

Legislative Link

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

WHAT'S INSIDE:

	<u>Page</u>
KidCare Open Enrollment.....	2
Georgia's VPK Program.....	2
Animal Cruelty.....	2
Quality UPK A Must.....	3
Florida's Minimum Wage.....	3
Rape Crisis Center Funding.....	4
The Statue of Liberty.....	4
Bills Heard this Week.....	5

2-1-1 FACES UPHILL BATTLE

Florida's 2-1-1 providers serve about 80 percent of Florida's population (13.5 million people) in 38 counties throughout the state. Unfortunately, people who live in the other 29 counties don't have access to this incredibly valuable service, service that equates to the 911 telephone number for human services and volunteerism.

Why don't they have access? Simply put, because of money . . . lack of it/Florida's communities – United Ways, Children's Services Councils, County governments, etc. – currently invest more than \$7 million to 2-1-1 each year. Those communities see the value of 2-1-1 every day, and experience the extraordinary benefits following the 2004 hurricanes.

HB 751 by Representative Jennings and SB 1604 by Senator Lynn are both wending their way through the legislative process (SB 1604 passed the Senate Health Care Committee on Tuesday and will be heard by Community Affairs on Monday). Companion bills, they seek to authorize a \$5 million appropriation that will allow 2-1-1 to expand or be created in currently unserved counties, and will pave the way for cell phone access across the state. Without this funding 2-1-1 will not be available statewide in the foreseeable future, and Florida's human services and disaster preparedness and response systems will continue to have serious voids.

While the bills are moving, their futures are uncertain. The \$5 million they seek will need to come out of a general revenue pot that is stretched thin by class size, Medicaid, UPK, and other demands. All of it – and more – is already spoken for. Which means the next stop for the House Bill – the House Health Care Appropriations Committee - is critical; it is unlikely the bill will pass this committee or its Senate counterpart unless funding is going to be forthcoming. Consequently, major awareness efforts will be undertaken during the next 2-3 weeks to ensure members of these Committees recognize the value of joining communities around the state in investing in 2-1-1.



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

KIDCARE OPEN ENROLLMENT: YES!

On Wednesday, the House Health Care General Committee passed CS/HB569. Thanks The bill allows enrollment in the Medikids component of Florida KidCare at any time throughout the year, rather than open enrollment periods as specified in s. 409.8134, F.S. Providing year-round MediKids enrollment will enable more eligible families access to affordable health coverage for their children at any time during the year.

This bill also allows the Florida KidCare Program to conduct enrollment at any time throughout the year; requires Florida KidCare administrators to ensure the year-round enrollment period is announced by January 1, 2006; deletes the limited enrollment periods currently in January and September; and deletes the limited criteria by which the CMS Network may annually enroll children on an emergency basis. These changes will allow the program to utilize the full amount budgeted by the legislature and should result in allocated funding being fully utilized.

GEORGIA'S VPK PROGRAM

In Georgia, about 70,000 four year olds attend full-day; full-school-year PreKindergarten in public and private schools. About half of Georgia's families with four year olds use Pre-K, about half of them from low-income educationally disadvantaged backgrounds. Georgia spends \$271 million annually - about \$3,871 per child - on the program. (This is the amount received by providers, not the overall per student cost of the program, which includes other costs such as infrastructure, assessment, governance, etc.) Lead teachers in Georgia UPK classrooms must have at least a two-year college degree, and student-to-teacher ratios are 10:1. School buses can also be used to transport the children.

By contrast, Legislators in Tallahassee are considering funding Florida's VPK program that begins this fall with a per student allocation of \$2,500, which is intended to cover the costs for everything, not just provider costs.

WORLD'S THINNEST BOOKS

A COLLECTION of MOTIVATIONAL SPEECHES
by Dr. J. Kevorkian

GUIDE TO DATING ETIQUETTE
by Mike Tyson

SPOTTED OWL RECIPES
by the EPA

ANIMAL CRUELTY INDICATIVE OF ADULT ABERRANT BEHAVIOR

Studies indicate childhood or adolescent histories of animal cruelty in:

- 25% of aggressive male prison inmates
- 30% of convicted child molesters
- 36% of assault women offenders
- 46% of incarcerated sexual homicide perpetrators
- 48% of convicted rapists
- Adult homicide perpetrators who were sexually abused as children report higher rates of childhood cruelty to animals (58%) than perpetrators not reporting sexual abuse (15%).

(Arkow, *Breaking the Cycles of Violence, A Practical Guide*, A Latham Foundation Publication; Interim Project Report 2005-125; Connection Between Domestic Violence, Child Abuse and Cruelty to Animals)

MEDICAID

Governor Bush has proposed a major overhaul to Florida's Medicaid system. His "Empowered Care" proposal can be viewed at

http://www.empoweredcare.com/docs/empoweredcare_proposed_concept.pdf

FLORIDA TAXWATCH REPORT: QUALITY UPK A MUST!

Florida TaxWatch, a private, non-profit, non-partisan research institute supported primarily by businesses, corporations, and professional firms, released a report late last year entitled "Making a Better Quality Universal Prekindergarten Program for Florida's Children". The report offers no surprises for those who promote quality UPK. But because the messenger is a business oriented conservative research institute, advocates hope legislators will ultimately be more inclined to listen.

The TaxWatch report concludes that children will maximize their learning and increase their chances of academic success if Florida's new UPK program:

- Offers parents a choice of a four to six hour day
- Has one teacher for every 10 children
- Limits class size to 20 students
- Requires that all lead teachers have Bachelors Degrees by 2010

You can access the report at the TaxWatch website located at www.floridataxwatch.org.

Identity Theft: Beware

- Approximately 10 million Americans discovered that they were victims of identity theft in 2002.
- \$33 billion impact from identity theft during that one year period.

Source: Senate Government & Productivity Committee

Florida's Minimum Wage – the federal minimum wage of \$5.15 an hour was last increased in 1997, from \$4.75. Adjusted for inflation, that minimum wage would be close to \$8.00 an hour today. Last November, Florida's voters, by an overwhelming majority of 71 percent, changed Florida's Constitution to require that this May, the minimum wage in Florida will increase to \$6.15 per hour. Employer groups, claiming the increase will actually cost jobs and negatively influence the economy, are working with the Legislature to "clarify" the terms in the constitutional amendment such as "employer", "employee", "wages", and other provisions relating to worker's abilities to sue an employer for back-wages.

Steven Wright, once said:

I'd kill for a Nobel Peace Prize.

Half the people you know are below average.

Conscience is what hurts when all your other parts feel so good.

A clear conscience is usually the sign of a bad memory.

RAPE CRISIS CENTER FUNDING NEEDED NOW

According to national research cited by the Florida Council against Sexual Violence (FCASV), approximately one out of every nine adult women in Florida has been the victim of forcible rape. That translates into more than 700,000 women. This disturbing figure is considered a conservative estimate, as it does not include teenagers and male victims.

At the same time, Florida ranks 47th in the nation in the number of rape crisis programs per capita. If one out of every nine women has been the victim of forcible rape, that means one program exists for every 18,000 adult, female survivors. And, because there are only approximately 100 rape crisis advocates in the state who provide services 24-hours a day, seven days a week, in order to serve every victim of rape in Florida, FCASV reports that each advocate would need to reach 7,130 female survivors to provide hotline services, crisis

intervention, advocacy, medical intervention, and counseling.

In 2003, the Florida Legislature passed landmark legislation creating a Rape Crisis Program Trust Fund. Certain convicted sexual offenders are required to pay \$151 into the Trust Fund, which is used to provide funding to rape crisis centers. However, the amount of funding generated by the Trust Fund is insufficient to cover existing needs, and will not be capable of providing sufficient funding for several years. As a result, general revenue is needed to ensure the rape crisis centers are able to provide the basic services that most victims of sexual assault need. As FCASV says, victims of sexual assault can't wait for offenders to be convicted and pay before they receive basic services. For more on this important issue, visit the FCASV website at <http://www.fcasv.org/>.

THE STATUE OF LIBERTY: LADY LIBERTY

The Statue of Liberty was conceived at a dinner party in France in 1865 and was built, over the next twenty years, by French engineering genius Gustave Eiffel, who would soon build the famous tower in Paris. But in 1885 when pieces of the Statue began to arrive in New York, there was no place to put her – neither the state, local, or federal governments would provide the funding for a pedestal, and without a pedestal she could not stand.

Joseph Pulitzer, who at age 17 immigrated to the United States from Hungary knowing no English, and who had previously fought in the Civil War and started in his new career with the *St. Louis Post Dispatch*, had already bought the *New York World*. Pulitzer learned of the pedestal plight and implored his readers “the Statue is not a gift from the millionaires of France to the millionaires of America, but a gift of the whole people of France to the whole people of America. Let us not wait for the millionaires to give the money. Let us share from the people!” As an incentive, Pulitzer promised to print the names of any contributor, large or small, in the *New York World*. Finally, in 1886, after millions of donations had been made, Lady Liberty took her now famous position. Emma Lazarus, whose ancestors fled from Europe in the face of religious persecution in the 17th Century and who penned “The New Colossus” while donations were being made died before it was decided that the last five lines of her poem would be etched on the pedestal of the Statue:

Give me your tired
Your poor;
Your huddled masses yearning
To breathe free, the wretched refuse of your
Teeming shore.
Send these, the homeless, tempest-tost to me
I lift my lamp beside the golden door!
(Source: Excerpted from the *Tallahassee Democrat*)

BILLS HEARD THIS WEEK

(Excerpted from Senate and House Committee Staff analyses.)

CS/SB 62 – Services for Seniors & Adults with Disabilities (Community Affairs; Campbell; Rich)

CSSB 62 authorizes counties to create, by ordinance, an independent district to provide funding for services for seniors and adults with developmental disabilities throughout the county. These provisions are modeled on similar statutory provisions for Children's Services Districts and Health Care Districts. A dependent special district may also be created under certain circumstances.

The county governing body must obtain initial approval, by a majority vote of those electors voting on the question, to create the district, which may then levy ad valorem taxes of up to 0.5 mills. Once the millage is initially approved by the electorate, the district is not required to seek approval of the electorate in future years to levy the previously approved millage.

The governing board of the district is to be a council on services for seniors and adults with developmental disabilities, consisting of 11 members. The membership must include:

- The executive director of the area agency on aging or his or her designee who is a director of senior programs;
- The county director of human services or his or her designee who is a director of elderly services;
- One person who is a director of programs for adults with developmental disabilities or his or her designee;
- One member of the county governing board;
- One non-voting member of the legislative delegation for the county appointed by the delegation chair; and
- One county representative of the Florida League of Cities.

The executive director of the area agency on aging or his or her designee and the county director of human services or his or her designee, and the director of programs for adults with developmental disabilities or his or her designee are permanent positions. The members from the county governing board, the legislative delegation, and the Florida League of Cities serve 2-year terms.

The other five members are county residents appointed by the Governor for 4-year terms and must represent, to the greatest extent possible, the cultural diversity of the county's population. At least one of the gubernatorial designees must be 60 years of age or older, and at least one must be an individual who is a caretaker or family member of a person who is 22 years of age or older and has a developmental disability.

The bill also: 1) provides that any district may be dissolved by a special act of the Legislature, or by ordinance of the county governing body, subject to the approval of the electorate; 2) authorizes counties to, by ordinance, create a dependent special district without taxing authority to provide preventive, developmental, treatment, and rehabilitative services for seniors and adults with developmental disabilities; and 3) provides that it is the intent of the Legislature that the funds collected pursuant to this section be used to support improvements in services for seniors and adults with developmental disabilities and that such funds not be used as a substitute for existing resources or for resources that would otherwise be available for such purposes.

Last Action: SENATE Passed; HOUSE In Messages

HB 99 – Designation of an Official Fruit of the State of Florida (Clarke)

Florida is the largest producer of oranges in the nation; its 2003-04 crop comprised 84% of the United States' total orange production. That season, Florida produced 10.8 million short tons of fruit. More than 90% of America's orange juice is made from Florida-grown oranges.

Bills Heard this Week continued

Among other states with state fruit designations are:

- Arkansas (South Arkansas vine ripe pink tomato),
- Georgia (peach)
- Idaho (huckleberry)
- New York (apple)
- North Carolina (scuppernong grape)
- Rhode Island (Rhode Island Greening Apple)
- Texas (Texas red grapefruit)
- Utah (cherry), and
- Washington (apple)

HB 99 designates the orange (*Citrus sinensis* and hybrids thereof) as the official fruit of Florida

Last Action: HOUSE Favorable by State Administration Council

CS/HB 107 – Community Residential Homes (Lopez-Cantera)

House Bill 107 amends the statutory provision relative to Community Residential Homes with six or fewer residents. This change requires that, prior to occupancy, the sponsoring agency must provide the local government with the most recently published data compiled that identifies all community residential homes in the district in which the proposed site is located in order to show that no other community residential home is within a radius of 1,000 feet of the proposed home with six or fewer residents. Currently, Community Residential Homes with seven to fourteen residents must provide this information but not Community Residential Homes with six or fewer residents.

Last Action: HOUSE Favorable by Health Care Appropriations

HB 151 – Access to Health Care Act (Sorensen)

House Bill 151 amends s. 766.1115, F. S., the “Access to Health Care Act,” that provides criteria under which health care providers can deliver free medical care to low-income persons under the doctrine of sovereign immunity. The bill expands the definition of “low income” from 150 percent to 200 percent of the federal poverty level, increasing the number of persons potentially eligible for the program by an additional 468,637 persons. According to the Department of Health, the revision in eligibility is not expected to significantly increase the number of people statewide participating in the program because there is no expectation of a significant increase in the number of health care providers donating free services.

Last Action: HOUSE Read Second Time

HB 153 – Individuals with Disabilities/Service Animals (Carroll)

Service animals have been used since the 1960’s to provide greater independence for individuals with disabilities.¹ Beginning in the 1970’s, service animals were trained to provide specialized services to individuals with disabilities. These specialized services include “operating light switches, retrieving items, pulling wheelchairs, and opening doors.” Dogs may also assist individuals with a hearing impairment by alerting them to intruders or various sounds. With the increase in the use of service animals, federal legislation was passed in the 1980’s to provide public access for individuals accompanied by service animals.

HB 153 changes definitions on Florida’s law books to mirror the definitions in federal law (primarily the Americans with Disabilities Act (ADA)). Specifically, the bill defines the terms: housing accommodation, individual with a disability, service animal, and place of public accommodation.

Bills Heard this Week continued

In addition, the bill provides that an individual with a disability is entitled to full and equal (access) in all state and local government facilities, programs, services, and activities.

It prohibits requiring documentation that a service animal is trained as a precondition for providing service to an individual accompanied by a service animal; however, a proprietor is authorized to ask if the animal is a service animal or what tasks the animal has been trained to perform in order to distinguish a service animal from a pet. An individual with a service animal may not be segregated from other customers or the public.

A proprietor may not charge a deposit or surcharge as a condition of providing access to an individual accompanied by a service animal. However, if it is the regular policy of the proprietor to charge a nondisabled person for damage caused by their pet, the individual with a disability must also pay for any damage caused by their service animal.

The provision allows a proprietor or government employee to exclude or remove a service animal from the premises if the animal's behavior poses a direct threat to the health and safety of others. Allergies and fear of animals are not permissible bases for exclusion under the bill.

In addition, the bill increases the penalty for discriminating against an individual with a disability when providing housing accommodations from a second degree misdemeanor to a first degree misdemeanor. (See also **CS/SB 434**)

Last Action: HOUSE Favorable by State Administration Appropriations

CS/HB 177 – Drug Court Programs (Adams)

The term “drug court” refers to court programs that specialize in cases where alcohol or drug addiction has led a person into trouble with the law.

Dependency court is for children who are dependent upon the state to protect them from abuse or neglect by their adult caretaker or caretakers. This bill authorizes a dependency court to order individuals involved in a dependency court case to be evaluated for drug or alcohol problems, and allows the court to refer an addicted individual to dependency drug court for monitoring of treatment. This bill may also allow incarceration of persons referred to dependency drug court who fail to comply with the conditions of the referral.

Last Action: HOUSE Now in Justice Council

HB 227 – Children’s Summer Nutrition Programs (Greenstein)

House bill 227 requires each district school board to develop a plan to sponsor a summer nutrition program, but allows school boards to exempt themselves from actually sponsoring the program. School boards that exempt themselves may encourage not-for-profit entities to sponsor a summer nutrition program.

Last Action: HOUSE Favorable with CS by PreK-12

SB 230 – Human Immunodeficiency Virus (Wilson)

The bill amends provisions relating to the statewide human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) prevention campaign that targets minority communities, to require that the campaign be expanded to include prevention information specifically targeted to Florida’s Hispanic and Haitian communities. The bill increases the number of state-funded HIV and AIDS regional coordinators from four to eight, and requires the Department of Health (DOH) to provide HIV/AIDS outreach programs in Florida’s minority communities and to address real and perceived barriers to HIV testing among Florida’s minority populations.

Bills Heard this Week continued

The program must ensure that HIV-positive persons are linked with prevention, care, and support services. The program must be provided in a culturally sensitive manner to promote prevention among persons who are HIV positive and foster the acceptance and delivery of care and support services in high-risk communities.

Last Action: SENATE Now in Health and Human Services Appropriations

HB 287 – Affordable Housing for the Elderly (Patterson)

The State Apartment Incentive Loan (SAIL) Program was created in 1992 to stimulate production of affordable, multi-family rental housing for very-low income individuals and families and is currently administered by the Florida Housing Finance Corporation. This program was created to provide first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons, including the elderly.

These loans have been capped since program inception at a maximum of \$200,000 and cannot exceed the sponsor's equity in the facility. The loans are capped at no more than 3% interest (current loans are made at 1%) and can be financed for no more than 15 years. The sponsor must match 15 percent of the loan amount and demonstrate evidence of the first mortgagee's review and approval of the sponsor's intent to apply for the loan. The proceeds of the loans may not be used for administrative costs, routine maintenance, or new construction.

The bill increases the cap on loans made under the State Apartment Incentive Loan Program for the improvement of homes for the elderly from \$200,000 to \$750,000. The current cap of \$200,000 with a 15 percent match would limit the scope of projects to those around \$235,000 unless additional credit is made available to the sponsor through the private credit market. This current limit may discourage the use of program for projects which exceed this amount. The change in the cap amount would allow projects as large as \$882,000 to be eligible to use the loan program if all other criteria are satisfied, which could increase program participation.

Last Action: HOUSE Favorable by Elder & Long-Term Care

SB 512 – Protective Injunctions (Aronberg)

Senate Bill 512 revises existing law relating to protective injunctions, which currently provides that a parent or legal guardian who is seeking a protective injunction for a minor child living at home must have personally eyewitnesses, have affidavits from eyewitnesses, or have direct physical evidence of the basis for the injunction, regardless of the status of the respondent. This bill specifies that the eyewitness and direct-evidence requirements only apply in cases where the respondent is also a parent, stepparent, or legal guardian to the minor child.

Last Action: SEANTE Read Third Time; Passed

CS/SB 590 – Mold Assessment/Remediation (Regulated Industries and Bennett)

CS/SB 590 authorizes the Department of Business and Professional Regulation, Construction Industry Licensing Board (board), to regulate individuals and companies who hold themselves out to the public to perform mold assessment or mold remediation for compensation.

The committee substitute provides for licensure of business organizations practicing mold assessment or mold remediation and requires that the board shall provide, by rule, when and in what manner a licensee may perform both mold assessment and mold remediation on the same contract or project.

Last Action: SENATE Favorable with CS by Commerce and Consumer Services

HB 735 – Assistive Technology Devices and Services (Ausley)

HB 735 requires the development of interagency agreements by the Florida Infants and Toddlers Early Intervention Program, the Division of Blind Services, the Bureau of Exceptional Education and Student Services, the Division of Vocational Rehabilitation, and the Voluntary Pre-kindergarten Education Program. The agreements are intended to ensure that any assistive technology device issued to a young person as part of his or her individualized plan remains with that child as he or she transitions through the educational system.

The agreements are also intended to provide a system for ensuring that young persons with disabilities and their families, educators and employers are informed about the utilization and coordination of assistive technology devices and services that may assist in meeting the young person's transition needs.

Last Action: HOUSE Favorable by Elder & Long-Term Care

SB 752 – Ms. Willie Ann Glenn Act (Wise)

The bill creates the Ms. Willie Ann Glenn Act to require school districts to develop a plan for sponsoring a summer nutrition program in each school district beginning in 2006, subject to specific criteria. The bill sets forth requirements for the Department of Education (DOE) and school districts to operate the program and provides procedures for districts to seek an exemption from operating a program. School superintendents must implement the plan for the summer food program and may collaborate with local government and private, nonprofit leaders to develop the plan.

Last Action: SEANTE Favorable by Children and Families

HB 883 – Health Care Services for Minors and Incapacitated Persons (Ryan)

In 2004, the department studied the use of psychotropic medication with children in its custody over a specified period of time. As a result of this study, it was determined that 13 percent of all children in state custody were receiving at least one psychotropic medication. Further analysis indicated that of the children receiving at least one psychotropic medication, eight percent were being treated with three or more medications concurrently. Findings also indicated that 3.5 percent of the children in state custody who were age five and under received at least one psychotropic medication. A surprising finding was that 25 percent of the children living in a foster care setting were being treated with psychotropic medications, a rate five times higher than that for the general population of Medicaid eligible children.

HB 883 specifies requirements for the Department of Children and Families (department) with respect to providing psychotropic medication to a child in the custody of the department. The bill:

- Requires the prescribing physician to attempt to obtain express and informed parental consent for providing such medication.
- Authorizes the department to provide psychotropic medication without such consent in certain circumstances.
- Requires the child to be evaluated by a physician.
- Requires the department to obtain court authorization for providing such medication within a specified period of time.
- Specifies circumstances under which medication may be provided in advance of a court order.
- Requires that a hearing be held on the motion to provide psychotropic medication to a child under certain circumstances.
- Requires the department to provide a child's medical records to the court.
- Requires the department to adopt rules governing procedures for determining the services needed, obtaining personal consent, and obtaining court authorization for the use of psychotropic medication.

Bills Heard this Week continued

- Requires that a patient be asked to give express and informed consent before admission or treatment.
- Requires additional information be provided with respect to risks and benefits of treatment, the dosage range of medication, potential side effects, and the monitoring of treatment.

According to the Department of Children and Families, it will cost an estimated \$1,127,800 in FY 2005-2006 to implement this bill.

Last Action: HOUSE Favorable with CS by Future of Florida's Families

CS/HB 885 – Regional Autism Centers (Goldstein)

Committee Substitute for HB 885 increases the number of regional autism centers from six to seven and requires service delivery to be consistent for all Centers for Autism & Related Disabilities (CARDS).

The CS transfers the service areas of Indian River, Martin, Okeechobee, St. Lucie, and Palm Beach Counties to the new CARD housed within the Department of Exceptional Student Education at Florida Atlantic University.

Currently, families in Indian River, Martin, Okeechobee, and St. Lucie Counties must use the facility at USF in order to receive assistance. Families in Palm Beach County must use the facility at UM.

Last Action: HOUSE Favorable by Elder & Long-Term Care

HB 911 – Multiservice Senior Centers (Anderson)

The Community Care for the Elderly Act is intended to assist functionally impaired elderly persons to live reasonably independent lives in their own homes or in the homes of relatives or caregivers through the use of various community-based services. These services are provided by the Department of Elder Affairs (DOEA), through the Area Agencies on Aging. The Area Agencies, through local lead agencies, direct community care service systems that are intended to prevent or delay the need for costly institutional care. The Act provides that lead agencies

coordinate the activities of individual contracting agencies providing community-care-for-the-elderly services. **When practicable, the activities of a community care service area must be directed from a multiservice senior center and coordinated with other services offered therein.** [emphasis supplied]

HB 797 removes the definition of multiservice senior center from the Community Care for the Elderly Act. It creates a new section of statute and provides a new definition and purpose for multiservice senior centers that emphasizes “the needs and interests of independent older persons.” This definition would suggest a change in mission of the centers from their currently defined role as a provider of services to frail elders.

Last Action: HOUSE Favorable with CS by Elder & Long-Term Care

HB 991 – Adult Protective Services (Culp)

The bill amends the Adult Protective Services Act to allow the Department of Children and Families (DCF) explicit authority to protect persons from the effects of self-neglect.

Last Action: HOUSE Favorable by Elder & Long-Term Care

Church Bulletin Bloopers:

Our youth basketball team is back in action Wednesday at 8 PM in the recreation hall. Come out and watch us kill Christ the King.

SB 996 – Child/Unattended in Motor Vehicle (Dawson)

Senate Bill 996 modifies current law which provides that it is a traffic infraction to leave children unattended or unsupervised in a motor vehicle. Under the bill, a violation would be prosecuted as a second-degree misdemeanor. Additionally, if the violation results in great bodily harm, permanent disability, or permanent disfigurement to a child, the penalty is increased to a second degree felony.

Last Action: SENATE Now in Criminal Justice

CS/SB 1308 – Enclosed Indoor Workplace/Smoking (Regulated Industries Committee)

On November 5, 2002, Florida voters approved constitutional Amendment 6 to prohibit tobacco smoking in enclosed indoor workplaces. Codified as s. 20, Art. X, State Constitution, the amendment defines an “enclosed indoor workplace,” in part, as “any place where one or more persons engages in work, and which place is predominantly or totally bounded on all sides and above by physical barriers...without regard to whether work is occurring at any given time.”

The Legislature implemented the smoking ban by enacting ch. 2003-398, L.O.F., effective July 1, 2003.

CS/SB 1308 provides, among others, that a proprietor or other person in charge of an enclosed indoor workplace may not permit another person to smoke in the workplace. Further, the proprietor or other person in charge who observes a smoking violation or has notice of a violation must request that the violator stop smoking and, if the violator does not comply, must require the violator to leave the premises.

Last Action: SENATE Favorable with 2 Amendments by Commerce and Consumer Services

PCS/SB 1314 – Independent Living (Rich)

CS/SB 1314 proposes amendments to Florida’s Road to Independence Act. Among others, the bill:

- Authorizes young adults formerly in foster care at the time of their 18th birthday to petition the court at any time prior to their 19th birthday to extend the court’s jurisdiction until their 19th birthday for the purposes of:
 - Determining whether appropriate aftercare support, Road-to-Independence Scholarship, transitional support, mental health, and developmental disability services have been provided.
 - Meeting any requirement of federal law with respect to the court’s ongoing jurisdiction pending the federal government’s issuance of a Special Immigrant Juvenile Visa.
- Authorizes a young adult who is eligible for the Road-to-Independence Scholarship to reside in a licensed foster home arranged by the Department of Children and Family Services (DCF or the department).
- Requires that the department enroll certain former foster children in the Florida KidCare program if they do not otherwise have health insurance or are not eligible for Medicaid.
- Provides for a study and a report regarding the health insurance needs of young adults who are no longer eligible for the KidCare program.

Last Action: SENATE Now in Judiciary

SB 1360 – Adult Protective Services (Rich)

SB 1360 amends the Adult Protective Services Act to allow the Department of Children and Families (DCF) explicit authority to protect persons from the effects of self-neglect.

Last Action: SENATE Now in Health and Human Services Appropriations

SB 1498 – Lead Poisoning Prevention Screening and Education (Miller)

The Federal Centers for Disease Control and Prevention (CDC) have termed excessive absorption of lead as “one of the most common pediatric health problems in the U.S. today and it is entirely preventable.” Approximately 434,000 U.S. children aged 1-5 years have blood-lead levels greater than the CDC recommended level of 10 micrograms of lead per deciliter (ug/dL) of blood.

Lead poisoning can affect nearly every system in the body. It can cause learning disabilities, behavioral problems, and, at very high levels, seizures, coma, and even death. Because lead poisoning often occurs with no obvious symptoms, it frequently goes undetected.

The main source of lead exposure among U.S. children is lead-based paint and lead contaminated dust found in deteriorating buildings. Lead-based paints were banned from use in housing in 1978; however, approximately 24 million housing units in the U.S. still contain deteriorated leaded paint and elevated levels of lead-contaminated house dust. More than 4 million of these dwellings are homes to one or more young children.

Senate Bill 1498 creates the “Lead Poisoning Prevention Screening and Education Act.” The bill expands the Department of Health’s health education responsibilities for prevention and identification of lead poisoning by establishing a multifaceted, statewide educational program designed to increase public awareness on the hazards of childhood lead poisoning, primarily as a result of exposure to lead-based paints in older buildings. The bill creates a collaborative public information initiative sponsored by the Governor, the Secretary of Health, and private industry representatives to produce and distribute public service announcements and other materials that contain culturally and linguistically appropriate information.

The bill establishes a statewide screening program for early identification of persons at risk of lead poisoning, including requirements for screening in Florida’s Medicaid program. The bill requires the development of guidelines for medical follow-up of children identified with elevated blood-lead levels, and a surveillance system for geographic areas with the highest prevalence of children with elevated blood-lead levels.

Last Action: SENATE Favorable by Health Care

SB 1550 – Bicycle Regulation (King)

SB 1550 revises safety standard requirements for bicycle helmets which must be worn by certain bicycle riders and passengers to meet federal safety standards. The bill grandfathers in helmets meeting the old standards until January 1, 2009. This bill also specifically authorizes verbal warnings and the issuance of safety brochures for violations of bicycle lighting equipment requirements. Finally, the bill provides penalties for violations of the bicycle lighting equipment requirements and requires the court to dismiss the charge against a bicycle rider for a first violation relating to bicycle lighting equipment requirements upon proof of purchase and installation of the proper equipment.

Last Action: SENATE Favorable by Transportation

SB 1604 – The Florida 211 Network (Lynn)

This bill requires the Florida 211 Network to be expanded statewide and requires all Florida 211 providers to coordinate services with county emergency operations centers during disasters.

The bill appropriates \$5 million in General Revenue to expand the existing 211 network and to enhance current 211 provider organizations. The bill directs the Agency for Health Care Administration (AHCA) to distribute the state funds to the Florida Alliance of Information & Referral Services (FLAIRS) for the purpose of establishing a statewide network and enhancing existing 211 providers. Each 2-1-1 provider electing to receive state funds will be required to contribute local matching funds.

Bills Heard this Week continued

Those 2-1-1 providers receiving state funds must provide individual expenditure reports to FLAIRS, which must forward a statewide report to AHCA. No later than January 15, 2006, AHCA must submit a statewide expenditure report to the Governor and the Legislature.

Last Action: SENATE Favorable with 2 Amendments by Health Care

SB 1622 – Hospices (Atwater)

SB1622 removes the requirement that a hospice be operated as a not-for-profit corporation.

Last Action: SENATE Favorable with CS by Health Care

SB 1684 – Accessing Consumer Services of State Government (King)

SB 1684 directs the State Technology Office to integrate additional features regarding state government consumer services, including information concerning the Florida 2-1-1 Network, into the state's official Internet website. This bill also designates the Department of Agriculture and Consumer Services' Division of Consumer Services as the state clearinghouse for matters relating to consumer protection, information, and services and directs the division to coordinate with the Agency for Health Care Administration to exchange information relating to health and human services. This bill also provides an appropriation of \$250,000 to market the state clearinghouse.

Last Action: SENATE Favorable with CS by Commerce and Consumer Services

SB 1756 – School Readiness (Commerce and Consumer Services Committee)

In 1999, the Legislature passed the School Readiness Act, ch. 99-357, L.O.F., now codified in s. 411.01, F.S. That act integrated several early education programs run by the state Department of Education (DOE) and child care programs run by the Department of Children and Families (DCF) into one system of school readiness delivery. The legislation established a state-level governing board, the Florida Partnership for School Readiness, charged with coordinating statewide program efforts. The act also required that county-level school readiness coalitions be formed to plan, implement and administer the program services locally.

School readiness programs are funded through a mixture of state and federal funds. The combined budget of the system is approximately \$672.2 million, comprised of \$379.7 million from the federal Child Care and Development Fund (CCDF) block grant; \$112.5 million from the federal Temporary Assistance for Needy Families (TANF) block grant; \$177.9 million from the state's General Revenue Fund; and \$2.2 million from other funds, including \$500,000 from the federal Social Services Block Grant.

SB 1756 implements the recommendations of the committee's recent interim project, *School Readiness Programs II: Next Steps in the Evolution of Early Learning*.

Currently, early learning coalitions are required to provide to parents a profile of every VPK program provider with the county or multi-county region. SB 1756 imposes a similar requirement on the coalitions for school readiness providers.

Currently, school readiness providers holding a Gold Seal Quality Care designation are eligible for a stipend of up to 20 percent beyond that provided for school readiness providers without the designation. The bill limits this financial incentive to Gold Seal providers that comply with the educational requirements of the coalition's school readiness program.

The bill amends subsection (6) of s. 401.01, F.S., to establish a definitive priority sequence for admissions to school readiness programs.

Bills Heard this Week continued

As in current law, priority admission is given to children from families in the TANF program and children who are served by the Family Safety Program Office of DCF, or similar local program. Using the eligibility categories in current law, subsequent priority is established as follows:

- Children under the age of kindergarten eligibility who are:
 - Children at risk of welfare dependency, including economically disadvantaged children, children of participants in the welfare transition program, children of migrant farmworkers, and children of teen parents;
 - Children of working families whose family income does not exceed 150 percent of the federal poverty level; and
 - Children for whom the state is paying a relative caregiver payment under s. 39.5085, F.S.
- Three-year-old children and four-year-old children who may not be economically disadvantaged but who have disabilities, have been served in a specific part-time or combination of part-time exceptional education programs with required special services, aids, or equipment, and were previously reported for funding part time with the Florida Education Finance Program as exceptional students.
- Economically disadvantaged children, children with disabilities, and children at risk of future school failure, from birth to four years of age, who are served at home through home visitor programs and intensive parent education programs.
- Children who meet federal and state eligibility requirements for the migrant preschool program but who do not meet the criteria of economically disadvantaged.

The bill also:

- authorizes provision of school readiness services to school-aged children. (The Auditor General's report observed that, in the 2002-2003 fiscal year, 26 percent of school readiness program funds were expended on child care for school-age children and approximately one-third of the children served were school age. According to AWI, the percentage of school readiness program funds expended for school-age children grew to 27 percent, and the percentage of school-age children grew to almost 35 percent of the children served, for the period from January 2003 to August 2004.)
- authorizes local coalitions, with the approval of AWI, to provide transportation to children served by school readiness programs.
- combines in the same statutory section two school readiness quality initiatives: the Teacher Education and Compensation Helps (TEACH) Early Childhood Project and the Home Instruction for Parents of Preschool Youngsters (HIPPI) Program. In addition, AWI, rather than DCF, is authorized to contract with these programs.
- renames the Child Care Executive Partnership (CCEP) Act the Early Learning Executive Partnership Act.
- reflects the transfer of early learning responsibilities from DCF to AWI, which, among others transfers to AWI from DCF responsibility for the statewide resource and referral network and the Warm Line;
- directs AWI to create outcome measurements for children in school readiness programs.
- replaces obsolete provisions relating to the state-level determination of reimbursement rates with provisions requiring the partnership to provide for the adoption of a prevailing market-rate schedule, which must be considered by school readiness coalitions when they adopt their payment schedules.

This section specifies that the schedule will include county-by-county rates at:

- One hundred twenty percent of the prevailing market rate (75th percentile of the market rate) for child development providers that hold a Gold Seal Quality designation and participate in the coalition's School Readiness Program; and
- The prevailing market rate for providers that do not hold a Gold Seal Quality designation.

Last Action: SENATE Favorable with 1 Amendment by Commerce and Consumer Services



United Way of Florida

UNITED WAY OF FLORIDA, INC.

307 East Seventh Avenue
Tallahassee, FL 32303

Theodore G. Granger

President & Editor

Beth Sykes

Chief Operating Officer

Julia Cunningham

Office Manager

phone-----850/488-8287

fax-----850/681-9137

Legislative Link is published by the United Way of Florida, Inc. for our members who may reproduce this newsletter for staff, volunteers, and agencies. All others must call 850/488-8287 for reprint permission.