

Legislative Link

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

WHAT'S INSIDE:

	Page
Short Week	2
Comparing the Proposed Budgets	2
Revenue Max Moves	2
Seniors Give More	3
Florida Seat Belt Law	3
Update	3
Relative Caregiver Bill Advances	4
House Budget Conferees	5
Child Welfare Bill	6
Mental Health and Substance Abuse System Reorganization Bills	6



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



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THEY'RE DOING IT AGAIN!

During the interim, the Governor's Blue Ribbon Panel on Child Protection, chaired by David Lawrence, was charged with reviewing and making recommendations on how to improve Florida's embattled child welfare system. The panel developed many recommendations. One of its more staggering findings:

"22 times in the past 33 years, the Florida Legislature has mandated that DCF or its predecessor reorganize in ways great or small...please ponder that fact, even if just momentarily. It means that Florida's child welfare system has undergone some form of reorganization – a nip here, a tuck there, and a turn-inside-out-and-shake-upside-down – on average every 18 months! How many private businesses, much less sprawling governmental agencies, could flourish amidst such organizational tumult? There are only two credible answers, both self evident: none, and not many."

The 2003 Legislature is following in the footsteps of so many past Legislatures. It is poised to pass legislation that will significantly reorganize the Department by reorganizing its mental health and substance abuse programs. HB 433 and SB 700 are moving toward passage in their respective chambers (see article below).

This year's reorganizations are being pushed for admirable reasons. They are intended, among others, to provide a focus and profile on mental health and substance abuse issues that are badly needed.

But one must continue to ask the question that the Blue Ribbon Committee so aptly asked: "How many private businesses much less sprawling governmental agencies, could flourish amidst such organizational tumult?"

In answering this question, at some point in the future, the Legislature must come to the same conclusion as the Committee, or DCF will continue to flounder. Of course, funding and other issues must also be addressed, but stability is a factor that has an inestimable impact on the ability of any organization to fulfill its mission.

See the attached "Florida Budget Comparisons" to compare highlighted budget items in this year's budget to the proposed House and Senate 2003-2004 budgets.

SHORT WEEK

Because of Passover (beginning sun-down on Wednesday), Good Friday, and Easter, the House went home on Wednesday, and the Senate Wednesday afternoon. While there was quite a bit of activity in committee on Monday and Tuesday, no formal budget discussions took place, although the House named its conferees on Tuesday.

The House finally provided its budget work papers to the Senate, paving the way for greater understanding of that chamber's numbers. One of the most enlightening figures to come out of the budget papers is the fact that House leaders have set aside about \$400 million in member projects, commonly referred to as "turkeys" because they don't go through the normal legislative review process. Upon discovering this, the Senate and House Democrats immediately raised the question of why, when universities are being cut over \$100 million, the Medically Needy program is maimed, teacher raises are virtually non-existent, and a broad array of other significant education, health and human service cuts on the board, the House would set aside so much money for these items. When questioned about it, House Speaker Johnny Byrd once again proclaimed that Florida has plenty of money, that he is proud of the House budget, and that we are living within our means.

The Year's Best (Actual) Headlines of 2002

"Man Struck By Lightning Faces Battery Charge"
"New Study of Obesity Looks for Larger Test Group"

COMPARING THE PROPOSED BUDGETS

Here is a look at the different priorities set by the proposed House and Senate budgets:

	House plan	Senate plan
<i>Public school annual per-student increase</i>	\$140	\$290
Class size reduction construction	\$300 million	\$700 million
School textbooks	\$178 million	\$238 million
Teacher merit-pay plan	\$315 million	\$0
University tuition increase	Up to 12.5%	7.5%
State-worker pay raise	0	\$100 million
Tax cuts	\$100 million	0
Frontline child-welfare worker salary increase	\$20 million	\$35.5 million
Beach renourishment	\$22.5 million	\$30 million
High-speed rail	\$75 million	\$75 million

SOURCE: Florida Legislature

- ✓ **Revenue Max Legislation Moves** – Over the last week, the Senate and House revenue maximization proposals (SB 1454 by Senator Atwater and HB 475 by Representative Murman) both passed out of their respective chambers' Health and Human Services Appropriations Subcommittee. With two weeks remaining in the regular session, the bills are poised to move to their respective appropriations committees – or to be withdrawn from those committees – and to head to the floors. Advocates are now working to ensure that the

language is consistent, and that appropriate budget authorization is provided in the appropriations bills. Thanks to all of you who have made calls to legislators on this issue . . . It has made a difference!

SENIORS GIVE MORE THAN THEY GET

A study conducted by Thomas, Warren and Associates last year found that Florida's senior citizens contribute much more to the state's economy than the state spends on them. Among others, the study found that in 2000, Florida residents 50 and older paid about \$2.7 billion in sales taxes and state fees. At the same time, people in that age group "cost" the state about \$1.28 billion in health and human service costs. As a result, Florida's seniors provided a net economic benefit to the state of about \$1.4 billion. Florida residents 50 years and older constitute about one-third of the state's population, but they spend about 52 percent of all dollars spent in the state, resulting in about 4 million jobs, affecting about 2 out of every 3 jobs in the state.

At the local level, 50+ residents paid about \$4.4 billion in property taxes in 2000, about 47 percent of the total \$9.4 billion collected on residential and rental property.

Unfortunately, the gap between what seniors give and what they get plays out in ways that are not comforting. The nursing home crisis and long-term care issues continue to plague the state, and they will only get larger as the state population ages.

FLORIDA SEAT BELT LAW: CHILD DEATHS

The National Highway Transportation Safety Administration reports that 3 out of 4 Florida children and teenagers killed in car accidents in 2000 were not wearing seat belts or child safety restraints, nearly a third more than the national average. That year, of 268 children killed – 76.5 percent were unrestrained. The national average was 58.1 percent. However, among the 17 states that have a "primary enforcement" seat belt law only 17 percent of children who died in car accidents were unrestrained. The statewide death toll rose from 183 in 1996 to 205 in 2000, a 12 percent increase that puts Florida third in the country behind Texas and California in total child deaths. But Florida's proportionate deaths caused by children not wearing seatbelts or being restrained was higher than in both of those states.

Child safety advocates contend there is no need for this carnage. They contend it is largely attributable to Florida's "secondary enforcement" seat belt law, which prohibits law enforcement officers from ticketing drivers who have unrestrained passengers unless they have pulled the drivers over for a different traffic infraction. It appears from the statistics that the advocates are right. The fact that Florida's unrestrained child death percentage is 76.5 percent, and it is only 17 percent in states with "primary enforcement" laws speaks for itself.

UPDATE

The following are bills that were highlighted in previous issues of the Legislative Link and were acted on this week.

SB 194/ HB 521, which requires religious-exempt child care programs to meet the minimum state standards, was approved by Senate Government Oversight and Productivity but failed in the House Future of Florida's Families by a vote of 6-7. (*Issue 5*)

HB 439, which provides for the creation of the Statewide Guardian Ad Litem Office within the Justice Administration Commission, was approved by the Judicial Appropriations Committee on Tuesday. (*Issue 3*)

HB 1515, which creates the Commission on Marriage and Family Support Initiatives, was approved by the Future of Florida's Families Committee. (*Issue 4*)

HB 1621, which requires DCF to enter into working agreements with law enforcement agencies related to the criminal investigation of adult abuse, neglect, and exploitation by March 1, 2004, was approved by the House Human Services Appropriations Committee this week. (*Issue 7*).

*To view previous issues of the Legislative Link, visit www.successby6-fl.org

RELATIVE CAREGIVER BILL ADVANCES

Currently, many relative caregivers provide care to their loved ones without training, oversight, or compensation. SB 2664/ HB 749, sponsored by Senator Constantine and Representative Kallinger, creates the Florida Lifespan Respite Care Program to accomplish the following:

- ✓ Develop statewide respite care advocacy and service delivery networks;
- ✓ Provide, supplement, and improve respite care services to families and relative caregivers;
- ✓ Promote innovative, flexible, and comprehensive approaches to the delivery of respite care; and
- ✓ Recruit and train respite care programs, workers, and volunteers.

This legislation provides that:

- The Department of Children and Families (DCF) is to contract with a statewide respite coalition to establish and develop Florida's Lifespan Respite Care Program and may spend up to \$300,000 for this purpose, contingent on a specific appropriation.
- Provides that the Agency for Health Care Administration (AHCA) and DCF may develop a plan to reimburse relative caregivers of children ages five through twenty-one who are recipients of home and community based Medicaid waiver services for persons with developmental disabilities.
- DCF may certify relative caregivers and must provide training and education programs for relative caregivers.
- Relative caregivers must complete the training and education program within a reasonable time determined by the department. Failure to complete the training and education program within the time set by the department shall subject the relative caregiver to revocation of his or her certification.
- DCF may require a relative caregiver to complete further training or education beyond that required specific to their needs.
- AHCA and DCF may provide oversight and monitoring

The Senate Children and Families Committee and the House Future of Florida's Families Committee approved SB 2664 and HB 749 this week.



THE THINGS THAT MOVIES TEACH YOU . . .

- ✓ Wearing a singlet or stripping to the waist can make a man invulnerable to bullets.
- ✓ A single match will be sufficient to light up a room the size of a football stadium.

How To Find a PCB

Since Proposed Committee Bills aren't assigned bill numbers until after a committee approves them, they must be viewed by going to the committee page on www.myfloridahouse.com. To the right of the committee name in the blue bar is a link to that committee's PCBs.

HOUSE APPOINTS BUDGET CONFEREES

Speaker Byrd appointed the following House members to the Budget Conference today:

Representative Kyle, Chair

At Large - Representatives Harrington, Murman, Greenstein, Berfield

Judicial Appropriations

- Representative Negron (Chair)
- Representative Benson
- Representative Kottkamp
- Representative Gelber
- Representative Mahon
- Representative Ross
- Representative Seiler
- Representative Adams (Alternate)

Health and Human Services

- Representative Green (Chair)
- Representative Brown
- Representative Murman
- Representative Garcia
- Representative Fiorentino
- Representative Slosberg
- Representative Farkas
- Representative Gottlieb
- Representative Domino (alternate)

Education

- Representative Simmons (Chair)
- Representative Kilmer
- Representative Baxley
- Representative Pickens
- Representative Mayfield

- Representative Stansel
- Representative Mealor
- Representative Sansom (alternate)

General Government (Commerce & Local Affairs and Agriculture & Environment)

- Representative Brummer (Chair)
- Representative Paul
- Representative Bowen
- Representative Spratt
- Representative Mack
- Representative Macheck
- Representative Reagan (alternate)

Transportation and Economic Development

- Representative Waters (Chair)
- Representative Russell
- Representative Gardiner
- Representative Kendrick
- Representative Evers
- Representative Clarke
- Representative Rivera (alternate)

Public Safety

- Representative Bilirakis (Chair)
- Representative Barreiro
- Representative Bean
- Representative Needelman
- Representative Holloway
- Representative Carassas
- Representative Dean (alternate)

Harper's Index

- ✓ *Change since 1988 in the number of emergency rooms in the United States: -1,235*
- ✓ *Number of round-trips to the sun represented by the world's outstanding frequent-flyer miles: 42,500*
- ✓ *Number of federal trademark cases dismissed since July with opinions stating that the plaintiff is "advised to chill": 2*
- ✓ *Minimum spending on refreshments required per luxury box at this year's U.S. Open tennis tournament: \$24,000*

COMMITTEE DEVELOPS CHILD WELFARE BILL

The Future of Florida's Families approved a Proposed Committee Bill (PCB) this week that makes a number of changes to the child welfare laws. PCB FFF 03-02 does the following:

- Outlines the parameters for releasing confidential information from DCF for children who have been identified as missing, if the release of the information will facilitate locating the children.
 - Removes the requirement that Tallahassee Community College be the only contract provider for child welfare training; provides for the development of core competencies; provides for trainer certification; and requires a competitive bidding process for the development, validation, and periodic evaluation of the training.
 - Provides for the independent living services integration workgroup to continue as the independent living services workgroup; provides for duties of the workgroup; and requires reports to legislative committees.
 - Provides for the continuation of the implementation of community-based care; provides for a certification process before services can be transitioned from the department to a lead agency; and provides for an annual report.
 - Allows DCF to petition the court to determine custody and placement for unaccompanied refugee minors.
 - Requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to evaluate child welfare legal services and provide a report to the Governor, Legislature and Chief Justice by December 31, 2003.
-

THE WISDOM OF WILL ROGERS

- *Lettin' the cat outta the bag is a whole lot easier'n puttin' it back.*
-

MENTAL HEALTH AND SUBSTANCE ABUSE SYSTEM REORGANIZATION BILLS INCH NEARER TO FLOOR VOTES

Bills are nearing the floor in the House and Senate that would give greater autonomy to administration of Florida's publicly-funded mental health and substance abuse service delivery system. Both bills would create some independent oversight of the state's behavioral health programs and direct the expansion of Medicaid prepaid behavioral health care plans throughout the state.

The Senate bill may hit the floor first. It was withdrawn from Appropriations and sent to the Senate Rules and Calendar Committee on April 16. The House version passed Human Services Appropriations with eight amendments April 15 and is now awaiting action by the Appropriations Committee. Some of the major differences between the two bills (CS/HB 433 and CS/CS/SB 700) have been worked out through recent committee action but a few differences remain.

CS/SB 700 creates an independent Florida Substance Abuse and Mental Health Board, whose members would be appointed by the Governor, the Speaker of the House and the Senate President. It would include the DCF Secretary, Secretary of Health Care Administration and a representative of county government as ex-officio members.

The original 11-member advisory board described in CS/HB 433 has been changed to a Behavioral Health Service Board. Its ex-officio members would be the state Medicaid Program Director, the Assistant Secretary for Behavioral Health Services and a county government representative.

Both boards would have responsibility for reviewing and making recommendations for improving the publicly-funded mental health and substance abuse systems. Each would have the authority to make legislative budget requests, but the board envisioned in the House bill would have to submit its proposed budget to the DCF Secretary rather than directly to the Governor.

Other key provisions of both bills direct DCF and the Agency for Health Care Administration (AHCA) to develop comprehensive prepaid behavioral health care plans across the state to serve Medicaid recipients. The bills require that the agency and DCF set up these plans in each AHCA area by July 2006. In areas with fewer than 150,000 eligible individuals, there would be one plan; in areas with more than 50,000 eligible individuals, there would be more than one plan. By October 1, 2003, the agency and DCF would be required to submit a plan for how the prepaid plans would be implemented and on what time schedule.

Included in the Senate bill is authority to create a specialized managed care plan in Districts 4 and 12 to provide substance abuse services to child protective services children. The Senate bill also directs that the Louis de la Parte Florida Mental Health Institute evaluate the managed care service delivery strategies in Districts 1, 8, 4 and 12 and best practice models in other states and recommend successful strategies for statewide implementation.

This article was submitted by the Florida Council for Behavioral Healthcare.

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