



## *Capitol Connection*



Week Five - April 5, 2013

### **HALF-WAY MARK: COMMITTEES WINDING DOWN; APPROPRIATIONS COMMITTEES LAY OUT BUDGETS**

Week five was a busy week with both the House and the Senate taking their respective appropriations committee budgets to the floor. Both bills passed with few changes from what was presented by the subcommittees although in the House, Democrats were concerned with the fact that the bill did not include funding for Medicaid expansion. They consequently voted unanimously against the bill, ostensibly bringing to an end what was once an effort for the two parties to work together. A few highlights of funding increases for children from the \$74.4 billion House budget include:

- A funding increase in the Florida KidCare Program, which will serve nearly 7,000 addition children, representing a 2.3% growth
- \$7.4 million increase for adolescent and young adult mental health services
- \$1.8 million increase for the Guardian ad Litem program

### **EARLY LEARNING**

#### *Updated Early Learning Language Released*

An updated draft of a proposed committee bill addressing comprehensive early learning reform was released by the House Education Committee for their meeting on Thursday. The original document was distributed last week for advocates and stakeholders to provide comments. Chair Marlene O'Toole (R-Lady Lake) quickly ran through some of the basic components of the bill:

- Moves the Office of Early Learning to the Florida Department of Education (DOE) and will be headed by an executive.
- Accomplishes the vision of the House Education Committee related to transparency and prevention of fraud.
- Transfers many of the current law responsibilities and duties of DOE related to the VPK program to the Office of Early Learning.
- Includes provisions for standardized provider agreements and monitoring tools for compliance. This will ensure providers have clarity for contractual expectations related to School Readiness and VPK.

- Provides accessible online information related to the Division and coalition activities, as well as data on children and providers in the School Readiness and VPK programs. This will not only bring transparency to the early learning system, but also make accessible critical data elements for all stakeholders and partners.
- Does not require the use of a pre- or post-assessment, but leaves it optional at the discretion of the coalitions.
- Imposes an 18% cap on administrative, indirect and quality expenditures. Early Learning Coalitions have said too restrictive a cap will prevent them from implementing certain quality measures.

At the hearing, the following testimony was given:

- Brittany Birken, representing the Florida Children's Council, expressed concern that some of the core educational provisions of the program were not in the current draft.
- Ted Granger of the United Way Florida addressed the lack of firewalls separating the Office of Early Learning from K-20 education, the recognition of school readiness as a fundamental educational component, and the 15 core school readiness criteria found in current law.
- Jessica Scher from the United Way of Miami-Dade reiterated the need for quality standards.
- Matt Guse, representing the coalitions, addressed concerns with expenditure limits, health and safety standards, and assessments.

Chair O'Toole made a commitment to continue to work with early learning professionals on issues raised, but stated that some concerns will not be addressed until next legislative session. At the end of the presentation, she asked all members to provide input as soon as possible so that they will be able to make it an official proposed committee bill (PCB) for next Tuesday's meeting.

The Senate companion for O'Toole's early learning bill, [SB 1722](#) by Sen. John Legg (R-Lutz), was introduced and passed out of Monday's Senate Education Committee. Sen. Legg stated that the bill would be a placeholder bill until the House completes their committee bill. Chair O'Toole was present to answer questions.

## HEALTHY CHILDREN

### *Another Alternative to Medicaid Expansion Presented in the Senate*

After a brief introduction following the Senate PPACA Select Committee's decision to reject the Medicaid expansion, [SB 7144](#) by Sen. Aaron Bean was formerly presented as a PCB by the Senate Health Policy Committee. The Health Choice Plus Program would be created within the existing Florida Health Choices, Inc., which would establish health benefit accounts for Floridians earning less than 100% FPL. The accounts would accept funds from various sources, including employers, state revenues (no more than \$10 per member per month), and the enrollees themselves (no less than \$20). The program will not draw down funding related to the Affordable Care Act. The staff analysis states the bill will use only \$15 million in state general revenue and serve approximately 60,000 people, far less than the one million Floridians who would benefit from expanding Medicaid. It requires all enrollees to be working or completing volunteer service. The program also requires regular health checkups and provides healthy living performance goals. The bill has yet to be assigned committees of reference.

[SB 1816](#) by Joe Negron (R-Stuart) and the Senate Appropriations Committee has not been heard since it became a committee bill last week and was assigned committees of reference. The bill would create a managed care system for newly eligible Medicaid recipients. The bill has been referred to the Senate Appropriations Subcommittee on Health and Human Services and back to Appropriations. Though leadership in the House has said in the past that they do not plan to act on the question of Medicaid expansion this legislative session and will not take federal funds, Speaker Weatherford (R-Wesley Chapel) indicated this week that they were in the process of developing their own proposal,

but has not made clear what the details would look like.

In a somewhat surprising turn, Senate President Don Gaetz (R-Niceville) said in an interview Wednesday that the Senate would work with the House on this issue and would likely end up with a melded plan, but like Speaker Weatherford, offered few details on how this would work. This is a departure from the widely held assumption that the President would advocate for the Senate's plan. 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) passed unanimously out of the Senate Children, Families, and Elder Affairs Committee on Monday. 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. The bill will next be heard in the Appropriations Subcommittee on Health and Human Services. 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.

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 as 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. Neither bill has been heard, but a grossly inflated fiscal analysis provided by the Agency for Health Care Administration was recently reduced. For proponents of the bills, it is important to contact members, including Senate President Don Gaetz (R-Niceville) and House Speaker Will Weatherford (R-Wesley Chapel), to help get the bills heard. They are hearing you.

#### *Other bills affecting children's health and safety:*

##### *Infant Death*

[SB 56](#) passed the Senate Thursday with a unanimous vote. 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*

A bill banning texting while driving, [HB 13](#) by Rep. Doug Holder (R-Sarasota), passed out of House Economic Affairs on Wednesday, its final committee and now heads to the floor. Its companion, [SB 52](#) by Sen. Nancy Detert (R-Venice Beach), is now on the agenda in the Senate Judiciary Committee to be heard Monday, April 8. Also called the "distracted driving" law, Sen. Detert noted that the bill was a compromise bill in that texting while driving will be a secondary offense, but that it was still a significant step.

##### *Victims of Human Trafficking*

[SB 1644](#) by Sen. Anitere Flores (R-Miami) has been placed on the agenda to be heard by the Senate Judiciary Committee on Monday, April 8, 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), remains in the House Justice Appropriations Committee.

##### *Disability Awareness*

After being temporarily postponed during its first hearing, [SB 226](#) by Sen. Jeremy Ring (D-Margate)

passed out of the Senate Education Committee on Monday. The bill requires district school boards to provide disability history and awareness instruction in all K-12 public schools. An amendment that removed the advisory council component was withdrawn by the amendment's sponsor. A new amendment by Sen. Bill Montford (D-Tallahassee) added this language back into the bill. Sen. Jeff Brandes (R-St. Petersburg), the only dissenting vote, asked whether a mandate was needed to add this curriculum. He also expressed concern that this added curriculum would have to replace some current curriculum. Sen. Montford, also sharing these same concerns, believed this to be important enough to warrant the mandate. The bill will now head to Children, Families, and Elder Affairs. 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 House Health Care Appropriations Subcommittee on 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), passed its first committee this week, Senate Children, Families, and Elder Affairs Committee Tuesday, and now heads to the Community Affairs Committee.

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## **CHILD WELFARE**

#### *Cross-over Youth*

[HB 7103](#) by Rep. Gayle Harrell (R-Stuart) passed out of the House Health & Human Services Committee Thursday and will now go to the floor. 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. Its companion, [SB 1834](#), formerly [PCB 7134](#), was passed as a committee bill by Children, Families, and Elder Affairs this week and received committees of reference, including Criminal Justice and Appropriations. Unlike its companion, the Senate bill did encounter some resistance, including from Sen. Jeff Clemens (D-Lake Worth), who wondered if the program was needed with similar pilots by Georgetown University underway in some counties. He was informed that this program would seek to implement best practices from the Georgetown program and others with the goal of improving practices at group homes and other entities statewide.

#### *Foster Children*

### **Independent Living**

[SB 1036](#) by Sen. Nancy Detert (R-Venice Beach) passed unanimously out of the Senate Judiciary Committee Monday and now heads to the Health and Human Services Appropriations Subcommittee. 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), remains in the House Health Care Appropriations Subcommittee after being passed enthusiastically out of the Healthy Families Subcommittee three weeks ago.

### **Children in Foster Care**

[SB 164](#) by Sen. Nancy Detert (R-Venice Beach) is on its way to the Governor for approval after being passed by the Senate last week. The House had already passed its companion, [HB 215](#) by Rep. Ben Albritton (R-Bartow) weeks ago. This bill, also referred to as the Quality Parenting for Children in Foster Care Act or the "Normalcy" Bill, 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, and 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) passed unanimously out of Children, Families, and Elder Affairs on Monday and will now go to Appropriations, its final committee. 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 services. Its companion, [HB 1241](#) by Rep. Neil Combee (R-Polk City), remains in the House Justice Appropriations Subcommittee.

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## **JUVENILE JUSTICE**

### ***Relating to Juvenile Justice Education***

[HB 441](#) by Rep. Janet Adkins (R-Fernandina Beach) passed unanimously out of the House Education Committee on Thursday and now heads to the floor. 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), remains in the Senate Education Committee.

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

[HB 617](#) by Rep. Ray Pilon (R-Sarasota) passed unanimously out of the House Judiciary Committee on Wednesday and will now head to the floor. 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 House companion, [SB 676](#) by Sen. Greg Evers (R-Pensacola), passed out of Criminal and Civil Justice Appropriations last week, and is currently in Appropriations, its final committee.

## STATE & LOCAL REVENUES

### *Special Districts*

There has been no further movement on the special districts legislation filed this session. [SB 538](#) by Sen. Jeremy Ring (D-Margate) and Sen. Joe Negron (R-Stuart) establishes a process for the administrative consolidation of independent districts (e.g. staffing/personnel, contracting and purchasing responsibilities, IT functions, facilities management, etc.). The bill also requires these districts to include an ex-officio, non-voting representative of the local general-purpose government as a member of the district board. The Children's Services Councils, along with hospital districts, are exempted from most of the provisions of the bill. The Senate Ethics & Elections Committee considered [CS/SB 538](#) but ongoing concerns forced the bill to be temporarily deferred with no vote taken by the members. [HB 881](#) by Rep. Lake Ray (R-Jacksonville) still awaits consideration by the House Local & Federal Affairs Committee.

### *Property Taxes*

The House Finance & Tax Subcommittee and Senate Appropriations Committees are moving legislation that makes changes to the state's property tax laws. Some of the issues included in [HB 7159](#) and [SB 1830](#) include the following:

- Allows counties to provide automatic renewal of the assessment reduction for living quarters built for and used by parents and grandparents ("granny flats");
- Clarifies that the Senior Homestead Exemption is permissible "up to" \$50,000;
- Repeals the recent expansion of the affordable housing exemption that allows limited partnerships to qualify for this exemption as long as their general partner is a 501(c)(3) organization. This repeal will increase local property tax revenues by \$23.4 million in FY 2013-2014;
- Permits electronic transmission of property tax documents by property appraisers and value adjustment boards; and
- Removes the unconstitutional provision in chapter 196.031, F.S., that requires the property owner to reside on the property in order to receive homestead exemption.

The Revenue Estimating Conference has estimated a positive fiscal impact for the affordable housing provision for FY 2013-14 of \$23.4 million (\$117.2 million recurring).

*Please contact Diana Ragbeer, Director of Public Policy and Communications at [diana@thechildrenstrust.org](mailto:diana@thechildrenstrust.org) should you need further information.*