



Capitol Connection



Week Eight - April 25, 2014

BUDGET CONFERENCE HEATS UP AS MAJOR CHILDREN'S BILLS RACE TO THE FINISH LINE

Legislators returned this week following the Easter and Passover break, and immediately began finalizing what will become the 2014 budget. Meanwhile, bills were moving rapidly through their last remaining full appropriations committees and in their respective chambers. These bills included major legislation affecting early learning, child welfare, child safety, and juvenile justice.

BUDGET

The budget conference process dominated the second to last week of the 2014 Legislative Session, as legislators worked to negotiate disparities between the two proposed budgets by the House and Senate. During the first phase of the process, budget conferees from both chambers met in their respective subcommittees to iron out the differences in funding priorities. As of Wednesday evening, unresolved issues were "bumped" to the two Appropriations chairmen, Sen. Joe Negron (R-Stuart) and Rep. Seth McKeel (R-Lakeland).

For Health Care Appropriations, the two chambers were able to agree on most disputed items, with only about \$17 million left unresolved as of Thursday. One unsettled item is the Early Steps program, which is funded by both chambers at \$3.6 million, although advocates prefer the House's position because it provides for recurring funding, while the Senate only allocates the money for one year.

Enhancing funding for the child welfare system has been one of the highest priorities for both the Legislature and children's advocates this session. Early in the budget conference process this week, the two chambers **agreed to add \$47.8 million** to fund the state's beleaguered child welfare system, though Senate President Don Gaetz (R-Niceville) did not rule out revisiting the issue before the budget is finalized early next week. The Legislature partially met Governor Rick Scott's request for \$39 million to the Florida Department of Children and Families and certain sheriff's offices for the hiring of new child protective investigators, allocating just over \$21 million. They also focused on

increasing funding for family support services intended to prevent child abuse and provide substance abuse and mental health treatment to at-risk parents, including a \$2 million net increase for the Healthy Families program and \$4.5 million for children's community action teams (CATs).

While many advocates are supportive of the efforts to bolster these services, some believe that the funding levels are still too low. In particular, many advocates are concerned that a proposed \$10 million increase in funding to the state's locally controlled Community Based Care (CBC) agencies is inadequate to deal with the increased workload expected to result from new policies emphasizing child safety.

Talks were not going as smoothly in Education Appropriations, where negotiations broke down late Wednesday night. Disagreements over a couple of issues resulted in an apparent reset in negotiations, as Education budget chairs Rep. Erik Fresen (R-Miami) and Sen. Bill Galvano (R-Bradenton) "bumped" much of the \$20.5 billion budget to the full appropriations chairs for resolution. School Readiness and Voluntary Prekindergarten (VPK) funding and quality improvement measures are just a couple of the issues that are hanging in the balance as the budget is finalized this weekend.

EARLY LEARNING

Early Learning Bill Passes Full House of Representatives

[HB 7069](#), by Chair Marlene O'Toole (R-The Villages) and the House Education Committee, was passed unanimously by the full House of Representatives on Tuesday, April 22. Some notable components of the bill include the following:

- Requires that private providers must be licensed or, if the provider is a licensed-exempt faith-based provider or nonpublic school and accepts public funds, agree to substantially comply with specified child care licensing standards and submit to inspections by the Department of Children and Families (DCF) or local licensing agency
- Denies providers with serious health and safety violations in the previous year program eligibility in the Child Care and Development and Voluntary Prekindergarten Education programs, unless certain requirements are met
- Requires that by January 1, 2016, personnel must be at least 18 years of age and hold a high school diploma (or equivalent); practitioners must be trained in developmentally appropriate practices aligned to the age and needs of children served
- Requires the Office of Early Learning (OEL) to develop online training on School Readiness program performance standards, and provider personnel to complete the training
- Requires the Office of Early Learning to conduct a 2-year pilot project to study the impact of assessing the early literacy skills of Voluntary Prekindergarten Education Program participants who are English Language Learners, in both English and Spanish
- Changes the name of the School Readiness program to the Child Care and Development program

On the same day, the bill's companion, [SB 1702](#) by Chair John Legg's (R-Lutz) Senate Education Committee, was heard and passed by the Senate Appropriations Committee. While the bills are substantially similar, some differences do exist related to the process of notification for egregious health and safety violations and the age eligibility of a School Readiness practitioner. The Senate bill also provides the Florida Department of Children and Families with the rulemaking authority to define substantial compliance for the monitoring of license-exempt facilities that receive public

funds, and retains the name of the School Readiness program as such. The name change is expected to be resolved by the House and Senate in the coming week.

CHILD WELFARE

A comprehensive Senate bill bringing major policy changes to the state's child welfare system was temporarily postponed on Friday, April 25. Concerns were raised by future Senate President Andy Gardiner (R-Orlando) over the large number of late-filed amendments. The bill, [SB 1666](#), was brought to floor later that afternoon and passed unanimously on a 38 to 0 vote, with the controversial amendment having been withdrawn. It had passed its final committee, Senate Appropriations, earlier in the week on Tuesday, April 22. 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. The bill's companion, [HB 7169](#) by the Healthy Families Committee, was passed unanimously by the House Appropriations Committee on Monday, April 21, and now goes to the floor.

[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 from birth to school entry who are in the child welfare system and are enrolled in child care to attend the program 5 days per week
- Prioritizes social work degrees for child investigators and supervisors, including 50% 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

Motor Vehicle Insurance and Driver Education for Children in Care

[SB 744](#) by Sen. Nancy Detert (R-Venice) was heard and passed by its final committee, Senate Appropriations, on Tuesday, April 22. 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.

Its companion, [HB 977](#) by Rep. Ben Albritton (R-Bartow), was passed unanimously by the full House on Wednesday, April 23. A strike all amendment that was added in a previous hearing would allow children 16 years of age to buy automotive insurance, but stripped the bill of most of its other provisions, including the \$1.5 million appropriation to pay for insurance or drivers education. Chair Matt Hudson (R-Naples) and Rep. Albritton stated at the time that these changes were necessary to keep the bill moving through the legislative process. It remains uncertain how the bill will be reconciled with the more comprehensive Senate version, though several legislators, including the Rep. Albritton, expressed a desire to restore some of the lost provisions.

Attorneys for Dependent Children with Disabilities

[HB 561](#) by Rep. Erik Fresen (R-Miami) was approved on a 118 to 0 vote by the full House on Thursday, April 24. The bill requires the appointment of an attorney to represent dependent children with disabilities. Its companion, [SB 972](#) by Sen. Bill Galvano (R-Bradenton), was passed by the Senate Appropriations Committee on Thursday, April 24. As this was its final committee of reference, it will now go to the floor of the Senate. Both bills now contain an amendment reducing the amount paid to attorneys to \$1,000 as agreed to by all stakeholders.

KIDCARE/CHILDREN'S HEALTH

Newborn Health Screening

On Thursday, April 24, the Senate unanimously passed [HB 591](#) by Rep. Gayle Harrell (R-Port St. Lucie)/[SB 722](#) by Sen. Rene Garcia (R-Hialeah). The House had approved the proposal unanimously more than three weeks ago. 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. The bill will now go to the governor before becoming law.

Florida KidCare

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. Sen. Rene Garcia's (R-Hialeah) [SB 282](#) passed the Senate Health Policy Committee more than three weeks ago, while Rep. Jose Felix Diaz's (R-Miami) [HB 7](#) has not been heard since passing out of the Health Innovation Committee nearly two months ago. Time is running out for these vital bills, and more effort is needed to push them closer to the finish line.

JUVENILE JUSTICE

Juvenile Justice, Chapter 985 Rewrite

[HB 7055](#) by the House Criminal Justice Subcommittee and Rep. Ray Pilon (R-Sarasota) was passed by the full house on a 115 to 0 vote on Friday, April 25. It proposes a variety of changes to Chapter 985 of the Florida Statutes, relating to the Florida 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) was passed by its final committee of reference, Senate Appropriations, on Tuesday, April 22, and was heard on the Senate floor on Friday, April 25 on second reading. The bill is now on third reading and positioned for final passage early next week.

Juvenile Justice Education Programs

[SB 598](#) by Sen. Aaron Bean (R-Fernandina Beach) was not heard by the Senate Appropriations final committee on Tuesday, April 22. Its companion, [HB 173](#) by Rep. Janet Adkins (R-Fernandina Beach), was passed unanimously by the full House on March 12 and may be taken up in place of the Senate bill. 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 Detention Costs

[SB 1532](#) by Sen. Rob Bradley (R-Orange Park) was not heard by its final committee, Senate Appropriations, which met for the final time on Tuesday, April 22. 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, [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. This issue will be dealt with in the budget, and it is expected that the legislature will accept the governor's

recommendation on cost sharing with the counties.

OTHER BILLS AFFECTING CHILDREN

Child Safety Devices in Motor Vehicles

A bill that would revise booster seat requirements for children was approved on a 114 to 0 vote by the full House this week. [HB 225](#) by Rep. Keith Perry (R-Gainesville) proposes to require an approved child restraint device for all children between 4 and 5 years of age, unless the child is being transported by someone who is not a member of the child's family. 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 approved by its final committee, Senate Appropriations, on Thursday, April 24.

Resident Status for Tuition Purposes

A Senate bill that would allow undocumented immigrant students to receive in-state tuition at state colleges and universities may be heard next week despite failing to be heard by its last committee. Previous to the meeting, Chairman Joe Negron announced that his committee, Senate Appropriations Committee, would not hear [SB 1400](#) by Sen. Jack Latvala (R-Clearwater). The bill's passage was already uncertain, with Senate President Don Gaetz (R-Niceville) [having expressed](#) reservations about the proposal earlier in session. Sen. Latvala insisted that the bill has the support needed to pass the full Senate, if called for a vote. Advocates are still working to convince Senate leadership to bring the bill to floor next week.

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.

Special Districts: Chapter 189 Reorganization

[SB 1632](#) by Sen. Kelli Stargel (R-Lakeland) was approved by the full Senate on Friday, April 24 on a 38 to 0 vote. During debate, Sen. Jeremy Ring and Sen. Jeff Brandes thanked Sen. Stargel for her work on the bill and expressed their disapproval for special taxing districts, both promising to revisit the issue next session. The bill had passed its final committee assignment, Senate Appropriations, on Tuesday, April 22. It will now be sent to the House. 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, [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.

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