



Capitol Connection



Week Seven - April 20, 2013

BUDGET CONFERENCE BEGINS; HEALTHCARE EXPANSION HANGS IN THE AIR

With two weeks to go until the end of Session, the House and Senate met Thursday afternoon to begin the conference process, where the two will attempt to reconcile the differences in their respective budgets. Both Senate President Don Gaetz (R-Niceville) and House Speaker Will Weatherford (R-Wesley Chapel) spoke before a room packed with members, staff and lobbyists. The mood was amicable, as both leaders cracked jokes and expressed optimism that the process would go much smoother than in past years. Conference committees will meet through the weekend until Tuesday, April 23, at 5 p.m., where unresolved issues will be "bumped" to the budget chairs.

Shortly before the meeting Thursday, conference allocations were agreed to and the Speaker's office released its conference appointments, following the Senate's earlier appointments. Conference committee members include:

Appropriations Conference Committee, At-Large

Senate: Joe Negron, Chair, Lizbeth Benacquisto, Vice Chair, Anitere Flores, Andy Gardiner, Gwen Margolis, Garrett Richter, Chris Smith, and John Thrasher

House: Seth McKeel, Chair, Steve Crisafulli, Vice Chair, Marti Coley, Eddy Gonzalez, Doug Holder, Marlene O'Toole, Steve Precourt, Rob Schenck, Ritch Workman, Dana Young, Joe Gibbons, Mia Jones, Darryl Rouson, Perry Thurston, and Jim Waldman

House Justice - Senate Criminal and Civil Justice

Senate: Rob Bradley, Chair, Jeff Clemens, Miguel Diaz de la Portilla, Rene Garcia, and Arthenia Joyner

House: Charles McBurney, Chair, Mike La Rosa, Debbie Mayfield, Larry Metz, Kathleen Passidomo, Ray Pilon, Ross Spano, Daphne Campbell, and Mark Danish

House Education - Senate Education

Senate: Bill Galvano, Chair, Dwight Bullard, Nancy Detert, John Legg, Bill Montford, Maria Sachs, and John Thrasher

House: Erik Fresen, Chair, Janet Adkins, Larry Ahern, Michael Bileca, Heather Fitzenhagen, Jeanette Nunez, Keith Perry, Cary Pigman, Dwayne Taylor, Karen Castor Dentel, Shevrin Jones, and Betty Reed

House Health Care - Senate Health and Human Services

Senate: Denise Grimsley, Chair, Aaron Bean, Anitere Flores, Audrey Gibson, and Eleanor Sobel

House: Matt Hudson, Chair, Jason Brodeur, Travis Cummings, Jose Diaz, Jose Oliva, Jimmy Patronis, John Wood, Janet Cruz, and David Richardson

Below are some children's budget line items (in addition to restoring funds to Early Learning Coalitions that were cut last year) that will need to be closed out in conference.

Program	Senate Total (SB 1500)	House Total (HB 5001)	Difference
School Readiness	581,134,629	581,134,629	0
VPK	404,927,801	404,927,801	0
Total Base Student Allocation (BSA)	2,383	2,383	0
TEACH	3,000,000	3,000,000	0
Healthy Families	18,100,000	18,100,000	0
Healthy Kids	239,156,746	239,156,746	0
CMS	129,589,442	129,589,441	1
Medikids	55,933,374	55,933,375	1
Healthy Start	23,641,947	23,641,947	0
Early and Periodic Screenings for Children	354,166,322	354,166,322	0
Child Protection	32,112,844	32,362,844	250,000
Independent Living	6,531,793	6,181,793	350,000
Juvenile Justice Prevention			
CINS/FINS	32,790,974	32,340,974	450,000
Guardian ad Litem	36,057,248	32,457,305	3,599,943
PACE	12,743,599	12,075,781	667,818

Early Steps

The Early Steps program is fully funded at last year's level in both the Senate and House budgets, but does not include an additional \$5.6 million requested in funding to ensure the program has the capacity to serve a growing birth to three Early Steps population with significant developmental challenges, including dramatic increases in children with autism.

EARLY LEARNING

House Early Learning Bill Passes Committee; Now Goes to the Floor

A bill that will bring sweeping changes to the governance structure of the state's Office of Early Learning was heard before the House Appropriations Committee on Wednesday. [HB 7165](#) by Rep. Marlene O'Toole (R-Lady Lake) and the House Education Committee was created following many weeks of workshop discussion. The bill was presented with several amendments, including one addressing the Early Learning Coalition board, another that removed the School Readiness funding formula provision that is to be resolved in Rep. Eric Fresen's (R-Miami) Education Appropriations Committee/in conference, and one that alters the priority of children served, favoring school-aged

children with parents transitioning from the work program to employment. The bill passed the committee unanimously and heads to the floor.

Senate Companion to Early Learning Overhaul Gets Strike-All; Mostly Conforms to House Version, but with a Couple Key Differences

A placeholder bill, filed by Sen. John Legg (R-Lutz) earlier this session, received a strike-all amendment conforming it to the House Early Learning bill. [SB 1722](#) is nearly identical to HB 7165 by Rep. O'Toole, except for two significant differences. The House bill moves the Office of Early Learning (OEL) to the Department of Education (DOE) as a "stand alone" office, while the Senate version moves OEL into the Office of Independent Education and Parental Choice (OIEDPC) in DOE. It is currently unknown how this will work bureaucratically, given the greater size of OEL to OIEDPC.

The second difference between the two bills relates to caps on non-direct, quality dollars. In developing the House bill, Chair O'Toole was insistent on setting a cap on non-direct spending by the Early Learning Coalitions at 18%, a decision that prioritizes increasing the number of children served. Coalitions testified that setting a cap this low will inhibit their ability to improve quality and provide other services for families. The House compromise will start the cap at 22% for 2013-2014, and transition it to 20% for 2014-15, and finally settle at 18% for 2015-16. The Senate bill, on the other hand, sets the cap immediately at 22%.

The bill was presented and passed without much discussion before the Senate Education Appropriations Committee on Wednesday. The bill will now be heard in its final committee, Appropriations, on Tuesday.

HEALTHY CHILDREN

Senate Health and Human Services Appropriations Subcommittee Hears Two Medicaid Expansion Alternative Bills

Two fundamentally different Medicaid expansion alternative proposals were heard and passed on Wednesday by the Senate Health and Human Services Appropriations Subcommittee. Talking about his "Florida Plan" for the first time since it passed its first committee, Sen. Joe Negron (R-Stuart) attempted to bridge a gap between his proposal and the House plan by Rep. Richard Corcoran's (R-Land O'Lakes) Patient Protection Affordability Care Act (PPACA) Committee. Acknowledging the House's refusal to accept federal dollars, Sen. Negron laid out a compromise that would incorporate elements of both plans. The hybrid plan would give individuals eligible for premium assistance the option to receive a health insurance card for use in the Florida Healthy Kids Corporation model. However, individuals could also have the option to receive a health insurance "voucher," similar to Rep. Corcoran's plan, for use in the private market, but with more money than the proposed \$2,000 as a result of using federal funding. Sen. Negron defended the use of federal funding for health insurance (noting that 35% of the state budget was federally funded), but stated that how that money is used and delivered was important. It is unknown if this hybrid plan would actually be able to receive federal approval and funding if it incorporated elements of the House version.

Several amendments were offered and accepted for the bill, including one by Sen. Eleanor Sobel (D-Hollywood), which addressed the makeup of the Healthy Kids board and gave the Legislature more power in appointing members. Many Senators, hospitals representatives, Associated Industries of Florida, Service Employees International Union, and advocates spoke in favor of Sen. Negron's plan. The bill passed unanimously and now heads to the floor.

Immediately following Sen. Negron's bill, the committee heard another alternative to Medicaid expansion by Sen. Aaron Bean (R-Fernandina Beach). [SB 1844](#) does not accept federal funding and will only provide enrollees with \$10 to assist them in purchasing insurance. The bill is most similar to the House proposal, but does not appear to have full support in the Senate. Sen. Bean pleaded with his fellow Senators on the committee to keep the bill alive, as he was still open to negotiating the details. It passed along party lines, with all Democrats voting it down.

House PPACA Committee Meets to Discuss Its Alternative to Medicaid Expansion

More than one month after voting against Medicaid expansion, on Monday the House formerly introduced an alternate proposal, [HB 7169](#), for providing attainable health coverage. A strike-all amendment by Rep. Mike Fasano (R-New Port Richey) proposed to replace the bill with language that would conform it to the Negron Plan in the Senate. Rep. Fasano called the mentality of not accepting federal dollars "absurd" and the use of federal funding to be "common sense." Rep. Fasano argued that the high deductible would make the plan unaffordable to the people it sought to serve. The strike-all was voted down along party lines.

Chair Corcoran and other Republicans on the committee continue to maintain that Medicaid is a fundamentally broken program, and that it would be fiscally irresponsible to further expand it. Referring to Medicaid as an inferior healthcare delivery system (to private insurance), Chair Corcoran stated he would rather cover half of the proposed population that Medicaid expansion or the Negron Plan would serve, but do so with his plan, which he stated would provide more effective services and have less people dependent on the state.

Closely resembling a plan moving through the Senate by Sen. Bean, [HB 7169](#) formerly [PCB SPPACA 13-03](#), by the Select Committee on PPACA, Rep. Travis Cummings (R-Orange Park) and Rep. Matt Hudson (R-Naples), would create "CARE accounts" that enrollees would use to purchase coverage in an insurance marketplace, as well as to pay premiums, copays and other fees. Participants in the program will be required to put at least \$25 into the account, while the state will contribute \$2,000 - far more than Sen. Bean's plan proposed. Enrollees' employers or the enrollees themselves may make deposits into the account to purchase more desirable plans. Like Sen. Bean's proposal, the program will operate out of the Florida Health Choices Program, and also require the enrollee to be employed at least part time. Unlike the plan by Sen. Negron, the Health Choices Plus Program will only be available to Floridians at or below 100% of the federal poverty level and will be funded solely with state revenues. The Governor's office has condemned the proposal for double taxing Floridians by requiring significant state general revenue and failing to bring back federal funds to the state. On Friday, HB 7169 was taken up and passed along party lines by the House Appropriations Committee and will now go to the floor for a vote next week.

Comparison of Medicaid Expansion Alternatives: Healthy Florida vs. Florida Health Choices Plus+ vs. Health Choice Plus

	Healthy Florida (Senate Bill 1816 by Negron, Appropriations)	Florida Health Choices Plus+ (House Bill 7169 by Corcoran, PPACA)	Health Choice Plus (Senate Bill 1844 by Bean, Health Policy)
Eligible Floridians	Uninsured, non-elderly adults with family incomes at or below 133% of the poverty level and who are not eligible for Medicaid under current rules	Uninsured non-elderly working parents and disabled adults only with family incomes at or below 100% of the federal poverty level and who are not eligible for Medicaid under current rules	Uninsured non-elderly adults with family incomes at or below 100% of the federal poverty level and who are not eligible for Medicaid under current rules
Expected Number of Participants	1,010,000	115,700	60,000

Federal Investment: 10-year total	\$51.3 Billion	\$0 Billion	\$0 Billion
Required State Investment: Max 10-year total	\$2.7 - \$3.1 Billion	\$2.1 - \$2.3 Billion	\$70 - 130 Million

Source: Florida Center for Fiscal and Economic Policy 4/17/13

Florida KidCare Program

Despite being championed by members and advocates earlier in session, several bills that would have expanded healthcare through the Florida KidCare program appear to have largely been overshadowed by the greater healthcare debate surrounding Medicaid expansion. [SB 704](#) Sen. Rene Garcia (R-Hialeah) and [HB 4023](#) by Rep. Jose Felix Diaz (R-Miami) 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. Stakeholders are still engaged, but should these bills ultimately fail, sponsors pledged to sponsor the bills again next year at a press conference held last week. It should also be noted that plans for Medicaid expansion for children up to 138% Federal Poverty Level are on track.

[SB 548](#) by Sen. Nancy Detert (R-Venice Beach) and [HB 689](#) by Rep. Gayle Harrell (R-Stuart) would have allowed 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. Regardless of the outcomes of these bills, hospitals will have the prerogative to implement presumptive eligibility in 2014 under PPCA.

Other bills affecting children's health and safety:

Infant Death

A bill that would revise autopsy requirements performed by medical examiners was passed unanimously on the floor Thursday. [HB 83](#) by Rep. David Santiago (R-Deltona) was laid on the table for its Senate companion, [SB 56](#) by Sen. Alan Hays (R-Umatilla), which had been passed by the Senate two week ago with a unanimous vote, and provides birth center clients with education on safe sleep habits. The bill will now go to the Governor for approval before becoming a law.

Texting While Driving

A bill banning texting while driving, [SB 52](#) by Sen. Nancy Detert (R-Venice Beach), passed unanimously out of the Senate this past Tuesday. 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. Its companion, [HB 13](#) by Rep. Doug Holder (R-Sarasota), passed out of House Economic Affairs on April 3 and has been placed on the calendar to be heard on the floor of the House.

Victims of Human Trafficking

Another committee of reference was added to [SB 1644](#) by Sen. Anitere Flores (R-Miami) this week. The bill will now be heard by the Senate Appropriations Committee on Tuesday. It had already passed unanimously out of Judiciary on April 8 and was placed on the Calendar for second reading. 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), passed unanimously out of its final committee, House Judiciary, this week and will now head to the floor.

Disability Awareness

[SB 226](#) by Sen. Jeremy Ring (D-Margate) passed out of the Senate Education Appropriations Subcommittee on Wednesday. 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. The bill will now head to the full Appropriations Committee. 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's Initiatives

[HB 411](#) passed unanimously out of the Health and Human Services Committee this week and will now go to the House floor. 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 companion, [SB 1322](#) by Sen. Audrey Gibson (D-Jacksonville), passed out of the Senate Community Affairs Committee two weeks ago. The bill will be heard next in Senate Appropriations, its final committee of reference.

CHILD WELFARE

Cross-over Youth

[SB 1834](#), formerly [PCB 7134](#), by Children, Families, and Elder Affairs passed unanimously out of the Senate Criminal Justice Committee last Monday. It will now go to Senate Appropriations, its second and final committee. The bill's companion, [HB 7103](#) by Rep. Gayle Harrell (R-Stuart) awaits a hearing on the floor after having passed all of its committees. 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 suggest 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, although it would begin as a small pilot program. She has said that many providers have already expressed interest in participating. The bill seeks to use existing resources within DCF and DJJ and will have no fiscal impact.

Foster Children

Independent Living

[SB 1036](#) by Sen. Nancy Detert (R-Venice Beach) passed unanimously out of the Senate Appropriations Committee on Thursday. 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. The bill will now go to the floor. Its companion, [HB 1315](#) by Rep. Keith Perry (R-Gainesville), also passed unanimously out of the Health and Human Services Committee this past week, its final stop before going to the floor.

JUVENILE JUSTICE

Relating to Juvenile Justice Education

[HB 441](#) by Rep. Janet Adkins (R-Fernandina Beach) passed unanimously out of the House this 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), will be heard by the Senate Education Committee on Monday.

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 on third reading this 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 Senate companion, [SB 676](#) by Sen. Greg Evers (R-Pensacola), passed unanimously out of its final committee, Appropriations, on Thursday, and now heads to the floor.

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