course.</li> </ol>
<b>Governance:</b>	<ol style="list-style-type: none"> <li>1. VPK in DOE; vouchers administered by choice office or contracted administrator.</li> <li>2. School readiness services for children birth to four and services for school age children will be under AWI and delivered through no more than 28 local councils; Majority of local council members appointed by the Governor; strong language to prevent conflicts of interest in local council decision-making.</li> <li>3. DOE establishes education outcome expectations for full early learning continuum birth to five, sets education performance standards, implements mechanisms to determine if standards are met, reports performance to the Governor and Legislature.</li> <li>4. Abolish SR Partnership Board and establish line accountability within AWI under separate Office of Early Childhood Education; AWI given rule-making authority.</li> <li>5. Create Early Learning Advisory Council with membership similar to SR Partnership; council with advise both DOE and AWI on early learning issues.</li> <li>6. Integrated resource and referral system and simplified point of entry for both systems will be provided or contracted by AWI.</li> </ol>
<b>Voucher Amount and Use:</b>	<ol style="list-style-type: none"> <li>1. Voucher amount will be set annually by Legislature and must be accepted by providers as full payment for core education program.</li> <li>2. No VPK funds can be used for transportation or “wrap-around” services.</li> </ol>
<b>Rule:</b>	<ol style="list-style-type: none"> <li>1. Nothing in this act shall be subject to collective bargaining.</li> <li>2. DOE rulemaking will like AWI, no intrusion beyond state requirements.</li> </ol>

## FLORIDA RECEIVES SIGNIFICANT INCREASE IN HUD CONTINUUM OF CARE FUNDING

HUD announced funding awards for its homeless assistance programs in December 2003. HUD distributes the largest portion of all federal homeless assistance funding, and most of that is distributed via a competitive Continuum of Care application process, now very familiar to most of us. This year, 21 Continuums were funded in Florida, up from 20 the previous year, although 23 total have received an award in the history of the Continuum process. The Continuums funded in 2003 cover 32 of Florida's 67 counties, but these 32 account for almost 90% of Florida's population.

HUD uses a formula based on Census data to determine how much funding is tentatively set aside for each jurisdiction, but that is only used as a baseline for the competitive process. The amount of competitively awarded funding initially earmarked for Florida in 2002 was \$37.4 million, but due to the availability of Census 2003 data for the formula, that

amount increased 8% to \$40.5 million in 2003, despite the fact that Congress essentially did not increase total funding nationwide. However, the ACTUAL AWARDS to Florida increased by 24% from \$41.2 million in 2002 to \$51.4 million in 2003. Sixteen Continuums had funding increases in 2003, while only 6 had decreased awards.

The increases can be explained by a combination of factors. These include the new Census data, increased bonuses for Continuums that commit to creating permanent housing, automatic renewal of previous Shelter Plus Care (permanent housing) projects outside the competitive process, and strong applications from three large Continuums that were not competitive in 2002.

*(Source: Florida Coalition for the Homeless; [flahomelesscoal@mindspring.com](mailto:flahomelesscoal@mindspring.com))*

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### First Flight

Did you know?...On New Years day, 1914, the first commercial airline flight took place when a single engine Benoist by plane flew a twenty-three minute route from St. Petersburg to Tampa. The flight ran regular round trip flights for five dollars a person one way, for more than three months.

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## BILLS HEARD THIS WEEK

*(The bills summarized below relate to human service issues and other issues of interest to United Ways, United Way agencies, and United Way supporters. Much of the information below has been excerpted from Legislative staff analyses.)*

TO OBTAIN A COPY OF A BILL, STAFF ANALYSIS, LEGISLATIVE CALENDARS  
OR OTHER LEGISLATIVE INFORMATION:

**House Bills:** House Documents, Rm. 325, Capitol, Tallahassee, FL 32399 ♦ 850/488-7475

**Senate Bills:** Senate Bill Rm. 303, Capitol, Tallahassee, FL 32399 ♦ 850/487-5285

**Website Address:** <http://www.leg.state.fl.us/>

### CS/HB 281 – Substance Abuse Treatment and Intervention

There are two main court systems specifically tailored for minors. Dependency court is for children who are dependent upon the state to protect them from abuse or neglect by their adult caretaker or caretakers. Delinquency court is for minors who commit crimes that do not warrant transfer to the adult criminal justice system.

CS/HB 281 provides that when cases are referred to dependency court because the child is allegedly being abused or neglected, the court may order individuals involved in the dependency case to submit to substance abuse assessment or evaluation upon a showing of good cause. The court may require an individual to participate in and comply with treatment and services identified as necessary, including, when appropriate and available, participation and compliance with a treatment-based drug court program.

*Bills Heard this Week (continued)*

The court must oversee the progress and compliance with treatment and must impose appropriate available sanctions for noncompliance upon the child or the child's parent, legal custodian, caregiver, or other person requesting custody of the child.

**LAST ACTION: 3/31/04 HOUSE Favorable by State Administration**

**SB 462 – Review of Public Records and Meetings Exemptions/Child Abuse Death Review Committees**

Florida has a long history of providing public access to the records and meetings of governmental and other public entities. The first law affording access to public records was enacted by the Florida Legislature in 1909. In 1992, Floridians voted to adopt an amendment to the Florida Constitution that raised the statutory right of public access to public records and meetings to a constitutional level. It is now known as the Sunshine Law.

While the state constitution provides that records and meetings are to be open to the public, it also provides that the Legislature may create exemptions to these requirements by general law if a public need exists and certain procedural requirements are met.

In 1999, the Florida Legislature authorized the development of independent, multidisciplinary statewide and local child abuse death review committees within the Department of Health to review child abuse and neglect deaths in which the Florida Abuse Hotline had accepted at least one report of abuse or neglect.

Section 383.410, F.S., makes information that would reveal the name, address, or telephone number of, or information that would identify any of the deceased child's surviving siblings, family members, or others living in the home, which is contained in reports or records created by the state or local committees, or a panel of the state committee or local committees, which relates solely to child fatalities and in which specific persons or incidents are discussed confidential and exempt from the Public Records Law.

SB 462 reenacts the above exemption, and also limits criminal provisions of the section to apply to persons who knowingly or willfully make unauthorized disclosures of information made confidential and exempt by the section.

**LAST ACTION: 3/31/04 SENATE Read Second Time**

**CS/CS/SB 512 – Independent Living Transition Services**

The Committee Substitute for SB 512 provides for the following revisions to the independent living transition services program:

- Redefines the youth to be served in the independent living transition services program from youth "in foster care" to youth "in the legal custody of the" Department of Children and Families (hereinafter "department");
- Requires the department to conduct an independent living assessment and inform youth of Road to Independence Scholarship services upon turning 17 years of age;  
Redesigns the Road to Independence Scholarship program to provide for two separate scholarships, i.e., the High School Scholarship program and the Postsecondary Education Scholarship program;
- Revises the eligibility criteria, maximum scholarship amounts, method for determining award amounts, and renewal award periods and requirements for the scholarship programs;
- Revises the amount of Transitional Support Services that may be provided to scholarship recipients, and provides that young adults, who have not received scholarship awards, have priority for such services.
- Replaces the department's rulemaking authority to proportionally reduce the scholarship awards if funds are insufficient with specific award reduction options;
- Requires judicial and citizen panel consideration of a youth's preparation for independent living;
- Expands the tuition waiver for postsecondary education institutions to include young adults eligible for the Road to Independence Scholarship regardless of whether a scholarship is awarded;
- Renames the Independent Living Services Workgroup as the Independent Living Services Advisory Council, expands the council membership, and amends duties;

*Bills Heard this Week (continued)*

- Requires that core expectations be developed and applied statewide for ensuring that the goals of the independent living transition services program are met; and
- Requires districts and community-based care lead agencies to provide an annual accounting of expenditures and to annually report their previous year's achievements and up-coming year's plans for meeting the core expectations.

**LAST ACTION: 3/31/04 SENATE Now in Appropriations**

**CS/CS/SB 532 – Good Samaritan Act**

The Committee Substitute for Committee Substitute provides immunity from civil liability, under the Good Samaritan Act, to a person who gratuitously provides care, treatment, or service during emergency response activities in connection with local emergency management agencies, the Division of Emergency Management of the Department of Community Affairs, or the Federal Emergency Management Agency. The immunity protects a person from civil liability for damages caused by an act or a failure to act to arrange further care, treatment, or services if such person acts as a reasonably prudent person would have acted under the same or similar circumstances.

**LAST ACTION: 3/31/04 SENATE Read Send Time; Amendment(s) Adopted; Ordered Engrossed**

**HB 623 – Juvenile Justice**

HB 623 provides that purchases by contracted provider organizations under the Department of Juvenile Justice would no longer have to submit to competitive bidding requirements. The bill also eliminates a requirement that the Department of Juvenile Justice submit a form with specified information about juveniles to the Office of Economic and Demographic Research. The bill clarifies provisions regarding confidential juvenile information so that staff of the Department of Juvenile Justice and court-appointed guardian ad litem may have better access to juvenile records. The bill also clarifies that Department of Juvenile Justice officials may file affidavits for violation probation instead of petitions, since petitions are typically filed by state attorneys.

HB 623 also makes changes with regard to court and Department of Juvenile Justice jurisdiction over juveniles. Under the bill, jurisdiction for all youths will be until the age of 19, with certain exceptions. The exceptions include youths in a maximum or high risk juvenile facility, an intensive residential treatment program for juvenile offenders, a residential sex offender program, or in a program for serious or habitual juvenile offenders. For these committed youths, the maximum age for jurisdiction will be 21.

The bill also would permit youth custody officers to investigate and collect evidence for any offenses committed “during the course of, or subsequent to” the officer taking the youth in custody. The bill would also permit youths to appear by telephone or video teleconference at any court detention or disposition hearing.

**LAST ACTION: 3/31/04 HOUSE CS by Public Safety & Crime Prevention**

**HJR 659 – Term Limits**

In 1992, Florida voters approved term limits under the “eight is enough” proposal (citizen initiative) by a margin of 77 percent to 23 percent. Art. VI, s. 4, of the Florida Constitution currently provides that a Florida representative or senator, Lieutenant governor, Florida cabinet member, United States Representative or United States Senator from Florida may not have his or her name placed on the ballot if the person has served eight consecutive years in that office.

HJR 659 proposes to amend art. VI, s. 4, of the Florida Constitution to increase the current term limits, from eight years to twelve years, for Florida Representatives and Senators, or any member of the Cabinet. It retains the eight year term limit for the Office of Lieutenant Governor.

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***Questions of the Ages . . . .***

- Doesn't "expecting the unexpected" make the unexpected expected?
- Why are a "wise man" and a "wise guy" opposites?

*Bills Heard this Week (continued)*

If enacted, the proposed constitutional amendment will be presented to the electors of Florida at the November 2004 general election, and if approved, will apply only to those officers whose consecutive years in office begin in November 2004 or after.

**LAST ACTION: 3/31/04 HOUSE Favorable by Procedures**

**CS/HB701 – Consumer Health Care Spending Protection**

This bill creates the "Health Care Consumer's Right to Know Act," which provides health care consumers with reliable and understandable information about facility charges and performance outcomes to assist consumers in making informed decisions about health care.

The bill requires that the agency make available on its Internet website no later than October 1, 2004, and in a hardcopy format upon request, patient charge and performance outcome data for not less than 100 conditions and/or procedures and the volume of inpatient hospitalizations and/or procedures by the appropriate Medicare diagnostic related groups [ICD 9] or CPT code.

It is required that the agency website include an interactive search that allows consumers to view and compare the information for specific facilities, a map that allows consumers to select a county or region, definitions of all of the data, descriptions of each procedure, and an explanation about why the data may differ from facility to facility. The bill specifies that public information is updated on a quarterly basis.

**LAST ACTION: 3/31/04 HOUSE Not Considered by Insurance**

**CS/HB 897 – Suicide Prevention**

This bill creates the Suicide Prevention Coordinating Program within the Office of Drug Control. It creates sections 14.2017 and 14.2018, F.S., and transfers the Office of Drug Control and the Statewide Drug Advisory Council to those two sections, respectively. This bill appropriates \$100,000 and one FTE to the Office of Drug Control.

This bill creates the Suicide Prevention Coordinating Council, which is required to have at least seven and no more than 20 members. Participation is voluntary. Appointing agencies, other than state departments, must bear the cost of serving on the Council.

**LAST ACTION: 3/31/04 HOUSE Favorable by State Administration**

**HB 937 – Lead Poisoning Reduction Act**

The federal Centers for Disease Control and Prevention (CDC) have termed excessive absorption of lead as "one of the most common pediatric health problems in the U.S. today and it is entirely preventable." Approximately 434,000 U.S. children aged 1-5 years have blood-lead levels greater than the CDC recommended level of 10 micrograms of lead per deciliter (µg/dL) of blood. Lead poisoning can affect nearly every system in the body. Because lead poisoning often occurs with no obvious symptoms, it frequently goes unrecognized. Lead poisoning can cause learning disabilities, behavioral problems, and, at very high levels, seizures, coma, and even death.

HB 937 creates the "Florida Childhood Lead Poisoning Reduction Act." The bill expands the Department of Health's awareness program and increases its regulatory role in identifying and abating properties that pose a risk for lead poisoning.

The bill establishes a process for certifying state employees and contractors who will conduct the required inspections and abatement activities, establishes sanctions for violations, and provides immunity from civil liabilities property owners who comply with the program and penalties for persons who do not comply with the program.

**LAST ACTION: 3/31/04 HOUSE CS by Health Care**

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*"The problem with the designated driver program, it's not a desirable job, but if you ever get sucked into doing it, have fun with it. At the end of the night, drop them off at the wrong house."--Jeff Foxworthy*

**HB 1007 – Sentencing Juveniles**

Under current law, a juvenile may be tried and sentenced as an adult. s 985.225, F.S.; 985.226, F.S.; 985.227. F.S., and 985.233. F.S. Once a child has been transferred to the jurisdiction of adult court, the court has the option to sentence the juvenile as an adult, pursuant to Chapter 958, F.S. (Youthful Offender Statute) or as a juvenile. A child convicted of an offense punishable by death or life imprisonment or convicted of offenses pursuant to s. 985.226(2)(b) or s. 985.227(2)(a or b), F.S., must be sentenced as an adult. However, for less serious offenders, the judge retains the power to dispose of the case with juvenile sanctions as an alternative to adult sanctions. Under current law, juveniles direct filed to the adult court system may not be sentenced to a mixture of adult and juvenile sanctions.

HB 1007 provides that juveniles transferred to adult court may be sentenced to juvenile sanctions or to a combination of juvenile and adult sanctions. The bill directs the Department of Juvenile Justice to provide the sentencing court, the state attorney, and the juvenile's defense counsel, with a written report outlining the basis for its objections if it determines a juvenile sanction to be inappropriate. The bill changes the age that a direct filed juvenile can remain in a juvenile commitment or probation program from 19 to 21 years.

**LAST ACTON: 3/31/04 HOUSE CS by Public Safety & Crime Prevention**

**CS/CS/SB 1232 – Abused, Neglected, and Abandoned Children**

CS/CS/SB 1232 requires interagency agreements between the Department of Children and Families (DCF) and the Department of Education at the state level and the Department of Children and Families and the district school boards at the local level relating to the education of and related services for children found dependent or in shelter care. The bill sets forth the requirements for the interagency agreements, including efforts to avoid disruption of a child's education, identification of educational and other school services necessary for a child's education, sharing of information, determining the availability of transportation to avoid changes in school assignments, supporting the educational needs of a child with disabilities, participation in case planning activities, and provision of training in areas that would facilitate the desired outcomes of these agreements. The bill also adds DCF and community-based care lead agencies to the organizations to which students' educational records may be released by the schools, consistent with the provisions of the Family Educational Records and Privacy Act.

**LAST ACTION: 3/31/04 SENATE Read Second time**

**HB 1269 – Nursing Home Fire Safety**

Automatic fire sprinklers have been in use in the U.S. since 1874. HB 1269 requires that all nursing homes be protected by automatic sprinkler systems by 2009.

The Agency for Health Care Administration estimates that the total cost for nursing homes to comply with these provisions will be \$4.41 million. The agency allocates the possible cost to Medicaid over the five years available for facilities to come into compliance and estimates a yearly impact to Medicaid of approximately \$395,452 or \$162,531 in General Revenue and \$232,921 in Medical Care Trust Fund.

The bill takes effect July 1, 2004.

**LAST ACTION: 3/31/04 HOUSE CS by Insurance**

**HB 1275 - Prescription of Medication for Public School Students**

HB 1275 prohibits school district personnel from requiring a student to take certain controlled substances as a condition of attending school or receiving educational services.

HB 1275 creates s. 1006.0625, F.S., requiring each district school board to prohibit school district personnel from requiring a student to obtain a prescription for, and take as medication, a controlled substance listed in Schedule II, s. 202(c) of the Controlled Substances Act (21 U.S.C. s. 812(c)), or any psychotropic or similar mind-altering drug as a condition of attending school or receiving educational services provided by the state.

*Bills Heard this Week (continued)*

Schedule II Controlled Substances — drugs with a high abuse risk, but also have safe and accepted medical uses in the United States. These drugs can cause severe psychological or physical dependence. Schedule II drugs include certain narcotic, stimulant, and depressant drugs. Some examples are morphine, cocaine, oxycodone (Percodan®), methylphenidate (Ritalin®), and dextroamphetamine (Dexedrine®).

This bill also clarifies that school district personnel may still consult or share classroom-based observations with parents regarding a student's academic performance, behavior in the classroom or school, and need for evaluation for special education or related services; provided the evaluation is strictly academic and not psychologically or psychiatrically based.

**LAST ACTION: 3/31/04 HOUSE Favorable by Education**

**CS/HB 1307 – Migrant Labor**

CS/HB 1307 is the Governor's farm worker initiative. It reactivates the Legislative Commission on Migrant Labor (commission). The membership of the advisory committee to the commission is revised to include representatives from various state agencies, as well as interested parties from the agricultural industry, farm workers, and farm worker advocates.

The bill directs the Department of Business and Professional Regulation (DBPR) to establish a best practices program for farm labor contractors. This requires farm labor contractors desiring this designation to meet certain requirements established by DBPR. The bill allows recipients of the designation to use the designation when soliciting business, as long as the designation is in effect. Additionally, the designation may be revoked if DBPR determines the recipient has failed to comply with any of the requirements. The unauthorized use of the designation is prohibited.

The bill further amends current statute relating to farm labor contractors to:

- Provide DBPR the authority to inspect books, ledgers, and other documents related to farm labor contractor activities.
- Prohibit a farm labor contractor from contracting with, or employing, a person acting as a farm labor contractor without a current certificate of registration.
- Require a farm labor contractor, or his/her agent, to be available to receive service of process and other legal documents.
- Establish definitions for minor violation and major violation.
- Increase the fee for a certificate of registration from \$75 to \$125.

In addition, the proposed legislation creates the Florida Agricultural Worker Safety Act (act) to be administered by the Department of Agriculture and Consumer Services (DACS). The purpose of the act is to protect farm workers in the state from exposure to agricultural pesticides.

**LAST ACTION: 3/31/04 HOUSE CS by State Administration**

**CS/SB 1394 – Limitation of Civil Liability/Restaurants**

CS/SB 1394 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: 3/31/04 SENATE Favorable by Regulated Industries**

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*"On account of being a democracy and run by the people, we are the only nation in the world that has to keep a government four years, no matter what it does."*

[Will Rogers](#) (1879 - 1935)

**CS/SB 1572 – Child Care Personnel Training**

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

**LAST ACTION: 3/30/04 HOUSE Substituted for HB 569; Read Second time**

**CS/HB 1629 – Affordable Health Care**

CS/HB 1629 creates the 2004 Affordable Health Care for Floridians Act. This bill represents many of the recommendations of the Select Committee on Affordable Health Care for Floridians. Significant provisions affecting the health insurance markets include:

- Creation of the Florida Health Insurance Plan as the high risk pool for uninsurable medical risks, replacing the Florida Comprehensive Health Care Association;
- Expansion of the Health Flex Program statewide;
- Modification of the Small Employers Health Access Act to eliminate one-life groups, contingent on the Florida Health Insurance Plan accepting new enrollment;
- Creation of the Small Employers Access Program to provide additional options for small businesses of up to 25 employees;
- Requirement that certain plans providing discount medical services be licensed as prepaid health plans; 9 Creation of a new agent license line called “insurance advisor;”
- Updating the ability of the Office of Insurance Regulation to regularly collect data from insurers describing the health insurance marketplace; and
- Requirements that each health issuer make available on its Internet website a link to the performance outcome and financial data that is published by the Agency for Health Care Administration.

In an effort to make a more “transparent” health care market, the Agency for Health Care Administration is required to post pricing information on procedures performed in Florida hospitals.

**LAST ACTION: 3/31/04 HOUSE CS by Insurance**

**CS/SB 1658 – Public Health Services**

Children in Florida who need complex medical services or therapeutic interventions may be served in one of six licensed settings: a hospital, a nursing home, a medical foster care home, a group home, an intermediate care facility for the developmentally disabled, or a prescribed pediatric extended care (PPEC) center. All of these are residential settings except for the PPEC center, which provides services for a period of no more than 12 hours per day. Services in each of these settings are covered by Medicaid, for Medicaid-eligible individuals.

CS/SB 1658 creates a 2-year pilot program in Miami-Dade County to provide 90 days of transitional care between a hospital and the child’s home. The subacute pediatric transitional care pilot program must support the transition of a pediatric patient from an acute care hospital setting to the child’s home and provide training to parents to enable them to care for their child on a daily basis with the goal of reducing return hospital visits. The center shall arrange for an alternative placement at the end of a child’s stay.

**LAST ACTION: 3/29/04 SENATE Now in Appropriations Subcommittee on Health and Human Services**

**CS/CS/SB 1706 – Specialty Behavioral Health Care 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 (chapter 400, part III, F.S.). Facility staff provide supervision to residents, including oversight of their diet, activities, general whereabouts, and activities of daily living. These facilities are licensed by AHCA.

In 1995, the Legislature established limited mental health specialty licensure for ALFs that serve residents with mental illness.

*Bills Heard this Week (continued)*

Any ALF that serves three or more mental health residents is required under s. 400.4075, F.S., to obtain a limited mental health license. Residents with mental illness receive personal services from the facilities and mental health services from local community mental health centers. Cooperative arrangements are made between ALF staff and local mental health treatment providers to provide mental health residents with emergency and after-hours services when they are needed

By definition, mental health residents are persons with severe and persistent mental illnesses, who may have been recently released from a state mental health treatment facility or an acute care intensive treatment setting. These residents are typically aged 40-60 and have severe and chronic disorders such as schizophrenia, other psychosis, or bipolar disorder that need a supervised living environment. These residents are in need of sufficient services and supports to allow them to live in the community.

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 (Duval, Clay, Volusia, Nassau and Flagler counties), there are 37 ALFs with limited mental health licenses and approximately 480 residents reside in these facilities.<sup>1</sup>

This bill requires the Department of Children and Family Services (DCF) to establish a demonstration project in District 4 to determine the benefits of having a specialty behavioral health care provider deliver behavioral health services to individuals residing in an (ALF) with a limited mental health license.

The bill requires AHCA and DCF to ensure that providers participating in the demonstration project develop and implement a plan to provide specific services, and that any services provided as a part of the demonstration project must be reimbursed on a fee-for-service basis, as well as cost neutral for AHCA and DCF. A "request for information" process is to be used to procure specialty behavioral health providers under the demonstration project.

The bill requires AHCA to authorize the selected behavioral health care provider to negotiate a capitated payment for the demonstration project's behavioral health care services if a managed care system is implemented in District 4 as part of the statewide expansion. This bill further specifies that the capitation rate must be based on 90 percent of the historical utilization of Medicaid funding by this population and that the services provided must include all outpatient state-funded behavioral health care services and inpatient psychiatric services. DCF and AHCA are further directed to calculate a rate for the non-Medicaid residents served in the demonstration area in order to ensure that the capitation rate does not result in the displacement of residents.

The bill provides an implementation deadline and requires the project to operate for at least three years following implementation.

**LAST ACTION: 3/30/04 SENATE CS by Health, Aging, and Long-Term Care**

**HB 1713 – Crimes Against Minors**

Currently, kidnapping is a life felony when an offender commits a violent offense in the course of the kidnapping and the victim is under the age of 13. HB 1713 amends this section to include victims under the age of 16. The bill makes corresponding changes to the false imprisonment statute.

Section 787.025, F.S. currently prohibits an offender over the age of 18, who has previously been convicted of a sexual offense, from luring or enticing a child under the age of 12 into a structure, dwelling or conveyance for other than a lawful purpose. The bill raises the age of the children protected by this statute from those under the age of 12 to those under the age of 16. The bill also increases the severity of the offense from a third degree felony to a second degree felony.

**LAST ACTION: 3/31/04 HOUSE Favorable by Public Safety & Crime Prevention**

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*"Suppose you were an idiot . . . And suppose you were a member of Congress . . . . But I repeat myself."*  
*Mark Twain*

**HB 1795 – Affordable Housing**

Florida policymakers have long recognized the importance of having safe and affordable housing available to all Floridians. In 1992 the Legislature passed the William E. Sadowski Act, which dramatically increased the commitment to affordable housing by earmarking a portion of the State’s documentary stamp tax revenues for affordable housing.

On October 1, 2003, Speaker Johnnie Byrd created a Select Committee on Affordable Housing and charged the Committee with reviewing the state’s housing goals and policies, along with assessing achievement toward those goals. (The Committee’s final report is available at: [myFloridaHouse.com](http://myFloridaHouse.com) under Documents & Publications; Committees (Finance & Tax); Proposed Committee Bills (PCBs)).

Families occupying homes which they own are an important component in any plan to provide economic security to Floridians. HB 1795 expands existing programs that create homeownership by increasing the community contribution tax credit program from \$10 million to \$20 million annually, and by extending the program until 2015. The bill also provides new funding for the Florida Housing Finance Corporation to facilitate homeownership by matching developers’ rent set aside programs (to assist in the purchase of homes), by developing a program to defer or waive impact fees on new homes, and by further advertising the programs which currently help families to afford their first home.

The bill also addresses a number of areas dealing with multifamily rental housing. The Florida Housing Finance Corporation is given new powers to assess over development, adjust certain interest rates, and enter into master leases for farm worker housing. The Public Housing Authorities are given the authority to enter into public-private partnerships in order to increase the stock of safe and decent housing.

**LAST ACTION: 4/1/04 HOUSE CS by Local Government & Veterans’ Affairs**

**SB 1872 – Family Values License Plate**

Senate Bill 1872 directs the Department of Highway Safety and Motor Vehicles (DHSMV) to issue a Family Values 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 Sheridan House, Inc., and will be expended for residential care programs, family counseling, social services for single parents and their children, resource materials and facility construction.

**LAST ACTION: 4/1/04 SENATE Favorable by Finance and Taxation**

**CS/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.

Florida currently ranks tenth in the nation for suicides per 100,000 in the population. Suicide was the ninth leading cause of death in Florida in 2001. There were 2,332 suicides in Florida during 2001 (an average of 44 suicide deaths every week), making suicide the ninth leading cause of death in the state. That year, suicide claimed the lives of 209 of Florida’s youth under the age of 24. Suicide is also the third leading cause of death for 15-24 year olds in the state.

CS/SB 2042 creates the Statewide Office of Suicide Prevention in the Florida Office of Drug Control. The committee substitute 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 committee substitute creates a position for a coordinator of the Statewide Office of Suicide Prevention, creates a Suicide Prevention Coordinating Council to develop strategies for preventing suicide, and establishes a state inter-agency workgroup consisting of those agencies that are part of the coordinating council, in order to coordinate state agency plans for suicide prevention. 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.

**LAST ACTION: 3/30/04 SENATE Favorable by Governmental Oversight and Productivity**

**SM 2084 - Urging Congress to Change the Existing Formula for Distribution of Medicaid Funds**

This memorial urges the United States Congress to change the existing formula for distribution of Federal Medicaid program funding to the states from one that uses per capita income as a key indicator of the state's ability to fund medical services for the impoverished, to one based on total taxable resources and the poverty rate. The whereas clauses of the memorial express legislative findings. Copies of the memorial are to be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to Congress.

The memorial expresses legislative findings that, among others:

- Florida is the fourth most populous state, with 16.4 million residents; more than 2 million Floridians live in poverty and approximately 2.8 million Floridians have no health insurance;
- When Medicaid was created in 1965, one of its purposes was to reduce the differences among the states regarding their respective abilities to fund medical services for the impoverished;
- Federal funds for Medicaid are distributed to the states based on a funding formula that uses PCI (per capita income) as a key indicator of a state's ability to support its impoverished population, and numerous reports from GAO dating back to the early 1980s demonstrate that PCI is a poor indicator of a state's funding ability;
- The use of PCI assumes that states with lower PCIs have higher rates of poverty, which is a false assumption based on data from the US 2000 Census;
- The funding formula does not account for states' respective populations in poverty, the wealth distribution of larger states, or the costs to serve Medicaid populations in respective states, and the use of PCI in the funding formula fails to accurately reflect the needs of the more populous states;
- The use of a state's total taxable resources in the formula, as recommended by GAO, would result in Florida receiving hundreds of millions of dollars more in federal funds, which amounts to its fair share;

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

**LAST ACTION: 3/31/04 SENATE Read second time; Substituted HB 25; Laid on table**

**SJR 2506 - Constitutional Amendments or Revisions; Requirements for State Budget Planning, Spending, and Accountability**

This Joint Resolution puts before the voters at the next general election proposed changes to Section 19 of Article III of the State Constitution. Specifically it proposes, among others, to:

- Limit the amount of non-recurring general revenue that may be used to fund the recurring costs of state programs to 3 percent of total general revenue (approximately \$700 million). This limitation may be waived by a 3/5 vote of the Legislature.
- Require the Joint Legislative Budget Commission to issue a long-range fiscal plan, which will establish fiscal goals, including workload and revenue estimates. Agency legislative budget requests will be required to be consistent with the long-range fiscal plan and to be developed according to budget instructions issued by the Commission. (Currently the Appropriations Committees and Executive Office of the Governor develop budget instructions.)

**LAST ACTION: 4/1/04 SENATE Read second time; Amendment(s) Adopted; Ordered engrossed**

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