

# 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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## BILLS THAT PASSED

**Parents' and Children's Day** - HB 1283 designates the first Sunday in April of each year as Parents' and Children's Day, proclaiming that every parent in Florida should have access to prenatal and infant health care, training and education, and parenting skills to help build healthy families, high quality child care and early learning opportunities, safe and enriching after school experiences, and access to delinquency prevention programs and services to treat children with problems. (Final Vote: House 113-0; Senate 38-0; Signed by Governor; Chapter No. 2002-10)

**Colorectal Cancer Awareness Month** - SR 2392/ HR 9113 is a resolution recognizing March as Colorectal Cancer Awareness Month and urging all men and women to become aware of the risks and symptoms associated with colorectal cancer. Adopted by House and Senate.

**Newborn Infant Screening** - HB 817 creates the Infant Screening Programs Task Force within the Department of Health's Division of Children's Medical Services Prevention and Intervention to conduct comparative research regarding the infant screening programs currently operating in other states, make recommendations, and develop a newborn infant screening plan tailored to the needs of Florida's population. (Final Vote: House 116-0; Senate 36-0; Signed by Governor; Chapter No. 2002-69)

**Child Care/ Home Operator Training-** - SB 1550 requires a competency exam for the introductory 40 hour child care training courses, training on technology, and moves the date for obtaining the Administrator Credential from 2003 to 2004. (Final Vote: Senate 37-0; House 117-0)

**Learning Gateway** - SB 1844 creates the Learning Gateway, a 3-year demonstration program in Orange, Manatee, and St. Lucie counties in which each pilot project must design and test an integrated, community-based system to help parents identify learning problems and access early-education and intervention services in order to minimize or prevent learning disabilities. The budget includes \$2.4 million for Learning Gateway grants and operation of the statewide Learning Gateway Steering Committee and \$200,000 for development of a Learning Gateway teacher curriculum. (Final Vote: Senate 36-0; House 116-3; Approved by Governor; Chapter No. 2002-265)

## Quote of the Day . . .

*"We must restore to Chicago all the good things it never had."  
Richard Daley, ex-Mayor of Chicago*

## BILLS THAT PASSED CONTINUED . . . . .

**Road to Independence Act** - HB 245 creates a new section of Florida Statutes that establishes the framework for Florida's independent living transition services for older children in foster care and young adults who were formerly in foster care to facilitate their successful transition to adulthood. It provides for enhanced services allowed for with increased federal Chafee Foster Care Independent Living Program grant funds. (Final Vote: House 114-0; Senate 36-0; Signed by Governor; Chapter No. 2002-19)

**Community Mental Health Services** - HB 751 Expands community mental health services by implementing programs that emphasize crisis services and treatment, rehabilitation, support and case management for adults and children. (Final Vote: 116-0; 35-0)

**Rape Crisis Centers**- SB 1656 amends current law to provide that information provided to a trained volunteer providing services through a rape crisis center is privileged and confidential in the same manner as information provided to a sexual assault counselor. It also allows government employees or officers to provide rape crisis centers or sexual assault counselors with personal information related to victims so they may offer services to the victim. (Final Vote: Senate 35-0; House 116-0; Signed by Governor; Chapter No. 2002-246)

MEMBER PROJECTS	HOW TO FIND . . . . .
<p>Legislators submitted requests to spend more than \$3 billion on member – or district – projects this year. Senators requested \$1.56 billion in member projects, while House members requested \$1.51 billion. These projects, many badly needed by their communities, are often called “turkeys” because most do not receive much legislative scrutiny. While there is a clear difference of opinion among observers regarding member projects, many legislators believe they are a significant and legitimate part of a legislator’s job. After all, most legislators believe they were elected to represent their local constituents and “bring home the bacon”. Governor Bush, who has vetoed more member projects than any Governor in history – having slashed almost \$1 billion in member projects over the last three years - is likely to keep his veto pencil sharpened during the final year of his first term. To view projects funded in the budget by county, visit <a href="http://www.leg.state.fl.us">www.leg.state.fl.us</a>. Click on the Session tab at top, then on Appropriations. Make sure you select year 2002-E and the House chamber. County-by-County budget allocations are listed under the Conference Committee report. Keep in mind that as the Legislative Link went to press, the Governor had not yet taken action on the budget.</p>	<p><b>The Budget:</b> Go to On-line Sunshine at <a href="http://www.leg.state.fl.us">www.leg.state.fl.us</a>. Click on the Session tab at top, then on Appropriations. Make sure you select year 2002-E and the House chamber. Click on Conference Committee Report for HB 27-E. To access the search function in Acrobat Reader, click on the binoculars in the toolbar and type in a key word or amount.</p> <p><b>Reapportionment Maps:</b> Go to On-line Sunshine. Type in 1975 in the box at the top of the home page. This will take you to the bill information page for HB 1975, the House and Senate Redistricting bill. Scroll down to bill text, and click on the plans next to H1987 ER. Follow the same process to view HB 1993, the Congressional maps.</p> <p><b>Governor’s Actions:</b> Go to <a href="http://www.myflorida.com">www.myflorida.com</a> and click on Find an Agency on the top toolbar. Under agencies, click on Governor’s Office. On the left, click on Laws, Executive Orders, and Legislative Actions. Click on Legislative Action and search by bill number.</p>

### ***Did You Know....***

- ⇒ *The average number of people air-born over the US any given daylight hour: 61,000*
- ⇒ *Hershey’s Kisses are called that because the machine that makes them looks like it’s kissing the conveyor belt.*

## TAX ACTION: WHAT HAPPENED AND WHAT DIDN'T

**Tax Reform** - One of the major issues coming into this session was tax reform. Senate President John McKay had proposed a constitutional amendment (SB 938) to lower the state sales tax from 6% to 4.5% in an effort to make Florida's tax base more stable and less susceptible to changes in the economy. The loss in revenue would have been recovered by repealing \$9.5 billion in current exemptions while maintaining current sales tax exemptions on groceries, rent, prescription drugs, health care services, and basic phone service. After surviving a Senate vote 31-9, the bill died in the House.

Ultimately a compromise on tax reform was reached between the House and Senate in the form of HJR 833, a joint resolution that creates a Joint Committee consisting of six Senators and six Representatives to conduct a review of all exemptions from the sales and use tax and all exclusions of sales of services from the sales and use tax. Over the next three years, the committee will meet to review all exemptions and exclusions from the tax and submit its findings and recommendations to the presiding officers of each house of the Legislature no later than March 1 of 2004, 2005, and 2006. The committee may decide to repeal an exemption or exclusion from the sales and use tax by a vote of seven members of the committee. A decision to de-authorize or repeal an exemption or exclusion is codified in the form of a resolution and submitted to the Legislature. The Legislature then has two regular sessions to consider the resolution. If the Legislature believes the exemption should be reinstated or the exclusion should be re-authorized, the Legislature can reinstate it by a simple majority vote of both chambers. If the Legislature concurs with the committee's recommendations and takes no action, on July 1, following the second regular session after the committee's finding, the repeal of the exemption or de-authorization of the exclusion becomes law. The

Joint Committee is dissolved July 1, 2006. If approved by the voters in the November 5, 2002 general election, the constitutional amendment will take effect on that date. HJR 833 was approved 30-9 in the Senate and 74-43 in the House.

**Tax Break** - Always a source of great debate, especially in a tight budget year, the issue of tax breaks arose during the special session with the adoption of provisions of the Job Creation and Worker Assistance Act of 2002. Also known as the Economic Stimulus Package, this act was signed on March 9, 2002 by President Bush and includes a provision known as "bonus depreciation." This provision allows businesses to claim an immediate additional deduction of 30 percent of the cost of new equipment put into use on or after September 11, 2001 and before September 11, 2004. Adoption of this measure is expected to significantly impact Florida's corporate income tax receipts; resulting in losses to the state General Revenue of an estimated \$428 million spread over four fiscal years. Despite this grim outlook, SB 18-E was approved 22-18 in the Senate and 73-41 in the House.

Rejected twice -in the regular session and special session- however, was the Florida Residents' Tax Relief Act of 2002, which would have allowed for a nine day tax free period this summer during which no sales tax would be collected on clothing, wallets, or bags sold for \$50 or less, or on school supplies costing \$10 or less. The Revenue Estimating Conference estimated the legislation would reduce general revenue by \$27.9 million, state trust funds by \$0.1 million, and local government revenues by \$5.6 million in FY 2002-03. During the regular session, HB 97 passed the House by a 92-17 vote but died in Senate Commerce and Economic Opportunities. Its companion bill, SB 214, died in Finance and Tax. It had a similar fate during the special session. (HB 19-E/ SB 58-E)

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### CHINESE PROVERBS

*Man who run in front of car get tired.  
Man who run behind car get exhausted.  
Man with one chopstick go hungry*

## GOVERNOR SIGNS MAJOR EDUCATION BILL

After failed attempts to pass the 1786 page rewrite of the Florida school code during the regular session and a special session dedicated to the issue, SB 20-E was approved during the last special session. Originally, this legislation was intended to be a technical rewrite to reflect the new K-20 structure. However, as often happens to legislation, the bill was amended with substantive language as it moved through the process. Two of these issues in particular were responsible for the bill's demise during Special Session "D": school prayer and guns on school grounds. These issues were resolved with compromise language in the final bill that requires the Department of Education to forward a copy of the federal DOE's publication of religious rights in public schools to district school boards, superintendents, principals and teachers. The bill also includes the possession of a firearm at school as a ground for mandatory expulsion. Provisions of the bill that began as separate bills that you read about in the *Legislative Link* include:

- Requiring instructional personnel or administrative personnel having knowledge that a sexual battery has been committed by a student upon another student to report the offense to a law enforcement agency having jurisdiction over the school plant or over the place where the sexual battery occurred if not on school grounds.
- Establishing the Florida Alzheimer's Center and Research Institute at the University of South Florida. A non-profit corporation will be organized to govern and operate the Center and Institute.
- Requiring each school superintendent to report by February 1, 2004 to the department any activity or initiative that provides access to a food service program during school vacation periods of over two weeks to students who are eligible for free or reduced-price meals. The Department must provide these findings to the Legislature and Board of Education.

The summer nutrition language falls short of legislation filed during the regular session that required the Department of Education to develop a plan to ensure that by the summer of 2003, children living near elementary schools in which 50 percent or more of the children are eligible for free or reduced-price school meals will have access to the federal Summer Food Service Program. However, this is a step toward all eligible children having access to summer food programs. In the summer of 2000, only one in four Florida school children participated in the summer food program.

SB 20-E was approved 27-7 in the Senate and 76-39 in the House. It was signed by the Governor on May 16, 2002. For a detailed summary of SB 20-E, go to Session Summaries on the On-line Sunshine homepage.

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### **BILL PROVIDING DIRECT SUPPORT ORGANIZATIONS FOR DEPARTMENTS VETOED**

House Bill 1177, approved unanimously by both houses, authorized DCF and the Department of Elder Affairs to establish "direct-support organizations" as non-profit corporations to raise funds, receive grants, gifts and bequests, and make expenditures for the benefit of the Department's projects and programs. This bill was vetoed by the Governor, whose veto message stated in part:

One of the most important goals of my administration is to reduce and streamline government in order to maximize services. To achieve that goal I have emphasized the importance of partnering with communities and the private sector, and transforming our health and human service delivery system from one that is government-based to one that is community-based. Encouraging state agencies to reinforce themselves through the establishment of direct-service organizations expands and promotes government and therefore is counter to this goal.

The veto message may be read in full by following the directions to the Governor's actions on page 2.

## **BILLS THAT DIED**

**Legal Rights of Children:** Senate legislation seeking to transfer the Guardian ad Litem program to the Statewide Public Guardianship and Children's Representation Office within the Department of Elder Affairs and establishing circuit offices of children's representation in each judicial circuit failed to be heard by the House. A House bill that would have created an Office of Child Advocate within the Justice Administrative Commission also failed. (SB 686 Passed Senate 36-0; Died on House Calendar/ HB 629 Died in Fiscal Policy and Resources Committee)

**Substance Abuse:** An effort to require pharmacists to report to the Department of Legal Affairs the name, address and other information relating to any individual who is prescribed certain controlled substances by their physician, dentist, etc. failed in the regular session and in Special Session E. The Department would have been required to maintain a database containing this information that could be have been used to expedite identification of substance abusers. (SB 636/ HB 701; SB 28-E/ HB 15-E)

**Juvenile Justice:** Legislation proposing several substantive changes to current laws regarding the continuum of services throughout the Juvenile Justice system failed to make it to the Senate floor for a vote. (HB 1763 Passed House 111-1; Died in Senate Committee on Criminal Justice/ SB 1718 Died in Committee on Rules and Calendar)

**Arthritis Prevention and Control:** This bill would have created the "Arthritis Prevention and Control Act" requiring the Department of Health to establish an Arthritis Prevention and Control Program and an Advisory Panel on Arthritis. (SB 2372 Died in Health and Human Services Appropriations/ HB 1469 Died in Council for Healthy Communities)

**Arthritis Act/ Prostate Cancer Awareness Program:** Legislation establishing a Prostate Cancer Awareness Program within the Department of Health also failed. The House bill was amended with the arthritis prevention language above. (SB 672 Died in Health and Human Services Appropriations/ HB 525 Passed House 113-0; Died in Senate Health, Aging and Long Term Care)

**Birth Defects:** Legislation requiring the Department of Health or a contracted designee to maintain and expand the Florida Birth Defects Registry and, among others, require the department to establish a birth defects education program and create a birth defects advisory council failed to pass. (SB 1934 Died in Committee on Governmental Oversight and Productivity/ HB 1417 Died in Committee on Health Regulation)

**Fatherhood Commission Repeal:** Legislation changing the name and mission of the Commission on Responsible Fatherhood to the Commission on Marriage and Family Support Initiatives failed to pass both chambers. The Commission reports that it will meet to determine practical methods to fit marriage and family support into current efforts to promote responsible fatherhood. (HB 1821 passed the House 114-1 and Died in the Senate Committee on Children and Families/ SB 1684 Died in Health and Human Services)

**Mandated Health Benefits:** This legislation would have required the Office of Legislative Services to contract for a report assessing the impact of 18 mandated health benefits. "Mandated benefits" are state laws requiring private health insurance policies and health maintenance organization contracts to include specific coverage for particular treatments, conditions, persons, or providers. HB 911 would have required an analysis of the nature of the services used by those with mandated benefits, the effect of any benefit caps, and utilization guidelines for coverage. (HB 911 Passed House 113-0 and Died in Senate Commerce and Economic Opportunities/ SB 1658 Died in Commerce and Economic Opportunities)

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Federal Express and UPS merge to become, FED UP.

Xerox and Wurlitzer will merge and begin manufacturing Reproductive Organs.

## **BILLS THAT DIED CONTINUED . . . . .**

**Mental Health Parity:** The "Chris G. Mental Health Parity Act" would have prohibited group health insurance and prepaid health care policies that provide medical, surgical, and mental health benefits from imposing any treatment limitations or financial requirements on mental illness coverage unless comparable limitations are imposed on the medical and surgical benefits. The bill exempted group health insurance plans and prepaid health care plans offered by small employers and certain plans that provide both in-network and out-of-network benefits. (SB 2486 Died in Committee on Banking and Insurance)

**Child Care Facilities:** In an attempt to ensure the safety of children in faith-based child care settings, legislators hoped to repeal Section 402.316, Florida Statutes, which currently exempts from the state's child care licensing and regulation laws any "child care facility which is an integral part of church or parochial schools conducting regularly scheduled classes, courses of study, or educational programs accredited by, or by a member of, an organization which publishes and requires compliance with its standards for health, safety, and sanitation." Both the House and Senate bills died in committee. (HB 175 Died in the Council for Healthy Communities/ SB 536 Died in Committee on Children and Families)

**School Readiness:** This bill would have revised minimum standards and provisions for coalition plans for school readiness programs; specified ratios for instructional personnel to children; required an introductory training course and in-service training for child care personnel. (HB 1433 Died in Committee on Workforce and Technical Skills)

**School Prayer:** This bill would have authorized school boards to adopt resolutions allowing inspirational messages, including invocations or benedictions, at secondary school commencement exercises and secondary school-related noncompulsory student assemblies. (HB 667 Passed House 88-28; Died in Senate Education / SB 572 Died in Education)

**Rape Survivors/ Emergency Treatment:** Legislation to require medical facilities and health care practitioners who provide rape treatment to provide information about and access to emergency contraception if it is medically appropriate, or to refer them to a facility or practitioner for such care, failed to move through the House. (HB 125 Died in Committee on State Administration/ SB 2246 Died on Calendar)

**Displaced/ Low Income Worker Assistance:** Legislation that would have granted Medicaid eligibility and premium subsidies to people ineligible for insurance coverage under COBRA and who become or became unemployed after September 11, 2001, and before December 31, 2002, failed. (SB 1238 Died in Committee on Children and Families/ HB 1169 Died in Committee on Child and Family Security)

**Chiles Endowment Fund Constitutional Amendment:** This proposed constitutional amendment would have authorized the Legislature to appropriate investment income from the Lawton Chiles Endowment Fund as provided by general law and limited use of endowment fund principal to emergencies that relate to children's health or welfare or community-based health and human services. (SB 1018 Died in Health and Human Services Appropriations/ HB 1379 Died in Committee on State Administration)

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### ***Did You Know...***

*The only two days of the year in which there are no professional sports games (MLB, NBA, NHL, or NFL) are the day before and after the Major League all-stars game.*

## CHILD WELFARE ISSUES

**HEALTHY FAMILIES FLORIDA** – Healthy Families Florida was appropriated its base budget of \$22.2 million by the 2002 Legislature. The program used roll-forward dollars it had accrued during its implementation period to offset the loss of nonrecurring funds that were appropriated by the 2001 Legislature, but those funds will be exhausted this year, resulting in a loss of services throughout the state next fiscal year exceeding \$2 million. Healthy Families served more than 10,000 families through 38 sites in 49 counties during FY 2000-2001 in zip code areas that have the highest incidences of child abuse and neglect in the state.

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### COMMUNITY BASED CARE BILL SIGNED INTO LAW

SB 632 (Sen. Peadar/ Rep. Murman) includes the following provisions relating to community based care:

- Extends Community Based Care transition by requiring DCF to initiate the competitive procurement process in each county by January 1, 2003 with the full transfer of all foster care and related services completed by December 31, 2004.
- Requires lead agencies to have written agreements with Healthy Families Florida lead entities in their communities to promote cooperative planning for provision of prevention and intervention services.
- Mandates increased insurance coverage for staff of lead agencies and their subcontractors who transport client children and families in their personal automobiles.
- Creates uniform statewide policies for contract monitoring by requiring the department to adopt written policies and procedures for monitoring lead agency contracts.
- Streamlines documentation procedures by requiring that each community-based agency furnish information on its activities in all cases in client case records.
- Provides that a dually licensed home shall be eligible to receive both an out-of-home care

payment and a subsidized child care payment for the same child pursuant to federal law, allowing foster parents to stay home with their pre-school age children.

- Requires the department to develop a statewide proposal regarding the long term use and structure of a shared earnings program which returns a portion of federal revenues earned in excess of the budgeted amount to the lead agency and addresses the financial risk to eligible lead agencies resulting from unanticipated caseload growth or from significant changes in client mixes or services eligible for federal reimbursement. The budget includes \$10 million for “seed” money” to establish the risk sharing pool.
- Expands authority to establish Child Welfare Targeted Case Management projects in counties with lead agencies. Existing general revenue will be used as a match for these Medicaid dollars, which can be used to reduce caseloads and increase prevention services.

In addition, this law provides for the assessment of children for placement in residential group care who are 11 years of age, have been in licensed family foster care for six months or longer, and who have moved more than once.

(SB 632 Final Vote: Senate 36-0; House 116-0; Signed by Governor, Chapter No. 2002-219)

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### The five leading causes of death in the US 100 years ago were:

1. Pneumonia and influenza
2. Tuberculosis
3. Diarrhea
4. Heart disease
5. Stroke

<b>NEW PARENTS TO RECEIVE INFORMATION REGARDING SHAKEN BABY SYNDROME PREVENTION</b>	<b>RELATIVE CARE EXPANSION SUCCESSFUL</b>
<p>Shaken Baby Syndrome is a term used to describe the effects of violently shaking an infant or small child. This abuse can have devastating long-term consequences including permanent brain damage, blindness, paralysis, or even death. Senate Bill 1766, sponsored by Senator Sullivan and co-sponsored by Rep. Waters in the House, would require every hospital, birthing facility, and provider of home birth which has maternity and newborn services to give new parents informational brochures concerning the dangers of shaking babies and young children. The bill requires the Department of Health to prepare the brochures and prescribes their content. It additionally provides that a cause of action does not accrue as a result of failure to provide this information. (Final Vote: House 114-0; Senate 35-0; Signed by Governor, Chapter No. 2002-174)</p> <p>For more information on Shaken Baby Syndrome, visit these websites: <a href="http://www.aboutshakenbaby.org">www.aboutshakenbaby.org</a>; <a href="http://www.dontshake.com">www.dontshake.com</a>; or <a href="http://shakenbaby.com">http://shakenbaby.com</a>.</p>	<p>According to the Kinship Support Center at USF, there are 231,000 children living in relative care in Florida. Relative care payments are funded through the Temporary Assistance to Needy Families (TANF) block grant. The federal Administration on Children and Families has set new guidelines allowing TANF funds to be used for half-siblings under the Relative Caregiver Program. Based on these new guidelines, HB 161 will expand eligibility for Florida's Relative Caregiver Program to a child who is determined dependent and who is a half-sibling of another child who is placed with the same relative caregiver. The bill also provides that children in relative care have priority for participation in school readiness programs and, like foster children, that they are "students" for whom certain fee exemptions are provided for post-secondary education and workforce development programs. (Final Vote: House 112-0; Senate 36-0; Signed by Governor; Chapter No. 2002-38)</p> <p>Find more Kinship Care information on-line at <a href="http://www.cas.usf.edu/~krisman/">http://www.cas.usf.edu/~krisman/</a></p>

*Feudalism - You have two cows. Your lord takes some of the milk.*

*Fascism - You have two cows. The government takes both, hires you to take care of them, and sells you the milk.*

### **LEGISLATURE RESPONDS TO RILYA**

In response to the still unresolved Rilya Wilson case, the Legislature moved quickly during the last special session to approve HB 71-E, which provides that:

- (a) Any person who knowingly falsifies by altering, destroying, defacing, overwriting, removing, or discarding an official record relating to an individual in the care and custody of a state agency, which act has the potential to detrimentally affect the health, safety, or welfare of that individual, commits a felony of the third degree;
- (b) Any person who commits a violation of paragraph (a) which contributes to great bodily harm to or the death of an individual in the care and custody of a state agency commits a felony of the second degree;
- (c.) Any person who knowingly falsifies by altering, destroying, defacing, overwriting, removing, or discarding records of the Department of Children and Family Services or its contract providers with the intent to conceal a fact material to a child abuse protective investigation, protective supervision, foster care and related services, or a protective investigation or protective supervision of a vulnerable adult, as defined in chapter 39, chapter 409, or chapter 415, commits a felony of the third degree. Nothing in this paragraph prohibits prosecution for a violation of paragraph (a) or paragraph (b) involving records described in this paragraph.

The Governor has already signed this bill into law.

**GOVERNOR BUSH ESTABLISHES BLUE RIBBON PANEL ON CHILD PROTECTION**

On May 6, in direct response to the case of Rilya Wilson, the Governor established a Blue Ribbon Panel on Child Protection to review the performance of the State's child protection system in Miami-Dade County. Members of the panel include Dave Lawrence, current chair of the Florida Partnership for School Readiness and former publisher of the Miami Herald; Sr. Jeanne O'Laughlin, President of Barry University; Carol Licko, partner with Hogan and Hartson law firm; and Sara Herald, current Group Chief Administrative Officer of Union Planters Bank and former regional vice-president of Children's Home Society. The Governor charged the panel with determining the adequacy of oversight and accountability within the Department of Children and Families. The panel's final report was released Tuesday and may be viewed on-line at [www.myflorida.com](http://www.myflorida.com).

Also Tuesday, the Governor issued Executive Order 02-159, establishing a working group to recommend a plan of action for realizing the full potential of the Guardian Ad Litem program.

**HOUSE SELECT COMMITTEE CONTINUES TO MEET**

The House Select Committee on Oversight of the Department of Children and Families has held two meetings in which committee members have heard testimony from DCF, OPPAGA (the Legislature's Office of Program Policy Analysis and Government Accountability), and advocates. The committee was created prior to the disappearance of Rilya Wilson to review allegations of billing practices, record keeping at Lakeside Alternatives, enormous backlogs of child abuse cases, Alcohol, Drug and Mental Health contracting policies and procedures, lack of oversight of contracts for providers in child abuse investigations, and conflicts of interest within DCF. The next meeting will be held June 3 in Orlando to hear a presentation by Lakeside Alternatives.

To view committee members, staff and packets, go to [www.leg.state.fl.us](http://www.leg.state.fl.us), click on Councils/ Committees under House of Representatives. Then scroll down to the select committee under the Council for Smarter Government.

**HEALTHY KIDS**

**LOCAL MATCH**

The Healthy Kids program is a public/private partnership created by the Legislature in 1990. Through it, local, state, and federal dollars, including family contributions, have been combined to purchase from the private sector health care coverage for children. Under legislation passed during Special Session E, counties are no longer required to put up a local match in order for Title XXI eligible children to be able to participate in the program. Counties with ineligible children can direct local funds to enroll these children in the Healthy Kids program. The bill states that each fiscal year, the Healthy Kids Corporation shall establish a local match policy for enrollment of non-Title-XXI-eligible children in the Healthy Kids program. Under this plan, local match sources may include, but are not limited to, funds provided by municipalities, counties, school boards, hospitals, health care providers, charitable organizations, special taxing districts, and private organizations. (HB 59-E Final Vote: House 116-0; Senate 39-0)

**HEALTHY KIDS RESERVE**

The Governor has signed a bill that caps the reserve funds maintained by the Healthy Kids Corporation at 25 percent, or approximately \$60 million. The legislation was based on the idea that prudent business practices dictate that such a large reserve exist. The reason: The Healthy Kids Corporation must allocate about \$20 million on the first of each month to cover the insurance premiums for Healthy Kids enrollees. However, federal funds are distributed on a reimbursement basis only, on average about 23 days after the first-of-the-month payment by the Healthy Kids Corporation. The Corporation claims it needs at least three months of reserves to cover this reimbursement lag, and to allow for a sixth month dissolution of the corporation. (SB 968 Final Vote: Senate 36-0; House 93-26; Signed by Governor; Chapter No. 2002-220)

## LEGISLATORS IMPROVE LONG-TERM CARE

Included in SB 1276 are numerous provisions intended to address and explore how we can better serve the long-term care needs of Florida's 2.8 million individuals over age 65.

Model Integrated Long-Term Care System - The bill authorizes the Agency for Health Care Administration (AHCA) to contract with an entity to provide health care and social services on a prepaid or fixed-sum basis to elderly recipients. It directs the Department of Elder Affairs (DOEA) and AHCA to develop a model system to transition all state-funded services for elderly individuals over the age of 65 in one of the department's planning and service areas to a managed, integrated long-term care delivery system under the direction of a single entity. Preference is to be given to an existing area agency on aging or community-care-for-the-elderly lead agency demonstrating the ability to perform the functions.

Office of Long-Term Care Policy - This office is created in the Department of Elder Affairs to evaluate, improve, and coordinate the agencies responsible for the long term care continuum and to make recommendations to increase the availability and use of non-institutional settings.

Consumer-Directed Care Act - AHCA is required to establish the consumer directed care program for persons who are enrolled in one of the Medicaid home and community-based waiver programs and are able to direct their own care or designate an eligible representative. Participants may choose the providers of services and direct the delivery of services to best meet their long-term care needs.

Plan to Reduce Nursing Home Bed Days under Medicaid- In consultation with DOEA, AHCA must submit to the Governor and Legislature by December 1, 2002 a plan to reduce the number of nursing home bed days purchased by the state Medicaid program and to replace such nursing home care with care provided in less costly settings.

Certificate of Need for Nursing Facilities - Prior to issuing a Certificate of Need to construct additional nursing homes, AHCA must determine that such need cannot be met through the provision, enhancement, or expansion of home and community based services.

Medicaid In-Home Physician Services Expansion- The bill allows AHCA to contract with an entity that provides, on a risk-sharing basis, in-home physician services for the purpose of testing the cost effectiveness of enhanced home-based medical care to Medicaid recipients with degenerative neurological diseases and other diseases or disabling conditions associated with high costs to Medicaid.

CARES Program - The bill adds requirements for the Comprehensive Assessment and Review (CARES) nursing facility preadmissions screening program to ensure that Medicaid payment for nursing facility care is made only for individuals who require such care and that long-term care services are provided in the setting most appropriate to the needs of the person and in the most economical manner possible.

Nursing Home Transition Program - This program is established to assist long stay individuals in nursing homes to regain independence and to move to less costly settings.

Changes to the Long-Term Care Ombudsman Program - Changes are made to the membership, training requirements, and independent status of this program.

Long Term Care Insurance Standards - The bill authorizes the Department of Insurance to adopt by rule those provisions of the Long Term Care Insurance Model Regulation adopted by the National Association of Insurance Commissioners which are not in conflict with the Florida Insurance Code.

(Final Vote: Senate 36-0; House 120-0; Approved by Governor; Chapter No. 2002-223)

## **BILL PROHIBITS EXPLOITATION OF ELDERLY AND DISABLED**

SB 268 addresses the authority and conduct of persons in positions of trust and confidence by creating another civil cause of action and a criminal theft offense based on exploitation of an elderly person or disabled adult, clarifying medical proxy provisions, and authorizing the court to take action to protect a ward when a fiduciary has breached his or her duty of the ward.

The bill provides that the Statewide Public Guardianship Office must monitor the guardianship process, and requires professional guardians to register with the Statewide Public Guardianship Office. It expands current law authorizing the

Statewide Public Guardianship Office to establish an Office of Public Guardian in any county or judicial circuit, to authorize creation of one or more offices in a county or judicial circuit. Lastly, the bill increases from \$5,000 to \$15,000 the maximum amount for which a guardian may settle a claim on behalf of a ward without appointment of bond, stabling a legal guardianship, or appointing a guardian ad-litem with prior court approval of the settlement. The bill also creates a non-profit fundraising organization for the SPGO.

(Final Vote: Senate 36-0; House 115-0; Signed by Governor, Chapter No. 2002-195)

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### **CHINESE PROVERBS**

Man who eat many prunes get good run for money.  
War does not determine who is right, war determines who is left.  
Man who drive like hell, bound to go there.

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### **NURSING SHORTAGE ADDRESSED**

By the year 2006, Florida is expected to need 34,000 nurses. HB 519, the Nursing Shortage Solutions Act was approved by the Legislature and Governor. This new law aims to improve Florida's nurse recruitment and retention efforts by:

- simplifying eligibility for and modifying the repayment provisions of the Nursing Student Loan Forgiveness Program;
- creating the Sunshine Workforce Solutions Grant Program to encourage middle and high school students to explore the nursing field through coursework at their schools;
- permitting out-of-state applicants who have actively practiced nursing in another state for two of the three preceding years to obtain up to a six month temporary license while awaiting results of the required criminal background check and completing a course on Florida laws and rules; and
- creating the public school volunteer health care practitioner program (originally HB 355/ SB 1250). This will provide incentives to encourage active health care practitioners to provide their services for 80 hours per school year and retired practitioners to volunteer at least 400 hours during each school year. In return, the practitioner would receive a waiver of the biennial license renewal fee and a maximum of 25 percent of the continuing education hours required for license renewal.

## GOVERNOR SIGNS DOMESTIC VIOLENCE BILL

Unanimously approved by the Legislature and signed by the Governor, SB 716 takes several steps to assist victims of domestic violence. Among others, it:

- Prohibits the assessment of a filing fee for a petition for protection against domestic violence effective October 1, 2002. However, subject to legislative appropriation, the clerk of the circuit court may, on a quarterly basis, submit to the Office of the State Courts Administrator a certified request for reimbursement for petitions for protection against domestic violence issued by the court;
- Clarifies that people who have a child in common, or who are in a dating relationship, are not required to have resided together to be eligible for an injunction for protection against violence;
- Defines "dating violence" as violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of several factors;
- Clarifies current law regarding the court's role over pretrial diversion programs for batterers;
- Provides that venue for petition for an injunction for protection is proper where the respondent or petitioner resides (permanently or temporarily), or where the act of domestic violence occurred;
- Creates a checklist for petitioners to consider when completing the petition;
- Amends several statutes to make the definition of domestic violence consistent;
- Provides a checklist for the court to consider prior to issuing an order;
- Allows an advocate from a state attorney's office, law enforcement agency, or a certified domestic violence center to be present with the petitioner or respondent during injunction hearings;
- Makes it a first degree misdemeanor for a respondent to go within 500 feet of the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member, or within 100 feet of the petitioner's motor vehicle, deface or destroy the petitioner's personal property, or refuse to surrender firearms or ammunition of ordered to do so by the court; and
- Mandates that all injunction hearings be recorded.

(Final Vote: House 115-0; Senate 36-0; Signed by Governor; Chapter No. 2002-55)