



Capitol Connection



Final Week - May 6, 2013

END OF SESSION REPORT - CHILDREN GAIN: FISCAL RECOVERY AND RESTORATION; RENEWED SPIRIT OF COOPERATION BETWEEN THE HOUSE AND SENATE

Following the dropping of the handkerchiefs by the House and Senate Sergeants at Arms in the middle of the fourth floor rotunda, Senate President Don Gaetz (R-Niceville) announced shortly after banging the gavel at 7:16 p.m. on Friday that "the age of acrimony between the House and Senate is over." Democrats also lauded the \$74.5 billion budget process as being one of the most inclusive in a long time, as this year saw long awaited increases in state employees' and teachers' salaries.

Florida's recovering economy also provided an opportunity to restore a number of previous cuts or provide a modest increase to children's programs, such as School Readiness and Early Steps.

But all was not smooth sailing as a rough patch was hit early last week when House Democrats invoked a little used parliamentary procedure in the Florida Constitution calling for the reading of bills in their entirety to try to force reconsideration of not accepting \$51 billion in federal funds to expand healthcare coverage to the uninsured. Though the House and Senate could not agree ultimately on a direction for covering Florida's one million uninsured residents, House and Senate leaders announced that the debate was not over, and that the Patient Protection and Affordable Care Act (PPACA) committees would continue to exist. They further announced that they would turn to Washington, D.C., to seek increased flexibility in order to craft a Florida plan. Governor Scott also has the authority to call a special session for legislators to gather again any time in the summer or fall on this issue.

Budget

Senate and House Agree to \$74.5 Billion Budget on Final Day of Session - Children Fare Better than in Previous Years

Following a particularly cooperative budget conference session, Appropriations Chairs Sen. Joe Negron (R-Palm City) and Rep. Seth McKeel (R-Lakeland) were able to send the final budget to members on Monday of this past week, one day earlier than constitutionally required for the 72-hour cooling-off period. [SB 1500](#), Relating to Appropriations, was passed unanimously by the Senate Friday, May 3, on a 40:0 vote and, later that day, by the House on a 106:11 vote. The dissenting votes came primarily from Democrats, including Reps. Thurston, Waldman, Pafford and Jones, who continued to protest the lack of funding for affordable healthcare.

Programs Serving Children Benefit from Rebounding Economy

For the first time in several years, the revenue forecast for the state budget was quite healthy. This optimistic projection was evidenced by increased or level funding for many health and human services programs, which for those seeking to improve the lives of children had become all too used to fending off debilitating budget cuts in years past. In addition to an approximately \$1 billion increase in K-12 education, an increase of 6,900 more children in the Florida KidCare Program, increase of \$3 million for the Healthy Families program and increases for adolescent mental health and substance abuse, community based care and juvenile justice prevention programs, such as Children and Families in Need of Services (CINS/FINS) and PACE, occurred. A few examples of funding for children's programs that maintained previous levels of funding or received new revenue in the final budget include:

General Appropriations Act (GAA) SB 1500

Program (line number)	Amount (\$)
Early Learning	
School Readiness (79)	552,527,228
Increased Funding/Equity Adjustment (79)	5,045,542
Voluntary Pre-K (82)	404,927,801
- Base Student Alloc. (BSA) (82)	2,383
T.E.A.C.H. (78A)	3,000,000
Mentoring	
Best Buddies (92)	750,000
Big Brothers and Big Sisters (92)	4,030,248
Boys and Girls Clubs (92)	4,002,677
Take Stock in Children (92)	6,000,000
Teen Trendsetters (92)	300,000
YMCA State Alliance/YMCA Reads (92)	764,972
Children's Health	
Total Medicaid and TANF (SUMMARY on PAGE 410)	23,350,508,581
Healthy Kids (174)	239,156,746
Children's Medical Services Network (179)	129,589,442
Medikids (178)	55,933,375
Healthy Start (473)	30,174,890
Early and Periodic Screenings for Children (201)	354,166,322
Early Steps - Total GR	24,164,132
- Increased Funding for Services (554)	3,000,000

Child Welfare	
Child Abuse Prevention and Intervention Healthy Families, including additional \$3 million (336)	21,114,329
Child Protection (337)	32,962,844
Community Based Care (345)	781,885,000
- CBC Equity	5,649,066
- One time (non-recurring) increased funding to CBC's, including Pasco, Pinellas, Miami-Dade/Monroe Inc. (345 Proviso)	7,393,077
Maintain Maintenance Adoption Subsidies (345)	20,582,803
Maintenance Adoption Subsidies - New Adoptions (345)	8,581,011
Guardian ad Litem, including \$3.8 for volunteer recruitment (759-768)	34,475,997
Juvenile Justice Prevention	
CINS/FINS (1163)	32,690,974
PACE Centers (1158)	13,643,599
Juvenile Redirection Program (1091)	9,364,831

EARLY LEARNING

Legislative Session Finishes Strong for Early Learning

Florida's early learning programs received considerable attention this legislative session in an unprecedented fashion. As the budgets were presented on the House and Senate floors on the last day of session, education leaders touted the "good budget" and included comments about the significance of new appropriations in School Readiness for the first time in more than a decade. The budget was passed with an additional \$5 million dollars for School Readiness. House Education Appropriations Committee Chair Erik Fresen (R-Miami) included the increase in the education budget to address funding losses many Florida communities received this current year due to funding shifts by the Office of Early Learning. He and Senate Education Appropriations Chair Bill Galvano (R-Bradenton) both addressed the importance of the early learning programs while presenting the education budget. In debate, many members echoed support of the education budget and directly addressed the importance of funding early learning programs.

The last day of session also brought the final passage of [CS/HB 7165](#), a bill focused on the governance and operations of early learning. House Education Committee Chair Marlene O'Toole (R-The Villages) made early learning a priority in the education committee, and the bill represents a significant amount of work from all early learning stakeholders. Senate Education Committee Chair John Legg (R-Lutz) sponsored the Senate bill ([SB 1722](#)) and the legislation will be the foundation for the School Readiness and Voluntary Prekindergarten Education programs. The bill clarifies roles and responsibilities of the state office, early learning coalitions and providers. It preserves the educational requirements of the early learning programs and enables early learning coalitions to meet the needs of families by prioritizing participation of school-age siblings. Specifically, CS/HB 7165 does

the following:

- Moving the School Readiness program from Chapter 411 to the school code under Chapter 1002.
- Establishing the Office of Early Learning within the Department of Education's Office of Independent Education and Parental Choice; providing powers and duties.
- Providing that the Office of Early Learning must independently exercise all power, duties, and functions prescribed by law and must not be construed as part of the K-20 education system.
- Clarifying that participation in the School Readiness program does not expand the regulatory authority of the state, its officers, or an early learning coalition to impose any additional regulation on providers beyond those necessary to enforce the requirements outlined for this program.
- Requiring the Office of Early Learning to: adopt a list of approved curricula and a process for the review and approval of a provider's curriculum that meets the performance standards; identify a pre-assessment and post-assessment for school readiness program participants; adopt a statewide, standardized contract to be used by coalitions with each school readiness program provider; coordinate with other agencies to perform data matches on individuals or families participating in the School Readiness program.
- Revising procurement and expenditure requirements for early learning coalitions.
- Revising the methodology for calculating the market rate schedule to require that the Office of Early Learning biennially calculate the market rate at the average of the market rate by program care level and provider type in a predetermined geographic market.
- Revising the eligibility criteria for the enrollment of children in the School Readiness program.
- Requiring the Office of Early Learning and each early learning coalition to limit expenditures to no more than 22 percent of funds for any combination of administrative costs, non direct services, and quality activities in any fiscal year.
- Including provisions for fraud investigations and penalties for School Readiness program providers and parents who knowingly submit false information related to child eligibility and attendance in a school readiness program.
- Requiring private providers to maintain a minimum level of general liability insurance consistent with the requirements of private school readiness program providers, including any required workers' compensation and any required reemployment assistance or unemployment compensation.
- Requiring the Early Learning Advisory Council to periodically analyze and provide recommendations to the office on the effective and efficient use of local, state and federal funds; the content of professional development training programs; and best practices for the development and implementation of coalition plans.
- Authorizes after-school programs that are otherwise excluded from licensure to provide snacks and meals through the federally funded After School Meals Program (AMP). This technical change is expected to bring down approximately \$15 million statewide, including about \$4 million in federal monies to Miami-Dade County alone, for providing nutritional meals to children.

HEALTHY CHILDREN

Despite Dramatic Measures Taken by House Democrats, Senate and House Leaders Fail to Agree on Medicaid Expansion Deal

House Democrats took advantage of a little-known rule that brought session to a crawl on Tuesday and Wednesday. In protest of their fellow Republican Representatives' reluctance to consider a viable solution to Medicaid expansion, House Minority Leader Perry Thurston (D-Ft. Lauderdale) asked that all bills be read in their entirety. As a result, Speaker Will Weatherford (R-Wesley Chapel) was forced to employ the use of "Mary," a monotone, bill-reading computer, thus effectively reducing the amount of bills that could be heard. The strategy was intended to give House Republicans more opportunity to contemplate the healthcare expansion question but, in the end, it failed to bring about any significant change of heart among those opposing the Senate plan by Sen. Joe Negron (R-

Stuart).

The same day, across the hall in the Senate, both Medicaid expansion alternatives were heard on the floor. [SB 1816](#) by the Senate Appropriations Committee and Sen. Negron was laid on the table for the House version, HB 7169. However, a strike-all amendment by Sen. Negron deleted the house language, allowing the bill to mirror the Senate version. The plan by Sen. Negron, which would take advantage of significant federal funding and provide health insurance to more than one million low-income Floridians, also had the support of many organizations, including hospitals, the business community and unions. The House never brought the bill up for another vote and it died in Returning Messages.

In another highly symbolic move, the Senate also gutted [SB 1844](#) by Sen. Aaron Bean (R-Fernandina Beach) by removing all references to the healthcare expansion and reducing its length to a mere four pages. It had been the most similar proposal to the House plan, as the bill did not accept federal funding and sought to utilize the Florida Health Choices Network. The House quickly took up the \$900,000 bill and passed it, but the program will no longer aspire to provide affordable health coverage. As no compromise was reached, the Governor, as well as House or Senate leadership, may still decide to call a special session to work out a solution to provide affordable healthcare coverage to this most needy adult population - a group who currently will not be receiving any form of subsidized insurance when the Affordable Care Act comes online in January 2014.

Florida KidCare Program

The Florida KidCare program received funding this year for additional slots. However, 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 been largely overshadowed by the greater healthcare debate surrounding Medicaid expansion, as well as the national debate on immigration reform. [SB 704](#) Sen. Rene Garcia (R-Hialeah) and [HB 4023](#) by Rep. Jose Felix Diaz (R-Miami) would have removed a five-year prohibition and allowed legally residing immigrant children in the state to be immediately eligible for KidCare as the federal government now provides a match for these children. Although these bills died this session, sponsors have pledged to back the bills again next year. 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. Even though these bills did not pass, hospitals will have the prerogative to implement presumptive eligibility in 2014 under PPACA.

Other bills affecting children's health and safety:

Texting While Driving

After many years of trying, a bill banning texting while driving has finally passed the Legislature and now needs only a signature from the Governor before becoming law. [SB 52](#) by Sen. Nancy Detert (R-Venice Beach), also called the "distracted driving" law, makes texting while driving a secondary offense, but Sen. Detert believes that it will still have a significant impact on public safety. Much to the chagrin of the bill's supporters in the Senate, the bill received a late amendment from Rep. Jose Oliva (R-Hialeah) to protect civil liberties that will now limit law enforcement's ability to check a suspect's cellular phone records to accidents that involved death or injury. Its companion, [HB 13](#) by Rep. Doug Holder (R-Sarasota), was laid on the table in favor of Sen. Detert's bill.

Victims of Human Trafficking

[SB 1644](#) by Sen. Anitere Flores (R-Miami) was substituted for its House companion and passed on April 30. [HB 1325](#) by Rep. Ross Spano (R-Riverview) provides for the expungement of a criminal history record for a victim of human trafficking. It was passed unanimously by the House and Senate the last week of session and will now head to the Governor's desk for final approval.

Children's Initiatives

[HB 411](#) was approved unanimously by both the House and Senate and will now go to the Governor for final approval. Rep. Reggie Fullwood's (D-Jacksonville) bill, and its companion, [SB 1322](#) by Sen. Audrey Gibson (D-Jacksonville), will 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 will allow projects to be managed by non-profit corporations that are not subject to control, supervision or direction by any department of state.

Relating to Child Safety Devices in Motor Vehicles (Booster Seats)

[HB 3](#) by Rep. Slosberg would have required the use of booster seats as part of the child restraint requirements for certain children under a specified height, but was never heard and died in the House Transportation & Highway Safety Subcommittee. Its companion, [SB 66](#) by Sen. Thad Altman (R-Melbourne), died in the Senate Transportation Committee.

Infant Death

Approved by the Legislature, a bill by Sen. Alan Hays (R-Umatilla) will revise the education and orientation requirements for birth centers and families to better incorporate safe sleep practices in order to reduce likelihood of Sudden Unexpected Infant Death. [SB 56](#) was approved by the Senate for the second time on the final Wednesday of session. The House companion [HB 83](#) was sponsored by Rep. David Santiago (R-Deltona).

Disability Awareness

[SB 226](#) by Sen. Jeremy Ring (D-Margate) died in the Senate Appropriations Committee. The bill would have required district school boards to provide disability history and awareness instruction in all K-12 public schools. During its first committee hearings, members had questions about who would develop, approve, implement and ensure the curriculum is taught. Its companion, [HB 129](#) by Rep. Richard Stark (D-Weston), died in the House K-12 Subcommittee, its first committee.

Children Who are Deaf or Hard of Hearing

[SB 1240](#) by Sen. Garrett Richter (R-Naples) and Sen. Aaron Bean (R-Fernandina Beach) died in the Senate Education Committee. The bill would have required 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 relate to cochlear implants when a hearing loss is identified; required the Florida Department of Health to register certain service providers and institutions; allowed a parent or legal guardian to request services from a participating service provider; and, provided 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, and died in the Health Quality Subcommittee.

Relating to Vision Screening of Preschool Students

[SB 614](#) by Sen. Rene Garcia (R-Hialeah) and [HB 143](#) by Rep. Sharon Pritchett (D-Miramar) sought to require district school boards to conduct vision screenings on students entering prekindergarten or kindergarten. Neither bill was heard and both died in their first committees of reference.

Relating to Newborn Screening for Critical Congenital Heart Disease

[HB 81](#) by Rep. Cary Pigman (R-Avon Park) and [SB 124](#) by Sen. Jeremy Ring (D-Margate) would have provided requirements for screening newborns for critical congenital heart disease. SB 124 died in its third committee, Health and Human Services Appropriations, while HB 81 was never heard in its first, Health Quality.

Relating to Regulation of Summer Camps

[SB 630](#) by Sen. Jeff Clemens (D-Lake Worth) and [HB 591](#) by Rep. Mark Pafford (D-West Palm Beach) would have provided that Department of Children and Families license requirements also apply to summer day camps and summer 24-hour camps, including registration and screening requirements for summer camp personnel. SB 630 died in its second committee, Appropriations, and HB 591 was never

heard in Healthy Families.

Relating to Child Care Facilities

[HB 1301](#) by Rep. Mia Jones (D-Jacksonville) would have required licensed child care facilities to implement certain additional nutritional practices, but the bill died in its first committee, Healthy Families. Its companion, [SB 1650](#) by Sen. Audrey Gibson (D-Jacksonville), died in its second committee, Health and Human Services Appropriations.

CHILD WELFARE

Independent Living

[SB 1036](#) by Sen. Nancy Detert (R-Venice Beach) was finally approved by the House last week on a vote of 118:1, following the Senate's earlier approval, and now goes to the Governor for final approval. 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 House companion, [HB 1315](#) by Rep. Keith Perry (R-Gainesville), was laid on the table and the Senate bill was taken up instead. Sen. Detert and former (term limited) House sponsor Rep. Rich Glorioso were both in the chamber to witness the bill's passage. Before the vote was taken, the names of all of the current and former foster children from Florida Youth Shine who testified in favor of the bill were read aloud before the entire chamber. It passed on a 116:1 vote, with only Rep. Matt Hudson (R-Naples) voting against it.

Relating to Children in Foster Care

The Governor signed the bill referred to as the "Normalcy" bill, or Quality Parenting for Children in Foster Care Act, into law on April 11. [HB 215](#) by Rep. Ben Albritton (R-Wauchula), which was substituted for [SB 164](#) by Sen. Nancy Detert (R-Venice Beach), passed both chambers on March 27. This bill recognized the importance of providing the child with the most family-like living experience possible, encouraged foster parents and other caregivers for children in foster care to allow their children to participate in activities at school and in the community, gave caregivers of children in out-of-home care the latitude to decide what is best for their children, and allowed children in out-of-home care to participate in normal activities and more.

Cross-over Youth

[HB 7103](#) by Rep. Gayle Harrell (R-Stuart) died in Messages. This PCB from the House Healthy Families Subcommittee would have created a pilot project to address the needs of the most difficult and vulnerable children in the state's dependency system. This proposed joint collaboration between the Florida Department of Juvenile Justice (DJJ) and Florida Department of Children and Families (DCF) would have sought proposals from organizations in the pilot area to provide training, intervention programs and security measures at the pilot homes. Rep. Harrell had estimated that approximately 600-900 children would qualify for this program, although it would have begun as a small pilot program. The bill would have used existing resources within DCF and DJJ and had no fiscal impact. The bill's companion, [SB 1834](#) by the Senate Children, Families, and Elder Affairs Committee, died in Senate Appropriations, its final committee.

Appointment of an Attorney for a Dependent Child with Disabilities

[SB 1468](#) by Sen. Tom Lee (R-Brandon) died on the Special Order Calendar. This bill would have required an attorney for a dependent child with disabilities to be appointed in writing, ensured 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 provided that an attorney be adequately compensated for his or her services. Its companion, [HB 1241](#) by Rep. Neil Combee (R-Polk City), died in the House Justice Appropriations Subcommittee.

JUVENILE JUSTICE

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

[HB 617](#) by Rep. Ray Pilon (R-Sarasota), and its companion [SB 676](#) by Sen. Greg Evers (R-Pensacola) passed on the last day of session on a 39:1 vote. It had been temporarily postponed in the Senate since April 26 even though it had passed the House unanimously nearly three weeks earlier. The bill will 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 will now 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.

Relating to Juvenile Justice Education

[SB 1406](#) by Sen. Aaron Bean (R-Fernandina Beach) died in its final committee stop, Rules. The bill would have enhanced 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 have required that school districts consider the needs of individual youth when they return to school, and enhance career and technical training. This bill sought to improve accountability, enhance access to virtual education and require state and federal education dollars to follow the youth who generate them. Its companion, [HB 441](#) by Rep. Janet Adkins (R-Fernandina Beach), died in Messages after passing unanimously out of the full House on April 17. However, funding was provided for DJJ programs, primarily residential and day treatment to have new opportunities for GED, postsecondary online education and industry certification.

Relating to Youth in Solitary Confinement

[SB 812](#) by Sen. Audrey Gibson (D-Jacksonville) and [HB 959](#) by Rep. Ricardo Rangel (D-Kissimmee) would have prohibited the Department of Corrections from subjecting a youth to solitary confinement under most circumstances. The bills would have also provided for an individualized suicide crisis intervention plan. Neither bill was ever considered and both died in their first committees.

Relating to Juvenile Sentencing

Several bills concerning the sentencing of children who committed a serious crime before the age of 18 were heard in the legislature this session. [HB 963](#) by Rep. Mike Clelland (D-Longwood), which would have provided for alternative sentencing options for minors who may have otherwise been sentenced to life in prison, died in its first committee, Criminal Justice, without being considered. A similar bill, [HB 7137](#) by Ray Pilon (R-Sarasota) would have required judges to consider certain factors before determining whether life imprisonment was an appropriate sentence for minors, but died on the Calendar. Another similar bill, [SB 1350](#) by Sen. Rob Bradley (R-Orange Park), died on Third Reading following the addition of several controversial amendments. [SB 998](#) by Sen. Darren Soto (D-Kissimmee) would have required that the sentences of juvenile offenders sentenced to life imprisonment be reviewed after the offender had been incarcerated for a minimum period, but the bill died without consideration in the Senate Criminal Justice Committee.

Relating to Reducing or Suspending the Sentence of a Juvenile Offender

A bill proposed by Sen. Arthenia Joyner (D-Tampa) would have allowed for the consideration of reducing or suspending the sentences of juveniles who were sentenced to 10 or more years of imprisonment for non-homicide offenses. [SB 1186](#) was never heard and died in its first committee, Criminal Justice. However, moving and impassioned debate was heard on the Senate floor from a number of Senators, including Joyner and Garcia.

SPECIAL NOTE: Legislative members and child advocates are thanked for their tireless efforts on behalf of children in passing many important bills and obtaining

funding increases this year. They are also invited to continue important work together on issues, such as healthcare and needed increases in VPK funding and further increases in School Readiness in the sessions to come.

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