

Legislative Link

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

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WHY QUALITY VPK?

About 70,000 (40%) of the 175,000 kindergarteners who were screened to determine if they were ready for school at the beginning of this school year are at risk of failing, and 22% are at high risk.

In contrast to the developmental assessments used in previous years that showed about 84% of children ready to learn upon entering kindergarten, this year's assessment assessed pre-reading skills.

If these 70,000 children are going to succeed in school, most are going to need significant additional help. This is a drain on our teachers and school systems, and drags on those children who are school-ready. The VPK program slated to begin this fall is intended to reduce this significant number of unprepared children in future years. Will it?

During the last three weeks of session, the Legislature will decide how much money to invest in the new VPK program. The draft 2005-06 state budgets passed by the House and Senate both propose spending \$2,500 per student each year, an amount that translates into as little as \$1,600 per student when administrative and other costs are deducted.

This is shamefully low and will not result in the quality necessary to reduce the dismal number children who are unprepared to begin – and succeed – in school.

Legislators should use some of the additional \$2 billion in revenues the Consensus Estimating Conference “found” this week to significantly increase funding for the VPK program by increasing the per student funding to a more respectable \$3,000 per year, which is still about \$800 less than the amount projected for a quality program by the Policy Group for Florida's Families and Children.

During the last six years - since implementation of “school readiness” in 1999 - school districts have slowly but steadily found themselves unable to provide pre-k classes. Consequently, Florida has lost some of the highest quality early childhood programs the state has ever had. The VPK bill passed in December manifests the Legislature's continuing desire to force schools out of the early care and education arena by, among others, prohibiting school districts that cannot certify they will be in compliance with class size requirements for the next five years from offering school year VPK classes.

Few, if any school districts can make such a certification.

However, faced with huge capacity issues and fearing all children who want to participate in the school year program will not have a place to go, Education Commissioner John Wynn this week - at the behest of the Governor and Legislature - created a new interpretation of the VPK law that will allow school districts to participate if they can certify they will be in class size compliance during the next school year. As a result, 59 school districts will be able to provide the program, if they desire. Of course, the question still remains whether they can provide a quality program for the \$2,500 per student appropriation under discussion in Tallahassee. Most will likely not be able to and, as they have shown in the past, the schools will not participate in the program if it's not a quality program.



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AFFORDABLE HOUSING FUNDS AT RISK

Many United Ways have seen significant need for increased affordable housing in their communities. Currently, 20 cents from each dollar in documentary stamp taxes that are collected go into the Affordable Housing Trust Fund. While the Legislature has "raided" the trust fund over the years, the amount it is providing this year for affordable housing throughout the state is \$354.4 million, with projections for next year of \$448.4 million.

These much-needed funds are being threatened. HB 1889 would cap the amount of monies available for affordable housing from the Trust Fund at only \$193 million annually.....the remaining dollars in the trust fund - over half - would go into the general revenue pot for legislators to use on anything they deem appropriate. In short, this bill threatens the

affordable housing efforts we have fought so long to support.

It is important for us - and others we know who are interested in this issue - to contact legislators to inform them of our opposition to this unreasonable cap, and to offer a solution - a higher cap that reflects the true costs of the housing market.

If you are interested in contacting your legislators, the Florida Housing Coalition has created a quick, easy way for doing so. Please visit their website at <http://www.flhousing.org/SendActionAlert.asp?ID=4>, contact your legislators today . . . and get others to do likewise. Thanks to the Florida Housing Coalition for the great work they are doing on this issue.

Quotes from Steven Wright . . .

"A conscience is what hurts when all your other parts feel so good."

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

JUVENILE JUSTICE STAFF – OVERWORKED AND UNDERPAID

The Florida Juvenile Justice Association reports that care and custody staff in Florida's Juvenile Justice System are sorely underpaid, resulting in high staff turnover, lower quality care than desired, and low employee moral.

Care and custody staff are responsible for 24-hour care and supervision of youth in the Department's residential and shelter programs. These workers are at the heart of efforts to rehabilitate juvenile offenders so they don't live lives of crime. They have an average contracted salary of only \$17,398 per year, translating to \$8.36 per hour. In fact, about 94 percent of those workers earn less than \$24,000.

The results on quality care are devastating. Rehabilitation therapists have a 63 percent turnover rate, while CINS shelter workers and house parents have turnover rates over 50 percent. Imagine running a business with turnover rates that high. It couldn't be done. Making it even more difficult is the fact that more than 70 percent of the turnover occurs during the first six months of their employment.

The Florida Juvenile Justice Association is pressing for an increase in funding this year for these critically important workers. Improved pay will result in safety improvements, more competent staff, program stability, career paths for staff, and, most importantly, better role models for the youth we are trying to help in the system.

Fully addressing this problem would cost about \$25 million. Fortunately, both houses recognize the problem exists, but have not stepped up to the plate to eliminate it. The Senate has the better approach, providing \$11 million to support these workers, while the House has proposed investing \$6 million. Please call your Legislators today to urge them to accept the Senate Specific Appropriation 1123A.

PROPOSED MEDICAID BUDGETS EXPAND CARE

Major differences remain between the House and Senate over big-ticket Medicaid issues, including hospital and nursing home payments and prescription drug programs. Although Legislators are under increasing pressure to reduce Medicaid costs, they have included some much-needed increases in next year's proposed budgets, including:

- increasing the reimbursement rate for Medicaid dialysis patients, which patients and health care providers say is woefully low. It is the first increase in reimbursement rates since 1996 for the 700 Medicaid patients who require kidney dialysis three times a week.
- continuing the adult denture program, which was scheduled to expire in July. House and Senate bills provide \$20 million in funding for the program that serves about 25,000 Floridians (although vision and hearing services are cut).
- restoring \$392 million in state and federal funds for Medically Needy program, which provides care for 36,000 low-income Floridians who suffer catastrophic illnesses but who aren't poor enough to qualify for Medicaid. Most notably, both the House and Senate propose funding the program with recurring revenues raided from trust funds, which may end the annual battle to retain the program.

Continuing to provide health care coverage to about 3,390 pregnant women whose families earn between 150 percent and 185 percent of the federal poverty level, which is \$12,830 for a family of two. The program was in danger of being cut back to the 150 percent level. House and Senate budget bills include about \$60 million in federal and state funds to continue the expanded program.

Issues to Consider in Governor Bush's

"Florida Medicaid Modernization Proposal"

[The Winter Park Health Foundation](#) has developed three excellent issue briefs on Medicaid reform in Florida.

The latest brief titled *Issues to Consider in Governor Bush's "Florida Medicaid Modernization Proposal"* is now available at: <http://www.wphf.org/access/medicaid05.html>.

To review the Governor's proposal, go to www.empoweredcare.com.

Reasons why the English language is so hard to learn

- *When shot at, the dove dove into the bushes.*
 - *I did not object to the object.*
 - *The insurance was invalid for the invalid.*
- *There was a row among the oarsmen about how to row.*
 - *They were too close to the door to close it.*

Health Care Explosion

The nation's tab for health care – already the highest per person in the industrialized world – could hit \$3.6 trillion by 2014, or nearly 19% of the entire U.S. economy, up from 15.4% now.

. . . By 2014, the nation's spending for health care will equal \$11,045 for every man, woman and child, up from \$6,423 each this year, says the report released Wednesday by the Centers for Medicare & Medicaid Services. Those numbers are not adjusted for inflation.

. . . And as spending rises, public health programs such as Medicare and Medicaid will pay an increasing proportion, hitting 49% of all spending by 2014, up from 45.6% in 2003: "That could have important implications for the budget as a whole," says the government. Source: USA Today, February 24, 2005

VULNERABLE FLORIDIANS PUT AT RISK

WHO: 77,000 very low-income Floridians—elderly people and people with severe disabilities
WHAT: Losing Medicaid
WHEN: January 1, 2006
WHERE: In House PCB FC 05-02, Senate Bills 404,7070 and the Governor's Recommended 2005-06 Budget

Misplaced Priorities

The Governor and Legislature are proposing elimination of Medicaid coverage for people who are also eligible for Medicare and are living in the community (not in a nursing home). These are people with incomes of \$591 to \$702 a month for a single person.

A Flawed Rationale

The rationale for this cut is that Medicaid coverage is no longer needed since these individuals will be eligible for coverage under the new Medicare Part D (prescription drugs). There are two major flaws in this argument:

1. The new Medicare drug coverage will cost them more for every prescription than the Medicaid drug coverage they are losing, and
2. Medicare will not cover other essential services they will lose at the same time, such as hospital, physician, lab, x-ray, home health, transportation, and dental services.

The Bottom Line

- Without Medicaid coverage, thousands of chronically ill and elderly individuals will be unable to get vital health care services. For example, what will happen to the person who relies on Medicaid-funded transportation services to go to dialysis three times a week? Or who relies on Medicaid-funded home health care to continue living with her family instead of in a nursing home?
- The proposed budget will cut state spending for non-drug Medicaid services by \$17.6 million—and, because of this cut, Florida will lose \$22.4 million in federal matching dollars.
- This is no way to balance a budget—by making Florida's vulnerable elderly and people with disabilities pay the price with their health, or even their lives.

The people affected by this proposal are elderly or have severe disabilities and monthly incomes between \$591 and \$702 for a single person. They are currently enrolled in Florida's MEDS-AD program.

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BRIGHT BUDGET PICTURE



Last week, the House (HB 1885) and Senate (SB2600) unanimously passed their respective fiscal year 2005-2006 proposed budgets. (For more details, see the attachment to this Legislative Link, entitled “2005-2006 Florida Budget Comparisons.”) But there remains much work to be done. The two chambers are about \$1 billion apart on their bottom lines, with the Senate budget totaling \$62.1 billion and the House budget totaling 63.3 billion. And, of course, there are significant differences in detail between the two budgets. The real work starts next week when budget conferees from each chamber will meet to hammer out the differences.

This week, the Consensus Estimating Conference projected an additional \$2 billion would be available to spend next year, over and above the new \$4 billion that was already plugged into the two draft budgets. Most of the new money comes from a booming housing and real estate market, made even stronger by hurricane recovery activities, and robust tourism. With about \$6 billion in new funds to spend, the acrimony and tension that have become commonplace is all but dissipated. Hurricane recovery.

What does all of this new money mean for Florida? The House and Senate have two differing views. The House favors more funding for public schools, higher tax cuts, water projects in lawmakers' home districts and putting some money the state's rainy day fund. The Senate prefers spending more on human services and putting a down payment on an estimated \$35-billion deficit over 10 years in catching up with the costs of growth, mainly through roads, schools and water and sewer improvements.

Here are some examples of what the House and Senate proposed budgets look like. For more detail, see the attachment “2005-2005 Florida Budget Comparisons” to this Legislative Link. Both budget proposals:

- Boost spending on public schools by at least \$1.2 billion to cover anticipated enrollment growth of 66,313 new students and providing a per-student boost of at least 5 percent. (Huge fight on the horizon, however, on how to allocate these monies among the counties).
- Place between about \$900 million (Senate) and \$400 million (House) in reserve.
- Fund class size reduction, with the House allotting another \$557 million and the Senate at \$549 million.
- Allocate about \$400 million to restore the Medically Needy program, which provides health care for 36,000 low-income Floridians who have catastrophic illnesses.

There are some disappointments in the two budgets, including:

- Nursing homes are particularly hard hit:
 - Both budgets would save \$68 million by delaying nursing-home-staffing increases approved in 2001 in exchange for new legal shields that limit patients and their families from suing for negligence and abuse.
 - The two budgets freeze payment rates for nursing homes, which are already losing about \$18.10 per patient.
- The House cuts Florida's premier child abuse and neglect prevention program, Healthy Families Florida, by about \$15 million and the Senate cuts it by \$7 million. In a press conference last week, Governor Bush urged the Legislature to fully fund the program at its current \$28 million funding level.
- The Senate budget has about \$407 million for universal prekindergarten, compared to about \$387 million in the House. Both budgets call for a per student allocation of \$2,500, far below the amount needed to fund a quality program.

PROPOSED 2005-2006 BUDGETS IN BRIEF

Total

House: \$63.3 billion
Senate: \$62.1 billion

Health and social services

House: \$22.1 billion
Senate: \$22.5 billion

Schools, colleges, universities

House: \$19.9 billion
Senate: \$19.8 billion

Roads, environment

House: \$12.1 billion
Senate: \$10.1 billion

General government

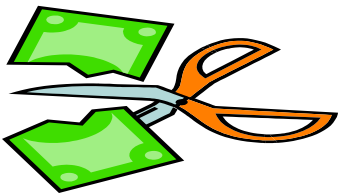
House: \$4.6 billion
Senate: \$5.6 billion

Prisons, law enforcement, courts

House: \$4.3 billion
Senate: \$4.2 billion

Source: Florida Legislature

TAX CUTS KEY



One of the biggest differences in the proposed 2005-2006 budgets passed last week by the House and Senate is in how they address tax cuts.

The House plan would cut taxes by about \$400 million, including elimination of the state's intangibles tax on investments (which would pull about \$300 million from the state treasury to benefit taxpayers with average assets of \$1 million). Other cuts include a sales-tax holiday for shoppers (\$31.3 million), new breaks for manufacturers and research companies, and for residents buying hurricane supplies.

Senate leaders have not included these cuts in their budget. Instead, they have stated their interest in improving long-term fiscal planning for Florida - a top priority for Senate President Tom Lee - as well as improving Florida's growth management laws. They want to see House action on these issues before committing to tax cuts.

Church Bulletin Bloopers . . .

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 off - let the Church help.

For those of you who have children and don't know it, we have a nursery downstairs.

Next Thursday there will be tryouts for the choir. They need all the help they can get.

Report from the Revenue Estimating Conference: Revenue Estimating Conference (April 11, 2005)

SUMMARY

The Revenue Estimating Conference added over two billion dollars to its forecast of General Revenue collections for this year and for next. Estimated collections for fiscal year 2004-05 were raised by \$1,054 million, 4.5% above the November estimate. In fiscal year 2005-06, expected revenues were increased by \$1,143 million or 4.7% over the previous estimate.

These changes largely reflect the underlying strength of Florida's economy, which continues to outperform the rest of the nation. Contributing to that strength, spending related to real estate continues to surge. Heightened real estate activity related to the second home market is in addition to the previously estimated spending on repairs and replacement of property damaged by the 2004 hurricanes. Other factors contributing to the revised estimate include:

- More people working. Over the last 12 months, employment is up 3.5%, with payrolls expanding by 257,300 jobs, placing Florida first in both rate of growth and number of new jobs among the nation's ten most populous states. Since September, Florida's economy has added 133,700 jobs – an increase of 1.8%.
- Fewer people unemployed. Florida's February unemployment rate was 4.5% – 0.4% lower than a year earlier and a percentage point lower than the national average.
- Increased consumer and business spending. Taxable sales for the first quarter of this year are up 14% over the same period last year.
- Surging new construction. Single family housing starts are running 14.2% ahead of last year.

Reflecting the pronounced strength in real estate and construction, estimated collections of documentary stamp taxes and intangibles taxes on mortgages were substantially elevated. This growth is anticipated to continue into the beginning of next fiscal year, but rising interest rates are ultimately expected to slow activity. As a result, estimated documentary stamp tax collections of \$3.2 billion exceed prior year collections by nearly 22% and remain above \$3 billion in fiscal year 2005-06. Intangibles taxes on mortgages will follow a similar pattern, increasing by 12.1% this year.

Sales tax derived from business spending is expected to be 18.8% higher than last year, with continued growth of 8.4% in fiscal 2005-06. Reflecting overall business growth, corporate income tax collections are expected to come in 22.5% over last year with a further increase next year.

Sales tax collections related to tourism and leisure activities have been growing at a pace (9.4%) last experienced in the banner 1999-2000 fiscal year. Contributing to strength in this category is an increase in foreign visitors linked to the weaker dollar.

There are reasons to believe that Florida is approaching its growth potential, and that overall economic activity will begin to moderate over the coming months. Record-high oil and gas prices will divert spending away from taxable transaction, as will rising interest rates. After the 12% growth in sales tax forecast for fiscal year 2004-05, sales tax growth is expected to slow to 6% in fiscal year 2005-06.

BILLS HEARD THIS WEEK

Excerpts from Legislative Staff Analyses

SB 274 – Interstate Compact for Juveniles (Crist)

Senate Bill 274 substantially amends s. 985.502, F.S., to revise and update the provisions of the current Interstate Compact on Juveniles (the “compact”), providing for cooperation among states in supervising and returning juveniles who have run away or escaped from detention across state boundaries. The revised compact creates an independent compact administrative agency, the Interstate Commission for Juveniles, authorized to enforce the compact and make rules necessary for the compact’s enforcement.

For the compact to take effect, 35 states must pass the new compact language, though the bill provides for an effective date of July 1, 2005.

Last Action: SENATE Favorable with CS by Governmental Oversight and Productivity

CS/HB 407 – Child Protective Investigations (Glorioso)

The bill prohibits the use of information contained in a report of abuse, neglect, or abandonment in any way which adversely affects the interests of a person when that person has not been identified as a caregiver responsible for the abuse, neglect, or abandonment.

The prohibition extends to institutional investigations of abuse, neglect, or abandonment as well, but provides that when the person is a licensee of the Department of Children and Families (DCF or the department), the information may be considered if relevant in re-licensing or revocation of license decisions when three or more instances have occurred over a five-year period.

The bill should have no fiscal impact on state or local government.

Last Action: HOUSE Now in Health & Families Council

CS/HB 459 – Substance Abuse Services (Bogdanoff)

This bill requires the Department of Corrections to develop and implement a substance abuse reentry program. If the sentencing judge approves an inmate’s admission into the program, and the inmate completes at least a 90-day in-prison program, the inmate will be released from prison early on the condition that the inmate comply with further treatment and with other requirements set by the court. This early release may provide for release prior to any minimum mandatory term required by law, and will provide for release prior to serving 85% of the sentence.

Last Action: HOUSE Favorable by Health Care Appropriations

CS/HB 543 – Medicaid Eligibility (Brown)

House Bill 543 provides asset transfer limitations for determination of eligibility for nursing home care under the Medicaid program.

Federal law (42 U.S.C. 1396p(c)) requires states to withhold payment for various long term care services for individuals who dispose of assets for less than fair market value. The term "assets" includes both resources and income. These provisions apply when assets are transferred by individuals in long-term care facilities or receiving home and community-based waiver services, or by their spouses, or someone else acting on their behalf.

States "look back" to find transfers of assets for 36 months prior to the date the individual is institutionalized or, if later, the date he or she applies for Medicaid. For certain trusts, this look back period extends to 60 months.

If a transfer of assets for less than fair market value is found, the state must withhold payment for nursing facility care (and certain other long term care services) for a period of time referred to as the penalty period.

Bills Heard this Week continued

The length of the penalty period is determined by dividing the value of the transferred asset by the average monthly private-pay rate for nursing facility care in the state. Example: A transferred asset worth \$66,000, divided by a \$3,300 average monthly private-pay rate, results in a 20-month penalty period. There is no limit to the length of the “penalty period.”

Florida follows the federal law governing the transfer of assets. The federal law does not allow for states to apply a more stringent standard. A federal waiver would be necessary to apply a more stringent standard. Minnesota, Connecticut, and Massachusetts are seeking such a waiver.

Among others, the bill requires AHCA to amend the Medicaid State Plan to create a methodology to reimburse facilities for bad debts associated with their obligation to serve residents during the proposed period of ineligibility.

Last Action: HOUSE Favorable by Health Care Appropriations

CS/HB 751 – Florida 211 Network (Jennings)

CS/HB 751 amends section 408.918, Florida Statutes, to expand the Florida 211 Network to provide services in each county. The bill revises legislative intent by adding the finding that a statewide Florida 211 Network would be of great benefit to Floridians, particularly in times of disaster. The bill requires each Florida 211 Network provider to coordinate with its county emergency operation center to determine how 211 may be used in the event of disaster.

The bill provides a \$5 million General Revenue appropriation to the Agency for Health Care Administration (Agency) to support the statewide expansion of the Florida 211 Network to all counties and to enhance the operations of existing 211 providers. The bill directs the agency to distribute the funds to the Florida Alliance of Information & Referral Services (Alliance). The Alliance is to make the funds available to 211 providers on a matching basis, with each 211 provider required to match \$1 for \$1 the amount that it is provided from the Alliance.

By December 15, 2005, 211 providers receiving state funds are required to report to the Alliance the expenditure of their funds. By January 1, 2006, the Alliance is required to provide a statewide report to the Agency. No later than January 15, 2006, the Agency is required to submit a statewide expenditure report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Last Action: HOUSE Favorable by Health Care Appropriations

CS/SB 838 – Medicaid (Health Care Committee and Peaden)

Committee Substitute for Senate Bill 838 was developed from recommendations submitted to the President of the Senate by the Senate Select Committee on Medicaid Reform. The bill contains both short and long-term Medicaid reform activities, pilot projects, and studies designed to improve efficiency and achieve sustainable growth in Florida’s Medicaid program. Specifically, the bill:

- Requires the Agency for Health Care Administration (AHCA) to contract with a vendor to identify and counsel providers whose clinical practice patterns are outside normal practice patterns.
- Authorizes AHCA to use more single source contracting to reduce costs.
- Requires AHCA to determine if purchasing medical equipment is less expensive than rental and authorizes AHCA to facilitate purchases in lieu of long-term rentals.
- Directs AHCA to redesign and implement the capitated, integrated long-term care system (Senior Health Choices).

Bills Heard this Week continued

- Requires AHCA to consider increasing rates for certain services if it reduces costs in other parts of the Medicaid program.
- Requires the Comprehensive Assessment and Review for Long-term Care Services (CARES) staff to identify Medicare patients in nursing homes who are being inappropriately disqualified from coverage under Medicare and assist with appeal of the disqualification.
- Requires AHCA to contract with an entity to develop a real-time utilization tracking system or electronic medical record for Medicaid recipients.
- Requires the expansion of disease management programs through pilot projects.
- Requires AHCA to provide emergency department diversion programs.
- Changes the Medicaid prescription drug cost control program to reduce costs, waste, and fraud, while improving recipient safety.
- Allows mental health crisis care to be provided in a non-hospital setting if it is less costly.
- Authorizes AHCA to continuing developing a plan to pilot the Governor's capitated managed care system to replace the fee-for-service system.
- Requires AHCA to develop an implementation plan with all specified elements to be submitted to the Senate and House Select Committees on Medicaid Reform for consideration and recommendation to the Legislature for implementation approval.
- Requires an evaluation of the pilot to be provided to the Governor and the Legislature no later than June 30, 2008, to consider statewide expansion.
- Requires Medicaid recipients in the MediPass program to have prior authorization by their assigned MediPass primary care physician for any non-emergency service.
- Requires that at least 5 percent of Medicaid audits to detect Medicaid funds lost to fraud and abuse be conducted on a random basis.
- Requires Medicaid recipients to be provided explanations of benefits.
- Requires AHCA to study the legal and program barriers to enforcing copayments in the Medicaid program.
- Requires AHCA to develop recommendations to improve third-party liability recoveries.
- Requires AHCA to study ways to give financial incentives to physicians and other providers to reduce inappropriate utilization.
- Requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to confirm the value of nursing home diversion programs.
- Requires AHCA to conduct an analysis of joining a multi-state drug purchasing pool.
- Requires AHCA to study mechanisms for collecting patient-responsibility payments from persons in the diversion programs.
- Requires OPPAGA to conduct a study of Medicaid buy-in programs.
- Provides non-recurring funds to AHCA for the purpose of developing administrative infrastructure for the managed care pilot project and non-recurring funds to AHCA for the purpose of developing a managed care encounter data system.

Last Action: SENATE Not Considered by Ways and Means

CS/HB 881 – Community Behavioral Health Agencies (Cannon)

CS/HB 881 provides that, notwithstanding any other provision of law, mental health or substance abuse providers that are members in good standing of a nonprofit statewide association, which has been in existence for at least 10 years and comprises at least 50 community-based mental health and substance abuse agencies that are primarily publicly funded and located in this state, may form a self-insurance fund for the purpose of pooling and spreading liabilities of its group members in any property or casualty risk or surety insurance or securing the payment of benefits under worker's compensation.

Bills Heard this Week continued

This authorization is predicated upon the fund: 1) having annual normal premiums in excess of \$5 million; 2) maintaining a continuing program of excess insurance coverage and reserve evaluation to protect the fund's financial stability; 3) submitting to the Office of Insurance Regulation annual audited financial statements; and 4) having a governing body comprised entirely of provider officials. For a fund's first five years of its existence the fund must comply with the same regulatory requirements of all other commercial or group self-insurance funds.

The bill also exempts the self-insurance fund from the solvency, reserve and financial reporting requirements pertaining to workers compensation group self-insurance funds, as well as from the premium tax and participation in the Florida Self-Insurance Fund Guaranty Association after five years of a fund's formation.

The bill designates certain substance abuse treatment and mental health service providers as agents of the state for the purposes of the sovereign immunity statute. It grants immunity pursuant to contractual arrangements between providers and the Department of Children and Family Services (DCF). However, the immunity only applies to publicly- funded services.

Last Action: HOUSE Favorable by Health Care Appropriations

CS/SB 974 – Domestic Violence Fatality Review (Governmental Oversight and Productivity Committee and Children and Families Committee)

The Governor's Task Force on Domestic Violence originally established domestic violence fatality review teams in Florida in 1997 with funding from the Violence Against Women Grants Office of the U.S. Department of Justice. The Governor's Task Force selected four jurisdictions to create local fatality review teams: Miami/Dade County, Tampa/Hillsborough County, Palm Beach County, and Volusia/Putnam Counties. Subsequently, the Task Force received funding to create six additional teams.

In the 2000 legislative session, the Florida Legislature authorized the creation of domestic violence fatality review teams statewide. Paired with the creation of the teams was an exemption from disclosure of confidential information gathered by the teams.

The Legislature outlined the purpose of the domestic violence fatality review teams as "to learn how to prevent domestic violence by intervening early and improving the response of an individual and the system to domestic violence."

Committee substitute for Senate Bill 974 reenacts and expands the public records and public meetings exemptions relating to the duties of domestic violence fatality review teams. The exemption is expanded to include information that identifies a victim of domestic violence or the children of the victim that is contained in a record created by a review team. It also reenacts and expands the public meetings exemption. The public meetings exemption is expanded to include discussions of confidential or exempt information.

Last Action: Favorable with CS by Governmental Oversight & Productivity

HB 991 – Adult Protective Services (Culp)

HB 991 amends the Adult Protective Services Act to allow the Department of Children and Family Services explicit authority to protect persons from the effects of self-neglect. In Fiscal Year 2003-2004, DCF investigated 6,394 cases reported to the Florida Abuse Hotline that were verified or contained some indications of self-neglect (other than medical neglect). More than 40 percent of these self-neglect cases occurred in persons 80 years of age and older.

Last Action: HOUSE Favorable by Health Care Appropriations

SB 1028 – Public Records/School Readiness (Commerce and Consumer Services Committee)

Senate Bill 1028 expands the current public records exemption for school readiness records to shield from public disclosure all “personally identifiable records of children enrolled in school readiness programs ... and any personal information contained in those records,” thereby expanding the exemption to cover the entire contents of a child’s school readiness record. This bill extends the current exemption to school readiness records when held by a coalition’s fiscal agent, central agency, or other entity performing the coalition’s duties under contract with the coalition.

This bill also extends the review period of the exemption by five years (from 2005 to 2010) and provides for the exemption’s repeal on October 2, 2010, unless reenacted after review by the Legislature under the Open Government Sunset Review Act (s. 119.15, F.S.).

Last Action: SENATE Favorably with CS by Governmental Oversight & Productivity

SB 1096 – Freedom to Worship Safely Act (Smith and Klein)

Senate Bill 1096 creates the “Freedom to Worship Safely Act.”

The bill provides for the reclassification of certain felony offenses committed at a location where a religious institution as defined in s. 496.404, F.S., is conducting or carrying on religious services or activities at the time of the offense.

The reclassification applies to any offense that involves the use or threat of physical force or violence against an individual, including the following:

- Arson;
- Sexual battery;
- Robbery;
- Kidnapping;
- Aggravated child abuse;
- Aggravated abuse of an elderly person or disabled adult;
- Aggravated assault with a deadly weapon;
- Murder;
- Manslaughter;
- Aggravated manslaughter of an elderly person or disabled adult;
- Aggravated manslaughter of a child;
- Unlawful throwing, placing, or discharging of a destructive device or bomb;
- Armed burglary;
- Aggravated battery;
- Aggravated stalking;
- Assault;
- Aggravated assault;
- Battery; and
- Felony battery.

This bill increases penalties for these offenses by one classification level as follows:

- A second degree misdemeanor is reclassified to a first degree misdemeanor.
- A first degree misdemeanor is reclassified to a third degree felony.
- A third degree felony is reclassified to a second degree felony.
- A second degree felony is reclassified to a first degree felony.

Bills Heard this Week continued

The reclassification increases the maximum sentence that a court could impose for the offense, and also increases the “lowest permissible sentence” required under the Criminal Punishment Code.

Last Action: SENATE Favorable with CS by Judiciary

CS/SB 1168 – Transportation Disadvantaged (Transportation Committee and Constantine and Alexander)

Part I of ch. 427, F.S., creates and regulates Florida’s Transportation Disadvantaged (TD) program. The TD program coordinates and helps fund transportation services for disabled, elderly, and low-income residents using a combination of local, state, and federal funds, as well as farebox revenues. All 67 counties have some level of TD service.

Committee Substitute for Senate Bill 1168 makes a number of changes to the Commission for the Transportation Disadvantaged (commission). Specifically, the CS:

- Significantly restructures the commission to reduce the number of commissioners from 27 to 15;
- Removes all member slots representing entities providing transportation services to eligible TD clients;
- Establishes term limits of two 4-year terms for appointed commissioners;
- Prohibits TD commissioners from either being employed by, or benefiting financially from, community transportation coordinators or transportation providers;
- Deletes the provision specifying nine commission members constitute a quorum;
- Allows the commission to establish three technical advisory committees to address TD issues related to TD transportation coordinators and providers, transportation planning, and business interests.
- Requires a candidate for appointment to the commission to undergo a security background investigation which includes fingerprinting for all purposes and checks through the Florida Department of Law Enforcement and the Federal Bureau of Investigation;
- Specifies any candidate found through fingerprinting to have failed to meet level 2 screening standards may not be appointed as a member of the commission; and
- Requires the costs of the background screening to be paid by the Department of Transportation or the appointed candidate.

Last Action: SENATE Favorable with CS by Criminal Justice; Placed on Calendar, on second reading

CS/HB 1199 – Child Care (Ausley)

CS/HB 1199 strengthens the enforcement authority of the licensing agencies over child care providers by authorizing the issuance of provisional licenses to large family child care homes and family day care homes required to be licensed. It allows provisional registration for those family day care homes that are not required to be licensed. It provides for revocation of the provisional licenses and registrations. The bill sets out a range of disciplinary actions available to enforcement authorities and makes those actions applicable to registered as well as licensed child care providers.

The bill directs the Department of Children and Family Services to adopt rules to administer enforcement actions regarding child care.

This bill revises provisions relating to the department’s enforcement authority in registered family day care homes to provide the same escalating enforcement options available in other child care settings.

The bill amends provisions relating to the Teacher Education and Compensation Helps (TEACH) scholarship program to reflect the administration of the program by the Agency for Workforce Innovation, rather than the Department of Children and Family Services.

Last Action: HOUSE Favorable by Health Care Appropriations

CS/SB 1314 – Independent Living (Children and Families Committee and Rich)

Committee Substitute for Senate Bill 1314 amends sections relating to foster care for young adults to provide services for transitioning youths who are about to “age out” of the foster care system. The committee substitute:

- Authorizes young adults formerly in foster care at the time of their 18th birthday to petition the court at any time prior to their 19th birthday to extend the court’s jurisdiction until their 19th birthday.
- Authorizes a young adult who is eligible for the Road-to-Independence Scholarship to reside in a licensed foster home arranged by the Department of Children and Family Services (DCF or the department).
- Requires the department to verify in its judicial review social study report that a child has been provided information about the right to petition for continued court jurisdiction, information about the Medicaid program and how to apply and, if eligible, of the right to continue to reside in his or her foster placement or in another licensed foster home arranged by the department.
- Requires that the department enroll certain former foster children in the Florida KidCare program if they do not otherwise have health insurance or are not eligible for Medicaid.
- Provides for a study and a report regarding the health insurance needs of young adults who are no longer eligible for the KidCare program.

Last Action: SENATE Favorable with CS by Judiciary

CS/SB 1324 – The Florida KidCare Program (Health Care Committee and Rich)

CS/SB 1324 allows continuous, year-round enrollment in the Florida KidCare Program by removing statutory language restricting open enrollment to January and September of each year.

Last Action: SENATE Favorable by Health and Human Services Appropriations

SB 1450 – Arthritis Prevention and Education (Klein)

SB 1450 creates the “Arthritis Prevention and Education Act,” to require the Florida Department of Health (DOH) to establish an arthritis prevention and education program and to conduct a needs assessment to identify research on arthritis, the needs of persons with arthritis, and services available to persons with arthritis. The department must establish and coordinate an advisory panel on arthritis, and use strategies consistent with existing national and state efforts to raise public knowledge on the causes and nature of arthritis, personal risk factors, the value of prevention and early detection, ways to minimize preventable pain, and options for diagnosing and treating the disease. The department must establish, promote, and maintain an arthritis prevention and education program and carry out other related duties, to the extent that funds are specifically made available to implement the bill.

Last Action: SENATE Favorable by Governmental Oversight and Productivity

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

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

Bills Heard this Week continued

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

Last Action: SENATE Favorable by Judiciary

SB 1502 – Driver's License Voluntary Contribution (Fasano)

SB 1502 requires the Department of Highway Safety and Motor Vehicles (DHSMV) to include a checkoff on each driver's license application form for a voluntary \$1 contribution to the Children's Hearing Help Fund. The Children's Hearing Help Fund is a special trust fund established by Sertoma Speech and Hearing Foundation of Florida, Inc. (SSHF).

The Children's Hearing Help Fund will be one part of a cooperative program currently being coordinated between SSHF and the Children's Medical Service/ Early Intervention Program, Department of Health. The program will initially target newborn infants to three-year-old toddlers who have been identified with a hearing loss and whose families need financial assistance to provide further diagnostic testing and hearing devices.

Nationally, three out of every 1,000 newborns have a hearing loss, and it is the most common birth defect. Florida has the fourth largest birthrate in the nation with approximately 200,000 births annually. Based on statistics and estimates, approximately 600 new children will be born hearing impaired annually.

Last Action: SENATE Favorable by Health Care

SB 1512 – Drug Abuse Prevention and Control (Aronberg and Miller)

Senate Bill 1512 increases criminal penalties for the sale, delivery, manufacture, or possession with intent to sell controlled substances within 1000 feet of a library.

Last Action: SENATE Favorable by Justice Appropriations

CS/HB 1525 – Elderly Affairs (Lopez-Cantera)

CS/HB 1525 deletes the requirement for the Agency for Health Care Administration (AHCA) in consultation with the Department of Elder Affairs (DOEA) to integrate the Frail Elder Option program into the Nursing Home Diversion program. The bill also deletes the requirement for AHCA and DOEA to integrate the Aged and Disabled Adult Medicaid waiver and the Assisted Living for the Frail Elderly Medicaid waiver into one waiver program.

The bill revises the eligibility requirements relating to financial solvency for entities providing services in the Nursing Home Diversion program and it requires the agency to use a federally approved, actuarially certified rate methodology to develop reimbursement rates for the long-term care community diversion pilot project. The bill allows DOEA to move forward on implementation of the pilot program allowing Community Care for the Elderly lead agencies to transition over a period of time into full providers of service under the nursing home diversion program.

The bill deletes the requirement for the DOEA Comprehensive Assessment Review and Evaluation Services (CARES) program staff to annually review at least 20 percent of case files of Medicaid nursing home residents.

Last Action: HOUSE Favorable by Health Care Appropriations

SB 1696 – Immunizations (Haridopolos)

SB 1696 requires assisted living facilities to implement a program to offer immunizations against influenza viruses to all residents aged 65 or older each year.

Bills Heard this Week continued

The bill requires district school boards and private school governing authorities to provide every student's parent specified information about meningococcal disease in accordance with the recommendations of the Department of Health (DOH). The bill requires DOH to adopt rules specifying the age or grade level of students for whom the information will be provided, consistent with recommendations of the Centers for Disease Control and Prevention (CDC). The bill requires DOH to make information about the disease available to district school boards and private school governing authorities, who must determine the means and methods for providing this information to students' parents.

Last Action: SENATE Favorable with 1 Amendment by Health Care

SB 1722 – Multiservice Senior Centers (Fasano)

Senate Bill 1722 changes the definition of "multiservice senior center" in s. 430.203, F.S., moves the definition and purpose of the centers to a newly created section of statute, and further specifies the purpose of these centers. The bill provides that a multiservice senior center is:

- A community facility that is a focal point for the organization and provision of a broad spectrum of services suited to the diverse needs and interests of independent older persons;
- An entity authorized to partner with an aging resource center in order to provide easier access to long-term care services by seniors and their families who reside within the local community;
- A setting that provides opportunities that enable participants to stay connected to their communities and support networks;
- A setting designed to offer preventive screenings, activities, and services that may divert seniors from more extensive in-home services and to help reduce, delay, or prevent premature institutionalization; and
- A setting designed to promote easy access and use by seniors who have varying levels of physical abilities.

The bill also specifies that multiservice senior centers should be centrally located and easily accessible to public transportation, and that centers are encouraged to seek national accreditation by the National Institute of Senior Centers.

Last Action: SENATE Favorable with CS by Health Care

SB 1738 – Juvenile Detention (Wise)

Senate Bill 1738 would remove from the Department of Juvenile Justice (DJJ) the responsibility of supervising a youth placed on home detention pending adjudication, disposition, or placement. Instead of the DJJ having this supervision responsibility, the youth's parent, guardian, or custodian would have it under the bill.

The bill would also make electronic monitoring of youths placed on home detention permissive rather than mandatory.

Last Action: SEANTE Temporarily postponed by Criminal Justice

HB 1827 – PCB FFF 05-02 – Department of Children & Family Services (Future of Florida's Families Committee and Galvano)

For a number of years, legislative concerns have been expressed about the cost-effectiveness and accountability of human services contracting. Nonetheless, the process of outsourcing at the department and other state agencies has continued to increase. While some services such as those in the mental health and substance abuse arenas have long been provided by private vendors through contracts with DCF, others have been outsourced only in recent years. The total annualized value of DCF contracts with outside vendors as of February 2005 is \$1.4 billion.

Bills Heard this Week continued

To date, the largest and most comprehensive outsourcing initiative undertaken by DCF has been the initiation of Community-Based Care (CBC) for the provision of foster care and related services in the child welfare area.

By the beginning of 2005, DCF had arranged to provide all or most services contractually rather than by state employees in at least the following program areas: child welfare, mental health, substance abuse, domestic violence, and refugee services. Only in the Adult Services Program Office and the Economic Self Sufficiency Program Office (ESS) are services primarily delivered by state employees. DCF is currently working toward an implementation plan for placing many of the local ESS activities in communities, retaining a small number of state employees to make determinations of eligibility for ESS services and to provide oversight of the ESS activities.

The bill requires that DCF competitively procure all contracts in excess of \$25,000.

The bill also requires that, prior to initiating competitive procurement pursuant to chapter 287, Florida Statutes, DCF develop a validated business plan describing and analyzing the service proposed for outsourcing or privatization. It details the requirements of the business plan and requires that the plan be submitted in DCF's legislative budget request (LBR).

Finally, the bill directs OPPAGA to conduct two reviews of the contract management and accountability structures of DCF and to report its findings to the Legislature by February 1, 2006 and February 1, 2007.

Last Action: HOUSE Favorable with CS by Health Care Appropriations

SB 1958 – Guardianship (Saunders and Fasano)

SB 1958 contains recommendations made by the Guardianship Task Force, including provisions addressing:

- Guardian ad litem appointments for minors;
- Appointments of emergency temporary guardians;
- Appointments of standby guardianships;
- Credit and criminal background checks of guardians, including inkless electronic fingerprinting;
- Time frames of educational requirements for guardians;
- Rights of an incapacitated person;
- Appointments of attorneys from attorney registries;
- Examining committee members in incapacity hearings;
- Voluntary guardianships;
- Quarterly visits by professional and public guardians;
- Filings of annual guardianship reports;
- Annual guardianship plans for minors;
- Delegation of authority to surrogate guardians; and
- Final reports upon the death of the ward.

This bill creates the following two additional funding streams for the Statewide Public Guardianship Office:

- A \$15 surcharge on fines assessed in non-criminal traffic infraction cases; and
- An \$18 surcharge on fines assessed in county and circuit court cases.

Last Action: SENATE Favorable with CS by Judiciary

SB 2364 – Elderly Affairs (Fasano)

Senate Bill 2364 is promoted by the Department of Elderly Affairs (DOEA) as a “glitch bill” to address changes required by CS/SB 1226, which passed in 2004. SB 2364 removes several requirements of the law adopted in 2004, including:

Bills Heard this Week continued

- Deleting the requirement for the Agency for Health Care Administration (AHCA), in consultation with DOEA, to integrate the Frail Elder Option program into the Nursing Home Diversion program and to develop uniform standards for case management in this newly integrated capitated system.
- Deleting the requirement for AHCA, in consultation with DOEA, to integrate the Aged and Disabled Adult (ADA) Medicaid waiver and the Assisted Living for the Frail Elderly (ALE) Medicaid waiver into one waiver program.
- Deleting the requirement for the DOEA Comprehensive Assessment Review and Evaluation Services (CARES) program staff to annually review at least 20 percent of case files of Medicaid nursing home residents to determine which nursing home residents are able to move to community placement.

In addition, the bill requires:

- DOEA and AHCA to develop an integrated long-term-care delivery system during fiscal year 2004-05, that reimburses providers for case management services on a capitated basis within the Aged and Disabled Adult Medicaid waiver program;
- DOEA to reimburse community care for the elderly lead agencies in the demonstration project on a pre-paid or fixed sum basis for all home and community-based services provided under the long-term care community diversion pilot project, and by the third year of operation, all services under the diversion pilot will be reimbursed on a prepaid or fixed-sum basis.
- AHCA, in consultation with DOEA, to develop reimbursement rates based on the federally approved, actuarially certified rate methodology for the long-term care community diversion pilot project.

Last Action: SENATE Favorable with CS by Health Care