



Capitol Connection



Week Four - April 1, 2013

BUDGETS KICKOFF; PROPOSALS PRESENTED IN APPROPRIATIONS SUBCOMMITTEES THIS WEEK

Though the fourth week of session was shortened by holidays for Passover and Easter, legislators and staff were hard at work preparing for budget presentations to appropriations subcommittees this week, and both the [Senate and House General Appropriations Acts \(GAAs\)](#) are headed to the full appropriations committees on Wednesday.

In comparison to recent years, this session features a healthy dose of optimism, with few cuts and many programs fully funded or seeing a modest increase. In the House Health Care Appropriations Subcommittee, Chair Matt Hudson (R-Naples) proudly announced that his budget would allow 6,900 more children in the Florida KidCare Program, provide full funding for Early Steps and Healthy Families, and restore funding for substance abuse, mental health, community health services, and more. Although some program directors are still uneasy and will have to work to secure more funding, an improving economy has begun to provide more stability to many vital programs and services.

Here is a sample of Senate action:

- Maintained Mental Health and Substance Abuse Treatment Funding at \$23 million GR
- Maintained Maintenance Adoption Subsidies Funding at \$20.1 GR and \$.4 million trust fund
- Funded Safe Harbor Program to address Juvenile Sexual Exploitation a \$1.5 million
- Maintained Healthy Families Program at \$18.1 million
- Maintained Early Steps at \$3.6 GR and \$3.4 million Trust Fund

Many Critical Programs and Services Receive Level Funding

The House and Senate budgets on Voluntary Pre-K (VPK) are currently level funded at \$404.9 million. School Readiness is also funded at the same level as last year, with \$141.3 million from general revenue for a grand total of \$581.5 million.

Healthy Start Update

The proposed budget shows an additional \$1 million in recurring funds for Healthy Start. This would replace a gap of \$1 million due to the non-recurring funding that was awarded in the last legislative session. The request for an additional \$2.2 million to replace funding cuts made in 2010-11 is still not evident.

The requested funding to establish additional Fetal Infant Mortality Review projects in Healthy Start Coalitions that currently do not have such projects is not evident in the proposed budget.

EARLY LEARNING

Early Learning Overhaul Language Introduced

The House Education Committee met this week for the first time since the release of their comprehensive early learning bill. The 109-page document was released last week for advocates and stakeholders to provide comments. Chair Marlene O'Toole (R-Lady Lake) stated that the bill is still just language (not an official draft yet), and outlined three key points: 1) moving the Office of Early Learning to the Florida Department of Education; 2) ensuring the efficient use of tax dollars; and 3) guaranteeing transparency and accountability.

Chair O'Toole noted that she had met with the developers of the eagerly awaited, but often delayed, Early Learning Information System (ELIS), and assured the committee that she would check in weekly with the vendor to ensure that goals and timetables are being met. Rep. Cynthia Stafford (D-Opa Locka) voiced concerns of some faith-based providers that she talked to regarding the constitutionality of religious organizations existing within DOE. The Chair assured her proper firewalls would be set up to address this. There was a brief discussion regarding the need to do more to address the needs of homeless youth and victims of domestic violence.

Several advocates and stakeholders voiced their intention to work with the committee to improve the bill, including Ted Granger representing the United Way of Florida and an early learning partnership representing 40 percent of the state's child care programs. Mr. Granger discussed the difficult "Sophie's Choice" of using limited resources to serve more children on the waiting list versus improving the quality of services to ensure children are adequately prepared for school. Chair O'Toole concluded the meeting by reminding everyone that the bill was still very much a work in progress and asking that bill language be ready for consideration at the meeting next week.

The bill expected to be the companion for O'Toole's early learning bill, [SB 1722](#) by Sen. John Legg (R-Lutz), has been put on the agenda for today's Senate Education Committee. As it is currently written, the bill is still a placeholder for the House bill, and establishes the Office of Early Learning within the Office of the Commissioner of Education, and the basic responsibilities of the Office of Early Learning.

Related to Education Funding

[HB 5101](#), formerly EDAS1, by the Education Appropriations Subcommittee and Chair Erik Fresen (R-Miami) was introduced this week. The bill conforms statutes to the funding decisions included in the proposed House General Appropriations Act for the 2013-14 fiscal year. It addresses many issues from School Readiness to the State University System including:

- Eligibility and funding requirements for participation in the School Readiness program
- Florida Resident Access Grant (FRAG) program eligibility by including the Access to Better Learning and Education (ABLE) Grant program to eligible institutions
- Provider qualifications necessary for providers to be approved to offer virtual instruction programs

The bill notably addresses the school readiness funding formula and proposes that beginning in 2014-2015, funding "shall be allocated to early learning coalitions based on the average prior year enrollment and the uniform waiting list...using the average market rate by program care level and provider type." The bill is now in the House Appropriations Committee.

HEALTHY CHILDREN

Healthy Florida - Sen. Negron's Medicaid Expansion Alternative

Sen. Joe Negron's (R-Stuart) bill, formerly [SB 7038](#) became a committee bill this week and was assigned committees of reference. [SB 1816](#) by the Senate Appropriations Committee would create a managed care system for newly eligible Medicaid recipients under the Florida Healthy Kids Corporation, but has not yet been heard since it passed out of Senate Appropriations. The bill will now head to the Senate Appropriations Subcommittee on Health and Human Services and then finally back to Appropriations. The House, in the meantime, has said that they do not plan to act on the question of Medicaid expansion this Legislative Session, and nothing was included in the House Budget to cover it. However, the House Select Committee on PPACA will meet on Tuesday to hear a recently filed bill dealing with insurance products under the Affordable Care Act. The hospitals and other providers, as well as advocates for the uninsured, continue to promote the Senate plan in the hopes that the House will accept this position or find a workable solution.

Florida KidCare Program

[SB 548](#) by Sen. Nancy Detert (R-Venice Beach) is on the agenda to be heard in the Children, Families, and Elder Affairs Committee today at 3:15 p.m. This bill, and its companion, would allow Federally Qualified Health Centers to presumptively enroll children deemed eligible in the Florida KidCare Program for a brief period of time (approximately 45 days) while their application is being formally processed. This service, which is already available for pregnant women, will allow children to receive critical immediate treatment and follow up care, including services and medication. Its companion, [HB 689](#) by Rep. Gayle Harrell (R-Stuart) remains in the House Health Care Appropriations Subcommittee after being passed unanimously out of its first committee two weeks ago.

Sen. Rene Garcia's (R-Hialeah) [SB 704](#) would remove a five-year prohibition and allow legally residing immigrant children in the state to be eligible for KidCare since the federal government now provides a match for these children. This bill has been referred to the Senate Health Policy Committee, but has not been heard yet. The House companion for this bill, [HB 4023](#) by Rep. Jose Diaz (R-Miami), is currently awaiting a hearing in the House Healthy Families Subcommittee. Both bill sponsors have requested that their bills be placed on the agenda of the first committee of reference and are working hard to correct flawed assumptions used to generate inaccurate high fiscal impacts. For proponents of the bills, it is important to continue to seek co-sponsors and contact members, including Senate President Don Gaetz (R-Niceville) and House Speaker Will Weatherford (R-Wesley Chapel), to help get the bills heard. Committees in the House are shutting down next week. Time is of the essence!

Other bills affecting children's health and safety:

Infant Death

[SB 56](#) was read for the second time on the floor this week with a technical amendment also adopted. The bill, by Sen. Alan Hays (R-Umatilla), provides birth center clients with education on safe sleep habits. The House companion, [HB 83](#) by Rep. David Santiago (R-Deltona), passed favorably out of its final committee last week with an amendment that extended the time by which an autopsy must be conducted to 72 hours. It is now waiting to be heard on the floor.

Texting While Driving

After moving quickly through their first two stops, two bills banning texting while driving remain stuck in their final committees. [SB 52](#) by Sen. Nancy Detert (R-Venice Beach) remains in the Senate Judiciary Committee, where at this time, the Chairman of the committee, Sen. Tom Lee (R-Brandon) still refuses to hear the bill. [HB 13](#) by Rep. Doug Holder (R-Sarasota) is in House Economic Affairs. Sen. Detert noted that the bill was a compromise bill in that texting while driving will be a secondary offense, but that this was a significant step and that "a law is a law."

Victims of Human Trafficking

[SB 1644](#) by Sen. Anitere Flores (R-Miami) remains in the Senate Judiciary Committee, which is its last stop before the floor. The bill provides for the expungement of a criminal history record for a victim of human trafficking. Its companion, [HB 1325](#) by Rep. Ross Spano (R-Riverview), is now in the House Justice Appropriations Committee.

Disability Awareness

After being temporarily postponed, [SB 226](#) by Sen. Jeremy Ring (D-Margate) will be heard again by the Senate Education Committee today at 3:15 p.m. The bill requires district school boards to provide disability history and awareness instruction in all K-12 public schools. Concerns over a proposed amendment that removes the advisory council component have reportedly been sorted out. During its first hearing, members had questions about who would develop, approve, implement, and ensure curriculum is taught. Its companion, [HB 129](#) by Rep. Richard Stark (D-Weston), is currently in the House K-12 Subcommittee, but that committee has no more scheduled meetings.

Children Who are Deaf or Hard of Hearing

[CS/SB 1240](#) by Sen. Garrett Richter (R-Naples) and Sen. Aaron Bean (R-Fernandina Beach) is currently waiting to be heard in the Senate Education Committee. The bill requires health care providers to provide an opportunity for a child's parent or legal guardian to provide contact information so that he or she may receive information, including that relating to cochlear implants when a hearing loss is identified; requires the Florida Department of Health to register certain service providers and

institutions; allows a parent or legal guardian to request services from a participating service provider; and, provides that the level of services received is based on the child's individualized education program or individual and family service plan. The House companion, [HB 1391](#) by Rep. Mary Lynn Magar (R-Tequesta), was never heard by the House Health Quality Subcommittee.

Children's Initiatives

[HB 411](#) passed unanimously out of the Health Care Appropriations Subcommittee last Wednesday. Rep. Reggie Fullwood's (D-Jacksonville) bill would establish the "New Town Success Zone" in Duval County and "Parramore Kidz Zone" in Orange County, modeled after the successful Harlem Children's Zone and Miami Children's Initiative, which allows projects to be managed by non-profit corporations that are not subject to control, supervision, or direction by any department of state. Its final stop is the House Health and Human Services Committee. Its companion, [SB 1322](#) by Sen. Audrey Gibson (D-Jacksonville), is scheduled to be heard for the first time this week in Senate Children, Families, and Elder Affairs Committee today at 3:15 p.m.

CHILD WELFARE

Cross-over Youth

[HB 7103](#) by Rep. Gayle Harrell (R-Stuart) passed unanimously out of the House Health Care Appropriations Subcommittee. This PCB from the Healthy Families Subcommittee would create a pilot project addressing the needs of the most difficult and vulnerable children in the state's dependency system. This joint collaboration between the Florida Department of Juvenile Justice (DJJ) and Florida Department of Children and Families (DCF) would seek proposals from organizations in the pilot area to provide training, intervention programs, and security measures at the pilot homes. Proposals will need to be innovative and propose a solution that meets the unique needs of this population, including wrap-around services to address behavioral issues. Rep. Harrell estimated that approximately 600-900 children would qualify for this program, and ensured the committee that many providers had already expressed interest in participating. The bill seeks to use existing resources within DCF and DJJ and will have no fiscal impact. It is now on its way to Health and Human Services, its final committee stop.

Foster Children

Independent Living

[SB 1036](#) by Sen. Nancy Detert (R-Venice Beach) will be heard in the Senate Judiciary Committee on today at 3:15 p.m. The bill would expand foster care to age 21; allow youth who stay in foster care to choose to stay in their foster home, group home or in another supervised environment such as a college dormitory, shared housing, apartment or another housing arrangement; focus on education for foster children and youth and on keeping them stable in school; provide supports to succeed in postsecondary education; and continue the Road to Independence stipend for students in colleges/universities. Its companion, [HB 1315](#) by Rep. Keith Perry (R-Gainesville), is currently in the House Health Care Appropriations Subcommittee.

Children in Foster Care

[SB 164](#) by Sen. Nancy Detert (R-Venice Beach) was passed by the Senate this past week with a 38 to 0 vote. The House already passed its companion, [HB 215](#) by Rep. Ben Albritton (R-Bartow). This bill, also referred to as the Quality Parenting for Children in Foster Care Act or the "Normalcy" Bill, is on its way to the Governor for approval before it becomes law. It recognizes the importance of providing the child with the most family-like living experience possible, encourages foster parents and other caregivers for children in foster care to allow their children to participate in activities at school and in the community, gives caregivers of children in out-of-home care the latitude to decide what is best for their children, allows children in out-of-home care to participate in normal activities and more.

Appointment of an Attorney for a Dependent Child with Disabilities

[SB 1468](#) by Sen. Tom Lee (R-Brandon) is scheduled to be heard in Children, Families, and Elder Affairs, its second committee of reference, today at 3:15 p.m. This bill would require an attorney for a dependent child with disabilities to be appointed in writing, ensures that the appointment continues in effect until the attorney is permitted to withdraw or is discharged by court or until the case is terminated, and provides that an attorney be adequately compensated for his or her service. Its companion, [HB 1241](#) by Rep. Neil Combee (R-Polk City), remains in the House Justice Appropriations Subcommittee.

JUVENILE JUSTICE

Relating to Juvenile Justice Education

[HB 441](#) by Rep. Janet Adkins (R-Fernandina Beach) passed unanimously out of the House Appropriations Committee this past week. If passed, the bill 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. It would also require that school districts consider the needs of individual youth when they return to school, and enhance career and technical training. This bill seeks to improve accountability, enhance access to virtual education, and require state and federal education dollars to follow the youth who generate them. Its companion, [SB 1406](#) by Sen. Aaron Bean (R-Fernandina Beach), is currently in the Senate Education Committee.

Relating to Juvenile Justice Circuit Advisory Boards and Juvenile Justice County Councils

[SB 676](#) by Sen. Greg Evers (R-Pensacola) passed unanimously out of the Senate Criminal and Civil Justice Appropriations Committee this past week. The bill seeks to streamline juvenile justice circuit boards and juvenile justice county councils by merging them into a single entity: juvenile justice circuit advisory boards, which are to be established in each of the 20 judicial circuits. Except in single-county circuits, each juvenile justice circuit advisory board shall have a county organization representing each of the counties in the circuit. The county organization shall report directly to the juvenile justice circuit advisory board on the juvenile justice needs of the county. The bill specifies that the purpose of each juvenile justice circuit advisory board is to provide advice and direction to the Florida Department of Juvenile Justice in the development and implementation of juvenile justice programs, and to work collaboratively with the department in seeking improvements and policy changes to address the emerging and changing needs of Florida's youth who are at risk of delinquency. Each member of the juvenile justice circuit advisory board must be approved by the secretary of the department, except for certain specified members. The bill is now on the way to its last stop in Appropriations before heading to the floor. Also this past week, the House companion, [HB 617](#) by Rep. Ray Pilon (R-Sarasota), passed out of the House Local & Federal Affairs Committee, and now travels to its last stop in Judiciary.

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