

# CAPITOL CONNECTION

Florida Children's Services Council

News from our State and Nation's Capitols about children and families



Week Eight

April 24, 2010

## CSCs Consent to Limited Proposal on Referendums

After months of heated debate and vocal opposition to SB 1216/HB 1227, Florida CSC reached an agreement this week with bill sponsors Sen. Joe Negron (R-St. Lucie) and Rep. Debbie Mayfield (R-Indian River) that will require the state's eight CSCs to go back to the voters in their counties for reapproval at least once. The agreement addresses the sponsors' concerns and also gives CSC communities the ability to decide what's best for their children. Sen. Negron attached the agreed-upon language to [CS/CS/SB 2014](#), the Early Learning bill by Sen. Stephen Wise (R-Duval). The bill passed the full Senate Thursday on a 36-2 vote. No word on the House side.

The original bill, SB1216 by Negron, was also amended per the agreement and passed on second reading in the Senate Friday. Prior to the agreement, this bill would have required five CSCs to go to the ballot this fall, leaving little time to prepare and launch the necessary voter education campaigns - a recipe for elimination. The bill also would have required CSCs to automatically return to the ballot every six years, forcing them to operate in a constant "campaign mode" and detracting from their core mission.

Under the agreement, the first referendums would be held in Martin, Okeechobee and St. Lucie counties in 2014. Referendums in Broward, Hillsborough, Palm Beach and Pinellas counties would occur in 2016, followed by Miami-Dade County in 2020. Voters would have the option to reapprove their CSC in perpetuity, or for a specific number of years with an option to renew. If the ballot language is silent on the timeline for reapproval, subsequent referendums would be held every 12 years.

It was clear Sen. Negron was very passionate about this issue and felt strongly that CSCs should be reapproved by the voters. However, there were a number of components in his original bill and successive amendments that would have threatened CSCs' ability to make the kind of long-term investments in children the voters empowered them to do. It was also clear that without resolution, this issue would resurface year after year, possibly with even more dire consequences for Florida's children.

## TAKE NOTE

### Children & Youth Cabinet Meeting

May 27  
Orlando

### [One Goal Summer Conference](#)

July 21-23  
Tampa

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### Early Learning Listening Tours

Over the next two months, the U.S. Departments of Education (ED) and Health and Human Services (HHS) will hold a series of Listening and Learning About Early Learning meetings with one stop in Orlando on May 4, which will focus on family engagement. The meetings will focus on topics related to early learning (birth through 3rd Grade): Understanding Preschool - Grade 3 Structures, Workforce and Professional Development, Family Engagement, and Standards and Assessments. The

Despite concerns by the Florida CSC Board, it was decided that it was time to move past this legislative conflict and return the focus to children. All of the CSCs appreciate the outpouring of support, and are grateful to the many strong champions who stood by them throughout this process. Florida CSC asks for their continued support when the time comes to vote "yes" for their CSC.

## **Budget Negotiations Move Quickly After Last Weekend's Stall**

Feeling the pressure of an election year, lawmakers are working feverishly to pass a balanced budget by April 30, the end of the 2010 Session. The pressure to "finish on time" is tremendous considering that lawmakers have faced some of the toughest and most controversial issues in years. Besides starting the Session with a \$3-billion revenue shortfall, budget talks between the House and Senate stalled last weekend when the Senate had to pull most of the pending federal Medicaid money it had budgeted. Ultimately, they agreed to use only \$115 million of the FMAP money (\$50 million for health care). Additionally, lawmakers have been consumed by the Seminole gambling deal and Medicaid reform for Florida (see Medicaid story below).

As for Florida CSC priorities, some of the funding for Healthy Families may be in jeopardy. The House proposal contains \$28 million, and the Senate only has \$13.7 million. Originally, the Senate was using FMAP money to fund Healthy Families. This issue will get bumped to leadership over the weekend. As of April 23, Florida CSC priorities that have fared well in budget negotiations include:

- School Readiness -- Maintains funding at current year level. However, \$5.4 million of recurring General Revenue was replaced with \$2.7 million of non-recurring General Revenue and \$2.7 million of non-recurring state trust fund.
- VPK -- House and Senate agreed to fund VPK at \$404.4 million, which includes \$72.8 million in stimulus funding and represents a .5 percent reduction from the current year. As of Wednesday, the per child allocation will be approximately \$2562 for school year and \$2179 for summer. It also reduces VPK admin to 4.5 percent.
- KidCare - House and Senate budget lines match up. Fully funds expected enrollment growth.
- Healthy Start Coalitions - \$4 million in funding for coalitions has been restored; however a \$2 million cut in services has been proposed.
- Community Based Care - At this time, it appears the House and Senate have agreed to a potential increase of \$25 million over last year's budget.
- Independent Living - Language that cut the monthly stipend nearly in half has been removed, with agency rulemaking to take place to determine terms and amounts.

meetings will be led by Secretary Duncan's senior advisor on early learning, Jacqueline Jones, and HHS's Deputy Assistant Secretary and Inter-Departmental Liaison for Early Childhood Development at the Administration for Children and Families, Joan Lombardi. The meetings will help inform the work of ED and HHS around early learning. [Learn more.](#)

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- JACs - \$1 million cut has been restored.

Both sides are continuing to reconcile a \$2.2 billion difference between the \$69.4 billion proposal in the Senate and the \$67.2 billion proposal in the House. By Wednesday afternoon, budget conferees provided their recommendations with unresolved issues being bumped to the budget chairs - Sen. JD Alexander and Rep. David Rivera, who continue to meet this weekend. Any issues that remain unresolved will be bumped up later this weekend to House Speaker Larry Cretul and Senate President Jeff Atwater. Negotiations are scheduled to be completed by Monday, April 26 - at least 72 hours before it can be voted on by the full Legislature.

- > [See House Budget Conference Information](#)
- > [See Senate Budget Conference Information](#)

## OTHER STATE NEWS

### Medicaid Reform Fate Uncertain

An update from the United Way's *Legislative Link* newsletter reports that the House passed its Medicaid bill on Monday and negotiations began in earnest. While both bills are intended to reduce the cost of the \$19 billion program by moving Medicaid patients into managed care, they are fundamentally different. The House bill would move the program's 2.7 million Floridians into managed care plans over the next five years, starting with Miami-Dade County in coming months, while the Senate plan would expand the state's five-county Medicaid pilot program to 19 additional counties, moving an additional 250,000 Medicaid recipients into managed care. This issue, more than any other at this point, looks like it could be the one that keeps legislators in Tallahassee past their scheduled sine die, if they are indeed going to pass something. To view a side-by-side comparison of the differences between the bills, visit the [Florida CHAIN](#).

Additionally, a report from the Florida Center for Fiscal and Economic Policy was released that urges lawmakers to wait on expansion until there is assurance that Medicaid recipients (especially those new populations slated to be put under the managed care umbrella) will have appropriate access to needed services. [Read the report](#).

### Constitutional Amendment Asks Voters to Decide on Mandatory Health Care Requirement

Under a proposed constitutional amendment that cleared its last legislative hurdle Thursday, Florida voters will be asked in November to vote on federal attempts to require Florida residents to carry health insurance. Unfortunately, Florida's House and Senate approved HJR 37, a joint resolution meant to nullify recent federal health care reforms if approved by voters in November. As a proposed constitutional amendment proposed by the Legislature, the measure does not need to be approved by the governor or reviewed by the Florida Supreme Court.

If approved by 60 percent of voters, the amendment would insulate the state from federal mandates only if federal courts rule in the state's favor in a lawsuit filed in March by Florida and 12 other states challenging the constitutionality of the federal law. Supporters of the measure say that the Supremacy Clause of the United States Constitution, which says that federal law takes precedence over conflicting state laws, wouldn't be applicable if the new federal law is found to be unconstitutional.

## **EARLY LEARNING**

**CSC Amendment Placed on ELC Bill** The Early Learning Bill ([SB 2014 C2](#)), by Sen. Stephen Wise (R-Duval) originally included provisions related just to early learning, such as cleaning up obsolete statutory references, clarifying state-level authority, increasing collaboration across state agencies, and ensuring flexibility to meet federal requirements. On Wednesday, Sen. Joe Negron attached the CSC agreement language to the bill in an effort to get his legislation passed this year. The bill passed the full Senate on a 36-2 vote. The House companion, [HB 1203](#) by Rep. Bryan Nelson (R-Orange), has not moved since passing its third committee on Monday.

## **STATE & LOCAL REVENUES**

### **Taxpayer Bill of Rights (TABOR)**

[SJR 2420](#) by Sen. Mike Haridopolos (R-Brevard), also known as TABOR, is still in Finance & Tax. The bill proposes an amendment to the state constitution to limit tax revenues and, if passed by the electorate, would require voter approval of new taxes and fees. The bill no longer includes local governments under the spending cap, so it would apply only to state revenues. The bill needs a three-fifths vote from both the House and Senate to get on the ballot this fall.

### **Assessment Limits for Non-Homestead Property, Additional Exemptions for New Homeowners**

[SJR 1254](#) by Mike Fasano (R-Pasco) hasn't moved. The resolution proposes amendments to the State Constitution to reduce from 10 percent to 5 percent the limitation on annual assessment increases applicable to non-homestead real property, provide an additional homestead exemption for new owners of homestead property and application and limitations with respect thereto. Similar bill, [HB 655](#) by Carl Domino (R- Palm Beach), is still in Rules and Calendar Council.

## **CHILD WELFARE**

### **Legislature Approves Concurrent Custody Bill**

The House and Senate have both passed [HB 25](#) by Rep. Rich Glorioso (R-Hillsborough), which provides a legal remedy for extended family caregivers to obtain needed services for children in their care.

### **Transition Services for Youth**

[SB 1356](#) by Sen. Stephen Wise (R-Duval) is still on second reading in the Senate. The bill permits the Department of Juvenile Justice (DJJ) to provide transition to adulthood services to youth in DJJ's custody or supervision. It requires that transition-to-adulthood services for a youth must be part of an overall plan leading to the total independence of the child from DJJ's supervision, and the bill specifies the requirements of the overall plan.

### **Background Screenings**

[HB 7069](#) by the Criminal & Civil Justice Policy Council along with Rep. Snyder (R-Martin) and Rep. Ari Porth (D-Broward) is still in messages in the Senate. The bill prevents individuals from working with children, disabled adults or adults over 65 until they pass a background screening. It also prevents those classified as sexual predators from ever being able to work with vulnerable individuals.

## **JUVENILE JUSTICE**

### **Juvenile Justice Blueprint Bill**

[CS/SB 1072](#) by Sen. Stephen Wise (R-Duval) was read a second time on the Senate floor and ordered Engrossed. A similar bill in the House, [HB 7181](#) by Rep. Kevin Ambler (R-Hillsborough), was temporarily postponed on second reading in the House. The bills make changes to the juvenile justice chapter, along with conforming changes to relevant statutes such as the "Children and Families in Need of Services" (CINS/FINS) statute and the "Comprehensive Child and Adolescent Mental Health Services Act" in an effort to enhance services for youth in the juvenile justice system. Some of the provisions in the bill include: encouraging the diversion of youth nine years old or younger who are found by a court to pose no danger to the community and are unlikely to recidivate back into supervision; expanding definitions of the "child in need of services" and "family in need of services" to allow these youth to be served by the CINS/FINS network; promoting the use of restorative justice practices to support victims of juvenile delinquency; requiring a juvenile probation officer during intake to recommend referring this type of youth to an appropriate CINS/FINS shelter; and allowing for the commitment of a youth who is pregnant, or mother with an infant, to a mother-infant program.

## **OTHER ISSUES**

### **Booster Seat Bill**

[SB 316](#) by Sen. Thad Altman (R-Brevard) has passed the Senate and is on its way to the House. As a show of confidence, 67 House members have signed on as co-sponsors to the House bill. It would require booster seats, in addition to seat belts, for children aged 4 through 7 and less than 4'9" to protect the child by properly using a crash tested, federally approved child restraint device. It also provides certain exceptions, and redefines the term "motor vehicle" to exclude certain vehicles from such requirements.

### **CALL TO ACTION:**

Call House leadership, Speaker Larry Cretul, Reps. Adam Hasner, Ellyn Bogdanoff and Bill Galvano and urge them to waive the rules to either 1) take up the Senate bill or 2) hear the House version on the floor and send it to the Senate. Also, please help to ensure passage by asking as many Representatives as possible to sign on as additional co-sponsors to the House bill (HB 387). Florida's children's lives depend on it.

**Bill to Create Collier County CSC Passes House, Sent to Senate**

[HB 511](#) by Rep. Matt Hudson (R-Collier) passed the House and in messages to the Senate. The bill provides a charter to create an independent special district to provide children's services in Collier County. The Senate companion, SB 1162, was never heard in committee.