

Legislative Link

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

2003 LEGISLATIVE SESSION BEGINS!!!

WHAT'S INSIDE:

	Page
Fitness Clubs vs. YMCA.....	2
Rev Max Moves in Houses	2
Nonprofits in Worker's Compensation Bills	3
House Dismantles Affordable Housing	3
Budget Preview Next Week	4
Medically Needy	4
Uninsured Costs.....	4
Partnership Added to UPK Bill.....	5
Kidcare Program Protected	5
Little Known Disability.....	5
Capitol Notes.....	6
Bills Aim to Improve Services	6
Bill Slows Down DCF.....	7
Victims Rights Week.....	7
Current Adult Protection Law	8
Faith-Based Institute at FAMU.....	9

Yes, technically the 2003 Regular Session of the Florida Legislature began on March 4, almost six weeks ago.

Yes, committees have been working at a relatively normal pace.

Yes, the normal hoop-la, daily events, party rhetoric, inter-play between the Houses, and other regular session accoutrements have been in full force for weeks.

Yes, the Legislature has even passed eight bills!

But the Session really began this week, as the House and Senate adopted their respective 2003-04 proposed budgets. They vary widely on priorities; the foundations upon which they are built are as different as night and day. Resolution of the \$1.4 billion gulf between the two budgets will in large part define this Legislature.

The gulf is marked not only by the difference in proposed expenditures (\$1.4 billion) and the pay-now (Senate) or pay-later (House) philosophies of the two chambers, but also by the rancor and rhetoric that have led most observers – Governor Bush included – to opine that the session will go long past its scheduled May 2 regular session end date. So deep is the divide that, as this Legislative Link went to press, the House had not yet provided its budget work papers to the Senate. They are a prerequisite to fully understanding a budget proposal, and the courtesy of providing them has not in recent times been so long delayed. .

Skeptics have questioned whether the House indeed has completed its work papers, given that after its budget had passed, neither the House Speaker nor House appropriations leaders could tell school districts how much money they would receive under the House proposal; one of the biggest and most anticipated pieces of the budget pie.

How the budget issues are resolved will fundamentally impact Florida's future. Will the Senate approach – raising new revenues and thereby forcing today's residents to pay for today's problems – be accepted? . . . Or will the House position prevail – borrow (i.e. bond) and use non-recurring trust fund money, and thereby force tomorrow's residents pay for today's problems? Only time will tell.

It may be a long time, too. Due to the frosty relationship between the Houses, It is likely budget conferees who are chosen from each chamber to negotiate a compromise budget – will not even be appointed until after Easter.

As has been highlighted in past *Legislative Links*, if you support or oppose either the Senate or House budgets it is imperative that you call your legislators to let them know how you feel. If you agree with the Senate, call your Representatives and urge them to accept the Senate position, and vice versa. A roster of all Legislators is attached so you can easily determine who to call. The hour is upon us!



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



United Way of Florida, Inc.
307 E. Seventh Avenue
Tallahassee, FL 32303
850/488-8287

FITNESS CLUBS vs. YMCA

During the last several years, for-profit fitness clubs have been battling YMCAs throughout the country, attempting to eliminate property tax breaks state Legislatures provide to the Ys in recognition of the non-profit services they provide. For-profit fitness clubs contend that Ys sell adult fitness services to adults who can afford to pay for-profit prices and that, as a result, Ys are conducting commercial activity and should pay taxes like any other commercial enterprise. It is an issue that goes to the heart of the capitalist system – fair competition. For-profit fitness centers claim they lose full paying customers to the Ys and, on top of that, the Ys then get additional tax breaks that put the for-profits at a competitive disadvantage, reducing their profit margins and putting them in economic straits.

The YMCA started in 1844 in London. Today, it is one of the largest charities in America, with more than 2,400 branches. It is the nation's largest provider of before and after school care, runs sports leagues throughout the country, and is also the country's single largest operator of fitness facilities, commercial or tax-exempt. YMCA fitness centers comprise about 12 percent of the nation's 18,000+ fitness centers, according to the International Health, Racquet, and Sports Club Association. According to the Association, tax-exempt facilities, including colleges, hospitals, and other non-profits like the YMCA, account for about 40 percent of all US fitness centers.

Why do the Ys get tax break? . . . Because they provide functions that commercial, for-profit providers do not – they attempt to ensure no child or family is turned away due to inability to pay. Consequently, full fee-paying members subsidize memberships for those who are unable to pay, thereby opening a whole world of opportunity to children and families who otherwise have far less opportunity to improve their quality of life. That's what nonprofits do.

Heading in to the 2003 Legislative session, it appeared there might be efforts to repeal the property tax exemption provided to Florida's Ys. Fortunately, to date, no such effort has surfaced.

REV MAX MOVES IN BOTH HOUSES

Revenue Maximization legislation was passed by the House Finance & Tax and Senate Health and Human Service Appropriations Committees this week.

In the House, the F&T Committee passed CS/HB 475, which includes revenue maximization provisions authorizing use of local funds as match to draw down federal dollars to enhance community prevention services. It also addresses several child welfare issues supported by community based care organizations. Among others, it requires each contract with a lead community based provider to provide for payment of reasonable administrative costs by the Department of Children & Family Services; provides that when placement of a child in a family foster home will cause the total number of children in the house to exceed 5, a pre-placement assessment by a family services council must be completed; creates the Florida Child Welfare Loan Forgiveness Program; reduces the maximal amount for which a community based care lead agency may apply through a Community Partnership Matching Grant from \$825,000 to \$250,000, and removes the requirement that grant funds be used for start-up costs; and provides that funds available to child welfare legal services may be transferred from the Department to a community based agency to enable the community based agency to provide legal services.

CS/SB 1454 pulled down two amendments. One provides that "...revenue maximization shall not divert existing funds from state agencies that are currently using local funds to maximize matching federal and state funds, to the greatest extent possible". The other provides that the penalty fees required to be paid to communities by state agencies that fail to remit the funds within 30 days of receipt from the federal government will be paid subject to the availability of specific appropriation and release authority. Neither of these amendments diminish the prospects of the bill's passage or reduce the ability of communities to forge ahead with rev max initiatives once the legislation passes.

FUNNY SIGNS

In a nonsmoking area: "If we see smoke, we will assume you are on fire and take appropriate action."

NONPROFITS IN WORKER'S COMP BILLS

The plight of nonprofits that have struggled – and sometimes succumbed – to the fast-rising tide of worker's comp premiums has often been overlooked. Thanks to the leadership of the Nonprofit Center of Northeast Florida, and a small but growing cadre of nonprofit representatives, comprehensive House and Senate worker's comp bills are positioned to include provisions intended to assist nonprofits.

The bills address a potpourri of worker's comp maladies, including dispute resolution, legal reform, employer immunity, medical reimbursement, indemnity benefits, fraud, and workplace safety. It is generally hoped that these "solutions" will cure the ills of the worker's comp system and provide relief to everyone, including nonprofits,

PCB/SB 1132, which was tabled by the Senate Banking and Insurance Committee this week, will be heard by the committee next week. It caps rates offered by the Worker's Compensation Joint Underwriting Association (JUA) at 125 percent of the voluntary market manual rate for nonprofits, thereby capping – at 125 percent – premium increases that might be levied on nonprofits that have few or no previous claims.

The House workers comp bill (PCB IN 03-02) passed out of the Insurance Committee on Wednesday. Unfortunately, the Committee was only

able to plow through about 25 amendments before time expired, and the amendment to insert the 125 percent cap was amendment #38. Hopefully, because House leaders have – like Senate leaders and Governor Bush – shown great understanding of the unique crisis facing nonprofits and have expressed their intent to try to address it, the amendment will pass at its next stop.

While 125 percent sounds – and is – exorbitant, it is not nearly as exorbitant as the 200%-500%+ increases some nonprofits have experienced during the last year.

The JUA was created in 1993 by the Legislature as the "insurer of last resort" through which employers who could not find state mandated worker's comp insurance in the private market can obtain insurance. Because of poor voluntary market conditions, more and more employers are being forced to go to the plan to obtain coverage. The number of policies issued by the JUA increased from 522 in 2000 to 1,179 as of February 2003. For the same period, the volume of written premium increased from \$5 million to \$26 million.

As session nears its end, nonprofit advocates will be working to ensure that, at a minimum, the 125 percent JUA cap is included in the final workers comp bill that passes.

The Wisdom of Will Rogers . . .

- *The quickest way to double your money is to fold it, and put it back in your pocket.*
 - *Good judgment comes from experience, and a lot of that comes from bad judgment.*
-

HOUSE BILL DISMANTLES AFFORDABLE HOUSING

On Wednesday, the House of Representatives passed legislation that jeopardizes continued support for affordable housing in Florida. House Bill 1793 would: 1) permanently eliminate the dedication of doc stamp revenues to affordable housing through the Sadowski Act Trust Fund; 2) move doc stamp revenues to general revenue where it can be used for a variety of purposes by the Legislature; and 3) significantly reduces affordable housing funds in the coming year. The Senate companion bill retains the Trust Fund while making modest funding cuts to balance this year's budget. According to affordable housing advocates, bankers, and builders, if HB1793 passes the Senate and is signed into law by the Governor it will result in a \$94,585,593 reduction in affordable housing funds, loss of 6,589 affordable housing units, loss of 14,703 new jobs in Florida, and \$749,610,398 in reduced economic activity throughout the state.

More info is available under "State Legislative Alerts" at the Florida Housing Coalition website at www.flhousing.org



Budget Preview Next Week.....Your last *Legislative Link* provided a broad overview of the fundamental philosophical differences underlying the House and Senate 2003-2004 draft budget proposals. Undoubtedly, you have read in your newspapers and heard on radio and TV this week about the great disparities between the two budgets, and the \$1.4 billion gulf that divides them. Next week, the *Legislative Link* will highlight and compare lines out of each budget to provide a glimpse into the differences in budgeting approaches being taken by the House and Senate.

MEDICALLY NEEDY NEEDS LEGISLATIVE SUPPORT

The Medically Needy program serves about 26,786 elderly and disabled Floridians who have catastrophic, and physically and financially debilitating illnesses. People on respirators, dialysis, life supporting medications, etc. If the program dies, most patients in the program will be forced to try to access more expensive emergency and indigent care. When their access is limited or denied, their futures are imperiled.

Yet, even though the federal government pays for over half the cost of the program, it is indeed dying. Beginning in May, Medically Needy recipients will be required to “spend down” their income to \$450 each month in order to be eligible for the program. This meager monthly income – only 60percent of the federal poverty level – will be all that these people have to pay for rent, food, utilities, transportation

and other living expenses. Nearly impossible for some. Impossible for others. What will happen to these people?

According to Florida Legal Services, This change will shift approximately \$158 million in medical costs from the Medically Needy program to low-income, catastrophically ill individuals. This is a budget cut of \$65 million in state funding and a loss of \$93 million in federal funding.

Both the House and Senate have proposed \$291 million in funding for the Medically Needy Program. That is not enough funding. To fully restore the program, the Legislature needs to appropriate an additional \$65 million in state funding. This will generate an additional \$93 million in federal funding for the program.

***PLEASE TELL YOUR LEGISLATORS TO STOP THE \$158 MILLION COST SHIFT
TO LOW INCOME CATASTROPHICALLY ILL INDIVIDUALS!
FULLY RESTORE THE MEDICALLY NEEDY PROGRAM!***

Uninsured Costs.....

- More than 38 million Americans had no health insurance in 2000
- 83 percent of Americans without insurance are in working families
- Uninsured are less likely to receive preventative services
- They are 1.2 to 2.1 times more likely to die of cancer, depending on the type of cancer
- They are 25 percent more likely to die after a heart attack and less likely to receive major treatment such as bypass surgery or angioplasty.
- They are up to 50 percent more likely to be hospitalized for an avoidable condition, at an average cost of \$3,300.

(Source: Sicker & Poorer, a report by the Keiser Commission on Medicaid and the Uninsured, May 2002, as reported in the St. Petersburg Times)

PARTNERSHIP ADDED TO UPK BILL

Last week, the Senate Commerce, Economic Opportunities, and Consumer Services Committee amended SB 1334, the Senate's School Readiness/Universal Pre-Kindergarten bill. As reported in your *Legislative Link*, both the House and Senate are proposing that the state Board of Education develop curricula for the new Universal Pre-Kindergarten program (UPK) that will be implemented in 2005, and that the Office of Policy Planning and Government Accountability (OPPAGA) and the auditor general's office conduct studies of the existing school readiness initiative and provide recommendations regarding the future of school readiness/UPK. Last week, the Commerce Committee passed language expanding upon the original bill's establishment of the UPK program within Agency for Workforce Innovation, and further specified that it shall be administered by the Florida Partnership for School Readiness and School Readiness Coalitions.

KIDCARE PROGRAM PROTECTED

Current law provides for repeal of the Florida KidCare Act if the federal government reduces the match rate for Title XXI to less than 65 percent or reduces Florida's allotment of federal funds below \$250 million annually. While this provision was intended to protect Florida from a possible deficit in the event the state was unable to control entrance into the program, it is unnecessary. State law clearly states that this is not an entitlement program and if insufficient funds are available, the entities operating the KidCare program are required to cease enrollment.

Senate Bill 276 addresses a recommendation of a review of the KidCare eligibility determination process performed in 2001 by Maximus. To reduce gaps in coverage for children transitioning between KidCare programs, the bill appropriates \$527,085 from the Medical Care Trust Fund and \$212,683 from the General Revenue Fund to create an electronic data interchange between the FLORIDA system and the data system of the Florida Healthy Kids Corporation fiscal agent.

THE YEAR'S BEST [ACTUAL] HEADLINES OF 2002

Miners Refuse to Work after Death
Juvenile Court to Try Shooting Defendant
War Dims Hope for Peace

LITTLE KNOWN DISABILITY

"Familial dysautonomia" is a genetic disease present from birth, which results in incomplete development of the nervous system causing a decreased number of nerve cells. According to the FD Foundation in New York, there are 331 individuals worldwide with FD, 178 of whom reside in the United States. 70 percent of those United State's residents live in New York (68), New Jersey (24), Florida (17), and California (15). New York is the only state that includes FD as a chronic developmental disability.

SB 150, sponsored by Senator Wasserman-Schultz, would include familial dysautonomia in the definition of "developmental disability" so persons with FD, who are not currently served by the developmental disability program Department of Children and Family Services, would be able to be served by the Department. Because federal law has not defined FD as a developmental disability, the bill would put Florida at odds with current federal eligibility requirements, preventing the state from funding any services to persons with FD using federal dollars.

SB150 has passed the Health, Aging, and Long Term Care Committee and the Judiciary Committee. Next Stop: Appropriations Subcommittee on Health and Human Services.

CAPITOL NOTES

BILL STATS

Resolutions and bills passed by the Legislature as of April 9:

House

Resolutions	46
Bills	33

Senate

Resolutions	36
Bills	148

Total bills passed by one chamber: 181

Bills that have passed both chambers: 8

What Lies Ahead? . . . Next week will be the seventh week of our nine-week session. It will also be an abbreviated week due to the Passover and Easter holidays. The House and Senate will hold committee hearings on Monday and Tuesday. These will be the final meetings for most committees. The Senate will be in Session Wednesday morning. The House will next be in Session on April 22nd.

BILLS AIM TO IMPROVE SERVICES TO THE DEAF AND BLIND

SB 2244 and HB 1345 by Senator Fasano and Representative Bilirakis create the Florida Council on Deafness, a nine-member independent council to be administratively housed within the Department of Education. It shall serve as an advisory and coordinating body in the state that recommends policies that address the needs of deaf, hard-of-hearing, and late-deafened persons as well as methods that improve the coordination of services among the public and private entities that provide services to these individuals. The bill provides for membership appointments, duties, and a report to the Governor, legislative leaders and Chief Justice.

SB 2244 was amended this week to include the language of SB 2126, sponsored by Senator Wise, which creates the Florida Commission for the Blind. The role of the Commission is to provide a coordinated program of services, which will be available to individuals throughout the state who are

blind. The program must be designed to maximize employment opportunities for such individuals and to increase their independence and self-sufficiency. The Commission will be the agency head of the Division of Blind Services. The bill outlines the activities that shall be planned and supervised by the Commission and carried out by the Division. The bill provides guidelines for membership, staff, duties, and annual reporting.

These bills were approved by the Senate Governmental Oversight and Productivity Committee and the House State Administration Committee this week.

SB 2126 and its companion bill, HB 1215, were approved this week by the Senate Education Committee and the House State Administration Committee.

✓ **Regier Confirmation** - The Senate Ethics and Elections Committee voted to recommend the confirmation of Jerry Regier as Secretary of the Department of Children and Families.

BILL SLOWS DOWN DCF

Summarized by the Senate staff analysis, Senate Bill 2568 provides for various revisions to the services of the Department of Children and Families:

- Deletes the requirement for submission of a plan for the full implementation of the redesign of the developmental disability home and community-based services delivery system and replaces it with the direction to the department to test the redesign in three pilots with a report on the results and legislative direction prior to further implementation of the redesign;
- Provides statutory authority for non-licensed staff to administer or assist with the administration of medications to persons with developmental disabilities;
- Authorizes the department to deny, suspend, or revoke the registration of family day care homes and to develop safety requirements for licensure of family day care homes (this language is also contained in SB 1554);
- Establishes minimum requirements for the development of training for staff delivering child welfare services and for contracting to develop the curricula and deliver the training (see also SB 1996);
- Deletes the requirement that Community-Based Care be implemented statewide by December 31, 2004, specifies direction for continuing the implementation and requires an evaluation and report to the Legislature on the status of Community-Based Care (see also SB 2054);
- Revises the definitions of “abuse,” neglect,” and “vulnerable adult” as applied to adult protective services;
- Permits the department to contract with certain sheriffs’ offices for the provision of adult protective investigation services for exploitation of vulnerable adults; and
- Directs the Office of Program Policy and Government Accountability to evaluate child welfare legal services (CWLS) with a report on its finding to be submitted to the Legislature, the Governor, and the Chief Justice of the Supreme Court by December 31, 2003, and prohibits the department from changing its current CWLS system until directed to do so by the Legislature.



The Things That Movies Teach You

- The chief of police always shouts.
 - Kitchens don't have light switches when entering a kitchen at night, you should open the fridge door and use that light instead.
-

VICTIMS RIGHTS WEEK

This week was the 23rd anniversary of National Crime Victims’ Rights Week. Governor Bush presented a Victims’ Rights Week Proclamation honoring everyday citizens who have tirelessly led the fight against crime at a ceremony at the Capitol. Artwork, information and displays filled the Capitol rotunda honoring crime victims and promoting violence prevention and awareness.

Some facts about domestic violence:

- Nearly one-third of American women report being physically or sexually abused by their partners at some point in their lives.
- Children who witness domestic violence may also become direct victims of violence and are more likely to exhibit behavior and physical health problems including depression, anxiety, and violence towards peers.
- During 2001 more than 124,000 domestic violence offenses were reported to Florida law enforcement agencies, which accounted for over 26 percent of all comparably reported violent crimes.

(Source: DCF Volunteer for Ending Abuse, Improving Lives program brochure)

BILL STRENGTHENS CURRENT ADULT PROTECTION LAW

As of March 2003, 70 percent of 339 law enforcement entities statewide had signed working agreements with law enforcement agencies having jurisdiction to conduct criminal investigations arising from an allegation of abuse, neglect, or exploitation of vulnerable adults. While current law requires these working agreements, it provides no date for completion or requirement for review. Senate Bill 1822 directs DCF to enter into working agreements by March 1, 2004 and requires the Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a review of the efficacy of the agreements and report its findings to the Legislature by March 1, 2005.

The bill also defines the multidisciplinary adult protection teams, which are authorized under current law, as teams of two or more persons who are trained in the prevention, identification, and treatment of abuse of elderly persons, or of dependent persons and who are qualified to provide a broad range of services related to abuse of elderly or dependent persons. Additionally, it lists professions of persons who may compose these teams.

Due to a lack of funding, there is currently only one Adult Protection Team, funded by the Legislature as a pilot project in Miami-Dade County. The bill provides that by December 1, 2003, the Department of Children and Families must report to the Legislature on the status of its compliance with all of the recommendations for improvement of the Adult Services Program included in OPPAGA's Report No. 03-08

<http://www.oppaga.state.fl.us/reports/health/r03-08s.html>

The department shall also analyze and include as part of this report a plan for implementing at least one multidisciplinary adult protection team in each of its districts.

SB 1822, sponsored by Senator Margolis, was approved by the Senate Children and Families Committee this week. The House companion bill, HB 1621, sponsored by Representative Bendross-Mindingall, was approved by the Future of Florida's Families Committee this week.

THE YEAR'S BEST [ACTUAL] HEADLINES OF 2002

If Strike Isn't Settled Quickly, It May Last Awhile

Cold Wave Linked to Temperatures

Enfield (London) Couple Slain; Police Suspect Homicide

Red Tape Holds Up New Bridges

Typhoon Rips Through Cemetery; Hundreds Dead

UPDATE . . .

Issue 5 of the Link told you about SB 1260, which would add parenting to the curriculum of the half-credit life management skills course required of high school students. The language of SB 1260 was amended to SB 1436, the Senate's Class Size Reduction bill containing the provisions to implement the recent Constitutional Amendment, which passed the Senate unanimously this week.

BILL CREATES FAITH-BASED INSTITUTE AT FAMU

Senate Bill 2686 creates the Florida Families Faith-Based Institute to be administered by Florida Agricultural and Mechanical University. The bill provides that the Florida Families Faith-Based Institute shall:

- a) Examine barriers to state-funded or federally funded provision of services by faith-based organizations.
- b) Provide programmatic and managerial training and technical assistance to faith-based organizations seeking or using state or federal funds to provide services. Such training and technical assistance shall focus on critical areas of faith-based social services management, including community asset-based program development, research-based "best program practices," resource development for non-state funding sources, and financial management and budgeting.
- c) Establish a statewide resource center and clearinghouse for information related to technical assistance and training resources for faith-based and community-based organizations.
- d) Serve, as required, as a fiscal intermediary for faith-based and community-based organizations receiving state funding.
- e) To the maximum extent possible, leverage state funding for the initiative with any federal funding that the initiative may receive to support similar faith-based activities.
- f) Provide specific goals and objective criteria to measure, evaluate, and document the quality and cost of services provided by faith-based organizations with state or federal funds.
- g) Serve as liaison to the Centers for Faith-Based and Community Initiatives established within the United States Department of Justice, United States Department of Health and Human Services, United States Department of Education, United States Department of Labor, and United States Department of Housing and Urban Development to work in tandem with the White House Office of Faith-Based and Community Initiatives.

The Institute shall submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The bill appropriates \$700,000 for the Florida Families Faith-Based Institute for purposes of administering the Florida Faith-Based Initiative.

SB 2686, sponsored by Senator Lawson, has three additional committee stops. The House companion bill, HB 837 by Representative Peterman, is in House Appropriations.

THE THINGS THAT MOVIES TEACH YOU

During all police investigations, it will be necessary to visit a strip club at least once.

Cars and trucks that crash will almost always burst into flames.

When paying for a taxi, never look at your wallet as you take out a note - just grab one at random and hand it over. It will always be the exact fare.

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

THEODORE G. GRANGER
President & Editor

LYNN GROVES
Success By 6 Coordinator

JULIA CUNNINGHAM
Office Manager

ASHLEY BODMER
Legislative Consultant

phone-----850/488-8287
fax-----850/681-9137

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

