

Legislative Link

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

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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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THE REALITIES OF GOVERNING

Ahhh...the pendulum of power swings!

...As it swings in our two party system, it repeats a continuing cycle: a party takes power after learning how to strategically and effectively disparage the other party's platform...a wonderful honeymoon follows, with the new party in power making popular policy changes...the new minority party ineptly attempts to exploit perceived weaknesses in the other party's policies...turmoil begins within the ranks of the majority party...the minority party becomes more effective in highlighting its adversary's weaknesses...and the cycle repeats itself.

Of course, the cycle takes numerous twists and turns along the way, inches forward and then back, takes years even decades to complete. But, ultimately, the cycle continues.

One of the main reasons the cycle exists is that it is hard to govern. The economy, vagaries of public opinion and a multitude of other factors force the majority party to continually and positively respond – in reality and in spin – to an ever-changing array of variables.

While numerous significant substantive issues lay before the 2003 Florida Legislature when it convened on March 7th, two additional factors entered the fray that made it difficult for the ruling Republicans to rule: personalities and philosophy.

On the personality front. Senate President Jim King and House Speaker Johnnie Byrd were like water and oil. Highlighted during the acrimonious weeks preceding the regular session's start - when Byrd called a press conference and wrongly accused King of scheming to raise taxes – the clash of personalities never ceased. It colored every issue, as King's consensus-building leadership style flew in the face of Byrd's iron fist. One newspaper opined that the House would have functioned exactly as it did during the session if only Byrd and a handful of his lieutenants had been there, sans the rest of the House.

The personality clash was aggravated by the philosophical chasm that separated the two leaders and their respective Houses. The Senate was the session's moderating factor, bringing the libertarian leaning House toward the center on just about every issue. In the end, the Senate conceded more than the House on most issues, largely because Byrd was assisted in his cause, in most instances, by Governor Bush. In the end, while human service advocates bemoaned serious budget deficiencies, the final budget was much better than what many feared it would be, mostly because of the Senate.

The Republican's continued ability to govern will be tested again next year (as leadership is always annually tested) when the "borrow and spend" policy adopted by the Legislature over the last few years will begin hitting the wall. The state is perilously near its debt limit, 2003-2004 fiscal projections are bland, another \$1.3 billion of non-recurring revenue is used in this year's budget to fund recurring costs, expensive constitutional amendments will need additional funding etc.... and the state's needs, like its population, continue to grow. Money issues will again dominate Legislative action in 2004. Being a presidential election year will add hefty doses of politics, spin, rhetoric, and spice.... as will the personality and philosophical factors that continue to flavor it all.

THIS IS YOUR FINAL 2003 LEGISLATIVE LINK

We were going to wait until the medical malpractice issue is resolved to provide the 2003 Legislative Wrap-Up Edition of the *Legislative Link*, but have come to realize that by the time it is settled, the 2003 session might be only a distant memory. So...

This issue summarizes numerous issues supported, opposed, and monitored by the United Way of Florida and Success By 6. We hope you enjoy it. Attached is a line-by-line comparison of several lines from last year's and this year's appropriations act.

Please feel free to contact the United Way of Florida offices at any time if you have questions, thoughts, or concerns regarding public policy affecting Florida's children and their families.

How to find...

Bill information: Go to www.flsenate.gov, click on the Session tab at top of page, select regular session (2003) or special session A (2003-A), etc.

The Budget: Go to www.flsenate.gov, click on 2003-A Budget at right, and then select Conference Committee Report SB 2-A.

Session Summaries: Go to www.flsenate.gov, click on Session Summaries in right toolbar.

- *Percentage of change since 1968 in the real value of the U.S. federal minimum wage: -37*
- *Percentage, respectively, of the U.S. fathers and mothers responsible for child support who do not pay it: 26, 36*

BILLS THAT PASSED

GUARDIAN AD LITEM (HB 439) – Creates the Statewide Guardian Ad Litem Office, provides for appointment of executive director, and provides oversight responsibility for local programs

FUNDING/DOMESTIC VIOLENCE CENTERS (HB 1099) – Provides for provision of services and distribution of funds for domestic violence centers by a private entity, and limits services and funding to certified domestic violence centers.

FLORIDA ALZHEIMER'S TRAINING ACT (HB 1527) – Creates the Florida Alzheimer's Training Act, and prescribes training standards and duties of the Department of Elderly Affairs regarding approval of training and trainers.

DRIVER'S LICENSE/ELDERLY/VISION TESTS (SB 52) – Requires every person over age 79 to pass a vision test before renewing his or her driver's license, and prohibits such persons from renewing their licenses by telephone or electronic means.

MINIMUM WAGE/POLITICAL SUBDIVISION (SB 54) – Generally prohibits political subdivisions from requiring employers to pay a minimum wage, other than the federal minimum.

Bills that Passed (continued)

CHILD ABUSE PREVENTION/INTERVENTION LICENCE PLATE (SB 310) – Creates a Child Abuse Prevention and Intervention license plate, and provides for distribution of annual use fees to Children’s Home Society and the Florida Network of Child Advocacy Centers.

DEPT. OF JUVENILE JUSTICE POLICY CHANGES (SB 312) – Requires the Department of Juvenile Justice to adopt procedures for policy changes that affect contracted services and programs for delinquent juveniles.

INVOLUNTARY COMMITMENT/BAKER ACT (SB 340) – Provides that a patient admitted to a hospital emergency department for involuntary examination under the Baker Act may not be released without the approval of the emergency department physician.

RESOLUTION/RONALD REAGAN DAY (SB 486) – Recognizes February 6 as Ronald Reagan Day in the State of Florida.

COMMUNITY CARE FOR THE ELDERLY ACT (SB 642) – Provides that a factor in prioritizing services under the Community Care for the Elderly Act must be the potential recipient’s ability to pay, and higher priority must go to those who are less able to pay.

RILYA WILSON ACT (SB 1318) – Requires children in the child welfare system enrolled in an early education or child care program to participate five days a week, provides attendance and reporting responsibilities, and requires reports to law enforcement if a child is absent from child care as required.

UNIVERSAL PREKINDERGARTEN EDUCATION (SB 1334) – Creates a voluntary universal pre-kindergarten education program within Agency for Workforce Innovation and requires evaluation of information that will be used to implement UPK in 2004(see page 11).

CHILD PROTECTIVE INVESTIGATIONS (SB 1442) – Clarifies persons responsible for a child’s welfare, and requires personnel from abuse hotline to determine if a report meets the criteria for child abuse, neglect, or abandonment.

LOCAL FUNDING REVENUE MAXIMIZATION ACT (SB 1454) – Creates the Local Funding Revenue Maximization Act and addresses numerous issues relating to Community Based care (see p.9).

ADULT PROTECTIVE SERVICES (SB 1822) – Requires DCF to enter into certain working agreements with local law enforcement agencies pertaining to investigations of alleged abuse, neglect or exploitation of vulnerable adults.

CHARITABLE YOUTH ORGANIZATIONS (SB 2248) – Authorizes municipalities, political subdivisions, and agencies to contract with charitable youth organizations for certain public service work.

MENTAL HEALTH/SUBSTANCE ABUSE SERVICES (SB 2404) – Authorizes DCF to adopt and eliminate methodologies regarding mental health and substance abuse services, modifies responsibilities of managing entities, and requires data management and reporting systems.

CHILD CARE (SB 2446) – Revises in-service training requirements for child care personnel and requires annual training of family day care home operators and large family child care home operators.

CHILD WELFARE LEGAL SERVICES (SB 2568) – Provides for provision of purchasing of child welfare legal services by DCF, community-based lead agencies, and sheriffs, and requires program performance evaluations.

The Things That Movies Teach You

- ✓ Although in the 20th century it is possible to fire weapons at an object out of visual range, people of the 23rd century will have lost this technology.

- ✓ All single women have a cat.

BILLS THAT FAILED

SOISSON PROTECTIVE INJUNCTION ACT (SB 108) - Would have deleted the definition of term "repeat violence" for purposes of protective injunctions, and provided for injunctions for protection in cases of violence rather than in cases of repeat violence. The bill was named for a Lee County rape victim whose attacker had been peeping in neighborhood windows but did not fit the criteria for a restraining order, as no act of violence had occurred.

DIRECT SUPPORT ORGANIZATIONS (SB 58/ HB 41) - Would have authorized creation of direct support organizations by the Department of Children and Families and the Department of Elder Affairs.

The United Way of Florida opposed this legislation. United Way and other charitable organizations raise a significant amount of money that is already allocated to programs supported by the Departments of Children and Families and Elder Affairs. Creation of DSOs would have resulted in competition between the departments and charitable organizations for those same dollars.

STATE EARNED INCOME TAX CREDIT (SB 1858/HB 97) - Would have provided an annual payment to a Florida resident equal to a percentage of federal Earned Income Tax Credit allowed to that person.

AUTISM (HB169/SB 84) - Would have required health insurers or HMOs that offer major medical coverage to include coverage for treating autism spectrum disorder.

TRANSPORTATION DISADVANTAGED (SB 644/HB 903) - Currently, some Medicaid recipients are responsible for a \$1.00 co-payment for each one-way transportation trip. Exempt from the co-payment include, among others: children under 18, pregnant women, institutional care program recipients, and family planning service recipients. These bills would have deleted transportation services from the list of additional services under the Medicaid program for which a co-payment is required.

TICKET TO WORK- MEDICAID BUY-IN BILL (SB 1394/ HB 155) - Would have re-enacted the Ticket to Work/ Medicaid Buy-in program, authorizing individuals with disabilities, ages 16-64, who have income up to 250 percent of the federal poverty level to "buy in" to the Medicaid program, subject to specific federal authorization. This program was established under the federal "Ticket to Work and Work Incentives Improvement Act of 1999." The Agency for Health Care Administration estimates that this program would provide coverage for 1500 individuals at an annualized recurring cost of \$7,629,791. DCF estimated first year costs at approximately \$1 million.

Bills that Failed (continued)

EQUAL PAY COMMISSION (SB 1004/HB 1175) - Would have required the director of the Agency for Workforce Innovation to appoint a nine member Equal Pay Commission to report on wage disparities in the public sector between men and women, and minorities and non-minorities; the factors that cause or tend to cause wage disparities; and recommendations for addressing these issues.

CHILD ABUSE REPORTS (SB 606/HB 629) – Would have added individuals employed or supervised by religious institutions, including their affiliated organizations, to the list of current mandated reporters. The bill exempted clergy members whose communication is privileged under Florida law.

CERTIFIED GERIATRIC SPECIALTY (SB 698) - Would have created the Certified Geriatric Specialist Preparation Pilot Program for the delivery of geriatric nursing education to Certified Nursing Assistants who wish to become certified geriatric specialists.

FAMILY CHILD CARE/ DEED RESTRICTIONS (HB 459) - Would have provided that no deed restrictions, covenants, or similar binding agreements running with the land *shall prohibit* use of residential dwellings as family day care homes.

CHILD ADVOCACY TRUST FUND (SB 1048/HB 1535) - Proposed creating the Child Advocacy Trust, which would have been administered by the Department of Children and Families. Funds would have been appropriated to DCF as grants-in-aid and dispersed to the Florida Network of Children’s Advocacy Centers, Inc. for the purpose of providing community-based services that augment, but do not duplicate, services provided by state agencies.

CHILD CARE SAFETY (SB 194/HB 521) - Would have required religious-exempt child care programs to meet the minimum state standards

TREATED WOOD (152/ HB 1495) - Would have prohibited the use of wood products treated with chromated copper arsenate in publicly funded playground equipment and associated groundcovers that are constructed or contracted for on or after October 1, 2003.

FAMILIAL DYSAUTONOMIA (SB 150) - Would have included 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.

DEAF AND BLIND SERVICES (SB 2244/HB 1345) - Would have created the Florida Council on Deafness, a nine-member independent council to be administratively housed within the Department of Education. SB 2244 was amended to include the language of SB 2126 (companion bill HB 1215), which would have created the Florida Commission for the Blind to provide a coordinated program of services, which will be available to individuals throughout the state who are blind.

RETINOBLASTOMA (SB 2174/HB 115) - Would have required each infant born in a Florida hospital to receive an eye examination using an ophthalmoscope and dilation of the pupils for detection of pediatric congenital and ocular abnormalities. It would have required health insurance policies and HMO contracts covering children to include coverage for such eye examinations at birth, 6 to 8 weeks of age, and 6 to 9 months of age.

KIDCARE FOR ADULTS (HB 245/SB 466) - Would have expanded eligibility for the Florida Kidcare Program to include uninsured parents, guardians, or relative caretakers of an enrolled child whose income is above 200 percent of the federal poverty level.

Bills that Failed (continued)

RELATIVE CAREGIVER (SB 2664/HB 749) - Would have created the Florida Lifespan Respite Care Program to improve services to families and relative caregivers.

HIGH SPEED RAIL (HJR 309/SJR 1400) - Would have placed an amendment on the 2004 General Election ballot to repeal the high-speed rail amendment.

CRIB SAFETY (SB 222/HB 217) - Would have prohibited commercial users from manufacturing, remanufacturing, retrofitting, selling, contracting to sell or resell, leasing, or subletting specified cribs determined to be unsafe for use by infants and created the infant crib safety enforcement demonstration program.

UNATTENDED CHILD (SB 1224) - Would have raised the age at which a child may be left unattended or unsupervised in a motor vehicle from 6 to 8 years and allowed the person who can be considered responsible for the child, and held responsible, to be anyone over 12 years old.

EMERGENCY PLANS (SB 1962) - Would have required child care facilities and private and nonpublic schools within 10 miles of nuclear power plant to develop and maintain emergency evacuation plans.

FAITH BASED INSTITUTE AT FAMU (SB 2686/ HB 837) - Would have created the Florida Families Faith-Based Institute to be administered by Florida Agricultural and Mechanical University.

PSYCHOTROPIC MEDICATION/CHILDREN (HB 261) – Would have required issuance of a court order authorizing dispensing of psychotropic medication to a child in shelter or foster care and required review of child’s medical history before order.

SALES TAX EXEMPTION COMMISSION (SB 206) –Would have created the Commission to recommend eliminating enough exemptions through 2010 to provide \$25 billion to fund class size reduction.

DEPT. OF JUVENILE JUSTICE (SB 1038) –Would have abolished the Department of Juvenile Justice, transferring duties and responsibilities to Department of Corrections.

WORKERS’ COMPENSATION (SB 1132) –Would have replaced the Workers Compensation Insurance Fraud Bureau within the Department of Insurance with a new Workers Compensation Insurance Fraud Office within FDLE.

CHILD CARE FACILITIES (SB 1554) – Would have authorized DCF or a local licensing agency to deny, suspend or revoke certain licenses and/or registrations following violation of laws or rules governing the operation of such establishments.

PLATES FOR MANY STATES

Here are some of the specialty license tags available to Florida residents and the individual sales figures for each from 2002.

1. Protect the Panther	\$108,826	5. Invest in Children	\$27,731
2. Save the Manatee	\$95,406	6. Boy Scouts of America	\$3,219
3. Challenger	\$55,016	7. American Red Cross	\$235
4. Choose Life	\$35,618	8. New College of Florida	\$54

SOURCE: Florida Department of Highway Safety and Motor Vehicles

SB 1454
LOCAL FUNDING REVENUE MAXIMIZATION ACT
&
COMMUNITY BASED CARE

CS/CS/SB 1454, passed by the 2003 Florida Legislature, addresses two main issues: revenue maximization and child welfare.

Revenue Maximization Provisions in CS/CS/SB 1454

Recognizing that Florida left more than \$900 million “on the table” in Washington last year because it did not put up requisite matching funds to draw down the federal money, CS/CS/SB 1454 creates the **Local Funding Revenue Maximization Act**. The Act authorizes use of certified local funding for federal matching programs targeting local preventive services and child development programs. “Local funds” are limited to public revenue funds of local political subdivisions, including, but not limited to, counties, municipalities, and special districts. To the extent permitted by federal law, funds donated to such local political subdivisions by private entities, such as, but not limited to, United Way, community foundations or other foundations, businesses, or individuals are considered to be “public revenue funds” available for matching federal funding.

While there was broad consensus support for CS/CS/SB 1454, its revenue maximization provisions garnered near unanimous approval from legislators, advocates, and human service funders and providers around the state. A diverse group known as the Florida Revenue Maximization Initiative, comprised of Florida’s Children’s Services Councils, United Ways, Association of Counties, school boards, health care districts, Children’s Home Society and others, helped legislators recognize the extraordinary - yet little used – opportunities to use local funds to draw down millions of federal matching dollars to provide additional human services. Community organizations around the state are beginning to explore those opportunities with public sector entities in their areas.

The bill: 1) requires no additional state revenues; 2) allows local entities to participate on a voluntary basis; 3) states the Legislature’s intent that local and

locally-derived matching funds not be used to supplant state funds; 4) requires state agencies to modify state plans and seek federal waivers to accommodate revenue maximization efforts, if necessary; 5) authorizes state agencies to deduct actual administrative costs - up to five percent of the total federal reimbursement - for administering and monitoring local match initiatives, and 6) requires state “agencies” to establish programs designed to maximize use of local funding for federal programs and proactively implement the Act. For purposes of the Act, “agency” means any state agency or department involved in providing health, social, or human services, including, but not limited to, the Agency for Health Care Administration, the Agency for Workforce Innovation, the Department of Children and Family Services, the Department of Elderly Affairs, the Department of Juvenile Justice, and the Florida Board of Education.

Any federal reimbursement received as a result of the certification of local matching funds must, unless specifically prohibited by federal or state law and subject to the availability of specific appropriation and release authority, be returned within 30 days after receipt by the agency by the most expedient means possible to the local political subdivision providing the funds. Failure to do so will result in the agency having to pay interest to the local political subdivision on the unpaid amount from the expiration of the 30-day period until payment is received.

The bill specifically prohibits agencies from using any local matching initiative as a factor in developing the agency's annual operating budget allocation methodology or formula, or any subsequent budget amendment allocations or formulas. *(Continued on page 8)*

SB 1454 (continued)

Last, but not least, the bill requires each agency, by January 1 each year, to report to the Legislature and Governor the following:

- specific activities undertaken during the previous fiscal year under the Act;
- a statement of the total amount of federal matching funds generated by local matching funds under the Act, reported by federal funding source;
- the total amount of block grant funds expended during the previous fiscal year, reported by federal funding source;
- the total amount for federal matching fund programs, including, but not limited to, Temporary Assistance for Needy Families and Child Care and Development Fund, of unobligated funds and unliquidated funds, both as of the close of the previous federal fiscal year;
- the amount of unliquidated funds that are in danger of being returned to the Federal Government at the end of the current federal fiscal year; and
- a detailed plan and timeline for spending any unobligated and unliquidated funds by the end of the current federal fiscal year.

Child Welfare Provisions in CS/CS/SB 1454

CS/CS/SB 1454 contains numerous child welfare related provisions. Arguably one of the most important is a provision that prohibits transfer of services to a community-based care lead agency until the department, in consultation with the local community alliance, has determined and certified in writing to the Governor and Legislature that the district is prepared to transition the provision of services to the lead agency and that the lead agency is ready to deliver and be accountable for such services. The bill also:

- permits and provides the parameters for releasing **confidential information to law enforcement** and to the public from DCF records for missing children;
- permits **missing child reports** to be filed in the county or municipality where the child was last seen;
- provides **access to the department's child abuse records for school principals and domestic violence centers** and clarifies the access for the child's attorney;
- directs DCF to adopt rules that **distinguish between child care programs requiring licensure and after-school programs that do not**;
- establishes **minimum requirements for training** of staff delivering child welfare services and for contracting to develop the curricula and deliver the training;
- creates the **Florida Child Welfare Student Loan Forgiveness Program**;
- modifies the **Independent Living Transition Services Program** to provide that property purchased for youth is not state owned property and can be retained by the youth, and establishes a workgroup to work with DCF in continued implementation of this program and to provide a report to the Legislature by December 31, 2003 and 2004;
- replaces the requirement for a **Medicaid Comprehensive Behavioral Health Assessment** when the number of children in a family foster home is to exceed five with a quicker assessment completed by a family services counselor;
- authorizes DCF to petition the court to establish **custody of an unaccompanied minor in the Refugee Assistance program** in accordance with federal regulation, which, allows for the use of federal funds for the placement instead of the state foster care funds or out-of-state placement;
- directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to **evaluate the child welfare legal services** and examine different models of providing legal services in dependency proceedings on behalf of the state with a report to the Legislature by December 31, 2003;

- directs the department to provide reasonable **administrative costs** in each community-based care lead agency contract;
- eliminates the community-based care lead agency requirement for prior notification to the department before **discontinuing voluntary services**;
- directs the department to use **independent financial audits** of community-based care lead agencies to reduce contract and administrative reviews;
- **excludes certain counties from the community-based care requirements** and provides for them to contract directly with the department;
- eliminates the requirement that the Office of the Attorney General or the state attorney provide **child welfare legal services** for the community-based care initiatives in Sarasota, Broward, and Manatee counties; and
- reduces the match requirement for the **Community Partnership Matching Grant Program** for prevention and in-home services from \$825,000 to \$250,000.

NEVER SAY TO A COP

- I can't reach my license unless you hold my beer. (OK in Texas)
 - Aren't you the guy from the Village People?
 - Are you Andy or Barney?
 - You're not gonna check the trunk are you?

VICTIM'S FREEDOM ACT

HB 561, by Representative Kyle, provides a person the opportunity to obtain protective injunctive relief against "sexual violence" if he or she is a victim of sexual violence and:

the victim has reported the incident to law enforcement and is cooperating in any criminal proceeding against the offender, or the offender's state prison term is expired or will expire within 90 days following the filing of the petition for protective injunctive relief.

Senator Crist sponsored the Senate bill (SB 294) on behalf of the late Senator Howard Futch, who had filed this legislation in response to a constituent whose 14-year-old daughter was "violently sexually attacked" by a group of juveniles. When the family sought an injunction to protect their daughter, they were told that injunctions could only be given for

domestic violence, dating violence or repeat violence.

This bill provides a broad definition of sexual violence and prohibits the assessment of filing fees and service charges for injunctions against dating violence, repeat violence and sexual violence. Subject to legislative appropriation, this bill authorizes the Clerks of Courts to petition the Office of State Courts Administrator for reimbursement at \$40 per petition, of which a maximum of \$20 must be allocated to the law enforcement agency serving the injunction. This bill authorizes service of process by a correctional officer of a sexual violence injunction upon an imprisoned offender. Finally, the bill redesignates the statewide injunction verification system as the "Domestic, Dating, Sexual, and Repeat Violence Injunction Statewide Verification System." Governor Bush has approved this legislation. **(Ch. 2003-117, Laws of Florida)**

CONSTITUTIONAL AMENDMENT IMPLEMENTATION

UNIVERSAL PREKINDERGARTEN

CS/SB 1334 prepares for the implementation of Amendment 8 - Voluntary Universal Pre-kindergarten. It requires the State Board of Education to conduct a study on the curriculum, design, and standards for the Universal Pre-Kindergarten (UPK) Program by October 1, 2003, a report that includes recommendations on program elements relating to curriculum and standards, quantity of instruction (including hours per day and days per year), delivery system standards (including provider standards, and licensing and regulatory requirements), assessment and evaluation, funding options, and recommendations of best practices to improve the outcomes of school readiness coalitions and providers.

In addition to the Board of Education report, the Office of Program Policy Analysis and Government Accountability (OPPAGA) and the Auditor General's Office are required to conduct studies. OPPAGA is required to conduct a performance audit of school readiness programs administered by the Florida Partnership for School Readiness and the School Readiness Coalitions from 2000-2003, and to evaluate the ability of the school readiness system to effectively implement UPK based upon the Board of Education's curriculum, design, and standards recommendations.

The Auditor General is required to conduct a financial and operational audit of school readiness programs administered by the Florida Partnership for School Readiness and School Readiness Coalitions, with a focus on examining compliance with state and federal law and with Partnership rules. Both studies are due January 15, 2004. While the audits are being conducted, local school readiness coalitions are to refrain from initiating new long-term fiscal commitments. **(Ch. 2003-93, Laws of Florida)**

CLASS SIZE

SB 30-A implements the class size requirements of Amendment 9- Class Size Reduction, providing numerous provisions relating to implementation and accountability, funding, alternative education settings, charter schools, corporate scholarships, and accelerated high school graduation.

A section of the bill adds parenting to the curriculum of the half-credit life management skills course required for high school graduation. This is the substance of a bill that has failed during the past several regular sessions.

CLEAN INDOOR AIR ACT

HB 63-A amends the Florida Clean Indoor Air Act to implement Amendment 6, Smoke-Free Workplaces. The bill prohibits smoking in enclosed indoor workplaces, defines stand-alone bars, which are exempt, and provides additional exceptions for retail tobacco shops, smoking cessation programs, medical and scientific research, airport smoking rooms for international passengers, and the facilities of charitable, nonprofit and veterans' organizations. The Department of Health and the Department of Business and Professional Regulation are responsible for enforcement. Penalties for violations are provided in the bill.

Harper's Index

- *Percentage of employed U.S. mothers who think full-time mothers look down on them: 66*
- *Percentage of full-time mothers who think employed mothers look down on them: 73*

DRUG FREE PARKS

SB 1588 provides for enhanced penalties for controlled substance offenses committed, at any time, within 1,000 feet of a state, county, or municipal park, a community center, or a publicly owned recreational facility. "Community center" is defined as a facility operated by a nonprofit community-based organization for the provision of recreational, social, or educational services to the general public. These offenses will now be treated in the same manner as drug offenses committed within 1,000 feet of a school or day care center. The bill also provides for enhanced penalties for controlled substance offenses committed within 1,000 feet of a public or private college, university, or other postsecondary education institution, and within 1,000 feet of a public housing facility. This legislation, sponsored by Senator Aronberg, has been approved by the Governor. **(Ch. 2003-95, Laws of Florida)**

RAPE CRISIS PROGRAM TRUST FUND

SB 144 requires a sentencing court to impose an additional \$151 surcharge against offenders who plead guilty or no contest, or who are found guilty of specified statutes concerning assault, battery, stalking or sexual battery.

Collected fees are to be deposited in the Rape Crisis Program Trust Fund within the Department of Health, which is created by SB 146. The trust fund is to be used to provide sexual battery recovery services, which are defined in the bill, to victims and their families. **(Ch. 2003-114, Laws of Florida)** (HB 173, HB 175).

SERVICES TO THE VULNERABLE

Senate Bill 2568 provides for various revisions to the services to the disabled, elderly, and vulnerable. This bill, which has been approved by the Governor **(Ch. 2003-57, Laws of Florida)**, does the following:

- Provides statutory authority for non-licensed staff to administer or assist with the administration of medications to persons with developmental disabilities
- Revises Florida Guardianship Law
- Creates a 10 member Guardianship Task Force
- Provides DCF the flexibility to use fee for service, case rate, or capitated contract methods, in addition to unit cost methods, in order to purchase and account for mental health and substance abuse services
- Revises the health care proxy statute to provide for the appointment of a clinical social worker as a proxy in certain cases involving an incapacitated person or a person with a developmental disability
- Requires the Agency for Health Care Administration and the Department of Elder Affairs to seek federal approval to implement a Medicaid Home and Community Based Waiver targeted to people with Alzheimer's disease. The waiver will be used to test the effectiveness of Alzheimer's specific interventions in delaying or avoiding institutional placement of individuals with Alzheimer's disease.
- Revises current law relating to the regulation of health care facilities
- Revises the definitions of "abuse," "neglect," and "vulnerable adult" as applied to adult protective services

"I love California. I practically grew up in Phoenix." --Dan Quayle, Former Vice President think he knew where he was while in office?

DOMESTIC VIOLENCE FUNDING ADMINISTRATION MOVES

HB 1099 shifts the responsibility for receiving and approving or rejecting domestic violence centers' applications for funding from DCF to the Florida Coalition Against Domestic Violence and adds implementation of services to the required Coalition responsibilities. Funding for Florida's 38 domestic violence centers will still be distributed based on an allocation formula approved by the department. **(Ch. 2003-11, Laws of Florida)**

NEW LICENSE PLATES

CHILD ABUSE PREVENTION

SB 310 will give everyone an opportunity to support child abuse prevention efforts by purchasing a Stop Child Abuse license plate for a \$25 annual fee. Proceeds from these tags will be distributed to the Children’s Home Society of Florida and the Florida Network of Children’s Advocacy Centers for child abuse prevention and intervention programs. These organizations partnered to promote the creation of this specialty tag. This legislation was sponsored by Senator Rod Smith and Representative David Meador (HB 249) and has been approved by the Governor. **(Ch. 2003-121, Laws of Florida)**

COLUMBIA CREW HONORED

HB 1155 adds the space shuttle Columbia’s name to the popular Challenger license tag, which was created in 1987 following that shuttle’s explosion. The tag has generated \$37.9 million in the last 6 years. This legislation was sponsored by Representative Poppell and Senator Posey (SB 1698). It has been approved by the Governor. **(Ch. 2003-26, Laws of Florida)**

HOSPICE

HB 1501 creates a Hospice specialty license plate with the \$25 annual use fee to be distributed to Florida Hospices and Palliative Care, Inc., to fund projects, educational and outreach programs relating to hospice care. This legislation, sponsored by Representative Baker and Senator Wasserman Schultz (SB 1118), has been approved by the Governor. **(Ch. 2003-183, Laws of Florida)**

STOP HEART DISEASE

HB 789 creates a Stop Heart Disease license plate. The \$25 annual use fees will be distributed to the Florida Heart Research Foundation, Inc., to be used for funding cardiovascular disease research, education, and heart disease prevention programs through a peer review grant solicitation and award process. Representative Barreiro and Senator Diaz de la Portilla (SB 1840) sponsored this bill, has been approved by the Governor. **(Ch. 2003-256, Laws of Florida)**

<p style="text-align: center;">BILL PROTECTS VICTIMS OF SEXUAL VIOLENCE</p> <p>HB 453 exempts from public records photographs, videotape and electronic images of the body of a victim of sexual battery. Sponsored by Representative Sandy Adams and Senator Skip Campbell (SB 126), this bill has been approved by the Governor.</p>	<p style="text-align: center;">DANGEROUS SEXUAL FELONY OFFENDER ACT</p> <p>SB 2172 increases from a mandatory minimum of 10 years to a mandatory minimum of 25 years to life for certain recidivist sexual offenders designated “repeat sexual batterers.” The bill defines “dangerous sexual felony offender.” This bill, sponsored by Senator Cowin and Representative Green (HB 77), has been approved by the Governor.</p>
<p style="text-align: center;">NEW MISSION FOR COMMISSION</p> <p>SB 480 repeals the Commission on Responsible Fatherhood and creates a Commission on Marriage and Family Support Initiatives. The bill outlines the composition of the 18-member commission and its responsibilities. The new Commission will maintain the current connection with the Ounce of Prevention Fund, and continue any community-based programs established by the Commission on Responsible Fatherhood. (Ch. 2003-122, Laws of Florida) (HB 1515)</p>	<p style="text-align: center;">SEXUAL BATTERY TIME LIMITATIONS</p> <p>HB 747 extends the time limitation on commencing the prosecution of first-degree felony sexual battery offenses so that the crime can be prosecuted at any time, if the victim was under the age of 18 at the time of the offense. This legislation, sponsored by Representative Kallinger and Senator Webster (SB 1734), has been approved by the Governor.</p>

LEGISLATURE PASSES BILL CREATING INDEPENDENT OVERSIGHT BOARD FOR BEHAVIORAL HEALTH PROGRAMS

A bill now awaiting Gov. Jeb Bush's signature, CS/CS/SB 2404, has the potential for raising the visibility and priority of Florida's publicly funded mental health and substance abuse programs. The bill creates the Florida Substance Abuse and Mental Health Corporation, Inc. to provide oversight to the state's publicly funded substance abuse and mental health systems.

Three legislators with a longstanding interest in mental health and substance abuse issues pushed for creation of the corporation. They were Senator Evelyn Lynn of Ormond Beach; Senator Durell Peaden of Crestview; and Senator Steve Wise of Jacksonville. Representative Sandy Murman, who was a member of the Florida Commission on Mental Health and Substance Abuse, championed the bill in the House.

Modeled after Florida's Workforce Innovation Board, the 12-member nonprofit corporation is to be administratively housed within the Department of Children and Families but independent of department control. Members are to be appointed by the Governor, the Speaker of the House and the Senate President. The legislative intent is that the majority of the corporation's board members will be prominent community or business leaders who can be effective advocates for mental health and substance abuse. The board and the department will have to work out the details of how they will collaborate and sign a memorandum of understanding.

Submitted by Pat Curtis, Public Affairs Coordinator, Florida Council for Behavioral Healthcare

What a difference 30 years makes . . .

1972: Long hair
2002: Longing for hair

1972: KEG
2002: EKG

1972: Hoping for a BMW
2002: Hoping for a BM

STUDENTS WITH DISABILITIES/FCAT

HB 1739 was one of the first bills to be signed by the Governor this year. It will allow students with a documented disability and an IEP (Individual Education Plan) who have completed their coursework, but have not passed the FCAT after two tries (in 10th and 11th grades), to be eligible for a standard diploma, if their IEP committee determines that the FCAT cannot accurately measure the student's abilities.

(Ch. 2003-8, Laws of Florida)

The corporation and the provisions in current law that give DCF responsibility for administering mental health and substance abuse programs expire on October 1, 2002. Prior to this time, the Legislature will have to determine where responsibility for mental health and substance abuse services belongs in the state bureaucracy. Assisting in their decision-making process will be results of an evaluation of the corporation by the Office of Program Policy Analysis and Government Accountability and the Auditor General, which is due by February 1, 2006.

The bill also codifies the recent DCF reorganization of behavioral health services, elevating mental health and substance abuse services within the agency's bureaucracy. Under that reorganization, the state directors of mental health and substance abuse gain control over budget and contracting, as well as line authority over district staff. Mental health institutions will now report to the mental health program director rather than to DCF district administrators as they have for years.

These and other provisions of the legislation are designed in part to address concerns raised in 2001 in the report of the Florida Commission on Mental Health and Substance Abuse. The report was critical of the administration of the state's mental health system, citing a lack of leadership and a failure to implement treatment innovations in Florida communities.

BUDGET AFFECTS HEALTH CARE PROGRAMS

SB 22-A, which has been approved by the Governor, makes numerous changes to health care programs required for implementation of this year's budget, including:

- Revises training requirements for administrators and staff of assisted living facilities and adult family-care home providers.
- Implements a maximum annual dental benefit of \$750 per enrollee in the Florida KidCare program.
- Restores the Medically Needy Program and removes language that prohibits Medicaid from reimbursing expenses to meet spend down liability.
- Eliminates Medicaid coverage of Adult Visual and Hearing Services.
- Establishes the Lifesaver Rx Discount drug program for seniors.
- Requires Medicaid recipients to pay a \$15 co-pay for non-emergency visits to the emergency room.
- Requires a 2.5 percent of the Medicaid cost of prescription drugs not to exceed \$7.50 per prescription.
- Removes the limit on the number of Medicaid provider service networks.
- Authorizes Medicaid prepaid dental health plans.
- Creates the Sunshine for Seniors Program to assist low-income seniors with obtaining prescription drugs from manufacturers' pharmaceutical assistance programs.
- Revises the Florida Healthy Kids Corporation contact requirements and membership of the board of directors of the corporation.
- Repeals the automatic repeal of the KidCare Act when certain federal triggers are reached.

Wages Paid by Florida Nonprofits and Other Sectors, 2000

- Nonprofit Sector - \$9.7 million
- Construction - \$9.4 million
- State government - \$5.7 million

In 2000, nonprofit organizations employed 398,691 people. Entities exempt under section 501 (c)(3) employed 352,739 people, approximately 5.0% of the state's labor force.

Source: FANO

RILYA WILSON ACT

Senate Bill 1318 would require children ages 3 years to school entry who are under protective supervision or in the custody of DCF or a community based lead agency, and enrolled in a licensed early education or child care program to be enrolled in the program five days a week. The bill prohibits withdrawal of these children from the program without prior written approval of the DCF or the community based lead agency. Absences must be reported to allow for the identification of children who are missing. It further amends current law to specify that priority for participation in the school readiness program shall be given to children "who are served by the Family Safety Program Office of the Department of Children and Families or a community-based lead agency and for whom child care is needed to minimize risk of further abuse, neglect, or abandonment" and requires DCF and the Agency for Workforce Innovation to conduct a study regarding the role participation in licensed early education or child care programs can have in protecting children in who are under protective supervision or in the custody of the department. Senator Frederica Wilson and Representative Eleanor Sobel (House Bill 1177) sponsored this legislation, which is awaiting action by the Governor.

"Half this game is ninety percent mental." --Philadelphia Phillies manager, Danny Ozark

CHILD CARE

SB 2446 adds literacy and language development for children age birth to 5 years to the training required by child care center personnel and operators of family day care homes and large family child care homes; increases the annual in-service training requirement for child care center personnel; requires operators of registered family day care homes to annually complete a health and safety home inspection self evaluation check list; amends current law to prohibit unlicensed or unregistered operation of a family day care home or large family child care home; and provides grounds for seeking an injunction to close a child care facility. This legislation was sponsored by Senator Debbie Wasserman Schultz and Representative Lorraine Ausley (HB 1141) and has been approved by the Governor. **(Ch. 2003-131, Laws of Florida)**

CHILD PROTECTIVE INVESTIGATIONS

SB 1442 focuses on the retention of child protective investigators by modifying the investigative process to provide a two-tiered process with different levels of investigative activities; establishing a Protective Investigative Retention Workgroup; clarifying the process for accepting reports; authorizing the hotline to determine the response time for institutional child abuse rather than requiring an immediate response; and prohibiting the department from amending its operating budget to shift funds or positions for protective investigators to other functions. The bill directs the Office of Program Policy and Government Accountability to conduct a study on the impact that availability family services has on the turnover of protective investigators and on the families' re-entry into the system. SB 1442 has been approved by the Governor. **(Ch. 2003-127, Laws of Florida)**

Never Say To A Cop

- *Sorry, Officer, I didn't realize my radar detector wasn't plugged in.*
- *I thought you had to be in relatively good physical condition to be a police officer.*
- *I pay your salary!*

ADOPTION BILL REPEALS SCARLET LETTER LAW

HB 835 substantially revises the 2001 Florida Adoption Law and includes numerous provisions. In an effort to strike a balance between the rights of everyone involved in the adoption process, the bill repeals what has been referred to as the "Scarlet Letter Law." The bill specifically addresses birthfathers' rights, notice and consent, and also limits the amount of time an adoption can be challenged from two years to one year. In addition, the legislation deletes a current statutory duty requiring mothers, including rape victims and underage girls, to take out a newspaper ad prior to placing their child up for adoption in an effort to identify the potential unmarried

biological father, thus preventing the father from surfacing after an adoption was processed.

The bill creates the Florida Putative Father Registry. An unmarried biological father, or an individual who may suspect that he is a birthfather, will be required to register with the system if he wants to preserve any right to notice and consent.

This legislation, sponsored by Representative Mark Mahon and Senators Skip Campbell and Evelyn Lynn (SB 2456), has been approved by the Governor. **(Ch. 2003-58, Laws of Florida)**

BILL LIMITS SCOPE OF LIVING WAGE ORDINANCES

SB 54 prohibits local governments from requiring all employers within their jurisdiction to pay a minimum wage, other than the federal minimum wage, or to apply a federal minimum wage to wages exempt from a federal minimum wage. Exceptions are provided for local governments who contribute, either directly or indirectly, to the cost of additional wages, for certain employees. This legislation, sponsored by Senator Constantine and Representative Attkison (HB 321) has been approved by the Governor. **(Ch. 2003-87, Laws of Florida)**

<p>GUARDIAN AD LITEM PROGRAM TRANSFER</p> <p>HB 439 transfers the Guardian Ad Litem (GAL) Program and its current resources to the Justice Administration Commission (JAC). It provides for the appointment of an executive director, and outlines responsibilities including development of performance measures and standards, training programs, and reports. It further transfers the pilot program for Attorneys ad Litem for dependent children from the Office of the State Courts Administrator to the Statewide Guardian ad Litem Office within the JAC. Representative Nan Rich and Senator Skip Campbell (SB 1974) sponsored this legislation, which has been approved by the Governor. (Ch. 2003-53, Laws of Florida)</p>	<p>AGGRAVATED CHILD ABUSE: DEFINING MALICE</p> <p>SB 2366 defines “maliciously” as it is used to modify “punishes” in the aggravated child abuse statute to mean “wrongfully, intentionally, without legal justification or excuse.” The bill specifies that maliciousness may be established by circumstances from which one could conclude that a reasonable parent would not have engaged in the damaging acts toward the child for any valid reason and that the primary purpose of the acts was to cause the victim unjustifiable pain or injury. Sponsored by Senator Fasano, this bill has been approved by the Governor. (Ch. 2003-130, Laws of Florida)</p>
<p>ALZHEIMER’S TRAINING ACT</p> <p>HB 1527 requires home health agencies, hospices, and adult day care centers to provide written information to employees, upon the start of their employment, about interacting with patients or participants who have Alzheimer’s disease or dementia-related disorders. Employees of these services must subsequently receive training in the care of individuals with Alzheimer’s disease or related disorders. This legislation, sponsored by Representative Gibson and Senator Saunders (SB 1116), has been approved by the Governor. (Ch. 2003-271, Laws of Florida)</p>	<p>PRIORITY FOR COMMUNITY CARE FOR THE ELDERLY TO BE BASED ON ABILITY TO PAY</p> <p>SB 642 specifies factors that must be considered in prioritizing individuals who are to receive services under the Community Care for the Elderly Program, including the frailty of the individual and the likelihood of nursing home placement. Another factor that must be considered is the potential recipient’s ability to pay. Those who are less able to pay must receive higher priority than those who are better able to pay. This bill was sponsored by Senator Fasano and Representative Fiorentino (HB 1711). It has been approved by the Governor. (Ch. 2003-67, Laws of Florida)</p>

ADULT PROTECTION BILL SEEKS TRANSFER

SB 1822 will require DCF to enter into working agreements with local law enforcement agencies by March 1, 2004 to serve as the lead agency when conducting any criminal investigation arising from an allegation of abuse, neglect, or exploitation of a vulnerable adult. The Legislature’s Office of Program Policy Analysis and Government Accountability (OPPAGA) is directed to conduct a review of the efficacy of the agreements by March 1, 2005. The bill defines “multidisciplinary adult protection team” and includes the provisions found in SB 2568 relating to the Guardianship Task Force and the Statewide Public Guardianship Office. This legislation was sponsored by Senator Margolis and Representative Bendross-Mindingall (HB 1621). It has been approved by the Governor. **(Ch. 2003-262, Laws of Florida)**

What a difference 30 years makes . . .

1972: The Grateful Dead
2002: Dr. Kevorkian

1972: Going to a new, hip joint
2002: Receiving a new hip joint

1972: Rolling Stones
2002: Kidney Stones

Education gets biggest increase . . .

Here's how much more each department will get in 2003-04:

Budget Item	2003-2004 Budget	Increase over 2002-2003
Overall Budget	\$53.5 billion	Up 6.1%
General government	\$4.13 billion	Up 1.7%
Prisons, courts, law enforcement	\$3.64 billion	Up 2.0%
Health and human services	\$19.48 billion	Up 5.8%
Roads, natural resources	\$9.05 billion	Up 6.2%
Education with class-size money	\$17.2 billion	Up 8.6%
Education with regular spending	\$16.73 billion	Up 5.6%

Source: *The Palm Beach Post*, May 28, 2003



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