

Legislative Link

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

EARLY LEARNING COALITION BILL PASSES COMMITTEE

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On Wednesday, the Senate Commerce Committee narrowly passed Senate Bill 2570, a bill that would significantly restructure Florida's school readiness system. The bill, promoted by the Florida Association for Child Care Management, would significantly reduce the autonomy, responsibilities, and authority of Florida's Early Learning Coalitions.

Among others, the bill:

- Reduces the number of Early Learning Coalitions from the statutorily authorized 30 down to 20 and increases the minimum number of children served by each coalition from 2,000 to 3,000 per month.
- Reduces from 35 to 25 the maximum number of members on the Early Learning Coalitions, thereby reducing the number of community leaders and business people who can participate;
- Removes the requirement for licensure of family day care homes participating in the subsidized childcare program;
- Vests in the agency for Workforce Innovation the responsibility to develop rules regarding an array of responsibilities now delegated to the Early Learning Coalitions, including rules related to quality rating and improvement systems;
- Removes encouragement for coalitions to serve before and after school students;
- Removes the requirement for economic development councils to develop lists of potential coalition members;
- Removes as the highest priority for consideration in school readiness programs children in the child welfare system (places them second, behind children with parents receiving temporary cash assistance);
- Requires coalition plans to address all providers in their area, regardless of whether they receive state or federal funds;
- Removes the requirement for coalition plans to address the needs of special populations, such as migrants; and
- Stymies the ability of coalitions to find innovative ways to improve services by removing their authority to seek waivers from regulations from AWI.

ECONOMY SPARKS ABUSE

This week, the Florida Coalition Against Domestic Violence reported that from August through December its 42 certified domestic-violence centers around the state experienced a 37-percent increase in the demand for emergency shelter.

History has shown that during difficult economic times, incidents of domestic violence and child abuse increase. It is certainly happening during this recession.

According to The Coalition, last year there were 14,504 victims who sought shelter and already this year 8,076 victims have done the same.

ADDRESSING THE SHORTFALL

Florida faces a \$6.2 billion shortfall next year. As legislators piece together the 2009-2010 budget, they basically have four options for addressing the shortfall: cutting services, sweeping trust funds, using federal stimulus dollars, and raising taxes and fees.

This week, the House and Senate continued discussing all of the options, but with trust funds unable to provide the extent of help they have in the past because some are at dangerously low levels, and with stimulus funds anticipated to be in the \$3-\$4 billion range, the remaining \$2-\$3 billion shortfall will largely have to be addressed by cuts to services and new revenues. Ultimately, the cuts to services will depend largely on the amount of new revenues incorporated into the budget.

The House and Senate remain at odds over new taxes, but not new fees. The Senate is looking at new taxes. The House – at this time – opposes new taxes. And both really like new fees. Apparently, in the House a “user fee” is different than a tax. Of course, the types of taxes and fees that are ultimately adopted will be decided in the coming weeks, but below is a short summary of some of the new revenues now under consideration.

New Fees - The House is proposing about \$970 million in new fees, while the Senate is proposing about \$650 million. Under the proposals, everything from the cost to fish from piers, to purchasing license plates, to getting a divorce, to purchasing grave sites would increase.

Sales Tax Increase – The Senate is considering proposals to raise the states sales tax by another penny. The increase would raise about \$2.8 billion per year. The proposal may be to put the increase on the ballot as a constitutional amendment in order to get the support of the House.

Bottled Water – Governor Crist has proposed placing a 6-cent-a-gallon tax on water withdrawn from public systems to be used for bottled water, which would raise about \$59.8 million. Some Senators have suggested that instead of creating this new tax, the Legislature should merely eliminate the sales tax on bottled water that was put into statute in 1949. This would raise about \$42 million per year.

Cigarette Tax – This proposal appears to be gaining more traction than any other at this point. Florida’s cigarette tax is the fifth lowest in the nation (34 cents) and has not been raised since 1990. A one dollar increase per pack would raise an estimated \$860 million per year. The Senate is also considering a one dollar per ounce increase on all other tobacco products such as snuff, cigars, and chewing tobacco, but the amount of revenue this would generate is indeterminable. The cigarette tax increase has been gaining more acceptance because polls show about 80% of Floridians approve of it and because studies show that the costs to Florida’s Medicaid program associated with smoking/chewing is about \$1.25 billion, while tobacco users only pay \$431 million in taxes. The tax increase would be in addition to the 61-cents-per-pack federal tax increase that took effect on Wednesday and would drive the price of a pack of name-brand cigarettes to more than \$5 per pack.

Combined Reporting – On Wednesday, the Senate Commerce Committee passed a “Combined Reporting” bill that would require multi-state corporations to pay corporate taxes that in-state corporations must pay. It is a loophole in the corporate tax which, if closed as proposed by the bill, will generate \$365 million in new revenues.

Other taxes being considered include increasing the surcharge on rental cars, internet sales tax, and Seminole Tribe gambling.

CHILDREN: FOCUS AT THE FLORIDA CAPITOL THIS WEEK

This week, more than 1,000 – with some estimates as high as 2,500 – caregivers, parents, children and providers converged at the Capital for Children’s Week. Intended to provide a celebration for children and an opportunity for participants to convey the fundamental importance of investing in children, the Week maintained a level of excitement and enthusiasm that certainly raised the level of discourse in the Capital regarding children’s issues.

The Week started with the Hanging of the Hands in the Capital. More than 100,000 construction paper cut-outs of children’s hands were draped over the plaza level rotunda and affixed to Capital columns. A festive sight indeed!

The Week included the Children’s Week Advocacy Reception and Dinner, featuring Lt. Governor Jeff Kottkamp, Florida Supreme Court Chief Justice Peggy Quince, Department of Children and Families Secretary George Sheldon, and Florida’s first Chief Child Advocate, Jim Kallinger. Kallinger presented the prestigious Chiles Advocacy Award to Jim Mills. Legislators who participated in the Week’s events, including the Dinner and Press Conference/Rally included Senator Nan Rich, Representative Bill Galvano, and Representative Yollie Roberson.

While the celebration was appreciated by all, the real work of the Week came from all participants who talked with legislators about the importance of investing in our children and building a better future for us all. As we all know, these investments pay huge dividends in the future. Hopefully the Legislature was listening.



Unemployment Rate Increases

Last Friday, the Agency for Workforce Innovation reported that Florida’s unemployment rate is 9.4 percent, the highest since 1976 when Gerald Ford was president, nearly 1 in 10 adults in Florida who want to and can work are out of work. In the month of February alone, another 75,000 Floridians lost their jobs. There are now more than 870,000 Floridians out of work.

One of the major issues facing the Florida Legislature is whether to accept more than \$1 billion in federal stimulus funds to help fund unemployment compensation. The state’s unemployment insurance trust fund is close to insolvency, and nearly half a million people receiving unemployment will lose their benefits in March and April.

While the Senate has been more receptive to accepting the stimulus dollars, the House, to date, has agreed with businesses that accepting the stimulus dollars it will ultimately force the state to raise unemployment insurance assessments on Florida businesses and result in further lay offs.

GET OUTDOORS FLORIDA!

Governor Crist and his Cabinet signed a resolution on March 24 recognizing the *Get Outdoors Florida!* Coalition and the Children's Outdoor Bill of Rights, which encourages children and families to get outdoors, be active and reconnect with nature.

Commissioner Charlie Bronson said, "Spending time outdoors is a healthy and emotionally satisfying experience for people of all ages, and is especially beneficial for our children, and allows them an enjoyable way to get physical exercise, enhance mental and social development and gain an appreciation for Florida's great array of natural areas and diverse wildlife."

The *Get Outdoors Florida!* Coalition unites public and private partners and includes federal, state and non-profit conservation organizations; health and education groups, and businesses. The coalition strives to create a vision of a healthy Florida community that is connected with nature, reflects social diversity and exhibits a conservation ethic, ensuring recreational opportunities and a sustainable future.

The Florida Children's Outdoor Bill of Rights proclaims each Florida child has the right to enjoy nature-based activities, such as swimming in a healthy lake, climbing a tree, catching a fish, or camping out under the stars.

For more information, to become a partner, make a donation, or to find ideas for outdoor activities, visit the *Get Outdoors Florida!* Web site at: <http://www.GetOutdoorsFlorida.com>

CHILDREN AND YOUTH CABINET ADOPTS RECOMMENDATIONS

Last week, the Florida Children and Youth Cabinet, chaired by Lt. Governor Jeff Kottkamp, adopted recommendations contained in two reports provided by the Children's Summit Workgroup and conducted by the Policy Group for Florida's Families and Children. Adoption of the recommendations set the stage for the Cabinet to move forward with fundamentally important initiatives to tie child outcomes to the state budget and to develop a comprehensive screening process that will ensure that Florida's children receive the screening – and ultimately the treatment – they need in order to reach their potential. To view the State of Florida's Child Report and the Child Screening for Developmental, Health and Environmental Information Report, visit the Policy Group's website at <http://www.policygroup.org/>.

Medicaid and Food Stamp Stimulus Funds Received

Last Tuesday, the Agency for Health Care Administration (AHCA) received \$363 million in increased federal Medicaid stimulus funds for the quarter ending December 31, 2008. The funding results from a change in the Federal Medical Assistance Percentage (FMAP) – matching funds – earned which, under the stimulus package, increases from 55.4 percent to 67.64 percent. AHCA is now in the process of requesting \$412 million for the January through March 2009 quarter. AHCA anticipates that Florida Medicaid will receive approximately \$4.2 billion from the federal stimulus package over the next 27 months.

As the recession continues and Medicaid rolls increase, these funds will be important in ensuring that those who are most in need receive the medical treatment they need. Also, this week, food stamp benefits to Florida's 1.8 million recipients increased by about \$20-\$24 a person per month.

BILLS HEARD THIS WEEK

(Some information below is excerpted from legislative staff analyses)

CS/HB 161 - Affordable Housing (Military & Local Affairs Policy Committee and Aubuchon)

The CS/HB 161 substantially revises and updates numerous statutes which govern the implementation of various affordable housing practices and procedures statewide by the Florida Housing Finance Corporation (FHFC). The FHFC is the state entity primarily responsible for encouraging the construction of affordable housing in Florida.

The CS/HB 161 allows for the following:

- removes an exception to FHFC for the use of the state allocation pool to provide written confirmations for private activity bonds issued by state agencies,
- use of State Apartment Incentive Loans for moderate rehabilitation efforts,
- modifies the distribution of funds from the Local Government Housing Trust Fund by authorizing set-asides for specific purposes,
- revises requirements relating to local housing assistance plans,
- extends an exemption for Monroe County relating to income-restrictions for persons qualified to receive assistance under a local housing assistance plan,
- authorizes counties and eligible cities to award grants using funds distributed under the local housing assistance program,
- revises appointments to a local affordable housing advisory committee,
- limits the power of public housing authorities in certain circumstances,
- repeals statutory requirements relating to the distribution of funds remaining in the Local Government Housing Trust Fund after required distributions have been made,
- expands the uses of the local government infrastructure tax to be used for affordable housing,
- and directs FHFC to develop and administer the Florida Public Housing Authority Preservation Grant Program,
- directs FHFC to develop criteria for establishing a preference for developers and general contractors domiciled in Florida.

Last Action: 04/01/09 HOUSE Favorable with CS by Economic Development & Community Affairs Policy Council

CS/HB 239 - Programs For Autism and Related Disabilities (Glorioso and others)

CS/HB 239 provides for the creation of a “Support Autism Programs” license plate. The annual use fee of \$25 per tag shall be distributed to Achievement and Rehabilitation Centers, Inc. Up to 10 percent of the revenue may be used for promotion, marketing, and administrative costs. All remaining revenue shall be used to fund projects for autism and related disabilities. CS/HB 239 also requires the Department of Highway Safety and Motor Vehicles (DHSMV), to include language on the application form for motor vehicle registration and renewal of registration permitting a voluntary contribution of \$5 to the Autism License Plate Fund. Finally, CS/HB 239 requires the DMSMV to include language on the driver’s license application permitting a voluntary contribution of \$5 per applicant to the Autism License Plate Fund.

Last Action: 04/01/09 HOUSE Not considered by Economic Development & Community Affairs Policy Council

Bills Heard This Week Continued

SB 242 - Autism Spectrum Disorder Screening/Minors (Senator Ring)

SB 242 provides that if a parent or legal guardian of a minor who is an eligible individual as defined in s. 627.6686, F.S., reports what he or she believes to be symptoms of autism spectrum disorder to a licensed physician, the physician must immediately refer the minor to an appropriate specialist for screening.

Last Action: 04/01/09 SENATE Favorable with 1 Amendment by Health Regulation

CS/HB 267 - Affordable Housing (Economic Development Policy Committee/Fitzgerald and others)

Community land trusts are a tool for creating affordable homeownership opportunities. The community land trust sells the home, but not the land, to an income-eligible buyer. The purchase price of the home is made affordable to the homebuyer, in large part because the buyer is not paying for the land. After the initial acquisition, resale is limited to a formula contained in the ground lease that restricts the market price of the home to ensure continuous affordability.

CS/HB 267 creates s.193.018, F.S., which establishes special assessment provisions for determining just valuation of properties held by community land trusts. The bill revises the assessment of resale-restricted homes built on community land trust property so that they are not valued as though they were subject to free market purchase and sale prices, thereby reducing the assessment on those properties.

Last Action: 04/01/09 HOUSE Favorable by Economic Development & Community Affairs Policy Council

CS/CS/HB 535 - Mental Illness (Public Safety & Domestic Security Policy Committee, Health Care Services Policy Committee, Drake)

CS/CS/HB 535 makes substantive changes to chapter 394, Part I, Florida Statutes, the Florida Mental Health Act also known as “The Baker Act.” This section of statute provides authority and process for the voluntary and involuntary examination of persons with evidence of a mental illness and the subsequent inpatient or outpatient placement of individuals for treatment.

The bill requires:

- each law enforcement agency to develop memorandums of understanding with all receiving facilities within their jurisdiction to include a single set of protocols for safe and secure transportation of persons, transfer of custody of the person and to address crisis intervention measures.
- requires the transfer of custody of a person who is transported along with related documentation to a responsible individual at the appropriate receiving or treatment facility.
- specifies that involuntary inpatient or outpatient placement examinations will take place “face to face,” in person.

Last Action: 04/02/09 HOUSE Favorable by Health & Family Services Policy Council

SB 596 - Residential Tenancies/Domestic, Repeat, Dating, or Sexual Violence (Senators Rich and Altman)

SB 596 creates s. 83.683, F.S., and provides that a landlord may not terminate a tenancy, fail to renew a tenancy, refuse to enter into a rental agreement, or otherwise retaliate in the rental of the dwelling unit if

Bills Heard This Week Continued

the tenant, applicant, or household member is a victim of domestic violence, dating violence, repeat violence, or sexual violence.

The bill allows tenants to terminate their rental agreement early due to domestic violence, dating violence, repeat violence, or sexual violence. The bill provides for payment of specified rent, and prohibits tenant liability for other rent or fees. Additionally, it provides that the excluded tenant is still liable for rent and damages.

The bill allows a victim of domestic violence, dating violence, repeat violence, or sexual violence to request in writing that the landlord change all locks and gives the landlord a specified time period in which to comply. Lastly, the bill provides that its provisions may not be waived or modified by agreement of the parties.

Last Action: 04/01/09 SENATE Favorable with CS by Criminal Justice

CS/SB 770 - Area Agencies on Aging (Children, Families, and Elder Affairs and Senator Fasano)

SB 770 clarifies that private non-profit Area Agencies on Aging (AAAs or agencies) who contract with the Department of Elder Affairs (DOEA or department) to administer federal Older Americans Act programs are not state agencies as contemplated by the Administrative Procedures Act, and are therefore not subject to its provisions.

The bill also:

- amends current law to provide that a lead agency must be designated every six years rather than every three years.
- clarifies that the Division of Administrative Hearings (DOAH) does not have jurisdiction to consider disputes relating to a request for proposal or the awarding of a request for proposal made by a AAA.
- requires that the request for proposal must be developed by the AAA.

Last Action: 03/31/09 SENATE Favorable with CS by Governmental Oversight and Accountability Committee

CS/HB 783 - Education for Children in Shelter Care or Foster Care (Health Care Services Policy Committee, Kelly and others)

CS/HB 783 provides authority for the district school board or dependency court to appoint a surrogate parent for purposes of educational decision making for a child known to the Department of Children and Family Services (DCF) who has or is suspected of having a disability. Before appointing a surrogate, it must be determined that no parent can be located and no person holds the right to make educational decisions for the child. Qualifications of a surrogate parent are specified, including who may, and may not, serve as a surrogate parent. In addition, the CS:

- Adds a designated liaison between a local school district and the DCF or the court to the list of entities that may be granted access to records in child abuse and neglect cases.
- Requires the court to request parental consent to provide access to a child's medical records and educational records to the court, the DCF or its contract agencies and any guardian ad litem or attorney for the child if the child is placed in shelter following a shelter hearing. The court may order the release of those records if the parents are unavailable or unwilling to consent or withhold consent.

Bills Heard This Week Continued

- Provides that judicial and citizen panel reviews of dependency cases must include consideration of testimony from a surrogate parent. In reviewing a case, the court or the panel must determine who holds the rights to make educational decisions for the child and, if necessary, may appoint a surrogate parent for the child or refer the child to a district school board for the appointment. If a guardian ad litem (GAL) has been appointed for a child, the district school superintendent must first consider the GAL when appointing a surrogate parent.
- Clarifies that a surrogate parent appointed by either the court or district school superintendent must possess certain specified qualifications; provides for the continuity of an appointed surrogate parent if and when the child moves among and between public and private agencies; specifies circumstances which would eliminate the need for a surrogate parent; and provides the duties and responsibilities of the surrogate parent.
- Adds children who are in shelter or foster care to those children who must have access to free public education and must be admitted to school in the school district in which they or their families live.
- Adds children who are in shelter or foster care to those children who can be granted a 30-day exemption to providing records for purposes of school enrollment and obtaining health records and immunizations.

Last Action: 04/02/09 HOUSE Favorable by Health & Family Services Policy Council

HB 807 - Florida KidCare Program (Clarke-Reed)

HB 807 directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to perform a study of the effectiveness of the outreach efforts of the Florida KidCare program for uninsured children. OPPAGA is directed to examine current practices of the Social Services Estimating Conference, Department of Health, Children's Medical Services, Agency for Health Care Administration, Department of Children and Families, Department of Education and Healthy Kids Corporation related to:

- Determining expenditures,
- Coordinating with other health related programs to avoid duplication, Providing services to children in KidCare,
- Making information available to parents,
- Offering services to the target population, provide medical assistance, and Determining eligibility and increasing enrollment in KidCare.

The bill directs OPPAGA's report to focus on:

- Local outreach in low enrollment counties,
- Examining counties with high enrollment to determine how they reach the target population,
- Deficiencies in the outreach process, and
- Options and projected cost for correcting deficiencies.

OPPAGA is required consult with the Department of Health, Department of Children and Families and other interested entities relevant to the research. OPPAGA must submit a report by January 1, 2010 to the Speaker of the House and President of the Senate.

Last Action: 04/02/09 HOUSE Favorable by Health & Family Services Policy Council

Bills Heard This Week Continued

SB 886 - Parental Authority (Senator Oelrich)

SB 886 provides statutory authority for natural guardians to execute pre-injury releases or waivers on behalf of their children to the same extent that an adult may do so on his or her own behalf. This would allow a parent or guardian to waive damages for injuries, even if caused by the negligence of the business.

Last Action: 04/01/09 SENATE Not considered by Judiciary

CS/HB 935 - Area Agencies on Aging (Elder & Family Services Policy Committee; Bogdanoff)

CS/HB 935 amends several sections of law relating to Area Agencies on Aging. Specifically, the bill clarifies that the Division of Administrative Hearings does not have jurisdiction to consider disputes relating to an area agency on aging's request for proposal or the awarding of a request for proposal to a lead agency. In addition, the bill clarifies that private, non-profit Area Agencies on Aging, that contract with the Department of Elderly Affairs to provide services according to the Federal Older Americans Act, are not state agencies as contemplated by the Administrative Procedures Act.

The bill revises the definition of a lead agency and provides that Area Agencies on Aging may develop service contracts with lead agencies for a period of six years, without consulting with the department.

Last Action: 04/02/09 HOUSE Favorable with CS by Health & Family Services Policy Council

SB 1054 - Homelessness (Senator Crist)

SB 1054 adds definitions for the terms "Continuum of care," "Council on Homelessness," and "State Office on Homelessness" (state office). The bill amends the definition of the terms "Homeless" or "individual experiencing homelessness" and "New and temporary homeless" and removes definitions for the terms "AFDC" and "Secretary."

The bill also:

- changes the membership of the Council on Homelessness (council) by adding three new members and removing one member.
- describes the Housing First approach to homelessness and encourages local coalitions to adopt the approach. Those local coalitions which do, will receive priority in all state office funding opportunities.
- encourages the Department of Children and Family Services (DCF) and the community-based care lead agencies (CBCs) to develop and implement procedures to reduce the number of young adults who become homeless after leaving the child welfare system.
- deletes the school code definition of the term "Homeless child" and defines the term "Children and youths experiencing homelessness."

Last Action: 04/01/09 SENATE Favorable with CS by Children, Families, and Elder Affairs Committee

CS/CS/SB 1128 - Education/Children in Shelter/Foster Care or Residential Facility (Children, Families, and Elder Affairs Committee)

CS/CS/SB 1128 defines a surrogate parent, for purposes of ch. 39, F.S., to mean an individual appointed to act in the place of a parent in making educational decisions and safeguarding a child's educational rights.

Bills Heard This Week Continued

The bill requires the district school superintendent or the dependency court to appoint a surrogate parent for a child who has been sheltered or adjudicated dependent and who has or is suspected of having a disability, if no parent can be located or the court determines that no one with authority is willing or able to make educational decisions for the child.

The bill specifies that the minimum qualifications, responsibilities, rights, liabilities, and termination of a surrogate parent appointed by a dependency court are the same as the qualifications, responsibilities, rights, liabilities, and termination of a surrogate parent appointed by a superintendent. The bill provides that judicial and citizen panel reviews of dependency cases must include consideration of testimony from a surrogate parent.

The bill amends s. 39-202, F.S., allowing access to confidential reports and records of child abuse by a local school district employee who is designated to act as a liaison between the school district, the Department of Children and Families (DCF or the department), and the principal of the child's school.

The bill requires that, if a child is placed in shelter pursuant to court order following a shelter hearing, the court must request that the parents consent to allow the court, DCF or its contract providers, and the child's guardian ad litem and attorney, to have access to the child's medical and education records, and authorizes the court to order access to such records if a parent is unavailable or withholds consent, and the court determines that access is necessary.

The bill also provides a temporary exemption for dependent children and children in foster care from providing proof of age and school entry health examinations and immunizations prior to attending school.

The bill revises the requirements relating to the delivery of educational instruction and student funding when an exceptional student with disabilities is placed in a private residential care facility in another district.

Last Action: 04/01/09 SENATE Favorable with CS by Judiciary

CS/SB 1132 - Credit Counseling Services (Senators Fasano and Bennett)

Credit counseling agencies or credit counseling organizations (CCOs) were initially established to assist consumers in financial difficulty to gain control of their personal finances, repay their credit card debts, and avoid bankruptcy. However, some unscrupulous credit counseling agencies are deceptively marketing their services (i.e., promising the cancellation of debts for pennies on the dollar) or charging egregious fees for debt negotiation services that will never be provided to the consumer. According to the Department of Legal Affairs, the number of consumer complaints related to credit counseling agencies has increased over 200 percent during the last 2 calendar years.

Part IV of ch. 817, F.S., governs the regulation of credit counseling agencies, which includes fees, financial reporting, insurance requirements, and penalties for noncompliance. The committee substitute (CS) provides the following additional protections for consumers that engage the services of CCOs:

- Establishes additional prohibited acts for credit counseling organizations, including the receipt of fees prior to the execution of a written contract and the use of false or misleading representations in connection with the offer or sale of the services of the CCO.

Bills Heard This Week Continued

- Requires CCOs to maintain a \$100,000 surety bond for the benefit of any consumer who suffers any loss due to any violation of part IV of ch. 817, F.S.
- Specifies disclosures related to the services to be performed that must be included in a CCO's written service contract with the consumer, including the right to cancel within 5 business days after the contract is signed.

Last Action: 04/01/09 SENATE Temporarily postponed by Commerce Committee

CS/HB 1211 - Juvenile Justice (Public Safety & Domestic Security Policy Committee; Garcia)

CS/HB 1211 makes changes to the juvenile justice chapter of statute, along with conforming changes to other relevant statutes such as the "Children and Families in Need of Services" (CINS/F INS) statute and the "Comprehensive Child and Adolescent Mental Health Services Act." Specifically, the bill:

- Encourages the diversion of youth 9 years of age or younger who are found by a court to pose no danger to the community and are unlikely to reoffend;
- Provides changes to the "child in need of services" definition to allow these youth to be served by the CINS/FINS network;
- Promotes the use of restorative justice practices to support victims of juvenile delinquency;
- Supports local community organizations that are aimed at reducing juvenile delinquency in the geographical areas that generate the most referrals, which may help reduce over-representation of particular groups within the juvenile justice system;
- Adds counties, municipalities and the Department of Juvenile Justice (DJJ) to the specified entities that are encouraged to create pre-arrest or post-arrest diversion programs for youth 9 years of age or younger and youth who are first time misdemeanants;
- Requires the DJJ to validate the detention risk assessment instrument and adds two child advocates to the detention risk assessment instrument committee;
- Expands the number of additional members that may be added to a juvenile justice circuit board from 3 to 5, at the discretion of the board, to adequately reflect the community diversity on the board; and
- Makes the court primarily responsible for determining the appropriate restrictiveness level for a child committed to a residential program.

Last Action: 03/31/09 HOUSE Favorable by Criminal & Civil Justice Policy Council

SB 1278 - Children with Disabilities/ Prepaid Service Plan (Senator Altman)

SB 1278 establishes a study group to evaluate the use of a prepaid system to be used to obtain services for children with disabilities upon the child's exit from an exceptional student program.

Last Action: 03/31/09 SENATE Favorable with CS by Governmental Oversight and Accountability Committee

CS/HB 1475 - Juvenile Justice (Public Safety & Domestic Security Policy Committee; Rouson)

CS/HB 1475 makes changes to the juvenile justice chapter of statute, along with conforming changes to other relevant statutes such as the "Children and Families in Need of Services" (CINS/F INS) statute and the "Comprehensive Child and Adolescent Mental Health Services Act." Specifically, the bill:

- Encourages the diversion of youth 9 years of age or younger who are found by a court to pose no danger to the community and are unlikely to recidivate;

Bills Heard This Week Continued

- Provides changes to the “child in need of services” definition to allow these youth to be served by the CINS/FINS network;
- Adds counties, municipalities and the Department of Juvenile Justice (DJJ) to the specified entities that are encouraged to create pre-arrest or post-arrest diversion programs for youth 9 years of age or younger and youth who are first time misdemeanants;
- Provides rulemaking authority to govern the procedure for ordinary medical care, mental health, substance abuse, and developmental disability services in the DJJ facilities and programs;
- Authorizes the court to commit a juvenile mother or expectant juvenile mother to the DJJ for placement in a mother-infant residential program and requires the DJJ to adopt rules to govern this program;
- Transfers training responsibility from the defunct Juvenile Justice Standards and Training Commission to the DJJ; and
- Makes the court primarily responsible for determining the appropriate restrictiveness level for a child committed to a residential program.

Last Action: 03/31/09 HOUSE Favorable by Criminal & Civil Justice Policy Council

SB 2094 - Juvenile Justice (Senator Crist)

SB 2094 makes changes to the juvenile justice chapter, along with conforming changes to a few other relevant statutes such as the “Children and Families in Need of Services” (CINS/FINS) statute and the “Comprehensive Child and Adolescent Mental Health Services Act” in an effort to enhance services for youth in the juvenile justice system. Specifically, the bill:

- Encourages the diversion of youth nine years of age or younger, who are found by a court to pose no danger to the community and are unlikely to recidivate;
- Amends the definition of the term “Child in need of services” to allow these youth to be served by the CINS/FINS network;
- Adds counties, municipalities, and the Department of Juvenile Justice (DJJ) to the specified entities that are encouraged to create pre-arrest or post-arrest diversion programs for youth nine years of age or younger and youth who are first time misdemeanants;
- Provides rulemaking authority to govern the procedure for ordinary medical care, mental health, substance abuse, and developmental disability services in DJJ facilities and programs;
- Authorizes the court to commit a juvenile mother or expectant juvenile mother to DJJ for placement in a mother-infant residential program and requires DJJ to adopt rules to govern this program; and
- Transfers training responsibility from the defunct Juvenile Justice Standards and Training Commission to DJJ.

Last Action: 04/01/09 SENATE Favorable with CS by Children, Families, and Elder Affairs Committee

CS/SB 2240 - Interstate Compact on the Placement of Children (Children, Families, and Elder Affairs Committee, Senator Rich, and others)

The Interstate Compact on the Placement of Children (ICPC) provides a uniform set of regulations meant to ensure that children placed across state lines for purposes of adoption (public or private) or foster care are placed with individuals who are safe, suitable, and able to provide proper care. It establishes the legal, financial, and supervisory responsibilities of all parties involved in the placement. Like other interstate compacts, the ICPC is a formal, binding agreement among the states that has characteristics of both statutory and contract law.

Bills Heard This Week Continued

The bill authorizes and directs the Governor to execute an updated Interstate Compact on the Placement of Children (ICPC) on behalf of Florida. The bill sets out the provisions of the compact and provides that the existing compact will remain in effect until repealed by entry into the new compact. The bill also specifies that any rules implemented for the purpose of the ICPC are not binding on Florida, unless Florida adopts them.

Last Action: 04/01/09 SENATE Favorable by Judiciary

CS/SB 2296 - Influenza Vaccine (Health Regulation Committee and Senator Constantine)

CS/SB 2296 requires child care facilities, family day care homes, and large family child care homes to provide information regarding influenza immunizations to parents of children enrolled in the facility or home, during the months of August and September of each year.

Last Action: 04/01/09 SENATE Favorable by Children, Families, and Elder Affairs Committee

SB 2680 - Homeless Persons (Senator Smith)

SB 2680 addresses homelessness in the following manner:

- Amends Florida's hate crimes statute, to reclassify the degree of an offense in which prejudice based on the homeless status of the victim is evidenced.
- Provides for a 3-year mandatory minimum sentence for aggravated assault or aggravated battery committed upon a homeless person.
- Requires the inclusion of housing status in crime reports that are to be included in the uniform crime reporting data maintained by the Florida Department of Law Enforcement (FD L E).
- Requires the FD L E to develop a telecourse on the plight of the homeless that must be made available to all law enforcement agencies in the state, and requires every "state, local, and correctional law enforcement agency" to certify that each of its officers have taken the course.
- Requires the FD L E to develop a protocol relating to hate crimes against homeless persons that law enforcement personnel are required to follow.
- Requires that public school instructional staff teach the subject of homelessness.
- Requires the Office of Program Policy Analysis and Government Accountability to conduct a study into the nature and scope of hate crimes or violent crimes committed against people experiencing homelessness and submit findings and specific recommendations to the Governor and Legislature on December 31, 2009, for legislation or government policy that might reduce the number of hate crimes and violent crimes committed against homeless persons.

Last Action: 04/01/09 SENATE Favorable with CS by Criminal Justice





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