

WEEK 5



HOUSE AND SENATE PASS RESPECTIVE BUDGETS AHEAD OF SCHEDULE; CHILD WELFARE OVERHAUL MOVES FORWARD

As the 2014 legislative session passed its official mid-point this past Wednesday, the House and Senate debated and passed their final budgets ahead of schedule. Also this week, the Senate effort to reform the child welfare system moved one step closer to passage, and the House bill revising early learning safety standards cleared its final committee.

HOUSE AND SENATE PASS BUDGETS

On Thursday, April 3, the House debated and approved its [\\$75.3 billion budget](#). Passing on a 100 to 16 vote, the Republican-crafted budget managed to garner bipartisan support. Budget Chairman Seth McKeel (R-Lakeland) touted the budget's focus on bolstering the safety net for children (including funding the Agency for Persons with Disabilities waiting list for those with the most severe medical needs and enhanced funding for the child welfare system), funding capital outlay, and increasing the state's emergency reserve fund. During debate, Democrats continued to protest the House's failure to expand the Medicaid program for low income, adult Floridians. Later that afternoon, the Senate took up the House budget and approved a corresponding [\\$74.9 billion](#) spending plan on a 38 to 2 vote. Following the bill's passage, Sen. Joe Negron (R-Stuart), the Senate Appropriations Chair, officially initiated the Budget Conference process.

Now, provisions in the Senate budget ([SB 2500](#)) and the House budget ([HB 5001](#)) will have to be reconciled during the Budget Conference process. The Senate has already appointed conferees (see full list below), who will negotiate differences between the two budgets in order to produce a final legislative budget, the 2014-15 General Appropriations Act.

EARLY LEARNING

House Early Learning Bill Passes Final Committee

[HB 7069](#), by Chair Marlene O'Toole (R-The Villages) and the House Education Committee, was passed unanimously by the House Appropriations Committee on Tuesday, April 1. Several amendments were added, including one specifying an appropriation of approximately \$1 million for 18 positions in the Department of Children and Families to provide for the increased duties related to monitoring license-exempt facilities that receive public funding, and another to reinstate the ability for informal childcare providers (friends and family) to deliver early childhood care. In debate, Rep. Janet Cruz (D-Tampa) expressed concern that people with disabilities who have a special diploma would be precluded from employment under this bill on account of the traditional high school diploma requirement. The bill will be heard next on the floor by the full House. Some notable components of the bill include the following:

- Renames the School Readiness program as the Child Care and Development program
- 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

The bill's companion, [SB 1702](#) (formerly [SB 7114](#)), by Chair John Legg's (R-Lutz) Senate Education Committee, is awaiting a hearing in the 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 Department of Children and Families with the rulemaking authority to define substantial compliance for the monitoring of license-exempt facilities that receive public funds.

Licensing of Facilities that Offer Health and Human Services

[HB 303](#) by Rep. Lori Berman (D-Boynton Beach) was passed unanimously by the House Health Care Appropriations Subcommittee on Monday, March 31. It now goes to its final committee, Health and Human Services. An amendment was added that would apply provisions in the bill to facilities that provide child care for more than 5 children, instead of 4. The bill makes the following changes to the regulation of family day care homes, child care facilities, and large family child care homes:

- Amends the definitions of "child care" and "child care facility" to delete the requirement that a payment, fee, or grant be made for care in order to be considered a child care facility
- Requires that child care facilities exempt from licensing requirements include the state or local agency license number or registration number of the facility when advertising
- Requires licensed or registered family day care homes and large family child care homes to conspicuously display the license or registration in the common area of the home

- Requires that the substitute for a registered family day care home meet the screening and training requirements of DCF
- Specifies that background checks are required for the operator, each household member, and the designated substitute of a registered family day care home

The bill's companion, [SB 394](#) by Sen. Audrey Gibson (D-Jacksonville) is currently in its final committee, Senate Appropriations.

CHILD WELFARE

After being briefly delayed in response to concerns raised by the renowned [Miami Herald investigation](#) of the state's child welfare system, a suite of child welfare reform bills in the Senate ([SB 1666](#), [SB 1668](#), [SB 1670](#)) were combined into a single bill, amended and passed out of the Health and Human Services Appropriations Subcommittee on Tuesday, April 1.

In presenting the bill, Sen. Sobel (D-Hollywood) thanked members, stakeholders, and the public for the impassioned responses and feedback she had received. She announced that the three child welfare bills would be merged and made to conform to the [House bill](#). Sen. Sobel also highlighted several new provisions in the legislation, most notably that the bill now emphasizes that the safety of children is of paramount importance, as opposed to the controversial policy of family preservation, at all costs.

During public testimony, Interim DCF Secretary Esther Jacobo, Florida Coalition of Children CEO and President Kurt Kelly, and others praised Sen. Sobel and her committee for their work in crafting the new policies, but implored Senators to follow through with adequate funding for the often-cut child welfare budget. Secretary Jacobo also reminded the committee of the Governor's earlier commitment of reducing the child protective investigator caseload ratio.

[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 for 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 to employees who have social work degrees
- Creates the 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

The Senate Children, Families, and Elder Affairs Committee passed a controversial committee bill dealing with human trafficking, [SB 1724](#) (formerly [SB 7088](#)), on Tuesday, April 1, Chair Sobel said that the bill addresses the concerns of several legislators and child advocates regarding its provisions for "secure safe houses" by creating facilities that would be small and welcoming, with space for only 15 girls. The secure safe house program would also be a time-limited, pilot project, rather than an ongoing, statewide program. Senators Nancy Detert (R-Bradenton) and Denise Grimsley (R-Sebring) proposed sending the bill to the Judiciary Committee next to consider some of the more controversial concerns in the bill, including the secure safe house provision. Its companion, the House Healthy Families Committee's [HB 7141](#) will be heard on Tuesday, April 8 at 9 AM in the Health Care Appropriations Subcommittee.

Attorneys for Dependent Children with Disabilities

[SB 972](#) by Sen. Bill Galvano (R-Bradenton) passed the Senate Judiciary Committee on Tuesday, April 1. It now goes to the Appropriations Committee, its final assignment. 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, [HB 561](#) by Rep. Fresen (R-Miami) and the Civil Justice Subcommittee, was unanimously approved by the Justice Appropriations Subcommittee on Wednesday, April 2. The bill will next be heard by the House Judiciary Committee, its final committee of reference.

KIDCARE/CHILDREN'S HEALTH

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](#) finally passed the Senate Health Policy Committee last week, 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 Care Appropriations Subcommittee	Senate Health and Human Services Appropriations Subcommittee
Chair Matt Hudson (R-Naples)	Chair Denise Grimsley (R-Sebring)
Rep. MaryLynn Magar (R-Tequesta)	Sen. Aaron Bean (R-Fernandina Beach)
Rep. Janet Cruz (D-Tampa)	Sen. Lizbeth Benacquisto (R-Fort Myers)
Rep. Jason Brodeur (R-Sanford)	Sen. Bill Galvano (R-Bradenton)
Rep. Neil Combee (R-Polk City)	Sen. Audrey Gibson (D-Jacksonville)
Rep. Matt Gaetz (R-Fort Walton Beach)	Sen. Tom Lee (R-Brandon)

Rep. Mike Hill (R-Pensacola)	Sen. Bill Montford (D-Tallahassee)
Rep. Jared Moskowitz (D-Coral Springs)	Sen. Garrett Richter (R-Naples)
Rep. Amanda Murphy (D-New Port Richey)	Sen. Christopher Smith (D-Fort Lauderdale)
Rep. David Richardson (D-Miami Beach)	Sen. Eleanor Sobel (D-Hollywood)
Rep. Elaine Schwartz (D-Hollywood)	Sen. John Thrasher (R-St. Augustine)
Rep. John Wood (R-Winter Haven)	

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

[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. 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 Senate will now have the option to take up the House bill once it passes over in Messages. Its companion, [SB 722](#) by Sen. Rene Garcia (R-Hialeah), will be heard by the Senate Judiciary Committee on Tuesday, April 8.

OTHER BILLS AFFECTING CHILDREN

Child Safety Devices in Motor Vehicles

After passing its first committee last week, a bill that would revise booster seat requirements for children passed two committees in the House this week. [HB 225](#) by Rep. Keith Perry (R-Gainesville) was passed unanimously by the House Transportation and Economic Development Subcommittee on Tuesday, April 1 and then by its final committee, Economic Affairs, on Friday, April 3. Rep. On Tuesday, Rep. Perry personally thanked many of the advocates who have worked on the bill during the many years when it was unable to receive a hearing in the House. The bill 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 now waiting to be voted on by its last committee, Senate Appropriations.

TAKE ACTION

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)

<u>Sen. Andy Gardiner (R-Orlando)</u>
<u>Sen. Denise Grimsley (R-Sebring)</u>
<u>Sen. Alan Hays (R-Umatilla)</u>
<u>Sen. Dorothy Hukill (R-Port Orange)</u>
<u>Sen. Arthenia Joyner (D-Tampa)</u>
<u>Sen. Jack Latvala (R-Clearwater)</u>
<u>Sen. Tom Lee (R-Brandon)</u>
<u>Sen. Gwen Margolis (D-Miami)</u>
<u>Sen. Bill Montford (D-Tallahassee)</u>
<u>Sen. Garrett Richter (R-Naples)</u>
<u>Sen. Jeremy Ring (D-Margate)</u>
<u>Sen. Christopher Smith (D-Fort Lauderdale)</u>
<u>Sen. Eleanor Sobel (D-Hollywood)</u>
<u>Sen. John Thrasher (R-St. Augustine)</u>

Resident Status for Tuition Purposes

A bill which would allow undocumented immigrant students to receive in-state tuition at state colleges and universities passed its second committee on Tuesday, April 1. [SB 1400](#) by Sen. Jack Latvala (R-Clearwater) received a 7:2 vote by Senate Judiciary. It will be heard next in the Senate Education Appropriations Committee on Wednesday, April 9 at 9 AM. The bill's future remains far from certain, with both Senate President Don Gaetz (R-Niceville) [having expressed](#) reservations about the proposal.

The companion bill, [HB 851](#) by Rep. Jeanette Nunez (R-Miami) passed the full House on March 20 on a bipartisan 81:33 vote. An amendment added at the time will require undocumented students to attend a Florida high school for at least 4 years, instead of the 3-year requirement currently written in the Senate version. 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 Finance and Tax Subcommittee, on Tuesday, April 1. It now goes to its last committee, State Affairs. 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) was also passed on Tuesday by the Senate Community Affairs Committee. The bill must now go to its final committee, Senate Appropriations. An amendment was added to help the bill conform closer to its House counterpart. Sen. Stargel stated one of the changes in the amendment was to change the special districts oversight body from the legislative delegation to Legislative Auditing Committee.

SENATE BUDGET CONFEREES

Appropriations Conference Committee

Joe Negron, Chair
Lizbeth Benacquisto, Vice Chair
Andy Gardiner, At Large
Arthenia Joyner, At Large
Gwen Margolis, At Large
Garrett Richter, At Large
Chris Smith, At Large
John Thrasher, At Large

Appropriations Conference Committee on Criminal and Civil Justice

Rob Bradley, Chair
Thad Altman
Jeff Clemens
Miguel Diaz de la Portilla
Greg Evers
Arthenia Joyner

Appropriations Conference Committee on Education

Bill Galvano, Chair
Joseph Abruzzo
Dwight Bullard
Nancy Detert
John Legg
Bill Montford
Maria Sachs
David Simmons
John Thrasher

Appropriations Conference Committee on General Government

Alan Hays, Chair
Jeff Brandes
Oscar Braynon
Charlie Dean
Wilton Simpson
Darren Soto
Kelli Stargel

Appropriations Conference Committee on Health and Human Services

Denise Grimsley, Chair
Aaron Bean
Anitere Flores
Rene Garcia
Audrey Gibson
Eleanor Sobel

Appropriations Conference Committee on Transportation, Tourism, and Economic Development

Andy Gardiner, Chair
Dorothy Hukill
Jack Latvala
Tom Lee

Gwen Margolis
Jeremy Ring
Geraldine Thompson

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