

Legislative Link

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

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

SENATE PASSES BUDGET – HOUSE VOTE SET

Three years ago the state budget was almost \$74 billion. In a sign of the times – facing a \$6.1 billion deficit – the Florida Senate yesterday passed a \$65.6 billion 2009-2010 state budget, which takes effect on July 1. The House was in debate on its version of the budget as this *Legislative Link* went to press, but is expected to pass it today. It is \$547 million less than the Senate budget, totaling \$65.1 billion.

Because the Senate budget includes about \$1.5 billion in new revenues attributable to a \$1 per pack increase in the cigarette tax (about \$1 billion) which was promoted by Democrats plus about \$500 million in gambling revenues, both of which are intended to reduce cuts to human services and other areas, the Senate budget was passed unanimously. Because no new taxes are included in the House bill to off-set cuts, it is likely the budget will be passed along partisan lines, with Republicans voting for it and Democrats voting against it.

That's not to say the House budget does not include new revenues. The House raises more than \$1 billion in new fees; the Senate raises \$636 million. In addition, the House sweeps about \$1 billion from trusts funds, while the Senate takes about \$63 million.

Joint conference committees will convene Monday to begin resolving differences between the two Republican-controlled chambers. It is hoped that they will reach agreement by April 26, for a vote on April 29.

BILLS HEARD THIS WEEK

(Some information below is excerpted from legislative staff analyses)

HM 131 - Federal Funding for Home Health Services for Elders (Pafford and others)

House Memorial 131 urges Congress to support federally-funded and state-funded home and community-based services for elders and individuals with disabilities, and encourages Congress to implement more unified training and supervision standards for certified nursing assistants and home health aides on a statewide and national level.

Last Action: 04/14/09 HOUSE Favorable by Rules & Calendar Council



Bills Heard This Week Continued

CS/HB 239 - Programs For Autism and Related Disabilities (Roads, Bridges & Ports Policy Committee and 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 or driver's license application permitting a voluntary contribution of \$5 to the Autism License Plate Fund.

Last Action: 04/14/09 HOUSE Favorable with CS by Economic Development & Community Affairs Policy Council

PCS/SB 242 - Childhood Vaccinations (Children, Families, and Elder Affairs Committee)

The Committee Substitute for Senate Bill 242 provides that a parent, legal guardian, or other authorized person has the right to choose an alternative immunization schedule to that recommended by the Centers for Disease Control and Prevention (CDC), as long as the child is immunized prior to the earlier of, kindergarten or initial entry into a public or private school.

The bill requires health care practitioners to provide the parent or legal guardian of a minor child with a copy of the current vaccine information statement (V IS) published by the CDC before administering any vaccine to the minor child.

The bill prohibits administration of vaccines to minors without a statement, signed by the parent or guardian, documenting that the vaccine information statement was provided. The bill provides specific language to be used for the signed statement.

The bill provides that the practitioner must include the signed statement in the minor's medical record.

Last Action: 04/15/09 SENATE Favorable with CS by Children, Families, & Elder Affairs Committee

CS/HB 267 - Affordable Housing (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 prices are limited by a formula contained in the ground lease that restricts the market price of the home to ensure continuous affordability.

The bill creates s.193.018, F.S., which establishes special provisions for property appraisers to use in determining the just valuation of properties held by community land trusts. The bill provides that the land owned by a community land trust must be assessed based on the fair market value of the property as limited by the terms of the ground lease that restrict the use of the land to the provision of affordable housing in perpetuity. Any improvements, condominium parcels or cooperative parcels must be assessed based on the fair market value of the property as limited by the terms of the ground lease.

Last Action: 04/13/09 HOUSE Favorable by Finance & Tax Council

Bills Heard This Week Continued

CS/SB 308 - Autism Spectrum Disorders Health Insurance Screening (Health Regulation Committee and Senator Ring)

The committee substitute requires a physician to refer a minor whose parent suspects the minor has autism spectrum disorder (ASD) to an appropriate specialist immediately for screening, evaluation, or diagnosis. The bill requires insurers and health maintenance organizations (HMOs) to provide direct access to an appropriate specialist for the diagnosis of ASD. The terms "direct access" and "appropriate specialist" are defined in the bill.

The bill mandates health insurance policies and HMO contracts to provide at least three visits per policy year for the screening, evaluation of, or diagnosis for ASD.

Last Action: 04/14/09 SENATE Favorable with CS by Banking and Insurance Committee

SB 338 - Florida KidCare Outreach Study (Senator Wilson)

SB 338 requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to study the effectiveness of the Florida KidCare outreach program and submit a report to the President of the Senate and the Speaker of the House of Representatives by January 1, 2010. If the OPPAGA finds shortcomings in the KidCare outreach efforts, the report must include options for improvement.

Last Action: 04/15/09 SENATE Favorable by Health Regulation Committee

CS/CS/H B 589 - Alzheimer's Disease (Schwartz)

CS/CS/HB 589 directs the Department of Elderly Affairs, to develop a public education program regarding memory impairment screening and early diagnosis of Alzheimer's disease and related disorders. The department is required to submit an annual report concerning these activities.

The bill authorizes the department to award grants to entities that support programs that provide memory screening information and services, and establishes evaluation and selection criteria of grant applicants.

Last Action: 04/13/09 HOUSE Favorable with CS by Healthy Seniors Appropriations Committee

SB 642 - Autism Programs and Related Disabilities (Senator Altman)

SB 642 requires the Department of Highway Safety and Motor Vehicles (DHSMV) to develop an Autism license plate, available to drivers willing to pay an extra \$25 annual use fee. Proceeds from the plate will be distributed to Achievement and Rehabilitation Centers, Inc. (the Achievement Center), to fund service programs for autism and related disabilities throughout Florida and to establish and operate programs to support individuals with autism and related disabilities through direct services, evaluation, training, and awareness.

Last Action: 04/15/09 SENATE Favorable with CS by Health and Human Services Appropriations Committee

SB 654 - Juvenile Justice (Senator Dean)

SB 654 amends several juvenile justice laws involving primarily the detention of children, as follows:

- Permits the court to retain jurisdiction over a child older than 18 and the child's parents or guardians until all costs, fees, and costs associated with court-appointed counsel have been satisfied;

Bills Heard This Week Continued

- Permits a child to be taken into custody for violating the conditions of preadjudicatory release set by the court;
- Permits the detention of a child that absconds from home or nonsecure detention care or otherwise violates the terms of release while awaiting placement in a residential facility, commits a new law violation, or intentionally fails to appear for trial;
- Requires that a child be placed in secure detention care upon intake if alleged to have absconded from home or nonsecure detention or otherwise violates the terms of postadjudication release;
- Provides that the preadjudication and postadjudication time limits for holding a child in detention care do not apply to a child held in secure detention for absconding from home or nonsecure detention, committing a new law violation, or otherwise violating the terms of release after adjudication while awaiting placement in a residential facility; escaping or absconding from certain residential, probation, or other programs; being charged with certain acts specified in current law; or intentionally failing to make a court appearance;
- Provides that the only detention option for a child committed to a high risk or maximum risk residential program is secure detention;
- Makes the court primarily responsible for determining the appropriate restrictiveness level for a child committed to a residential program; and
- Provides counties with the option to levy a mandatory court cost of up to \$50 to fund local juvenile crime initiatives.

Last Action: 04/15/09 SENATE Temporarily postponed by Criminal Justice Committee; 04/16/09 SENATE On Committee agenda - Criminal Justice Committee, 04/21/09

SB 746 - Direct-Support Organizations/Department of Elder Affairs (Senator Fasano)

SB 746 provides for the establishment of a direct-support organization for the Department of Elder Affairs. The organization will provide assistance, funding, and support for the department in carrying out its mission.

Last Action: 04/16/09 SENATE Favorable with CS by Governmental Oversight and Accountability

HB 767 - Mental Health and Substance Abuse Services (Fitzgerald and others)

HB 767 creates an integrated adult mental health crisis stabilization and addictions receiving facility program in the Department of Children and Families. The bill authorizes the Agency for Health Care Administration to license facilities that integrate adult crisis stabilization and addictions receiving facility services. The integrated facilities will be licensed as adult crisis stabilization units; the agency currently licenses crisis stabilization units for the department's Mental Health program. The bill also designates the specific adult population that may receive services in the integrated facilities and provides the department with rule authority to designate eligibility criteria, clinical procedures, staffing, operational, administrative, financial, and compliance investigation requirements for the integrated facilities. The department anticipates the bill will provide greater fiscal efficiencies and better services to the people entering receiving facilities with co-occurring disorders.

Last Action: 04/15/09 HOUSE Favorable by Full Appropriations Council on General Government & Health Care

CS/CS/SB 770 - Area Agencies on Aging (Senator Fasano)

CS/CS/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.

Bills Heard This Week Continued

The bill provides that a lead agency must be designated every six years rather than every three years.

The bill provides that the area agencies on aging shall develop their own dispute resolution procedures and requires that such agencies are nongovernmental, not-for-profit entities.

Last Action: 04/15/09 SENATE Favorable by Health and Human Services Appropriations Committee

CS/HB 783 - Education for Children in Shelter Care or Foster Care (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. In addition, the bill:

- 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;
- Provides that judicial and citizen panel reviews of dependency cases must include consideration of testimony from a surrogate parent;
- Specifies 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 that 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; and
- 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: 04/15/09 HOUSE Favorable by Full Appropriations Council on General Government & Health Care

HB 807 - Florida KidCare Program (Clarke-Reed and others)

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, the Department of Health, Children's Medical Services, the Agency for Health Care Administration, the Department of Children and Families, the Department of Education and the Florida Healthy Kids Corporation related to:

- Determining expenditures;
- Coordinating with other health related programs to avoid duplication, Providing services to children in Florida KidCare;
- Making information available to parents of eligible children;

Bills Heard This Week Continued

- Offering services to the target population;
- Providing medical assistance; and
- Determining eligibility and increasing enrollment in Florida KidCare program.

The bill directs OPPAGA's report to focus on:

- Local outreach in low enrollment counties;
- Examining how counties having higher enrollment level reach target populations;
- Deficiencies in the outreach process; and
- Options and projected cost for correcting deficiencies.

OPPAGA must submit a report to the Speaker of the House or Representatives and the President of the Senate by January 1, 2010.

Last Action: 04/15/09 HOUSE Favorable by Full Appropriations Council on General Government & Health Care

CS/SB 892 - Mental Health and Substance Abuse Services (Senators Bennett and Detert)

This committee substitute authorizes the Agency for Health Care Administration (AHCA), in consultation with the Department of Children and Family Services (DCF or department), to establish integrated mental health crisis stabilization and addictions receiving facilities for adults. The committee substitute specifies categories of individuals who may receive services in these facilities, and requires the DCF, in consultation with the AHCA, to adopt, by rule, standards governing the facilities.

Last Action: 04/15/09 SENATE Favorable by Health and Human Services Appropriations Committee

CS/SB 918 - Florida KidCare Program (Health Regulation Committee; Senators Rich and others)

Committee Substitute for SB 918 makes several changes in the Florida KidCare program. The bill:

- Modifies eligibility determination by requiring family income to be verified electronically;
- Removes administrative barriers to the program by:
 - Decreasing the period of time that a child is disenrolled from the KidCare program for nonpayment of premiums from 60 to 30 days;
 - Reducing the waiting period from 6 months to 60 days for KidCare eligibility for families that have voluntarily cancelled their employer-sponsored or private health insurance and increasing the number of "good cause" reasons that families can use to voluntarily cancel their health insurance coverage and be immediately eligible for KidCare coverage without a waiting period.

Last Action: 04/14/09 SENATE Favorable by Banking and Insurance Committee

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

CS/CS/HB 935 amends several sections of law relating to Area Agencies on Aging. Specifically, the bill directs the area agencies on aging to develop and include in request for proposals a dispute resolution mechanism that is an alternative to judicial or administrative litigation. 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: 04/13/09 HOUSE Favorable with CS by Healthy Seniors Appropriations Committee

Bills Heard This Week Continued

CS/SB 1054 - Homelessness (Children, Families, and Elder Affairs Committee and Senator Crist)

CS/SB 1054 revises provisions of the “Affordable Housing Planning and Community Assistance Act” by adding definitions, revising the membership of the Council on Homelessness, and creating the Housing First program as an alternative approach to ending homelessness for individuals and families. The bill establishes the Legislature’s intent that state agencies and community-based care providers develop and implement procedures designed to reduce the number of young adults who become homeless after leaving the child welfare system.

Last Action: 04/14/09 SENATE Favorable by Community Affairs Committee

CS/HB 1211- Juvenile Justice (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;
- 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; and
- Requires the DJJ to validate the detention risk assessment instrument and adds two child advocates to the detention risk assessment instrument committee.

Last Action: 04/13/09 HOUSE Favorable with CS by Criminal & Civil Justice Appropriations Committee

CS/CS/SB 1540 - Zero Tolerance Policies/Schools (Senators Wise and Sobel)

CS/CS/SB 1540 requires district school boards to revise their zero-tolerance policies to:

- Define petty misconduct and offenses that pose a serious threat to school safety;
- Prohibit the reporting of petty misconduct and certain misdemeanors to a law enforcement agency;
- Provide for a review of the disciplinary action taken against a student pursuant to s. 1006.07, F.S.; and
- Consider the particular circumstances surrounding the student’s misbehavior in any disciplinary or prosecutorial action.

The bill also requires cooperative agreements to specify guidelines for offenses that pose a serious threat to school safety and reporting them to law enforcement.

Finally, the bill requires a district school board having a policy authorizing corporal punishment to review such policy every three years during a public school board meeting. If the meeting does not occur, the corporal punishment policy expires.

Last Action: 04/15/09 SENATE Favorable with CS by Judiciary Committee

Bills Heard This Week Continued

CS/SB 1840 - Health Care (Senator Deutch)

CS/SB 1840 creates the Protecting Florida's Health Act. It levies a \$1 per pack surcharge on cigarettes and a \$1 per ounce surcharge on tobacco products other than cigarettes, including cigars.

The Revenue Estimating Conference has determined that the net additional revenue attributable to the levy of a \$1 surcharge on cigarettes is \$874.4 million annually.

The surcharge on other tobacco products is expected to generate \$1 26.8 million in FY 2009- 2010.

Last Action: 04/16/09 SENATE Passed (Vote: 39 Yeas / 0 Nays); Immediately certified

CS/SB 2612 - Substance Abuse and Mental Health Services (Senator Wise)

Committee Substitute for Senate Bill 2612 makes numerous technical and conforming changes to statutes relating to substance abuse and mental health services. Among others, the committee substitute:

- Deletes a requirement for a contract between the Department of Children and Families (DCF or the department) and residential treatment facilities;
- Sets client eligibility for substance abuse and mental health services by establishing priority populations to receive these services;
- Makes substantial changes to the licensure process for substance abuse programs and requires licenses to be issued by service component, rather than issuing a license by facility; and
- Requires the department to coordinate licensure inspections with other state agencies.

Last Action: 04/15/09 SENATE Favorable with CS by Health Regulation Committee

CS/SB 2626 - Telecommunications Companies (Committee on Communications, Energy, and Public Utilities, Senator Haridopolos and others)

Chapter 364, F.S., provides for the regulation of telecommunications companies. The Florida Public Service Commission (PSC or commission) is delegated the responsibility for the regulation of local exchange telecommunications companies.

CS/SB 2626 reduces or modifies existing regulation for local exchange service by among others:

- Removing PSC authority to:
 - Oversee otherwise exempt services as specifically authorized by federal law;
 - Compel repairs to secure adequate service or facilities for the provision of nonbasic services;
 - Resolve service complaints concerning nonbasic services; and
 - Establish maximum rates and charges for operator services.
- Amending the definitions of "basic local telecommunications service" and "nonbasic service" to provide that only single-line, flat-rate residential service taken with no additional calling features or other services is classified as basic service;
- Removing the requirement that a local exchange company advise each residential customer of the least-cost service available to that customer when the customer initially requests service, unless the customer initially requests basic local telecommunications service;
- Allowing telecommunications companies to publish their rate schedules through electronic or physical media and removing the requirement that companies file the schedules with the PSC; and
- Providing that companies subject to price cap regulation will be exempt from PSC regulation of the terms of telecommunications service contracts.

Last Action: 04/14/09 SENATE Favorable with CS by Commerce Committee

Bills Heard This Week Continued

HB 5115 - Department of Juvenile Justice (Adams)

HB 5115 increases the existing \$1.00 surcharge on the annual license tax imposed for the operation of a motor vehicle to \$1.50. The bill provides that of the \$1.50 surcharge, 58 cents will be deposited into the General Revenue Fund, and 92 cents will be deposited into the Grants and Donations Trust Fund in the Department of Juvenile Justice to fund the community juvenile justice partnership grants and prevention programs. Currently, 42 cents is deposited into the Grants and Donations Trust Fund, and all of the increase will be dedicated to this fund.

The Revenue Estimating Conference projects this 50 cent increase will generate an estimated \$6,909,901 increase in revenues to the Grants and Donations Trust Fund in the Department of Juvenile Justice in Fiscal Year 2009-10. After the service charge to general revenue of \$483,693, the net revenue increase to the trust fund will be \$6,426,208.

Last Action: 04/14/09 HOUSE Placed on Special Order Calendar for 04/16/09



United Way of Florida

UNITED WAY OF FLORIDA, INC.

Tallahassee, FL 32303

Phone - (850) 488-8287

Fax - (850) 681-9137

Ted Granger

President & Editor

Beth Meredith

Chief Operating Officer

Kay Racine

Office Manager

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