

# Legislative Link

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

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Helping all children succeed for life.  
An initiative of the United Way of Florida,  
Publix Super Market Charities, Inc. and  
Bank of America.



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## NO PRE-K INPUTS... NO MONEY

Is there a legitimate bank in the US that would make a \$400 million loan to a new manufacturer solely on the manufacturer's commitment to make sure 85% - or even 100% - of its product will be purchased by consumers?

No way.

Yet that's exactly what Florida lawmakers are poised to do with Florida's fledgling universal pre-kindergarten program – write a check to providers who will commit to have 85% of their students assessed as being “ready” when they enter kindergarten.

A bank would require the manufacturer to provide a detailed business plan specifying the “inputs” that would ensure – to the greatest extent possible – that the outputs were indeed going to be quality products.

A quality pre-k program requires those “inputs”, too. Highly qualified teachers, low student/teacher ratios, and proven high quality curriculum. Neither the House nor Senate bills require any of these three components. CDAs are required (a good first step) but no provision for ratcheting up teacher qualifications in the future. No ratios. Providers can select their own curriculum.

Why aren't these common sense inputs required? The spin is that we must focus on “outcomes.” The reality is that it costs money to pay for inputs, and the Legislature is unwilling to fund them.

A well-known fact is that if the Legislature wants to fund something, it will get funded – for example \$10+ million targeted to fund an Alzheimer Center at USF chiropractic school at FSU.

It's also a fact that the Legislature's claim that “we don't have enough money” can be translated to mean “we don't want to raise the money” necessary to fund those services. The Senate has been thwarted in its efforts to review Florida's antiquated tax structure at every turn by the House, even though such traditionally anti-tax-increase organizations such as Florida TaxWatch and Associated Industries have said, “do it”. They recognize that Florida's transportation, health care, k-12 and higher education systems, environment, and human services are so underfunded that their quality – and the quality of life for all Floridians – is being compromised.

Hopefully, following this election cycle, leaders in the House will listen to the wisdom of their Senate counterparts, business leaders, educators and advocates, and take the steps necessary to begin adequately funding services that largely determine the quality of life for all of us in the Sunshine State.

## 2004 HOUSE BUDGET CONFEREES

Chair: Rep. Bruce Kyle  
Vice Chair: Rep. Sandra Murman

### At Large:

Rep. Bense,  
Rep. Greenstein  
Rep. Harrington  
Rep. Jennings  
Rep. Rubio  
Rep. Cantens  
Rep. Richardson

### Agriculture and Environment

Chair: Rep. Baker; Rep. Evers; Rep. Poppell  
Rep. Spratt  
Rep. Clarke  
Rep. M. Davis  
Rep. Troutman  
Rep. Harper

### Commerce and Local Affairs

Chair: Rep. Brummer  
Rep. Brown  
Rep. D. Davis  
Rep. Quinones  
Rep. Sorensen  
Rep. Robaina  
Rep. Bullard

### Education

Chair: Rep. Simmons  
Rep. Cretul  
Rep. Kilmer  
Rep. Sansom  
Rep. Pickens  
Rep. Kravitz  
Rep. Arza  
Rep. Baxley  
Rep. Carroll  
Rep. Bendross-Mindingall  
Rep. Rivera

### Health

Chair: Rep. Green  
Rep. Farkas  
Rep. Garcia  
Rep. Slosberg  
Rep. Roberson  
Rep. Harrington  
Rep. Harrell

### Human Services

Chair: Rep. Murman  
Rep. Anderson  
Rep. Bean  
Rep. Hugh Gibson  
Rep. Sobel

### Judicial

Chair: Rep. Negron  
Rep. Benson  
Rep. Kottkamp  
Rep. Mahon  
Rep. Planas  
Rep. Stargel  
Rep. Holloway

### Public Safety

Chair: Rep. Bilirakis  
Rep. Barreiro  
Rep. Needelman  
Rep. Adams  
Rep. Dean  
Rep. Henriquez

### Transportation and Economic Development

Chair: Rep. Waters  
Rep. Berfield  
Rep. Gardiner  
Rep. Llorente  
Rep. Russell  
Rep. Cusack  
Rep. Slosberg

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### ***Funny Signs . . .***

- In a restaurant window: "Don't stand there and be hungry. Come on in and get fed up."
- In a veterinarian's waiting room: "Be back in 5 minutes. Sit! Stay!"

## 2004 SENATE BUDGET CONFEREES

Senator Pruitt, Chair  
Senator Miller, Vice Chair

### Appropriations - At Large

Senator Diaz de la Portilla  
Senator Jones  
Senator Lee

### Appropriations - Subcommittee on Article V

#### Implementation and Judiciary

Senator Smith, Chair  
Senator Campbell  
Senator Geller  
Senator Haridopolos  
Senator Lee  
Senator Villalobo  
Senator Wise

### Appropriations - Subcommittee on Criminal Justice

Senator Crist, Chair  
Senator Argenziano  
Senator Aronber  
Senator Dawson  
Senator Fasano

### Appropriations - Subcommittee on Education

Senator Carlton, Chair  
Senator Alexander  
Senator Constantine  
Senator Cowin  
Senator Hill  
Senator Lynn

Senator Miller  
Senator Wasserman Schultz

### Appropriations Subcommittee on General Government

Senator Clary, Chair  
Senator Atwater  
Senator Bullard  
Senator Dockery  
Senator Lawson  
Senator Margolis

### Appropriations - Subcommittee on Health and Human Services

Senator Peaden, Chair  
Senator Bennett  
Senator Jones  
Senator Saunders  
Senator Wilson

### Appropriations - Subcommittee on Transportation and Economic Development

Senator Webster, Chair  
Senator Diaz de la Portilla  
Senator Garcia  
Senator Klein  
Senator Posey  
Senator Sebesta  
Senator Siplin

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## SEAT BELTS SAVE

The National Safety counsel released a study in last November estimating that more than 1,300 Floridians died between 1995 and 2002 because the state does not have a “primary” safety belt law - which would allow police officers to pull over - and ticket drivers for failing to have their seat belts buckled. In Florida, which has a “secondary” law, drivers can only be ticketed if they are pulled for another traffic offense and then in addition given a ticket for (failure to buckle up.)

HB15, which would make failure to wear a seat belt a “primary” offense, thereby allowing law enforcement officers to stop a vehicle solely because the occupants are not buckled up, has passed the House and awaits hearing in the Senate.

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*“Why does Sea World have a seafood restaurant?? I’m halfway through my fish burger and I realize, Oh my God . . . I could be eating a slow learner.” – Lynda Montgomery*

## FLORIDA'S DEBT

Florida's total debt has doubled in the past 10 years, and its debt payments have nearly tripled during that time. Last year alone debt payments were 1.5 billion dollars for schools, roads, college dorms, parking garages, and other public facilities. The state's debt burden is above the national average and higher than the 10 most populous states except New York, according to the Division of Bond

Finance. Florida owes about 20.4 billion dollars, mostly for school construction and roads. The total debt grew by 1.2 billion dollars in the past year and is expected to grow by 10.5 billion dollars in the next decade. The total includes five hundred and thirty three million dollars approved by the 2003 legislature for the first phase of the voter approved class size amendment.

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### Florida's Debt

*Florida ranks second among the 10 most populous states in the percentage of revenue spent to pay off debt. Figures are for 2002.*

New York.....	9.1 percent
Florida .....	5.8 percent
Ohio .....	5.8 percent
Illinois.....	4.7 percent
New Jersey.....	4.6 percent
California .....	4.1 percent
Georgia.....	3.1 percent
Pennsylvania .....	2.3 percent
Michigan .....	1.9 percent
Texas.....	1.2 percent

*Source: Florida Division of Bond Finance*

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## Child Care Pays It Generates Significant Money for Florida's Economy

- Florida's childcare industry contributes \$3.87 billion annually to local and state economy.
- Working parents with children younger than age six earn more than \$5.6 billion annually. This additional income contributes to the state's economy by leveraging the spending power of working families.
- For every \$1 million dollars generated by Florida's childcare industry, approximately 22 jobs are created in the child care industry and 32 total jobs in the overall economy.
- For every \$1 million in child care revenue, \$863,000 of additional revenue is generated in the regional economy.
- The child care industry generates an additional \$142 million in tax revenues for local and state governments.
- The child care industry spends \$27 million on cleaning materials, sanitary paper, and plastic products; and an additional \$23 million on books and magazines.

*Source: Florida Children's Forum; The Economic Impact of Child Care in Florida*

# TOBACCO!

## *Did You Know That . . .*

- Tobacco use is the nation's leading preventable cause of death, killing more than 400 thousand people in the US and costing the nation \$75 billion in smoking-related health care bills every year.
- Nearly 90% of all smokers start at or before age 18.
- Every day in the US, 4,000 kids try their first cigarette, and another 2,000 kids become regular, daily smokers, 1/3 of whom will die prematurely as a result.
- The margin by which tobacco spending on marketing exceeds state tobacco prevention spending ranges from about 3 to 1 in Delaware and Maine to 655 to 1 in Florida.
- Florida ranks 44<sup>th</sup> among the states in the funding for tobacco intervention programs, according to the Campaign for Tobacco Free Kids.
- Florida reached its \$11.3 billion settlement with tobacco companies in August 1997. It was one of four states to settle with the tobacco industry before 1998's multi-state settlement. Since 1997, more than \$220 million from Florida's tobacco settlement has been appropriated for Florida's prevention programs.
- In the first three years after the settlement, tobacco marketing increased by 66% to a record 11.5 billion dollars in 2001, or 31.4 million dollars a day, according to the most recent report on tobacco marketing by the federal trade commission (FTC).
- 80 percent of smokers start before they turn 18.
- In Florida, 28,000 smokers die from tobacco related diseases each year and 3,000 others die from second-hand smoke.

Even so, the Florida Legislature cut spending for the Truth Campaign and other smoking prevention efforts last year from \$39 million to \$1 million. The Truth Campaign was a cutting edge marketing effort aimed at reducing teen smoking. The 2004-2005 proposed Senate budget has no money for prevention and the proposed House budget has \$16 million that might – or might not – be used for prevention:

- Because of the cuts, the “Truth Campaign”, created in 1998, has been virtually destroyed.
- The Truth Campaign worked: in just four years, the smoking rate among Florida high school students dropped 35 percent. In middle school it fell 50 percent
- More than 144,000 high school students in Florida still smoke.

The money received from the tobacco settlement – for which Florida will receive more than \$400 million this year – was meant to pay for the program!

**CALL YOUR LEGISLATORS AND ASK THEM TO FUND THE TRUTH CAMPAIGN AND OTHER PREVENTION EFFORTS!**

## Child Care Doesn't Pay: If You Are a Child Care Worker

Is there any profession more important to the survival of our society than the profession entrusted with caring for our future? No. Yet, those who take care of our children are paid a pittance:

OCCUPATION	Avg. Hourly Salary	Avg. Annual Salary
Secretary	\$12.74	\$26,499
Tour Guide	\$10.49	\$21,819
Retail Salesperson	\$10.17	\$21,154
Bank Teller	\$10.10	\$21,008
Hotel/Motel Clerk	\$8.56	\$17,805
Maid/Housekeeper	\$7.72	\$16,058
Cashier	\$7.70	\$16,016
<b>Child Care Worker</b>	<b>\$7.43</b>	<b>\$15,454</b>
Restaurant Server	\$7.39	\$15,371

Source: Child Care Executive Partnership Program

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### They said *THIS* in the Church Bulletin?

- For those of you who have children and don't know it, we have a nursery downstairs.
- Remember in prayer the many who are sick of our community. Smile at someone who is hard to love. Say "Hell" to someone who doesn't care much about you.
- Don't let worry kill you. Let the church help.

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## **BILLS HEARD THIS WEEK**

(The bills summarized below relate to human service issues and other issues of interest to United Ways, United Way agencies, and United Way supporters. Much of the information below has been excerpted from Legislative staff analyses.)

TO OBTAIN A COPY OF A BILL, STAFF ANALYSIS, LEGISLATIVE CALENDARS  
OR OTHER LEGISLATIVE INFORMATION:

**House Bills:** House Documents, Rm. 325, Capitol, Tallahassee, FL 32399 ♦ 850/488-7475

**Senate Bills:** Senate Bill Rm. 303, Capitol, Tallahassee, FL 32399 ♦ 850/487-5285

**Website Address:** <http://www.leg.state.fl.us/>

### **CS/CS/SB 316 – Substance Abuse Treatment Intervention**

This committee substitute for SB 316 allows the court, at a dependency shelter hearing, adjudicatory hearing, or upon judicial review of a case plan for a parent, to order a substance abuse assessment of a child or the child's parent, caregiver, legal custodian, or other person requesting custody of the child. The court may require participation in substance abuse treatment services when appropriate and available, including treatment-based drug court programs.

This committee substitute specifies that with the approval of the state attorney, a defendant (child or adult) assessed with a substance abuse problem who is charged for the first time with a nonviolent third-degree felony and who has not previously been adjudicated of a felony, or is charged with a second or subsequent nonviolent third-degree felony may be referred to a pretrial substance abuse education and treatment intervention program. Upon completion of the program, the defendant is entitled to dismissal of the pending charge involving a nonviolent third-degree felony.

**Last Action: 4/15/04 SENATE Favorable by Appropriations**

**CS/CS/CS/SB 512 Independent Living Transition Services – Foster Care**

The 2002 Legislature created s. 409.1451, F.S., which established the framework for Florida’s independent living transition services. Specifically, s. 409.1451, F.S., provides for a continuum of independent living transition services to enable older children in foster care and young adults who were formerly in foster care to develop the skills necessary for successful transition to adulthood and self-sufficiency. The services available to older children in the foster care system are the pre-independent living services, life skills services, and subsidized independent living services. The older children ages 13 to 18 years are also to be provided with life skills activities, which emulate the experiences of other children their age not in foster care. The services for young adults formerly in foster care are to be provided based on the availability of funds and include aftercare support services, the Road to Independence Scholarship Program, and transitional support services. In addition, young adults who are awarded a Road to Independence Scholarship are exempt from the payment of tuition and fees for state universities, community colleges, and certain postsecondary career and technical programs (s. 1009.25, F.S.).

The Committee Substitute for Committee Substitute for Committee Substitute for SB 512 provides for the following revisions to the independent living transition services program:

- Redefines the youth to be served in the independent living transition services program from youth “in foster care” to youth “in the legal custody of the” Department of Children and Families (hereinafter “department”);
- Requires the department to conduct an independent living assessment and inform youth of Road to Independence Scholarship services upon turning 17 years of age;
- Requires the department to identify and provide assistance to children with developmental disabilities and mental health problems;
- Redesigns the Road to Independence Scholarship program to provide for two separate scholarships, i.e., the High School Scholarship program and the Postsecondary Education Scholarship program;
- Revises the eligibility criteria and renewal award periods and requirements for the scholarship programs;
- Provides that Transitional Support Services may not be provided to scholarship recipients.
- Requires judicial and citizen panel consideration of a youth’s preparation for independent living;
- Expands the tuition waiver for postsecondary education institutions to include young adults eligible for the Road to Independence Scholarship regardless of whether a scholarship is awarded;
- Renames the Independent Living Services Workgroup as the Independent Living Services Advisory Council, expands the council membership, and amends duties;
- Requires that core expectations be developed and applied statewide for ensuring that the goals of the independent living transition services program are met; and
- Requires districts and community-based care lead agencies to provide an annual accounting of expenditures and to annually report their previous year’s achievements and up-coming year’s plans for meeting the core expectations.

***Last Action: 4/15/04 SENATE CS by Appropriations***

**CS/SB 602 – Crimes Against Children**

The Committee Substitute for Senate Bill 602 proposes that additional court costs be imposed in cases of certain crimes against children. These crimes include battery of a child, kidnapping or false imprisonment, sexual battery, procuring persons under the age of 18 for prostitution, lewd or lascivious offenses on or in the presence of persons less than sixteen years of age, abuse of children, buying or selling of minors, and sexual misconduct of Juvenile Justice employees. An additional court cost of \$101 would be imposed against each offender who pleads guilty or nolo contendere to, or is found guilty regardless of adjudication, of any of the specified offenses against a minor.

The committee substitute also directs the Clerk of the Court to transfer \$100 from each court cost collected to the State Treasury for deposit into the Child Advocacy Trust Fund for disbursement to the Florida Network of Children’s Advocacy Centers, Inc., to fund children’s advocacy centers that are members of the network. One dollar from each court cost collected is to be retained by the Clerk of the Court as a service charge.

Children’s Advocacy Centers (CAC) are primarily designed and governed at the local level to provide support to the child protective investigations process.

*Bills Heard this Week (continued)*

These centers work to coordinate the activities of the several agencies involved in the child abuse investigation to reduce the number of times the child must be interviewed, thereby reducing trauma to the child, to facilitate joint investigations, and to provide for prompt access to mental health and other appropriate services.

While the services offered by child advocacy centers vary based upon their funding and needs of the community, each center offers some combination of the following services:

- a neutral, child-friendly setting where all the agencies can interview and examine the child;
- medical evaluations of the child;
- coordination of multi-discipline team meeting of all of the agencies involved in a case;
- on-site victim advocacy; and
- mental health services.

The CACs have local governing boards to address organizational issues such as fiscal policies and public relations and are composed of volunteers from the community. Although they are locally governed, CACs operate under the auspices of the National Children's Alliance (NCA). The alliance is a not-for-profit organization that provides training, technical assistance, and networking opportunities to CACs operating nationwide. The NCA establishes standards for CAC accreditation and offers full membership and non-competitive grant funding to those CACs meeting 10 standards. Centers that do not meet all of the standards for full membership are designated as associate members and are eligible to apply for competitive grants. Seventeen of the 21 CACs in Florida are full members of the NCA.

The Florida Network of Children's Advocacy Centers, Inc., is a state chapter of the National Children's Alliance. All 21 of Florida's children advocacy centers participate in this network. Membership is voluntary, and the organization provides guidance and technical assistance to the CACs. The network is staffed with an Executive Director and one half-time assistant. A board of directors organizes activities.

***Last Action: 4/13/04 SENATE Favorable by Appropriations Subcommittee on Article V Implementation and Judiciary***

**CS/HB 623 – Juvenile Justice**

Juvenile court records are not public court records. They may, however, be inspected and copied by the parents or legal custodians of a minor, their attorneys, law enforcement, and DCF employees. They may also be inspected and copied by court order. A guardian ad litem is an individual appointed by a court to represent the child's best interest in court proceedings. The typical order appointing a guardian ad litem provides that the guardian ad litem is entitled to view all records relating to the minor; however, current law does not specifically provide that a guardian ad litem may review the juvenile court records without a separate court order to that effect.

CS/HB 623 provides that a guardian ad litem appointed to represent a minor's best interest may lawfully inspect and copy that minor's juvenile court records.

Florida law provides that, in general, the juvenile court has jurisdiction over a delinquent child through the child's 19th birthday. Jurisdiction is extended to the 22nd birthday for a delinquent child committed to a high-risk or maximum-risk conditional release program, or for an offender age 10 to 13 committed to an intensive residential treatment program.

CS/HB 623 amends the department's jurisdiction to end at the 19th birthday.

Currently, all juvenile court hearings are conducted in person, requiring delinquent children to be transported to a courthouse for a number of hearings. This bill with CS provides that a court has the discretion to allow youths to appear by video teleconference at certain hearings: 48 hour detention reviews for children held secure for domestic violence charges, detention reviews for children in detention care held within 24 hours of arrest, 72 hour reviews of detention status after a child is held beyond a 21 day period because of continuance for cause, and transfer hearings or hearings related to progress by a child in a commitment program.

***Last Action: 4/14/04 HOUSE Favorable by State Administration***

### **CS/CS/CS/SB 700 – Mental Health**

The CS for CS for CS substantially amends Florida’s involuntary civil commitment law, also known as the Baker Act, under ch. 394, Part I, F.S., as follows:

- Establishes a process for long-term involuntary placement for outpatient services for persons 18 years of age or older who meet other statutory criteria but only if services or programs, space therein or funding are available in the person’s local community;
- Provides the option for a person to agree voluntarily to submit to involuntary outpatient services;
- Adds a process for continued involuntary placement for outpatient services based on maximum 6-month intervals;
- Revises the criteria for involuntary examination under the Baker Act;
- Makes other conforming changes to the Baker Act to distinguish between the procedures for involuntary placement for inpatient treatment versus involuntary outpatient placement; and
- Provides rulemaking authority to the Department of Children and Family Services.

***Last Action: 4/13/04 SENATE Favorable with 7 Amendments by Appropriations Subcommittee on Article V Implementation and Judiciary***

### **CS/HB 887 – Aging Resource Centers**

CS/HB 887 authorizes the Department of Elderly Affairs (DOEA) to modify its local system of service delivery to develop a single point of entry for all persons over 60 seeking services through the Community Care for the Elderly program, the Home Care for the Elderly program, the Aging Disabled Medicaid Waiver program, the Long-term Care Community Diversion project, the Assisted Living for the Elderly Waiver, and the Older Americans Act. The new single point of entry is to be called an “aging resource center” (ARC).

Under provisions of the bill, DOEA is to submit an implementation plan to the Legislature by October 31, 2004, describing qualifications for designation and functions to be performed, as well as a process for determining that an area agency is ready to assume the functions of a resource center. All area agencies are to submit a proposal to become aging resource centers to DOEA by December 31 2004. DOEA is to evaluate the proposals prior to March 31, 2005, and has to choose three area agencies to begin the transition. Those area agencies not selected by DOEA to begin the transition process are to resubmit their plans by July 1, 2005. The department may transition additional area agencies as it determines that these area agencies are in compliance with the requirements to become aging resource centers.

As this process is taking place, OPPAGA and the Auditor General are to monitor DOEA’s process and the quality of technical assistance provided to area agencies. A report is to be submitted by February 1, 2005, and periodic reports are to be submitted March and September 1 of each year until full transition has been completed statewide.

The ARC is to integrate the staff of DOEA’s CARES nursing home screening program, as well as a sufficient number of staff of the Department of Children and Families Economic Self-Sufficiency Services Program Office to determine financial eligibility for all persons age 60 and older seeking Medicaid services, Supplemental Security Income, and food stamps. The staff of the local Area Agency on Aging is also to be integrated into the ARC.

The programs and services administered by the ARC are the Community Care for the Elderly program, Local Services Programs, the Home Care for the Elderly program, the Aged and Disabled Adult Medicaid Waiver program, the Assisted Living for the Elderly Medicaid Waiver program, and Older Americans Act Services. The bill requires that the ARC provide an initial screening of each client who requests services to determine whether the person would be most appropriately served through state programs, federal programs, volunteer services, or by privately paying for the services. Services in these programs are not to be reimbursed except through the ARC system.

The bill provides the Agency for Health Care Administration (AHCA) with the authority, with agreement of DOEA, to contract for any function or activity of the CARES program, if the agency and DOEA determine that contracting will result in a savings to the state, as well as increased efficiency and accountability. The bill requires CARES staff (within existing positions), to assess a sample of individuals whose nursing home stay is expected to exceed 20 days, regardless of the initial funding source for nursing home placement, and to develop a database to track individuals over time who are assessed under the CARES program and who are diverted from nursing home placement.

*Bills Heard this Week (continued)*

The Office of Long-Term Care Policy is revised to eliminate the advisory council and replace it with an interagency coordinating team.

The Secretary of DOEA is required to annually evaluate the performance of the executive director of an area agency on aging, and the area agency board is to consider the evaluation when it considers the director's reappointment.

The bill eliminates a requirement to develop a model system transitioning all state-funded services for elders in one planning and service area, replacing this with direction to the department and the agency to develop an integrated Medicaid acute and long-term-care delivery system for persons over 65 in one or more of its planning and service areas under the control of managed care organizations.

The bill requires that DOEA and AHCA integrate the Assisted Living for the Elderly Waiver program into the Aged and Disabled Adult Waiver program and the Frail Elder Option into the Long-term Care Community Diversion Pilot Project.

DOEA is to exempt from the competitive process any contract with a provider that meets or exceeds minimum standards and requires that lead agencies be given responsibility to coordinate other services, as well as case management in the CCE program.

Legislative findings that preservation of the historic aging network of service providers is essential to the well-being of Florida's elderly population are provided, and the bill directs that DOEA and AHCA develop a system in which existing CCE lead agencies are assisted in transitioning their business model to a managed long-term care model. Initially CCE lead agencies are to be reimbursed on a prepaid basis under the Aged Disabled Medicaid Waiver Program, and for state-funded programs serving the elderly. By the end of the third year, the demonstration is to include services under the long-term care community diversion project. The bill provides for the state to share the risk of nursing home placement during the 3-year demonstration project. The bill requires AHCA, subject to appropriations in the General Appropriations Act, to advance \$500,000 to fund development costs for the demonstration provider. The loan must be repaid in 6 years from the date of funding.

***Last Action: 4/14/04 HOUSE Favorable with 1 Amendment by Health Appropriations***

**SB 1102 - Health Insurance-Autism Spectrum Disorder**

Autism is a complex developmental disability that is likely the result of a neurological disorder that affects the functioning of the brain. The Center for Autism and Related Disabilities (CARD) at the University of South Florida defines autism as a lifelong neurological disability that affects an individual's ability to communicate, understand language, play, and socially interact with others. Autistics often have problems communicating with others through spoken language and non-verbal communication. Autism is classified as a developmental disability because it interferes with the typical rate and pattern of childhood development. The signs of autism usually appear in the form of developmental delays before a child turns 3 years old.

Senate Bill 1102 requires all health insurers and health maintenance organizations (HMOs) to provide coverage for autism spectrum disorder (ASD). "Autism spectrum disorder" is defined as "a neurobiological condition that includes autism, Asperger syndrome, and Rett's syndrome." A health insurer or HMO cannot exclude coverage when the referring physician prescribes various forms of treatment for ASD, including, but not limited to: therapeutic evaluations, speech therapy, occupational therapy, physical therapy, early intervention, applied behavioral analysis, and Lovaas behavioral therapy. The total annual payments by an insurer or HMO for such coverage are limited to \$6,000 per year.

An insurer or HMO must apply to autism spectrum disorder the same terms and conditions that the entity applies to the treatment of other disorders. However, the insurer or HMO may confirm a diagnosis or review the appropriateness of the treatment prescribed. The bill states that this section does not affect the scope of licensure of any health care professional, or the right to reimbursement, which is otherwise guaranteed to a health care provider.

***Last Action: 4/12/04 SENATE Favorable by Health, Aging, and Long-Term Care***

**HB 1587 – Special Districts for Seniors’ Services**

HB 1587 permits each county, by ordinance, to create an independent special district to provide funding for senior services throughout the county, hereinafter referred to as the “senior services district.” The boundaries of such a senior services district must be the same as the boundaries of the county.

The county must obtain approval, by a majority vote of those electors voting on the question, to annually levy ad valorem taxes that may not exceed 0.5 mills of assessed valuation of all properties within the county which are subject to ad valorem county taxes.

The bill provides for these districts to be governed by a “council on seniors' services,” consisting of ten members: the executive director of the area agency on aging; the county director of human services; one member of the county governing board for a 2-year term; one nonvoting member of the legislative delegation for the county appointed by the delegation chair for a 2-year term; one county representative of the Florida League of Cities for a 2-year term; and five members appointed by the Governor for a 4-year term, initially staggered, with reappointment for one additional term permitted, and who meet additional qualifications.

***Last Action: 4/14/04 HOUSE CS by Local Government & Veterans’ Affairs***

**CS/CS/CS/SB 1698 – Community Based Care**

Committee Substitute for CS/CS/SB 1698 amends s. 409.1671, F.S., related to the privatization of foster care and related services, to provide new requirements for the proposal related to a statewide shared financial risk program intended to protect community-based care providers who deliver foster care and related services. The bill extends a deadline for the submission by the Department of Children and Family Services (DCF or department) to the Legislative Budget Commission of a proposal regarding the risk program from December 31, 2002, until October 1, 2004, removes conflicting language related to the use of risk program funds, clarifies requirements for performance bonds, and provides that an irrevocable letter of credit may substitute for the currently required performance bond.

The bill amends s. 20.19, F.S., related to the current requirement for the DCF to establish a community alliance for community participation and governance of community-based services. The bill provides that members of the community alliance, other than the statutorily mandated members of the alliance, may not receive funds for contractual services from either the department or a community-based care lead agency (i.e., providers who receive funds from the department or community-based care are not eligible to be a member of the alliance).

The bill further amends s. 20.19, F.S., related to community-based lead agency contracts, to require that preference be given to established local providers for the provision of services and to specify the actions that must occur if the established provider is not selected; related to qualifications for a lead agency, to require that at least 51 percent of the members of the agency’s board must reside in the state and that 51 percent of those state residents must reside in the service area; and, related to the department’s contracts with lead agencies, to require that each contract include all legislatively-established performance measures.

This bill exempts lead community-based providers and their subcontractors from adherence to the provisions of s. 112.061, F.S., that require prior state agency approval of their travel.

***Last Action: 4/15/04 SENATE Withdrawn from Appropriations; Placed on Calendar, on second reading***

**CS/CS/CS/SB 1706 – Specialty Behavior Health Care Providers**

CS/CS/CS/SB 1706 requires the Department of Children and Family Services (DCF) to establish a demonstration project in District 4 for the purpose of determining the benefits of having a specialty behavioral health care provider deliver behavioral health services to individuals residing in an assisted living facility (ALF) with a limited mental health license.

***Last Action: 4/15/04 SENATE Withdrawn from Appropriations; Placed on Calendar, on second reading***

*Bills Heard this Week (continued)*

**CS/CS/CS/SB 1748 – Multiservice Senior Centers**

The bill redefines the term “multiservice senior center” as a community facility that organizes and provides a broad spectrum of services, including health, mental health, social, nutritional, and educational services and recreational activities and facilities for persons 60 years of age or older.

The bill also appropriates \$240,000 to the Department of Elderly Affairs (Department) to purchase automated external defibrillators (AED) for placement in multiservice senior centers.

***Last Action: 4/15/04 SENATE Withdrawn from Appropriations; Placed on Calendar, on second reading***

**HB 1903 – State’s Social and Economic Programs**

The bill clarifies that a risk assessment shall be conducted for each abuse hotline report that is accepted for investigation and requires that the risk assessment must be initiated immediately upon receipt of the report from the hotline. The bill also provides that such risk assessment shall be continuously updated during the department’s involvement with the family and provides that a case plan, a safety plan, or both must be developed and implemented if determined necessary by the risk assessment

The bill provides some clarification related to the activities of citizen review panels in Florida, with the intent of enabling the state to receive Title IV-E funding for these panels, which the state does not currently receive.

The bill specifies that a vulnerable adult may be judged to have neglected him or herself and thus be eligible for protective services from the Department. The current definition of “neglect” in Chapter 415, F.S., does not explicitly include neglect caused by the vulnerable adult to him or herself.

***Last Action: 4/12/04 HOUSE Referred to Appropriations***

**CS/CS/SB 2042 – Suicide Prevention**

Committee Substitute for SB 2042 creates the Statewide Office of Suicide Prevention in the Florida Office of Drug Control. The committee substitute specifies functions for the office including:

- Implementing the statewide plan prepared by the Suicide Prevention Coordinating Council;
- Building a network of community-based programs to integrate suicide prevention initiatives;
- Increasing public awareness concerning topics relating to suicide prevention; and
- Coordinating education and training curricula in suicide prevention efforts.

The committee substitute creates a position for a coordinator of the Statewide Office of Suicide Prevention and details the duties and responsibilities of the coordinator. The committee substitute also creates Suicide Prevention Coordinating Council to develop strategies for preventing suicide, and a state inter-agency workgroup consisting of those agencies that are part of the coordinating council, in order to coordinate state agency plans for suicide prevention. The committee substitute specifies the membership, terms of office, and the duties of the council and the workgroup. The council is to provide findings and recommendations regarding suicide prevention programs and activities, and to prepare a report annually to be presented to the Governor and the Legislature.

***Last Action: 4/15/04 SENATE Withdrawn from Appropriations; Placed on Calendar, on second reading***

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***WHY WE LOVE KIDS . . .***

**HONESTY**

*My son Zachary, 4, came screaming out of the bathroom to tell me he'd dropped his toothbrush in the toilet. So I fished it out and threw it in the garbage. Zachary stood there thinking for a moment, then ran to my bathroom and came out with my toothbrush. He held it up and said with a charming little smile, "We better throw this one out too then, 'cause it fell in the toilet a few days ago."*

**CS/CS/SB 2098 – Caregivers for Disabled or Elderly Adults**

About 10.1 million people over the age of 18 in the U.S., or 3.8 percent of the population, need another person's assistance to carry out activities such as bathing, feeding, cleaning, or grocery shopping.<sup>1</sup> Within this group, it is estimated that 4.2 million are age 65 or older. Most of them live at home. Others live in nursing homes and other institutional settings, but some could live at home or in the community if appropriate, affordable support was available.<sup>2</sup> Family members and friends provide most of the needed assistance for people in home and community-based settings, but home care workers, personal assistants, direct support professionals and other direct-care workers are a critical resource for many. Individuals and families rely on these workers to provide them with comfort, companionship, and care in an atmosphere that preserves their dignity and well-being. Such workers are already in short supply in many regions and demand is expected to grow rapidly, due to a combination of consumer demand and changes in public policy.

CS/CS/SB 2098 provides legislative intent to foster the development of caregiving for disabled or elderly adults as a non-licensed paraprofessional activity and to promote caregivers' use of best practices. The bill creates the Florida Caregiver Institute, Inc., as an independent not-for-profit corporation administratively housed in the Florida Policy Exchange Center on Aging (FPECA) at the University of South Florida. The responsibilities of the corporation include:

- Seeking state, federal, and private funding;
- Working with state universities to develop training materials, identify best-practices techniques, and develop a curriculum;
- Conducting needs assessments of caregivers working in the community or certain facilities;
- Making recommendations to the appropriate state agencies regarding policy and related changes to help improve the quality, availability, and retention of non-licensed caregivers;
- Reviewing the need for non-licensed caregivers in specified areas;
- Making recommendations to the Legislature and Governor on proposed legislative changes and budget-related items; and
- Developing agreements with state agencies for the purpose of accessing state-owned buildings and state employees to provide training and professional development.

The bill creates a 13-member board of directors of the corporation, and the Office of Program Policy Analysis and Government Accountability (OPPAGA) is directed to conduct an evaluation and review of the corporation and to provide a report to the Governor and the Legislature by October 1, 2007.

***Last Action: 4/12/04 SENATE CS by Health, Aging, and Long-Term Care***

**CS/SB 2270 - Workers' Compensation Joint Underwriting Association**

Committee Substitute for Senate Bill 2270 provides a one-time appropriation and transfer of \$35 million from the Workers' Compensation Administration Trust Fund in the Department of Financial Services to the Workers' Compensation Joint Underwriting Association (JUA) for funding the estimated \$36 million deficit in subplan D for calendar year 2004 and provides the following changes relating to subplan D and the JUA:

- Requires the JUA to charge policyholders in subplan D an annual \$475 fee to cover costs of administration and fraud prevention.
- Prohibits the JUA from issuing a subplan D policy to an employer unless the employer has at least one non-exempt full-time employee in the governing class code (the employer's class code) and has payroll at least equal to the minimum hourly wage for one year at 40 hours per week. This effectively prohibits the JUA from issuing minimum premium policies, or zero payroll policies in subplan D. A minimum premium policy would still be available from subplan C at actuarially sound rates.
- Provides that a policyholder is no longer eligible for subplan D if during any 2-year period, it incurs two or more indemnity or medical claims and has incurred losses greater than \$5,000. If this claim trigger is reached at anytime during a 2-year period, the employer is immediately ineligible for subplan D. The employer remains ineligible for subplan D until it has 3 years of loss history with no indemnity and no medical claims exceeding 50 percent of premium.

*Bills Heard this Week (continued)*

- Maintains the current caps on subplan D surcharges over voluntary market premiums (25 percent for small employers and 10 percent for charitable organizations) for the first three years an employer is in subplan D. However, the surcharge is increased to 40 percent for the employer's 4th renewal, 60 percent for the 5th renewal, 80 percent for the sixth renewal, and 100 percent for the 7th and subsequent renewal.

***Last Action: 4/13/04 SENATE Withdrawn from Appropriations; Placed on Calendar, on second reading***

**CS/SB 2326 – Juvenile Justice Education**

CS/SB 2326 increases the percentage of the Florida Education Finance Program (FEFP) funds generated by students in juvenile justice programs that must be spent on instructional costs, and requires expenditure of all formula based categorical program funds on the education of eligible juvenile justice students.

The bill also requires the Department of Education to identify and select a uniform entry and exit assessment instrument and to ensure that eligible juvenile justice students receive an equitable amount of federal funds, requires access by juvenile justice students to Florida Virtual School courses, provides that juvenile justice teachers are eligible for all teacher recruitment and retention programs, and requires school districts to make the GED Exit Option available to any student in a juvenile justice program.

***Last Action: 4/13/04 SENATE Favorable by Criminal Justice***

**CS/SB 2330 – Infant Eye Care**

CS/SB2330 requires that every baby born in a hospital to receive, prior to being discharged from the hospital, an eye examination performed using an ophthalmoscope and dilation of the pupils for detection of pediatric congenital and ocular abnormalities. The bill also requires health insurance policies and health maintenance contracts to provide coverage for an eye examination performed using an ophthalmoscope and dilation of the pupils at birth, at 6 to 8 weeks of age, and at 6 to 9 months of age to detect pediatric congenital and ocular abnormalities and developmental abnormalities.

***Last Action: 4/12/04 SENATE CS by Health, Aging, and Long-Term Care***

**CS/SB 2564 – Juvenile Justice**

CS/SB 2564 transfers from the state to the counties the cost for pre-adjudication detention of juveniles, at a cost to local governments of about \$90 million.

Each county will be responsible for setting aside these costs at the beginning of each fiscal year to be paid monthly to the state. If a county fails to transfer funds, the Chief Financial Officer is required to withhold state funding to that county, equal to the amount the county has neglected to pay.

The bill recognizes that it places a burden on certain counties unable to account for such costs, and such counties are defined as "fiscally constrained counties." A "fiscally constrained county" is defined as a rural area of critical economic concern under s. 288.0656, F.S., for which the value of a mill in the county is no more than \$3 million, based on the property valuations and tax data annually published by the Department of Revenue under s.195.052, F.S. Under these economic conditions, and subject to appropriation, the state will provide grant funding to these counties.

Currently, 27 of the 67 Florida counties meet the bill's definition of "fiscally constrained" and will not be deemed capable of such a financial commitment. According to a detention disposition analysis, conducted by the Department of Juvenile Justice, the following counties meet the distinction of a fiscally constrained county: Baker, Bradford, Calhoun, Columbia, Desoto, Dixie, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Holmes, Jackson, Jefferson, Lafayette, Levy, Liberty, Madison, Okeechobee, Putnam, Suwannee, Taylor, Union, and Washington. The state will continue to directly fund the cost of juvenile detention for these counties.

***Last Action: 4/15/04 SENATE Received from Returning Messages; Agreed to the appointment of a conference committee***

**CS/SB 2632 – Juvenile Supervision/Detention Costs**

The bill amends current law providing for the imposition and collection of fees from parents and guardians of youth supervised by the Department of Juvenile Justice (DJJ). If a youth is in a residential program, the parents or guardians will be ordered to pay \$5.00 a day for each day the youth is in the DJJ's custody (same as current law). If the youth is at home and under supervision by the DJJ through a home detention order, the parents or guardians will be ordered to pay \$1.00 per day for each day the youth remains under supervision.

***Last Action: 4/12/04 SENATE Favorable by Judiciary***

**CS/CS/SB 2682 – Credit Counseling Services**

CS/CS/SB 2682 creates a framework for, among other things, regulating the relationship between a consumer and a credit counseling or debt management service. The committee substitute prohibits a credit counselor or debt manager from accepting an initial consultation fee of over \$50. Subsequently, the credit counselor or debt manager may charge additional yearly consultation fees of no more than \$120, or must abide by a service fee cap of 7.5 percent of the monthly payment made by a debtor to the debt manager for disbursement to creditors or \$35 per month, whichever is greater. Credit counseling or debt management services would be required to be audited annually and to obtain insurance coverage for employee dishonesty, depositor's forgery, and computer fraud. The credit counseling or debt management service would also be required to disburse a consumer's funds to a creditor within 30 days of receipt of those funds. A violation of the committee substitute's provisions is an unfair or deceptive trade practice under the Florida Deceptive and Unfair Trade Practices Act, and consumers harmed by a violation may bring an action for recovery of damages, costs, and attorney's fees. A person who violates any provision of the committee substitute commits a third-degree felony punishable by not more than 5 years in prison or by a fine of not more than \$5,000.

***Last Action: 4/12/04 SENATE CS by Commerce, Economic Opportunities, and Consumer Services***

**SB 2912 – Homestead Exemptions**

Article VII, s. 6(f) of the Florida Constitution, authorizes the Legislature to allow counties or municipalities, by ordinance, for the purpose of their respective tax levies, to grant an additional homestead tax exemption of up to \$25,000 to resident homeowners who are 65 years of age whose household income, as defined by general law, does not exceed \$20,000, adjusted for inflation.<sup>30</sup> As of October 2003, 46 of 67 counties and 121 of 408 cities have granted this additional homestead exemption for the elderly in their respective jurisdictions.

SB 2912 proposes to implement Senate Joint Resolution (SJR) 2872, if approved by the electorate, to allow counties or municipalities, for the purpose of their respective tax levies, to grant an additional homestead tax exemption of up to \$25,000 to a person whose parents are age 65 or older and live with that person in their homestead, instead of being placed in a long-term care facility.

***Last Action: 4/12/04 SENATE Favorable by Health, Aging, and Long-Term Care***

**SB 3078 - Juvenile Justice/Parenting Education**

Senate Bill 3078 creates a pilot project in Orange County that allows the parents or guardians of juveniles subject to cost-of-care fees to participate in a parenting education course that is approved by the Department of Juvenile Justice (DJJ) in lieu of paying all or a portion of those fees. The DJJ is authorized to develop a reasonable and uniform formula for specifying the number of participation hours in lieu of the daily \$5 fee. This applies to parents who have a current or delinquent obligation to pay the required fees.

The DJJ is authorized to contract with private or public entities in Orange County to provide the parenting classes, providing the entity has appropriate expertise. Upon the parent providing proof of successful completion of the course to the DJJ, the department is required to waive the costs associated with the child's care or supervision. The value of the waiver may not exceed \$450. The parent is to bear all costs of participation in the parenting education classes.

Finally, the DJJ is directed to compile a report to the Legislature and Governor by October 1, 2005, that includes measurable outcomes for the pilot project and the total amount of collected fees through FY 2005.

***Last Action: 4/13/04 SENATE Favorable by Criminal Justice***

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