



# 2009 FINAL LEGISLATIVE REPORT

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Special thanks to all CHS Staff, Volunteers and Board of Directors for their tireless efforts and support of advocacy activities throughout the 2009 Legislative Session. Without your determination and constant communications to legislators much accomplished during Session would not have come to fruition. We thank you and encourage every Division to continue their advocacy presence throughout the summer.

For copies of this Report and up-to-date legislative and advocacy information please see the Advocacy Page of the CHS website at, [www.chsfl.org](http://www.chsfl.org). If you have any questions regarding this Report please contact Summer Pfeiffer, Director of Governmental Relations at 850.339.5463 or [Summer.Pfeiffer@chsfl.org](mailto:Summer.Pfeiffer@chsfl.org).

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*PLEASE NOTE: The Governor has not been presented with all substantive legislation at this time and will update this report once all passed legislation has been finalized.*

# 2009 Session Legislative Statistics

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Senate Bills Filed	1,411
House Bills Filed	<u>958</u>
TOTAL Bills Filed	2,369
TOTAL Bills Passed	271
Success Rate of Bills Filed	11.4%

# 2009 Session

## Bills That Passed

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### **HB 109: Clinical, Counseling, and Psychotherapy Services** **Sponsored by: Rep. Bemby (District 10)**

Bill Summary: The bill provides that there is no liability and no cause of action against a licensed clinical social worker, marriage and family therapist or mental health counselor when a psychotherapist makes a disclosure of confidential communications regarding a patient or client to the potential victim, family member or law enforcement. In order to obtain the waiver of liability, the psychotherapist must provide probability of harm to the patient and only communicate with aforementioned parties.

EFFECTIVE DATE: July 1, 2009 VOTE: Senate 39-0; House 114-0

**Potential Impact: Provides protection to professionals in the field to discuss confidential material when it's in the best interest of the client.**

### **HB 126: Access to Records of Children in Foster Care** **Sponsored by: Sen. Dockery (District 15)**

Bill Summary: HB 126 revises laws on access to case records of children under the supervision or in the custody of the state. The case record must be complete and accurate including information on every known address the child has resided in while in care. The record must be made available for inspection and copying upon the request of and at no cost to the child, the child's guardian ad litem, attorney, or a caregiver. The bill also requests the department to maintain the records of any child who has been in its custody until the child reaches age 30. It authorizes DCF to adopt rules regarding the format, storage, retrieval and release of case records.

EFFECTIVE DATE: July 1, 2009 VOTE: Senate 40-0; House 116-0

*Singed into law by Governor on May 14, 2009*

**Potential Impact: Prior statute had required DCF to maintain the case record until child turns 18, this is a significant longer period of time now required to keep file.**

## **HB 381: Care of Children**

**Sponsored by: Rep. Nick Thompson (District 73)**

Bill Summary: HB 381 creates the "Zahid Jones, Jr. Give Grandparents and Other Relatives a Voice Act." The bill was named after Zahid because changes in statute to fill in the gaps that existed could have prevented his death. More specifically, the bill expands notice of court procedures and hearings to relatives and requires Children Protective Investigators and Case Managers to submit requests of relatives to DCF attorneys. Case managers will be required to document the request and their actions to notify DCF attorneys in the case plan. There is a clause that the court can release the DCF attorney from notifying relatives if it is detrimental to the child's well being or is impeding the dependency process. The bill contains duplicative language on case records of children in care as stated in SB 126. The bill establishes the first Sunday after Labor Day as "Grandparents' and Family Caregivers' Day."

EFFECTIVE DATE: July 1, 2009 VOTE: Senate 37-0; House 113-1

*Singed into law by Governor on May 20, 2009*

**Potential Impact: Additional requirements of case managers to notice relatives who have requested notification of all proceedings and hearings involving the child and further documentation to case plan. DCF will need to provide clear instruction for record keeping as it relates to duplicating and conflicting provisions located in HB 381 and SB 126.**

## **CS/HB 597: Homelessness**

**Sponsored by: Rep. Reed (District 59)**

Bill Summary: The bill establishes the Legislature's intent for state agencies and community based care lead agencies and providers to work together and develop and implement procedures to reduce the number of young adults who become homeless after leaving the child welfare system. There are also revisions to current definition of homeless children in the public education system.

EFFECTIVE DATE: July 1, 2009 VOTE: Senate 39-0; House 118-0

**Potential Impact: No significant public policy impact with intent language; however, good support from Legislature on the issue.**

## **HB 807: Florida KidCare Program Outreach Study**

**Sponsored by Rep. Clarke-Reed (District 92)**

Bill Summary: HB 807 requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to study the effectiveness of the Florida KidCare outreach program and submit a report to the Senate President and House Speaker by January 1,

2010. If OPPAGA finds deficiencies in the program then the report must include options for improvement.

EFFECTIVE DATE: Upon becoming law. VOTE: Senate 39-0; House 116-0

**Potential Impact: OPPAGA will be reviewing some of the new administrative streamlining procedures contained in SB 918 and could find additional improvements to the program for better utilization and increase efficiencies.**

**SB 918: Florida KidCare Program Administration  
Sponsored by Sen. Rich (District 34)**

Bill Summary: SB 918 makes several changes to the Florida KidCare program. It streamlines the application process by verifying family income electronically. It also removes administrative barriers such as, significantly reduces the eligibility waiting period for family that has voluntarily cancelled their employer-sponsored or private health insurance from 6 months; increases the number of valid "good reasons" families can use to voluntarily cancel their health insurance and be immediately eligible for KidCare; and decreases the period of time that a child is disenrolled because of nonpayment of premiums.

EFFECTIVE DATE: July 1, 2009 VOTE: Senate 40-0; House 116-0

**Potential Impact: By reducing the documented administrative barriers to this program more children can be enrolled and obtain necessary health coverage.**

**CS/CS/CS/SB 1128: Education/Children in Shelter Care or Foster Care  
Sponsored by Sen. Rich (District 34)**

Bill Summary: SB 1128 stipulates that every child known to the DCF who has a disability or suspected of having a disability will be appointed a surrogate parent for purposes of educational decision making by either the school board or dependency court. The bill stipulates who cannot be a surrogate including DCF and DOE staff, CBC and provider staff or local school district staff, group home staff or therapeutic foster home parents. The surrogate parent may include a person who acts in a parental role such as a foster parent or relative caregiver; a guardian ad litem or a relative or adult involved in the child's life regardless of having physical custody of the child. It defines a surrogate parent in Chapter 39, to mean an individual appointed to act in the place of a parent in making education decisions and safeguarding the child's rights under the federal IDEA (Individuals with Disabilities Education Act). The bill also provides access to confidential reports and records of abuse by school district staff designated as the liaison between DCF, school district and child's principal. DOE will also have access to the Florida Safe Families Network (FSFN) to obtain information on the children. In addition, the bill revises requirements relating to the delivery of education instruction

and study funding when an exceptional student with disabilities is placed in a private residential care facility in another school district.

EFFECTIVE DATE: July 1, 2009 VOTE: Senate 39-0; House 119-0

*Governor signed into law on May 14, 2009*

**Potential Impact: This legislation puts Florida in compliance with Federal law and keeps all parties focused on the educational needs of children with disabilities in the foster care system.**

**CS/HB 1409: Interstate Compact on the Placement of Children (ICPC)  
Sponsored by Rep. Sands (District 98)**

Bill Summary: HB 1409 creates Section 409.408, F.S. which establishes the Interstate Compact on the Placement of Children (ICPC) and provides a rewritten set of uniform regulation to ensure children placed across state lines with adoption or foster care are placed with safe, suitable care. The language was developed by the Council of State Governments where 34 other states are part of the Compact and each state has to adopt these provisions before becoming law. The bill gives DCF rulemaking authority to implement the provisions. The bill shall take effect upon becoming law. However, the ICPC will not become effective until it is enacted by at least 35 states.

EFFECTIVE DATE: Upon becoming law. VOTE: Senate 38-0; House 117-0

**Potential Impact: These changes once enacted by 35 states will provide needed improvements and updated regulations to ICPC to ensure children's safety and well being.**

**SB 1840: Protecting Health/Surcharge on Tobacco Products  
Sponsored by Sen. Deutch (District 30)**

Bill Summary: SB 1840 imposes a \$1 per pack fee on cigarettes. The expected revenue for this fee is \$942 million each year and expected to reduce consumption by 9 percent. All revenues from \$1 fee will be deposited in the Health Care Trust Fund in the Agency for Health Care Administration. The bill also establishes a surcharge equal to 60 percent of the wholesale sales price for tobacco products other than cigarettes and cigars. The surcharge on other tobacco produces is expected to raise \$48 million each year. The bill restricts the amount of tax-free cigarettes available to the recognized Indian tribes and requires them to not sell untaxed cigarettes to non-Indians.

EFFECTIVE DATE: July 1, 2009 VOTE: Senate 40-0; House 85-30

**Potential Impact: Additional revenues will be generated to the state and will that will assist the costs associated with smoking related illness and health conditions. Some studies suggest that with an increase in cigarette fees there is a decline in adolescent smoking.**

# 2009 Session

## Implementing & Proviso

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### **HB 2602: Implementing Bill/Appropriations**

#### **Specific Issue of Interest:**

Section 18 of the bill reauthorizes language already contained in current law but was set to expire on June 30, 2009. The bill authorizes continuation for Community Based Care Lead Agencies to receive fixed price contracts from DCF funded with a grant of general revenue, other state trust funds and federal funding sources. Lead agencies will be allowed to continue to carry forward any used monies from the end of one year to the beginning of the next year in their contract. The bill also modifies the reimbursable expenses from the previous list for lead agencies, deleting food and beverage and fundraising expenses. These provisions will expires on July 1, 2010.

EFFECTIVE DATE: July 1, 2009 VOTE: Senate 33-7; House 74-43

### **HB 2600: Appropriations Bill/Proviso**

#### **Specific Issue of Interest:**

The Department of Children and Family Services (DCF) shall adopt policies and procedures to improve efficiency in health and human services contract administration, including the streamlining of administrative monitoring if a provider is nationally accredited by the Joint Commission on the Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities, or the Council on Accreditation. DCF shall process document requests that relate to contracts with child welfare providers from a secure consolidated data warehouse administered by these providers. Expires on July 1, 2010.

EFFECTIVE DATE: July 1, 2009 VOTE: Senate 32-8; House 75-43

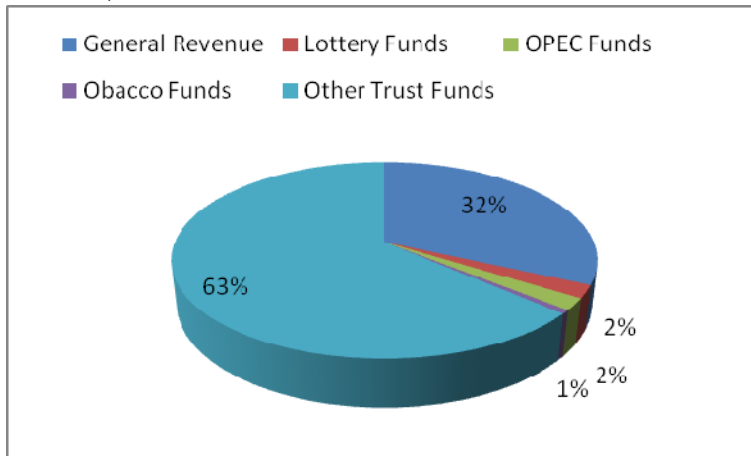
# FY 2009-2010

## State Budget Issue Specific Summary

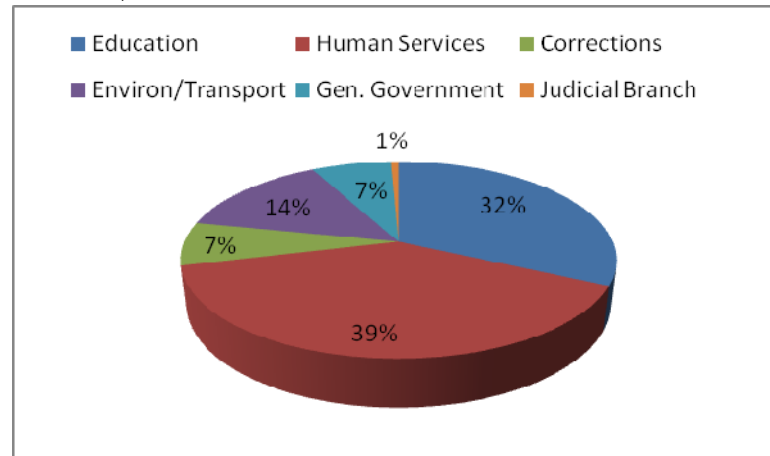
<u>Issue</u>	<u>Final Appropriations</u>	<u>Proviso</u>
Efficiency & Monitoring	N/A	DCF shall adopt policies and procedures to improve efficiency in HHS contract administration, including streamlining administrative monitoring if a provider is nationally accredited and DCF shall process document request that relate to child welfare contracts from a secure consolidated data warehouse administered by providers.
CBC Direct Services 2008 Shortfall of \$9.8 million	\$7,700,026	
CBC Risk Pool	\$4 million	
Title IV-E Waiver Fund (3% annual)	\$4,579,296	
Title IV-E Waiver Federal Stimulus	\$6,295,267	
Independent Living Program increase	\$3,012,974	N/A
Special Needs Adoption Incentive Program	\$1,835,957	N/A
Maintenance Adoption Subsidies (total appropriation)	\$124.6 million	\$6.8 million funded with federal stimulus increase
Developmental Evaluation & Intervention Services/Part C	\$58.4 million	Early Steps-IDEA Part C - \$11.5 million funded with federal stimulus increase

# FY 2009-2010 State Budget Overview

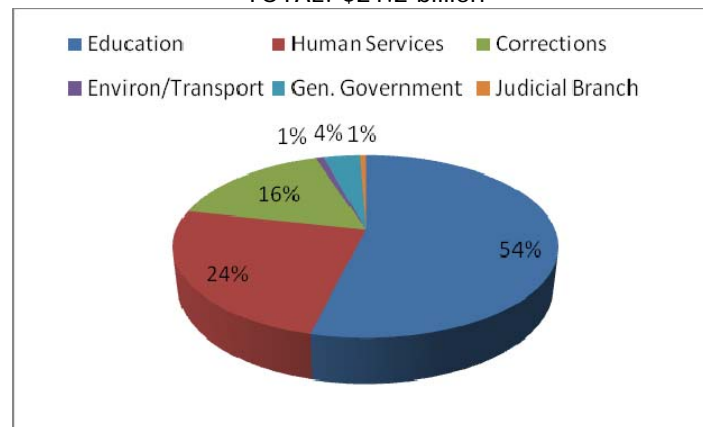
All Revenue Sources Used in FY 2009-2010 Budget, in billions  
TOTAL: \$66.5 billion



All Funds Spent Per Category in FY 2009-2010 Budget, in billions  
TOTAL: \$66.5 billion



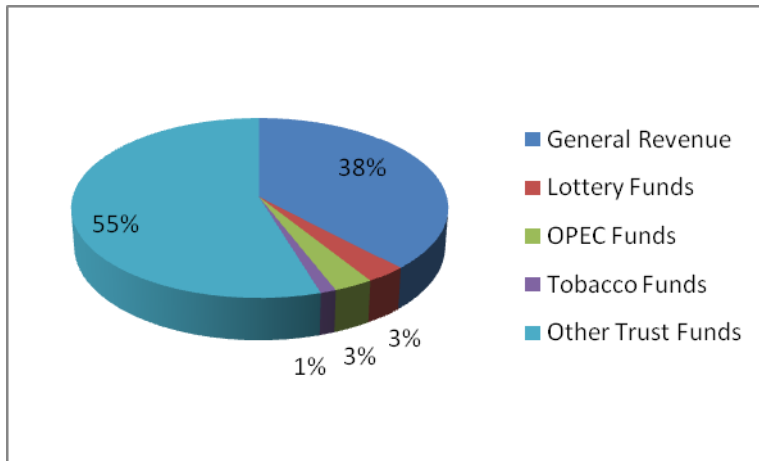
General Revenue Dollars Spent Per Category in FY 2008-2009 Budget, in billions  
TOTAL: \$21.2 billion



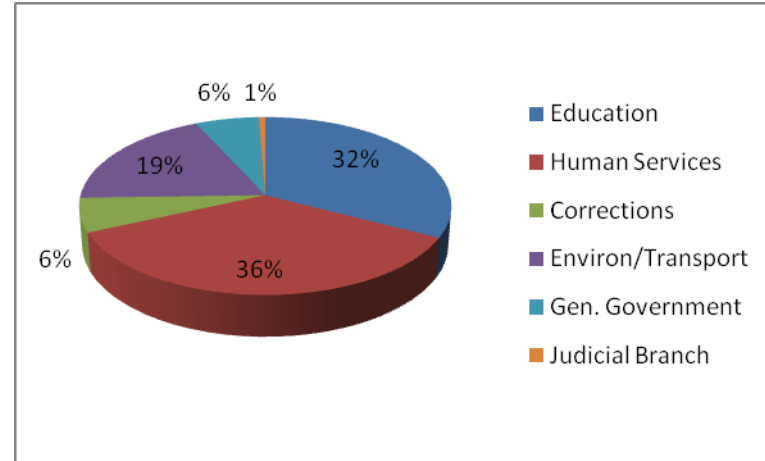
# FY 2008-2009

## State Budget Overview (*For Comparison*)

All Revenue Sources Used in FY 2008-2009 Budget, in billions  
TOTAL: \$66.2 billion



All Funds Spent Per Category in FY 2008-2009 Budget, in billions  
TOTAL: \$66.2 billion



General Revenue Dollars Spent Per Category in FY 2008-2009 Budget, in billions  
TOTAL: \$25.6 billion

