



Capitol Connection



Week Six - April 11, 2014

CHILDREN'S WEEK CELEBRATED AS ISSUES AFFECTING CHILDREN RECEIVE ATTENTION

On April 8th, child advocates from across the state joined to celebrate the 19th annual Children's Week. More than 5,000 children, parents, teachers and advocates convened at the State Capitol to highlight the importance of children's issues to state leaders and the legislature. The week was full of activities, including the annual awards dinner, youth forum, and the always powerful and amazing, Hanging of the Hands - an annual tradition that features more than 100,000 children's artwork hands decorating the State Capitol Rotunda. The Children's Trust Youth Advisory Committee met with several legislators on the plight of homeless youth: early learning and children's health. Florida Youth Shine sent a powerful message regarding the importance of foster youth aging out of the child welfare system and how policymakers can help.

At The Children's Week Business Leaders Luncheon, hosted by The Children's Movement, The Florida Chamber of Commerce, the Florida Council of 100, Florida TaxWatch, the Children's Forum and United Way, nationally renowned neuroscientist Dr. Pat Levitt discussed early learning as a workforce development priority before Florida's business and legislative leaders, including Governor Rick Scott. Governor Scott later addressed the group of more than 150 business leaders, stakeholders and agency directors at the luncheon, where he made a commitment to investing in early learning.

BUDGET

Senate Appropriations Chair Joe Negron (R-Stuart) predicted that the budget conference process, during which members will work to reconcile the differences between the Senate ([SB 2500](#)) and House budgets ([HB 5001](#)), would likely begin on April 21, following next week's Easter/Passover break. The Senate has already appointed conferees, who will negotiate every difference between the two budgets in order to produce a final legislative budget, the 2014-15 General Appropriations Act. House conferees are expected to be announced shortly as soon as committee allocations are finalized.

CHILD WELFARE

A Senate bill bringing major policy changes to the state's child welfare system was temporarily postponed to give legislators more time to iron out details. After being merged into a single comprehensive bill, the suite of child welfare reform bills ([SB 1666](#), [SB 1668](#), [SB 1670](#)) is now contained in SB 1666. Last week, the bill was amended in an attempt to emphasize that child safety is of paramount importance, as opposed to the policy of family preservation, at all costs. Many child advocates believe that while the bill does many good things, the success of the new policy will be contingent on whether the legislature also appropriates adequate funding for the increased services the bill will require. The bill's companion, [HB 7169](#) by the Healthy Families Committee, remains in the House Appropriations Committee, its only assignment.

[SB 1666](#) "Child Abuse and Child Welfare Services" by Children, Families, and Elder Affairs; Sen. Sobel

- Creates the position of an Assistant Secretary of Child Welfare to provide greater attention and responsiveness
- Extends provisions of the Rilya Wilson Act to require children under 3 to be in child care
- Requires social work degrees for child investigators and supervisors, including 80% of new hires, unless there are no candidates available. Current workers without a social work degree would be grandfathered in
- Sheriffs' investigators will be exempt from the social work requirement, but will need to have a bachelor's degree and earn relevant college credits within 3 years of being hired
- Creates a tuition exemption program for certain employees based on performance standards
- Provides a \$3,000 payment each year for up to 4 years for employees who have social work degrees
- Creates a university partnership (based out of Florida State University's School of Social Work) to provide policy analysis and recommendations, and develop on-the-job training for CPIs and case workers
- Establishes that if one sibling is abused, the rest may be removed from the home as well
- Establishes critical incident rapid response teams to send teams onto the scene of a child death or incident
- Requires DCF to publish more information on child deaths on the website
- Expands the scope of child death reviews from just deaths from abuse and neglect to all deaths for a child who had been reported to the DCF hotline
- Authorizes payment to nonrelative caregivers who are providing the same support as relative caregivers
- Adds a definition of medical neglect to help provide additional guidance to DCF
- Further defines the state Managed Medicaid program to ensure that children in the foster care system receive services, such as dental, medical, and behavioral health

Human Trafficking

On Thursday, April 10, the Senate Appropriations Committee passed a controversial bill dealing with human trafficking. A strike all amendment to the Children, Families, and Elder Affairs Committee's [SB 1724](#) removed all provisions for the "secure safe house" pilot program, which could have detained certain child victims of human trafficking against their will for up to 10 months. Several child advocates testified previously against this measure, citing that the policy would further victimize these children. The removal of the provision allowed for the unanimous passage of the bill, which now goes to the Senate floor.

The bill's companion, [HB 7141](#) by the House Healthy Families Committee, passed both the Health Care Appropriations Subcommittee Tuesday, April 8, and the Health and Human Services Committee on Thursday, April 10. As in the Senate, the bill was amended to remove the "secure safe house"

provision. The legislation, which now goes to the House floor, still contains language to ensure that child trafficking victims in residential treatment facilities receive a variety of services, including:

- Family counseling
- Behavioral health care
- Treatment and intervention for sexual assault
- Life skills training
- Mentoring by a survivor of sexual exploitation
- Substance abuse screening and treatment

Motor Vehicle Insurance and Driver Education for Children in Care

[HB 977](#) by Rep. Ben Albritton (R-Bartow) was passed by both the House Health Care Appropriations Subcommittee on Tuesday, April 8, and the full Health and Human Services Committee on Thursday, April 10. A strike all amendment was added that would allow children 16 years of age to buy automotive insurance, but which stripped the bill of most of its other provisions and removed the \$1.5 million appropriation to pay for insurance or drivers education. Chair Matt Hudson (R-Naples) and Rep. Albritton stated that these changes were necessary to keep the bill moving through the legislative process. It now goes to the floor of the full House, though it remains uncertain how the bill will be reconciled with the more comprehensive Senate version.

[SB 744](#) by Sen. Nancy Detert (R-Venice) is still awaiting a hearing by its last committee, Senate Appropriations. The bill would establish a statewide pilot program to pay for the costs of drivers education, licensure, and the costs incidental to licensure, as well as motor vehicle insurance for a child in licensed out-of-home care.

Attorneys for Dependent Children with Disabilities

[HB 561](#) by Rep. Fresen (R-Miami) was approved by the House Judiciary Committee on Friday, April 11. As this was its final committee of reference, it will now go to the floor of the House. The bill requires the appointment of an attorney to represent dependent children with disabilities. A strike all amendment was added to ensure that the opportunity for pro bono representation is still available, as well as to tighten the definition of children with disabilities. Its companion, [SB 972](#) by Sen. Bill Galvano (R-Bradenton), is currently in the Senate Appropriations Committee, its final assignment.

Update on the Independent Living Program

Stephen Pennypacker, Assistant Secretary for Programs at DCF, appeared before the Senate Children, Families, and Elder Affairs Committee to provide an update on the implementation of a [2013 bill](#) that sought to give children aging out of foster care the opportunity to remain in care. The law, also known as the Nancy C. Detert Common Sense and Compassion Independent Living Act, went into effect in January. Mr. Pennypacker revealed that 162 young adults had already opted to enter Extended Foster Care during the first two months of 2014. In total, 58 percent of children aging out of foster care were taking advantage of the new option. He discussed the challenges DCF encountered during the rulemaking process on account of unclear aspects of the statute, including determining individual allowances for the young adults. Mr. Pennypacker briefly discussed other provisions of the law, including requiring campus liaisons and the department to create training videos for affected youth to educate them on the new law and teach them about life skills, nutrition, and other practical matters. To improve the program, he discussed the need for additional foster homes and parents, as well as the department's efforts to improve the transfer of former foster care youths with disabilities to the Agency for Persons with Disabilities.

TAKE ACTION:

Two bills that would allow the children of legal immigrants, who have lived in the United States for less than five years, to be eligible for KidCare still need help to become law. Senator Garcia's [SB 282](#) passed the Senate Health Policy Committee two weeks ago, while Rep. Diaz's [HB 7](#) has not been heard since passing out of the Health Innovation Committee over one month ago. Time is running out for these vital bills, and more effort is needed to push them closer to the finish line.

Please call or email the chairs and other members of the committees below and ask them to support the bills.

House Health and Human Services Committee	Senate Appropriations Committee
House Health Care Appropriations Subcommittee	Senate Health and Human Services Appropriations Subcommittee

Please call and thank [Rep. Jose Felix Diaz](#), [Sen. Rene Garcia](#) (the bill sponsors) and [Sen. Anitere Flores](#) (the co-sponsor) who are also on these committees for their efforts.

Newborn Health Screening

[SB 722](#) by Sen. Rene Garcia (R-Hialeah) was passed unanimously by the Senate Judiciary Committee on Tuesday, April 8. It will now go the full Senate for a final vote. The bill will allow the State Public Health Laboratory to release the results of a newborn's hearing and metabolic tests, or screenings to the newborn's health care practitioner, a term which is expanded to include a physician or physician assistant, osteopathic physician or physician assistant, advanced registered nurse practitioner, registered nurse, licensed practical nurse, midwife, speech-language pathologist or audiologist, or a dietician or nutritionist. Its companion, [HB 591](#) by Rep. Gayle Harrell (R-Port St. Lucie), was passed on a 116 to 0 vote by the full House of Representatives on Tuesday, April 1.

JUVENILE JUSTICE

Juvenile Justice Education Programs

[SB 598](#) by Sen. Aaron Bean (R-Fernandina Beach) was passed unanimously by the Senate Education Appropriations Subcommittee on Wednesday, April 9. The bill now goes to its final committee, the full Senate Appropriations Committee. Its companion, [HB 173](#) by Rep. Janet Adkins (R-Fernandina Beach), was passed unanimously by the full House on March 12 and recently received committee assignments after passing through Messages to the Senate. These bills would enhance transition services by requiring that local school districts, Florida Department of Juvenile Justice reentry personnel and local workforce personnel be part of a youth's transition planning. They would also require that school districts consider the needs of individual youth when they return to school, and enhance career and technical training. Additionally, these bills seek to improve accountability, enhance access to virtual education, and require state and federal education dollars to follow the youth who generate them.

Juvenile Justice, Chapter 985 Rewrite

[HB 7055](#) by the House Criminal Justice Subcommittee and Rep. Ray Pilon (R-Sarasota) was passed by its final committee, House Judiciary, on Thursday, March 27. The bill is still on the calendar on Second Reading. It proposes a variety of changes to Chapter 985 of the Florida Statutes, relating to the Department of Juvenile Justice, its duties, and its programs. The bill will incorporate and align themes of the Roadmap to System Excellence into Chapter 985, by focusing on prevention and rehabilitation, and pivoting away from the idea of punishment, to consequence and care. Some specific provisions of the bill include:

- Updates legislative intent language and definitions applicable to Chapter 985 of the Florida Statutes
- Modifies procedures relating to jurisdiction, contempt of court, fingerprinting and photographing, and intake assessments
- Expands the continuity of care system for children in detention
- Provides authority to the department to develop, within existing resources, evening reporting centers and community re-entry teams
- Expands the department's notification requirements to a school or victim when the custody status of a youth has changed
- Allows technical violations to be resolved through alternative consequence programs
- Broadens the application of transition-to-adulthood services to youth of all ages
- Expands when a misdemeanor youth may be committed to a residential program
- Creates a new offense relating to "willful and malicious neglect" of juvenile offenders
- Enhances the performance accountability system for service providers
- Limits the amount paid to hospitals and health care providers that do not have a contract with the department for health care services provided to juveniles

The bill's companion, [SB 700](#) by Sen. Rob Bradley (R-Fleming Island), still awaits a hearing in its final committee of reference, Senate Appropriations, after passing its last committee on March 19.

Juvenile Detention Costs

[HB 5305](#) by the House Justice Appropriations Subcommittee and Rep. Charles McBurney (R-Jacksonville) passed the full House on a 100 to 11 vote on April 3. The bill deals with the Department of Juvenile Justice's shared cost of detention for juveniles in detention centers with the counties. The proposed committee bill:

- Conforms to the House of Representatives proposed Fiscal Year 2014-15 General Appropriations Act by establishing a new cost sharing approach with counties
- Establishes a methodology (in [PCB JUAS 14-02](#)) for determining both county and DJJ responsibilities based on a 50/50 percent sharing of total shared detention costs - the costs will be based on actual expenditures for providing this service during the prior calendar year
- Addresses disputed billings from fiscal year 2008-09 through fiscal year 2012-13 by providing an annual payment to counties totaling approximately \$6 million
- Appropriates an additional \$29.5 million in general revenue for funding the DJJ portion of detention center costs and caps county fiscal responsibility at \$42.5 million

The bill's companion, [SB 1532](#) by Sen. Rob Bradley (R-Orange Park) is currently awaiting a hearing in its final committee, Senate Appropriations.

OTHER BILLS AFFECTING CHILDREN

Child Safety Devices in Motor Vehicles

After passing its final two committee last week, a bill that would revise booster seat requirements for children is still waiting to be heard on the House Floor. [HB 225](#) by Rep. Keith Perry (R-Gainesville) proposes to require an approved child restraint device for all children less than 7 years of age, if the child is less than 4 feet 9 inches in height. According to the staff analysis, only Florida and South Dakota still allow the use of adult seat belts without a booster seat for children less than 5 years of age. The use of an adult belt without a booster seat (average cost less than \$18) is not recommended as it fits these children improperly and upon impact, causes many fatalities as many have been ejected through the still fastened adult belt, while others have had their spleens or intestines ruptured. Its companion, [SB 518](#) by Sen. Anitere Flores (R-Miami) was last heard on March 12, and is still waiting to be voted on by its last committee, Senate Appropriations.

TAKE ACTION:

As session is entering its final weeks, time is running out for the Senate bill. Please call or email the chair and other members of the [Senate Appropriations Committee](#) below and ask them to support [SB 518](#) by Sen. Anitere Flores (R-Miami).

Sen. Joe Negron (Chair) (R-Stuart)
Sen. Lizbeth Benacquisto (R-Ft. Myers)
Sen. Aaron Bean (R-Fernandina Beach)
Sen. Rob Bradley (R-Orange Park)
Sen. Bill Galvano (R-Bradenton)
Sen. Andy Gardiner (R-Orlando)
Sen. Denise Grimsley (R-Sebring)
Sen. Alan Hays (R-Umatilla)
Sen. Dorothy Hukill (R-Port Orange)
Sen. Arthenia Joyner (D-Tampa)
Sen. Jack Latvala (R-Clearwater)
Sen. Tom Lee (R-Brandon)
Sen. Gwen Margolis (D-Miami)
Sen. Bill Montford (D-Tallahassee)
Sen. Garrett Richter (R-Naples)
Sen. Jeremy Ring (D-Margate)
Sen. Christopher Smith (D-Fort Lauderdale)
Sen. Eleanor Sobel (D-Hollywood)
Sen. John Thrasher (R-St. Augustine)

Resident Status for Tuition Purposes

A bill that would allow undocumented immigrant students to receive in-state tuition at state colleges and universities passed its third committee on Wednesday, April 9. [SB 1400](#) by Sen. Jack Latvala (R-Clearwater) received an 8:5 vote by the Senate Education Appropriations Committee. The bill will be heard next in the Senate Appropriations Committee, its last committee. The bill's future remains far from certain, with Senate President Don Gaetz (R-Niceville) [having expressed](#) reservations about the proposal earlier in session. However, Sen. Latvala remains confident that the bill has the support needed to pass the full Senate, if called for a vote.

The companion bill, [HB 851](#) by Rep. Jeanette Nunez (R-Miami) passed the full House on March 20 on a bipartisan 81:33 vote. The bill will require undocumented students to have attended a Florida high school for at least 4 years. The strong support of Speaker Weatherford was considered a major reason for the bill's surprisingly quick passage through the House. The bill now goes to the Senate, which can either vote on the House version or continue to work on its own legislation.

Special Districts: Chapter 189 Reorganization

[HB 1237](#) by Rep. Larry Metz (R-Groveland) was passed by the House State Affairs Committee, on Friday, April 11. It now goes to House floor. The bill proposes to reorganize Chapter 189 of the Florida Statutes into eight parts, as well as:

- Provide requirements for the chair of a governing body
- Provide special district reporting requirements
- Provide for suspension of special districts under certain conditions
- Provide penalties for special districts that fail to comply

- Revise provisions relating to suspension and removal from office of municipal officers to include members of a governing body of a special district

Its companion, [SB 1632](#) by Sen. Kelli Stargel (R-Lakeland) is awaiting a hearing by its final committee assignment, Senate Appropriations.

Please contact Diana Ragbeer, Director of Public Policy and Communications at diana@thechildrenstrust.org should you need further information.