

Legislative Link

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

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United Way of Florida

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HOUSE AND SENATE BUDGETS SET FOR DEBATE

This was a shortened work week at the Capital, as Legislators headed home Tuesday evening for the Passover and Easter break. Before they did, however, House and Senate budget committees set the stage for the upcoming budget battle that will take place during the final weeks of session. Both budgets are in the \$65 billion range, but there are significant differences.

The House budget is \$546 million smaller than the Senate's \$65.6 billion budget. Both include about \$3 billion in federal stimulus funds, which cover about half of the projected deficit, and both make millions in spending cuts. The Senate plan was adopted unanimously, and the House plan along party lines, reflecting the more collaborative nature of the Senate. In the end, the House budget is about \$500 million less than the current budget and the Senate budget is about \$100 million more.

The House budget offers no new taxes, contains deeper cuts in services, and has roughly \$800 million in new fees (not "taxes"). The Senate plan provides for \$2.1 billion in new fees and taxes, including \$568 million from new gambling and \$1 billion from higher tobacco taxes. The House includes neither. The Senate sweeps \$62 million from specially dedicated trust funds, while the House takes \$926 million.

While the hope was that federal stimulus money - and in the Senate added revenue from increased tobacco taxes - would erase most deficits in the Medicaid program, both plans divert huge amounts - the Senate almost \$1.8 billion - in health care money for non-health purposes, such as schools and prisons. As a result, Medicaid funding for nursing homes would be cut about \$69 million in the House budget and \$81 million in the Senate budget, among others.

In the most interesting twist of the week, the Senate is positioning the increased tobacco taxes to be near veto-proof by putting the proceeds into Medicaid, where they will generate Medicaid matching dollars from the federal government. If Governor Crist vetoes the tax, he will create an almost \$3 billion budget hole resulting from loss of the tax dollars plus the matching dollars.

Next week, the two Houses will vote on their respective budgets and then they will head to conference committee for final resolution, hopefully by the scheduled end of the 60 day session on May 1.

THE TRUTH ABOUT THE CAT FUND HIDDEN HURRICANE TAXES

Last year, hidden hurricane taxes affected United Way and other nonprofits throughout the state, despite a relatively calm hurricane season in Florida.

The Florida Hurricane Catastrophe (CAT) Fund, which was created in the early 90's to provide a layer of government-based reinsurance capacity for insurers in the state, does not collect enough premiums in advance to pay potential claims. Instead, it relies upon post-event borrowing paid off by hurricane taxes – or assessments – on every home, business and automobile policy after a storm hits our state. These assessments could amount to thousands of dollars per year for 30 years, all to support the CAT Fund. It is important that our United Ways, partner agencies, and donors realize the effect these taxes have on our organizations, as the current hidden hurricane tax exceeds an estimated eight percent of United Way and non-profit insurance premiums. Future taxes could send that percentage much higher.

The CAT Fund currently has an \$18.7 billion shortfall in funding capacity, which will be covered by hurricane taxes – assessments - the next time a major hurricane or series of major hurricanes hit Florida. Should a major storm or storms strike Florida this coming hurricane season, United Way and other nonprofits throughout the state will not be able to afford the additional taxes we will be forced to pay and still maintain the level of support we provide to help Florida residents.

With just weeks remaining this legislative session, please help us urge the Senate and House leadership to implement changes to reduce the risk associated with the CAT Fund. Senate Bill (SB) 1950 and House Bill (HB) 1495 are making their way through the legislature and will better protect not-for-profits. Contact the legislators below today and ask them to approve SB 1950 and HB 1495 in order protect nonprofits from having to take on additional financial burdens.

Florida House Speaker Larry Cretul - larry.cretul@myfloridahouse.gov
(850) 488-0887

House Majority Leader Adam Hasner- adam.hasner@myfloridahouse.gov
(850) 488-2234

House Minority Leader Franklin Sands - franklin.sands@myfloridahouse.gov
(850) 488-0590

Senate President Jeff Atwater - atwater.jeff.web@flsenate.gov
(850) 487-5100

Senate Majority Leader Alex Diaz de la Portilla - portilla.alex.web@flsenate.gov
(850) 487-5109

Senate Minority Leader Alfred Lawson - lawson.alfred.web@flsenate.gov
(850) 487-5004



PRE-K INFO: BAD AND GOOD

This week, the National Institute for Early Education Research released its annual *Preschool Yearbook* showing that while Florida's Pre-K program attracted 61 percent of 4-year-olds last year, below first place Oklahoma's 71 percent.

However, Florida also ranked 34th out of 38 states in the amount of funding going to the program. Last year, Florida spent \$2,500 per child, and only Arizona, Colorado, South Carolina and Maine spent less. The state average was more than \$4,000.

The report also ranked Florida in the bottom tier of states, together with Arizona, California and Texas, for "quality" program, receiving just four out of a possible 10 points in that category.

On the flip side.....

During the first 30 days of each school year, kindergarten teachers screen new students to determine their readiness for school. The screening measures children's school readiness in language and literacy, math, science, social studies, social and personal skills, physical health and the creative arts. This is the fourth year the tests have been administered based on learning standards developed for the state's free, voluntary prekindergarten program for 4-year-olds, which began in August 2005.

This year's screening results for more than 170,000 kindergarteners showed:

- 76.6 percent scored at or above grade level in their ability to recognize the letters of the alphabet, nearly 5 percent more than a year ago.
- 67.9 percent of the children were at or above grade level when it came to recognizing the beginning sound in a spoken word, up more than 3 percent.
- 47.6 percent of the children demonstrated grade-level learning development, about the same as in 2007.

SENATE EFFORTS TO INCREASE TAXES SUPPORTED BY POLL

Since the session began, Senate leaders have acknowledged the need to increase taxes as part of a comprehensive plan to address the \$6+ billion deficit. The House has staunchly and continuously opposed tax increases.

This week, the Florida Alliance for Concerned Taxpayers, a bipartisan alliance of state leaders advocates, released poll results showing that Florida voters strongly support increasing some taxes. Among others, the poll found that voters approve of passing the Seminole Indian Compact to pay for education and:

- 71 percent support a \$1 per pack increase in the cigarette tax and 78 percent support imposing a fee on cigarette makers, that are not included in the state's tobacco settlement to pay for health care; and
- 56 percent support elimination of some sales tax exemptions on services.

HELP FOR AFFORDABLE HOUSING

If you're concerned about the lack of affordable housing in Florida, take note:

The Proposed House appropriations bill sweeps all \$123.01 million from housing trust funds and appropriates NOTHING for housing. That means no SHIP. No SAIL. No PLP.

The Senate budget is little better. Currently, the only programs that are funded are FHFC down payment assistance and SHIP monitoring. There is no SHIP, no SAIL, and no PLP.

If the budgets pass as-is, there will be no state or local housing trust fund money next year.

Please call your legislators today. The Message is simple: Don't sweep the Housing Trust Fund Monies.

Contact Senate President Jeff Atwater at atwater.jeff.web@flsenate.gov

For further contact information click here:

http://www.flsenate.gov/Legislators/index.cfm?Members=View+Page&District_Num_Link=025&Submenu=1&Tab=legislators&chamber=Senate&

House Speaker Larry Cretul contact information, click:

<http://www.myfloridahouse.com/Sections/Representatives/emailrepresentative.aspx?MemberId=4264&SessionId=61>

Click here to find your House members:

<http://www.myfloridahouse.com/Sections/Representatives/representatives.aspx>

Click here to find your Senators:

<http://www.flsenate.gov/Legislators/index.cfm?Tab=legislators&CFID=21266569&CFTOKEN=95639942>

BILLS HEARD THIS WEEK

(Some information below is excerpted from legislative staff analyses)

CS/SB 126 - Children/Confidential Records (Children, Families, and Elder Affairs Committee, Senator Dockery and others)

CS/SB 126 requires that a case record for a child under the supervision of, or in the custody of, the Department of Children and Families (DCF or the department) be maintained in a complete and accurate manner, and be available for inspection and copying, upon the request of, and at no cost to, the child and the child's guardian ad litem, attorney, or caregiver. The release of the case record must be in a manner and setting appropriate to the age and maturity of the child and the nature of the information being released.

This bill authorizes a court to approve the release of confidential information contained in a case record if the court determines that the information is necessary to ensure access to appropriate services for the child or for the safety of the child.

Additionally, the bill authorizes the sharing of confidential and exempt information among all state and local agencies and programs that provide services to children or are responsible for children's safety, if the information is reasonably necessary to assure access to services or the safety of the child. The bill provides that records or information made confidential by federal law may not be share.

Last Action: 04/06/09 SENATE Favorable with CS by Judiciary Committee

Bills Heard This Week Continued

SB 308 - Childhood Vaccinations (Senator Ring)

SB 308 requires all health care providers in Florida who vaccinate minors to provide consultation and disclose information to parents or legal guardians of the minor before administering vaccines. The bill requires the Florida Department of Health (DOH) to develop and provide to each Florida-licensed health care provider who administers childhood vaccinations a standardized form to indicate that the provider has completed the consultation and disclosure required by the bill. The form must be kept with the minor's permanent medical record. The health care provider may not vaccinate a minor until after the minor's parent or legal guardian signs the standardized form. The parent or legal guardian of the minor must sign and date the standardized form immediately after the consultation or at any time when the parent or guardian believes that he or she is adequately informed about the vaccinations, and before the child is admitted to a licensed child care facility or enrolled in a prekindergarten – 12th grade school.

A Florida-licensed health care provider who renders prenatal care to pregnant women as a part of his or her scope of practice must provide information about childhood vaccines to each patient who is in her 30th week of pregnancy.

The DOH must create and maintain a website that contains information regarding each childhood vaccination and the standardized form required by the bill.

Last Action: 04/06/09 SENATE Favorable with CS by Health Regulation Committee

CS/HB 597 - Homelessness (Health & Family Services Policy Council, Reed)

CS/HB 597 creates and revises multiple sections of the Florida Statutes relating to homelessness. These changes include:

- Authorizing the collection of voluntary contributions in the amount of \$1 to be added to the issuance and renewal of motor vehicle registrations and drivers licenses to aid the homeless;
- Replacing the existing Emergency Financial Assistance for Housing program with a homeless prevention grant program to be administered by local homeless continuums of care to provide emergency financial assistance to families facing the loss of their current home due to financial or other crises;
- Encouraging local coalitions for the homeless to adopt the Housing First approach to ending homelessness;
- Encouraging the Department of Children and Family Services and the community-based care lead agencies to develop and implement procedures to reduce the number of young adults who become homeless after leaving the child welfare system; and
- Extending the 30 day temporary extension allowed for the documentation of age, health examinations, and immunizations required for school admission to youth in foster care.

The bill is expected to result in a savings of approximately \$200,000 in administrative costs for the Office on Homelessness, which may be used to provide additional prevention grants, and may generate an indeterminate amount of revenue from voluntary donations for grant programs to help the homeless.

Last Action: 04/08/09 HOUSE Favorable by Full Appropriations Council on General Government & Health Care

Bills Heard This Week Continued

SB 642 - Autism Programs and Related Disabilities/License Plate (Senators Altman and Storms)

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

Last Action: 04/06/09 SENATE Favorable with 2 Amendments (597564, 182398) by Children, Families, and Elder Affairs Committee

SB 726 - Housing Assistance Grants (Senator Smith)

The State Office on Homelessness was established within the Department of Children and Families (DCF or the department) to provide interagency coordination on issues relating to homelessness. Currently, the office administers homeless housing assistance grants for the construction or rehabilitation of transitional or permanent housing units for homeless persons.

SB 726 will expand the eligible uses of these grants to include the purchase of existing properties.

Last Action: 04/06/09 SENATE Favorable Amendments by Children, Families, and Elder Affairs Committee

CS/HB 745 - Prepaid Services for Parents of Children with Developmental Disabilities (Health Care Services Policy Committee, Ford and others)

CS/HB 745 establishes a study group to determine the feasibility of creating a prepaid service plan for children with disabilities modeled after the Florida prepaid college plan. The prepaid service plan would allow funds to be paid into a fund on behalf of a child and would be used for vouchers for services to help the child to transition into the workforce. A final report due no later than January 29, 2010, will address services for which a voucher could be used, financial requirements, qualifications of service providers, and steps necessary to qualify this plan for a federal waiver program that would allow for federal financial participation.

Last Action: 04/08/09 HOUSE Favorable by Full Appropriations Council on General Government & Health Care

CS/SB 892 - Integrated Substance Abuse and Mental Health Facilities (Children, Families, and Elder Affairs Committee and Senator Bennett)

CS/SB 892 creates s. 394.4612, F.S., to authorize the Agency for Health care Administration (AHCA), in consultation with the department, to license facilities that integrate services provided in adult Crisis Stabilization Units (CSUs) with services provided in adult Addictions Receiving Facilities (ARFs). The AHCA is responsible for licensing these facilities providing integrated services as adult crisis stabilization units and the facilities must meet all licensure requirements for such units.

Bills Heard This Week Continued

The committee substitute provides that integrated CSUs may provide services to adults (18 and older) who meet the criteria for one or more of the following:

- Voluntary admission for mental health treatment under s. 394.4625, F.S.;
- Involuntary examination for mental illness under s. 394.463, F.S.;
- Voluntary admission for substance abuse treatment under s. 397.601, F.S.; and
- Involuntary admission for substance abuse impairment under s. 397.675, F.S.

The committee substitute requires the department, in consultation with AHCA, to adopt by rules standards that address:

- Eligibility criteria;
- Clinical procedures;
- Staffing requirements;
- Operational, administrative, and financing requirements; and
- Complaint investigation.

Last Action: 04/06/09 SENATE Favorable by Health Regulation Committee

SB 918 - Florida KidCare Program (Senators Rich and others)

SB 918 makes several changes to the administration of the Florida KidCare Program and eligibility for the program. The changes include:

- 60 days of continued coverage for children transitioning from Medicaid to other KidCare program components;
- Electronic verification of family income for KidCare program applicants;
- Decrease in the time penalty for reinstatement of coverage for families that do not pay their KidCare premium; and
- An expansion of 12-month continuous eligibility to all Medicaid covered children ages 5 through 18.

Last Action: 04/06/09 SENATE Favorable with CS by Health Regulation Committee

CS/CS/SB 1276 - Care of Children (Judiciary Committee, Children, Families, and Elder Affairs Committee and Senator Storms)

CS/CS/SB 1276 creates the “Zahid Jones, Jr., Give Grandparents and Other Relatives a Voice Act” and makes a number of changes to sections of law relating to children, in order to give relatives notice of all proceedings and hearings regarding a child during child protective investigations and dependency court proceedings.

Additionally, the bill provides that if a protective investigation is commenced based on a report to the central abuse hotline from certain specified reporters, the reporter must be given the contact information of the investigator within 24 hours after an investigator has been assigned. The bill also permits such a reporter to give a written summary of the report made to the central abuse hotline to the investigator, which will become part of the master file.

The bill further provides that the child abuse records of a child are available to a physician, psychologist, or mental health professional treating or caring for the child.

Last Action: 04/07/09 SENATE Favorable with CS by Governmental Oversight and Accountability

Bills Heard This Week Continued

CS/SB 1404 - Child-Restraint Requirements (Transportation Committee and Senators Altman, Gelber and others)

CS/SB 1404 revises child restraint requirements for child passengers in motor vehicles. Current law requires certain child restraint devices (car seats) for children through age 5 years, although for ages 4 through 5 years a seat belt may be used in lieu of a car seat. Under the bill's provisions, the upper age is raised to 7 years, and a seat belt alone would no longer legally provide sufficient protection for children aged 4 through 7 years. For such children, depending on their size, either a car seat or booster seat would be required. The infraction is a moving violation punishable by a fine of \$60 plus court costs and add-ons, and by assessment of 3 points against the driver's license.

The bill provides exceptions to the child restraint law for persons who are:

- Traveling on a highway with a posted maximum speed limit of 45 miles per hour or less;
- Visiting the state;
- Transporting the child gratuitously and in good faith in response to a declared emergency situation or an immediate emergency involving the child; or
- Transporting a child whose medical condition necessitates an exception as evidenced by appropriate documentation from a health professional.
- Children being transported in the bed of a pick-up truck or riding on a parade float.

The court may dismiss a first violation if the operator produces proof of purchase of a federally approved child restraint device. The revised provisions take effect January 1, 2011. Beginning July 1, 2010, law enforcement officers may issue verbal warnings and educational literature to those persons who are in compliance with existing law, but who are violating the provisions which take effect in 2011.

Last Action: 04/06/09 SENATE Favorable with CS by Criminal Justice

CS/SB 1540 - Zero Tolerance Policies/Schools (Education Pre-K-12 Committee and Senator Wise)

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

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

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

Finally, the bill requires a district school board having a policy authorizing corporal punishment to review such policy every 3 years during a public school board meeting. If the meeting does not happen, the corporal punishment policy expires.

Last Action: 04/07/09 SENATE Favorable by Education Pre-K - 12 Committee

Bills Heard This Week Continued

CS/SB 1840 - Cigarette/Tobacco Tax (Finance and Tax Committee and Senator Deutch)

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

The Revenue Estimating Conference has determined that the net additional revenue attributable to the levy of a \$1 surcharge on cigarettes is \$874.4 million annually. Of this amount, \$22 million is transferred to the General Revenue Fund and \$871.5 million is deposited into the Health Care Trust Fund in the Agency for Health Care Administration. Receipts into the Public Medical Assistance Trust Fund are reduced approximately \$18.5 million annually because of reduced cigarette tax revenues.

The surcharge on other tobacco products is expected to generate \$126.8 million in FY 2009- 2010. The Health Care Trust Fund is expected to receive \$122.2 million, and the General Revenue Fund is expected to receive \$4.6 million.

Last Action: Favorable with CS by Policy & Steering Committee on Ways and Means

SB 2078 - My Safe Florida Home Program (Senator Justice)

The My Safe Florida Home (MSFH) program within the Department of Financial Services (DFS) provides financial incentives and assistance for residential property owners in Florida to retrofit their properties, making them less vulnerable to hurricane damage and helping decrease the cost of residential property and casualty insurance. As of March 1, 2009, the MSFH program has processed 443,339 inspection applications and completed 399,164 free home inspections in 67 counties. The program has received 42,887 completed grant applications and awarded 40,385 grants for hurricane mitigation. The total amount of grants awarded is \$148 million. In addition, it has signed up 3,321 contractors to perform mitigation and 29,070 homes have been retrofitted with grant funds.

SB 2078 provides the following changes to the MSFH program and adds the following mitigation improvements which are eligible for MSFH grant funding:

- Reinforcing roof-to-wall connections;
- Improving the strength of roof-deck attachments;
- Upgrading the roof covering;
- Secondary water barrier for roof;
- Allows MSFH to secure contractors who carry out mitigation grants to be subject to a competitive bid process and homeowners qualifying for grants shall be assigned a contractor selected via the bid process;
- Provides criminal felony penalties for individuals or entities who knowingly submit a false or fraudulent mitigation verification form to insurers with intent to receive a discount on an insurance premium;
- Allows matching fund grants which are available to local governments and non-profit entities to be given to those entities which have experience in managing residential mitigation programs;
- Authorizes the DFS to require as a condition of reimbursing a homeowner for a grant, that all glazed openings be improved;
- Authorizes the DFS to establish by rule maximum grant allowances for any of the improvements allowable under grant eligibility provisions;

Bills Heard This Week Continued

- Increases the amount for third party contracts which trigger Legislative Budget Commission oversight from \$500,000 to \$5 million;
- Eliminates the requirement that hurricane mitigation inspectors who sign uniform mitigation verification forms have to be employed by wind certification entities;
- Grants will no longer be given for previously inspected structures or structures in need of rebuilding and the no interest loan program is eliminated; and
- Appropriates \$25 million from the General Revenue Fund to the DFS for the MSFH program for 2009-2010 fiscal year.

Last Action: 04/06/09 SENATE Favorable with CS by Banking and Insurance Committee

CS/SB 2404 - Adult Protective Services (Committee on Children, Families, and Elder Affairs and Senator Storms)

CS/SB 2404 amends the legislative intent of the Adult Protective Services Act by replacing the terms “disabled adults” and “elderly persons” with the term “vulnerable adult.”

The bill provides that the central abuse hotline must immediately transfer reports of abuse involving possible responsible parties other than a caregiver to the appropriate law enforcement office.

The bill clarifies that the Department of Children and Families (DCF or the department) may file a petition to determine incapacity in adult protection proceedings.

The bill provides DCF with access to records of the Department of Highway Safety and Motor Vehicles (DHSMV) to be used in the conduct of protective investigations.

Last Action: 04/07/09 SENATE Favorable with CS by Governmental Oversight and Accountability

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

Currently the Florida Public Service Commission (PSC or commission) is delegated the responsibility for the regulation of local exchange telecommunications companies.

CS/SB 2626 reduces or modifies existing regulation for local exchange service by, among others, removing PSC authority to:

- Resolve service complaints concerning nonbasic services;
- Compel repairs to secure adequate service or facilities for the provision of nonbasic services;
- Establish maximum rates and charges for operator services;
- Removing the requirement that a local exchange company advise each residential customer of the least-cost service available to that customer when the customer initially requests service, unless the customer initially requests basic local telecommunications service; and
- Allowing telecommunications companies to publish their rate schedules through electronic or physical media and removing the requirement that companies file the schedules with the PSC.

Last Action: 04/06/09 SENATE Unfavorable by Commerce Committee

Bills Heard This Week Continued

HB 5115 - Department of Juvenile Justice (Criminal & Civil Justice Appropriations Committee and Adams)

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

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

Last Action: 04/08/09 HOUSE Favorable by Full Appropriations Council on General Government & Health Care



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