

Legislative Link

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

FOSTER CARE DILEMMA: INSTITUTIONALIZATION?

Last June, there were 19,361 children in Florida's foster care system, a 29 percent increase (4,329) since 1995. Children in foster care who are 0-5 years old wait an average of about two years to achieve permanency (reunification, adoption, or independent living). Once the child reaches thirteen years of age, the wait becomes 5-7 years. As of January 2000, the statewide average length of stay in foster care was slightly over three years. Last year, 42 percent of children in foster care statewide had three or more placements after being removed from their homes. The 2001 Legislature is grappling with the issue of how to provide a more stable environment for these children, so they do not suffer the burdens of being bounced from one foster care setting to another.

Last week, the House Committee on Child and Family Security passed CS/HB 1145, which attempts to address this issue and problems hampering Florida's child welfare privatization effort.

The most controversial provision in the bill requires assessment and placement in residential group care, if appropriate, of children age 12 or older who have a history of multiple foster care placements, unless the court determines placement is not in the child's best interest. The required placement would apply to children who have been in foster care at least six months and who have been moved more than once.

The bill hopes to achieve what many fear – institutionalization of more foster care children. On one hand, supporters of the bill point out that institutionalization could provide a more positive, stable environment for children who continually bounce from one foster care home to another. On the other, opponents point out that institutionalization is not in the best interests of most children.

Unfortunately, the Legislature appears ready to embrace this solution – both CS/HB 1145 and its Senate companion, SB 1214, are on the calendars in their respective houses. Why is it unfortunate?

When Governor Bush took office, he and the Legislature recognized that Florida's foster care system is woefully underfunded and wisely invested hundreds of millions of new dollars to pay for improvements. These improvements have been intended to better the situation for children in the system. Conversely, CS/HB 1145 and SB 1214 focus on what's best for the system (i.e. – let's find a way to house all of these children) rather than focusing on providing the best possible environment for the children (i.e. - invest the funds necessary to secure adequate foster care homes, caseworker training, etc.).

In addition, to addressing foster care and residential group care, the bill addresses the Community based care initiative by: 1) broadening a lead agency's authority to provide core services; 2) expanding the definition of "foster care and related services"; 3) specifying that one of the requirements for a lead agency is that it maintain eligibility to receive federal child welfare funds; and 4) providing some flexibility to phase in privatization of services when the Department is unable to find a capable and willing lead agency.

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**“DEATH TAX” CUT:
BIG HIT FOR FLORIDA**

While most of the tax cut discussions in Tallahassee are focused on the proposed \$300+ million in cuts being pushed by Governor Bush and the House, another cut that will have a huge impact on Florida could take place at the federal level.

Included in President Bush’s proposed \$1.6 trillion tax reform package is a phase-out of the Federal Estate Tax, often called the “death tax” by critics. The federal estate tax is levied on assets passed to heirs after a person dies. About 98 percent of heirs avoid the tax completely because the first \$675,000 of an estate is exempt from taxation. That exemption is scheduled to rise to \$1 million in 2006. Nationally, about 47,500 estates paid the tax in 1998, with about half of the money coming from fewer than 3,000 estates, all worth more than \$5 million. Only about two percent of Floridians pay the tax, generating about \$820 million annually in general revenue for the state

If President Bush’s proposal passes Congress this year, it will result in about a \$100 million reduction in Florida’s general revenue during the 2002-2003 fiscal year. By the end of this decade, the entire \$820 million will disappear from Florida’s general revenue.

By 2011, when the estate tax is finally phased out under President Bush’s proposal, the reduction in revenue across the country will total about \$50 billion.

**EDUCATION TRANSITION TASK FORCE:
TWO STEPS BACK FOR
EARLY EDUCATION AND CARE?**

Last year’s Legislature created the Education Governance Reorganization Transition Task Force to recommend how to revamp Florida’s entire education system, from kindergarten through post-graduate university study. In its final report, the Task Force concluded that while “school readiness programs should be considered a critical element for preparing economically disadvantaged children for kindergarten, (it) shall not be considered a formal part of Florida’s K-12 education system”. Instead, “school readiness programs should be viewed as a support program for working families.”

Disturbing For years, early care and education professionals have fought to make policy makers and Floridians aware of the fact that quality early care and education provides the foundation upon which future educational success rests. Experience, social science, and brain research verify this. Yet, the Transition Task Force identified “school readiness programs” as merely baby-sitting (“support”) for working families.

It wasn’t until the late 1980s that informed policy makers began to understand – and incorporate into statute - their recognition of the critical importance quality early care and education plays in all of our lives. Let’s hope the Task Force report – which was hastily prepared under significant time constraints – does not resurrect the outdated notion that early care and education is merely babysitting.

BUDGETS PASS: CONFERENCE STARTS – Last Tuesday, both the House and the Senate passed their proposed 2001-2002 state budgets. More than \$300 million apart, budget negotiators will begin this week to narrow that gap – a gap caused primarily by the Senate's refusal to accept more than \$300 million in tax cuts. Although we are only half way through the eight week session, it is possible – even likely – that the final budget compromise will not be reached until the last days of session. Your next *Legislative Link* will attempt to compare the House and Senate proposed budgets for next year with this year's budget.

HAIKU FOR THE NEW AGE In Japan, they have replaced the impersonal and unhelpful Microsoft error messages with Haiku poetry messages

Chaos reigns within *Program aborting;* *First snow, then silence.*
Refleclt, repent, and reboot. *Close all that you have worked on.* *This thousand-dollar screen dies*
Order shall return. *You ask far too much.* *So beautifully.*

COMPREHENSIVE PRE-K LEGISLATION PASSES COMMITTEE

The Senate Education Committee passed SB 422 last Monday. The bill requires the Florida Partnership for School Readiness, in consultation with the Legislature, to develop legislation that will expand Florida's Pre-Kindergarten Early Intervention Program to provide access for all "at risk" four-year old children at no cost to the children's parents.

There are approximately 187,228 four-year old children in Florida. About 59,624 children are currently eligible for, and being served in, school readiness programs. If all four-year old children could attend pre-kindergarten programs at no charge to their parents, the additional cost would be approximately \$424 million. There is no estimate of the cost for serving only the "at risk" four-year old population.

⊗ **CCDBG MAY BE CUT** - The New York Times has reported that President Bush's proposed 2001-2002 budget, which will be sent to Congress on April 9, will cut the Child Care Development Block Grant (CCDBG) by about \$200 million. Contact members of Congress to voice your concerns.

⊗ **APRIL IS CHILD ABUSE PREVENTION MONTH** - The theme "Create a Brighter Tomorrow – Prevent Child Abuse Today" should be a rallying cry for all of us. On April 27, the Child Welfare League of America Flag will fly at the Capitol and at the Florida Department of Children and Families. The Flag memorializes children who die from maltreatment and violence each year.

SHORT BILL – BIG CHANGES: COMMUNITY CARE FOR THE ELDERLY

There are currently about 50 private, non-profit, or county government lead agencies for Community Care for the Elderly programs in Florida. HB 1727 would redefine the term "lead agency" so the Department of Elder Affairs could remove case management as a responsibility of these existing lead agencies.

Since the lead agencies are charged with ensuring the availability of an array of services, significant questions have been raised regarding the negative impact this move could have on elders being served through the system. Removal of case management from the entities charged with ensuring coordination of services could lead to fragmentation and higher costs in delivering the case management services. In addition, legislation is not needed to require that individuals who only need information about services do not receive the more costly case management services. This can be done administratively by the Department in partnership with lead agencies by developing appropriate standards for inclusion of case management for clients and caregivers.

Numerous other concerns have been raised, including the fact that the Community Care for the Elderly lead agencies are required to conduct case management for clients receiving Medicaid waiver services, pursuant to the federal Medicaid Waiver and Assisted Living Waiver that are on file with the federal government. There is currently no Senate companion bill to HB 1727, but the bill was quickly passed by the House last week, without having had any Committee hearings.

Author and lecturer Leo Buscaglia once talked about a contest he was asked to judge. The purpose of the contest was to find the most caring child. The winner was a four year old child whose next door neighbor was an elderly gentleman who had recently lost his wife. Upon seeing the man cry, the little boy went into the old gentleman's yard, climbed onto his lap, and just sat there. When his mother asked him what he had said to the neighbor, the little boy said, "Nothing, I just helped him cry".

BILLS HEARD LAST WEEK

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

HB 19 FAIR HOUSING ACT/OLDER PERSONS (Greenstein) - Relating to the Fair Housing Act; to qualify for the exemption from said act with respect to familial status for housing for older persons, a facility or community shall register with FL Commission on Human Relations. 4/3 Reported favorably from committee as amended H-SMT GOVT

HB 47 FLORIDA VOLUNTEER AND COMMUNITY SERVICE (Bense) - Relating to creating the Florida Volunteer and Community Service Act of 2001; authorizes the establishment of policies and procedures for the expenditure of funds to encourage and reward volunteerism. 4/3 Passed (Vote Y:118/N:0)

HB 69 PHARMACY/NEGATIVE FORMULARY (Argenziano) - Relating to requiring removal of specified drugs from the negative formulary; specifies that the act does not alter or amend the existing law regarding physician's authority to prohibit substitution. 4/10 Set on House Calendar for Third Reading

HB 85 FLORIDA INFANT CRIB SAFETY ACT (Meadows) - Relating to creating the Florida Infant Crib Safety Act; prohibits commercial users from manufacturing, retrofitting, selling, or leasing specified cribs determined to be unsafe for use by infants. 4/04 Voted favorably from committee as CS H-HLTH COM

HB 95 MENTAL HEALTH HOSPITALS (Harrington) - Relating to revising the Florida Mental Health Act to include intent that the state shall maintain and operate mental health hospitals; provide that DCFS shall be responsible for maintenance and operation of hospitals. 4/04 Reported favorably from committee on H-ST ADMIN

HB 179 CHILD CARE FACILITIES DATABASE (Lynn) - Relating to establishing and maintaining a database to monitor violations, citations & penalties imposed against child care facilities regulated by the state. 3/28 Voted favorably from committee as CS H-INF TECH

HB 203 INTERNET/CHILD PORNOGRAPHY (Ryan) - Relating to prohibiting transmissions over Internet of pornography in specified circumstances; provides immunity from civil liability for reporting child pornography. 3/30 Reported favorably from committee on H-RDY INFR

HB 239 CHILD RESTRAINT REQUIREMENTS/MOTOR VEHICLES (Allen, B) - Relating to requiring a child 8 years of age or younger and less than 80 pounds and 4 feet 9 inches in height must be in an approved child restraint device in a motor vehicle operated on roadways. 3/28 Reported from committee as CS H-TRANSPOR

HB 295 JR/ELDERLY LIVING QUARTERS (Gibson, III) - Joint resolution proposing amendment to State Constitution allowing counties to tax exempt an increase in assessed value of residential property from constructing living quarters for parent/grandparent over 65. 4/03 Reported favorably from committee as amended H-SMT GOVT

HB 329 DRUG-FREE LEGISLATORS (Baxley) - Relating to providing for drug testing, and treatment, if necessary, of members of the Legislature. 4/04 Reported favorably from committee as amended H-HLT PROM

HB 421 MENTAL HEALTH TREATMENT/DCFS (Bean) - Relating to requiring the Department of Children and Family Services to develop & implement a pilot project to provide client-directed and choice-based mental health treatment & support services to certain adults. 4/04 Voted favorably from committee on H-HHS APPR

HB 483 MEDICAID BUY-IN PROGRAM (Wiles) - Relating to establishing a Medicaid buy-in program to assist certain eligible individuals with disabilities in gaining employment, subject to specific federal authorization. 4/04 Voted favorably from committee on H-HLTH COM

HB 547 **TAX/DUES & FEES/PHYSICAL FITNESS FACILITIES** (Harrell) - Relating to exempting from the tax on admissions dues and fees paid to private physical fitness facilities. 3/30 Reported from committee as CS H-BUS REGU

HB 1095 **DEATH PENALTY/MENTAL RETARDATION** (Green) - Relating to prohibiting imposition of a death sentence upon defendant charged with a capital felony. 3/27 Voted favorably from committee as CS H ST ADMIN

HB 1145 **FOSTER CARE & RELATED SERVICES** (Murman) - Relating to revising various provisions re foster care and related services; provides for court-ordered placement of certain children with history of multiple placements into residential group care. 4/04 Favorable w/2 amendments H-HHS APPR

HB 1355 **MEDICAID/BREAST OR CERVICAL CANCER** (Gannon) - Relating to providing Medicaid eligibility for women less than 65 years of age who meet specified income requirements and have been screened for and diagnosed with breast or cervical cancer. 4/03 Laid on Table - CS combines bills, see HB 715

HB 1409 **FOOD STAMP PROGRAM** (Lerner) - Relating to providing a methodology for valuing vehicles as assets for purposes of food stamp eligibility that excludes certain such vehicles from consideration. 03/30 Reported favorably from committee on H-CHFAM SE

HB 1413 **CARE OF CHILDREN** (Garcia) - Relating to Relative Caregiver Program; revises eligibility guidelines; revises list of eligible children; amends provision re workforce development student fees. 3/30-01 Reported favorably from committee as amended H-CHFAM SE

HB 1661 **SCHOLARSHIP/DISABLED STUDENTS** (Mealor) - Relating to creating a program to provide scholarships for certain students with disabilities who choose to attend a higher-performing public school or a private school. 4/02 Voted favorably from committee as CS H-ED INNOV

HB 1727 **COMMUNITY CARE FOR THE ELDERLY** (House Fiscal Respons) - Relating to revising a provision of law defining the term "lead agency" with respect to community care for the elderly to remove a requirement for mandatory case management. 4/03 Passed (Vote: Y:109/N: 3)

HB 1799 **CHILDREN'S BEHAVIORAL CRISIS UNIT** (House Child & Family) - Relating to authorizing Dept. of Children & Family Services to establish children's behavioral crisis unit demonstration models to provide integrated emergency mental health and substance abuse to persons under 18. 4/04 Reported favorably from committee on H-HLT PROM

SB 422 **PRE-K EARLY INTERVENTION** (Garcia Jr, R) - Relating to requiring the FL Partnership for School Readiness assist in developing legislation to expand the pre-K program to provide access for all 4-year-old children at no cost to children's parents. 4/03 Reported favorably from committee as amended S-EDUCAT

SB 446 **HOMELESSNESS** (Constantine, L) - Relating to creating the State Office of Homeless Affairs within the Department of Children and Family Services; authorizing the Secretary of Children and Family Services to appoint an executive director. 3/29 Passed (Vote: Y: 40/N: 0) 4/03 In Messages to the House

SB 488 **JR/TERMS OF OFFICE AND TERM LIMITS** (Rossin) - Joint resolution proposing an amendment to the State Constitution increasing terms of office for FL Senators from 4 to 6 years; FL Representatives from 2 to 4 years; consecutive year service increase from 8 to 12. 3/27 Reported from committee as CS S-ETHICS

SB 622 **FLORIDA HEALTHY KIDS** (Saunders) - Relating to providing that local-matching funds are not required by the Florida Healthy Kids Corporation if replacement funds are appropriated by the Legislature. 3/29 Reported favorably from committee on S-HEALTH

SB 1018 **LEARNING GATEWAY** (Pruitt) - Relating to authorizing a 3-year demonstration program, designated as Learning Gateway, which is aimed at the prevention and amelioration of learning disabilities in children between birth and age 9. 3/27 In Messages to the House

SB 1048 **CORPORATE INCOME TAX** (Pruitt) - Relating to providing credit against tax for contributions to nonprofit scholarship funding organization; provides limitations; provides for use of contributions for scholarships for certain children. 3/28 Voted favorably from committee as CS S-FIN TAX

SB 1214 **FOSTER CARE** (Peaden) - Relating to amending provisions relating to foster care; modifies authority for lead agencies to provide services; provides that certain children must be placed in licensed residential care under certain conditions. 4/11 Set on Senate Calendar for Third Reading

SB 1286 **LAWTON CHILES ENDOWMENT FUND** (King) - Relating to revising procedures for the administration of the Lawton Chiles Endowment Fund and revises the availability and use of funds from the endowment fund. 3/30 Reported favorably from committee as CS Children & Families

SB 1606 **FOSTER-FAMILY INCENTIVES** (Mitchell) - Relating to creating a mentoring program for foster families under the Department of Children and Families; provides an annual cash allowance for participating families. 3/29 Reported favorably from committee on S-CHIL FAM

SB 1938 **CHARITABLE ORGANIZATIONS** (Garcia Jr, R) - Relating to requiring charitable organizations to make their annual reports available for inspection by public & requires publishing notice of availability in a daily newspaper in general circulation. 3/28 Temporarily Deferred S-AGR CONS

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