

Legislative Link

A legislative update provided by the United Way of Florida, Inc

2009 SESSION ENDS...

WHAT DOES THE FUTURE HOLD?

Each session of the Florida Legislature has its own personality. The 2009 session was marked by chaos and division, as it began with an indictment and change in House leadership, and continued with acrimony over use of federal stimulus dollars, taxes and fees, and gambling. In the end, after extending a week beyond the regular session, the Legislature adjourned having passed far fewer bills than last year and having passed a \$66.5 billion budget, which was signed by Governor Crist yesterday.

2009-2010 BUDGET

The \$65 billion budget utilizes \$5.3 billion of federal stimulus dollars. Although the budget socks away \$1.7 billion in reserves to cushion the eventual loss of stimulus dollars, the biggest issue next year's Legislature - and the 2011 Legislature - may face is how to wean the state from these funds when they disappear in 2011. Unless the economy rebounds far beyond what is projected, significant additional cuts will have to be made to services and state programs, or significant new taxes and fees will have to be raised.

Most of the "easy" to raise taxes and fees were passed by the Legislature during its final week this year, which will make next year's Legislature all the more difficult. The easiest target: tobacco. Included in the budget is a \$1-per-pack increase in the 34-cent state tax on cigarettes that will generate \$900 million. The tax will also hit smokeless tobacco, but not cigars.

Also included in the budget are more than \$800 million in increased fees, including increases on court fees (\$227 million) and on motorists (\$800 million). \$600 million are swept from trust funds (including \$91.9 million from the affordable housing trust fund), and there are about \$1 billion in cuts.



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KIDCARE LEGISLATION PASSES

Thanks to the dedication of Senator Nan Rich and Representative Bill Galvano, SB 918 was passed at the end of session. The bill fixes several administrative problems with the Florida KidCare program. It:

- decreases the wait period for children with other insurance, employer based or private insurance from 6 months to 2 months;
- provides several good cause exceptions to the wait period for children who have access to other insurance;
- improves retention rates for children currently covered by reducing the waiting period for late premium payments from 60 days to 30 days; and
- allows for electronic verification of income, making it easier for families to enroll eligible uninsured children.

Other favorable changes to KidCare include:

- allowing a parent to “reactivate” rather than reapply for KidCare if the child has not enrolled within the current 120 day time frame that the application is considered valid under the current law; and
- providing for a Full Pay provision for the MediKids component.

Not included in SB 918 due to the projected fiscal impact: continuous eligibility for children age 5-18 in Medicaid; elimination of the five year wait period for legal immigrant children; and the seamless transition –continuity of coverage between Medicaid Title XXI and Title XIX programs, Healthy Kids, MediKids and some Children’s Medical Service children. (coordinated administration between the state partners *exists* in law and must be implemented to stop losing children out of the program.)

Had it not been for the efforts of numerous advocates across the state who combined to inundate the capital with demands for its passage, its fate was highly questionable. Many thanks to all who helped, particularly to the Florida Child Healthcare Coalition for galvanizing the troops and for providing the substance of this art.

AFFORDABLE HOUSING TAKES (ANOTHER) HIT

It is estimated that next year, \$123 million would be available for affordable housing through the affordable housing trust fund. Unfortunately, the Legislature swept \$91.9 million out of the trust funds to use for other purposes, leaving only \$31.11 million for housing. None of those funds were appropriated for successful existing programs such as SAIL, PLP, and Catalyst.

Instead, \$30 million is appropriated to a program which will provide down payment assistance loans to first time homebuyers who are eligible to receive the tax credit of up to \$8,000 provided in the federal economic stimulus bill, and \$1 million is appropriated for public housing repairs. Neither of these programs currently exists.

Repeal of the cap on the state and local housing trust funds also did not pass.

LOCAL GOVERNMENTS UNDERMINED

The 2009 Legislature briefly considered one of the most impactful bills to come before it, the substance of which was considered – and defeated – by the Florida Taxation and Budget Reform Commission last year: TABOR. In simple terms, the Taxpayer’s Bill of rights, or TABOR, would cap governmental spending at a predetermined rate based on population growth and inflation. In the eyes of many, particularly local governments, educators, and health and human service advocates, TABOR is a recipe for continued underfunding of the state’s most vital services. It has been a dismal failure in the only other state to implement it, Colorado.

TABOR proponents were unable to get TABOR on the ballot as a constitutional amendment through the Tax and Budget Reform Commission, so are making an effort to have the Legislature put it on the ballot. They failed this year because of strong opposition based partially on the fact that the requirements and impacts of the legislative proposal (SJR 1906) were unclear, at best.

However, in anticipation of prevailing on the issue in the future, and thwarting local government input on other issue in the meantime, TABOR supporters were able to pass a bill this year that prohibits local governments from using public funds for communications involving issues, referenda, and amendments subject to popular vote. The bill effectively puts a stranglehold on local governments from effectively communicating to their constituents the impacts of proposals their constituents will be voting on. In other words, local governments will be prohibited from fully informing their constituents of the potentially disastrous impacts of passing a TABOR. Efforts are under way to persuade the Governor to veto the bill.

Read below for significant bills that passed – and didn’t pass – the 2009 Legislature...

BILLS THAT PASSED

CS/CS/SB 126 - Children/Confidential Records (Senator Dockery, and others)

CS/CS/SB 126 requires that a case record for a child under the supervision of, or in the custody of, the Department of Children and Families (DCF or the department) be maintained in a complete and accurate manner, and be made available for inspection and copying, upon the request of, and at no cost to, the child and the child's guardian ad litem, attorney, or caregiver. The release of the case record must be in a manner and setting appropriate to the age and maturity of the child and the nature of the information being released. The bill provides for sanctions and penalties if a person or entity fails to provide the child's case record or does not do so within a reasonable time.

This bill authorizes a court to approve the release of confidential information contained in a case record if the court determines that the information is necessary to ensure access to appropriate services for the child or for the safety of the child.

Additionally, the bill authorizes the sharing of confidential and exempt information among all state and local agencies and programs that provide services to children or are responsible for children's safety, if the information is reasonably necessary to assure access to services or the safety of the child. The bill provides that records or information made confidential by federal law may not be shared.

The bill also authorizes access to confidential and exempt child abuse records by persons with whom the department is seeking to place a child or with whom placement has been granted.

Bills That Passed Continued

The bill specifies that the department must provide notice to a child previously in the department's custody, or the legal custodian of the child, which specifies how the child's records may be obtained. Additionally, the department must maintain a child's records until the child reaches the age of 30. The bill authorizes the department to adopt rules regarding the format, storage, retrieval, and release of such records.

Last Action: 05/14/09 Approved by Governor; Chapter No. 2009-34

CS/SB 344 - Safety Belt Law (Senator Rich, and others)

The bill, cited as the “Dori Slosberg and Katie Marchetti Safety Belt Law,” amends the “Florida Safety Belt Law” to provide for primary enforcement of the safety belt law for operators and front seat passengers. Section 316.614, F.S., currently provides for primary enforcement of the safety belt law for all passengers under 18 years of age and secondary enforcement of the safety belt law for operators and front seat passengers over 18 years of age. The bill would allow law enforcement officers to stop motorists solely for not using their safety belts. It also removes from the list of exemptions to the safety belt law front seat passengers of a pickup truck in excess of the number of safety belts installed. A person violating this section would be cited for a nonmoving violation, punishable by a \$30 fine.

Last Action: 05/06/09 Approved by Governor

HB 381 - Care of Children (Thompson and others)

HB 381 makes a number of changes to chapter 39, Florida Statutes, relating to grandparents and other relatives caring for children. This bill provides, in part, the following:

- The Florida Department of Children and Families' quality assurance program must analyze unaccepted reports to the abuse hotline by identified relatives as part of its review of screened out hotline calls;
- A relative may request to receive notification of all proceedings and hearings related to a child and the attorney for the department must provide such notification to a relative who requests it;
- The attorney for the department must notify a relative who has requested such notification of the next judicial review hearing;
- Physicians and mental health professionals engaged in the care or treatment of a child may have access to reports and records in cases of child abuse or neglect and specified medical records must be preserved in permanent form by the department; and
- A reporter of abuse, abandonment or neglect must be provided with the name and other contact information of the protective investigator.

Last Action: 05/20/09 Approved by Governor

CS/HB 597 - Homelessness (Reed)

CS/HB 597 creates and revises multiple sections of the Florida Statutes relating to homelessness. These changes include:

- Authorizing the collection of voluntary contributions in the amount of \$1 to be added to the issuance and renewal of motor vehicle registrations and drivers licenses to aid the homeless;
- Replacing the existing Emergency Financial Assistance for Housing program with a homeless prevention grant program to be administered by local homeless continuums of care to provide emergency financial assistance to families facing the loss of their current home due to financial or other crises;

Bills That Passed Continued

- Encouraging local coalitions for the homeless to adopt the Housing First approach to ending homelessness;
- Encouraging the Department of Children and Family Services and the community-based care lead agencies to develop and implement procedures to reduce the number of young adults who become homeless after leaving the child welfare system; and
- Extending the 30 day temporary extension allowed for the documentation of age, health examinations, and immunizations required for school admission to youth in foster care.

Last Action: 05/06/09 Signed by Officers and Presented to Governor

HB 807 - Florida KidCare Program (Clarke-Reed and others)

HB 807 directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to perform a study of the effectiveness of the outreach efforts of the Florida KidCare program for uninsured children. OPPAGA is directed to examine current practices of the Social Services Estimating Conference, the Department of Health, Children's Medical Services, the Agency for Health Care Administration, the Department of Children and Families, the Department of Education and the Florida Healthy Kids Corporation related to:

- Determining expenditures;
- Coordinating with other health related programs to avoid duplication, Providing services to children in Florida KidCare;
- Making information available to parents of eligible children;
- Offering services to the target population;
- Providing medical assistance; and
- Determining eligibility and increasing enrollment in Florida KidCare program.

The bill directs OPPAGA's report to focus on:

- Local outreach in low enrollment counties;
- Examining how counties having higher enrollment level reach target populations;
- Deficiencies in the outreach process; and
- Options and projected cost for correcting deficiencies.

OPPAGA must submit a report to the Speaker of the House or Representatives and the President of the Senate by January 1, 2010.

Last Action: 05/07/09 Signed by Officers and Presented to Governor

CS/SB 918 - Florida Kidcare Program (Senators Rich and others)

CS/SB 918 makes several changes in the Florida KidCare program. It modifies eligibility determination by requiring family income to be verified electronically. The bill also removes administrative barriers to the program by:

- Decreasing the period of time that a child is disenrolled from the KidCare program for nonpayment of premiums from 60 to 30 days; and
- Reducing the waiting period from 6 months to 60 days for KidCare eligibility for families that have voluntarily cancelled their employer-sponsored or private health insurance and increasing the number of "good cause" reasons that families can use to voluntarily cancel their health insurance coverage and be immediately eligible for KidCare coverage without a waiting period.

Last Action: 05/01/09 Signed by Officers and Presented to Governor

Bills That Passed Continued

CS/CS/CS/HB 935 - Area Agencies on Aging (Bogdanoff, and others)

CS/CS/CS/HB 935 amends several sections of law relating to Area Agencies on Aging. Specifically, the bill directs the department to adopt a rule creating both a dispute resolution mechanism and standards for a bid protest and a procedure for resolution. In addition, the bill clarifies that private, non-profit Area Agencies on Aging, that contract with the Department of Elderly Affairs to provide services according to the Federal Older Americans Act, are not state agencies as contemplated by the Administrative Procedures Act.

The bill revises the definition of a lead agency and provides that Area Agencies on Aging may develop service contracts with lead agencies for a period of six years, without consulting with the department.

Last Action: 05/20/09 Approved by Governor

CS/CS/SB 1128 - Education/Children in Shelter/Foster Care of Residential Facility (Senator Rich, and others)

CS/CS/SB 1128 defines a surrogate parent, for purposes of ch. 39, F.S., to mean an individual appointed to act in the place of a parent in making educational decisions and safeguarding a child's educational rights.

CS/CS/SB 1128 requires the district school superintendent or the dependency court to appoint a surrogate parent for a child who has been sheltered or adjudicated dependent and who has or is suspected of having a disability, if no parent can be located or the court determines that no one with authority is willing or able to make educational decisions for the child.

The bill specifies that the minimum qualifications, responsibilities, rights, liabilities, and termination of a surrogate parent appointed by a dependency court are the same as the qualifications, responsibilities, rights, liabilities, and termination of a surrogate parent appointed by a superintendent. The bill provides that judicial and citizen panel reviews of dependency cases must include consideration of testimony from a surrogate parent.

The bill amends s. 39.202, F.S., allowing access to confidential reports and records of child abuse by a local school district employee who is designated to act as a liaison between the school district, the Department of Children and Families (DCF or the department), and the principal of the child's school.

The bill requires that, if a child is placed in shelter pursuant to court order following a shelter hearing, the court must request that the parents consent to allow the court, DCF or its contract providers, and the child's guardian ad litem and attorney, to have access to the child's medical and education records, and authorizes the court to order access to such records if a parent is unavailable or withholds consent, and the court determines that access is necessary.

The bill also provides a temporary exemption for dependent children and children in foster care from providing proof of age and school entry health examinations and immunizations prior to attending school.

Last Action: 05/14/09 Approved by Governor; Chapter No. 2009-35

CS/CS/HB 1495 – Property Insurance (Nelson and others)

CS/CS/HB 1495 makes numerous changes to property insurance laws. Among others,

- Reduce the exposure of the FHCF;
- To increase the cash reserves of the fund; and
- To provide liquidity to the fund

Bills That Passed Continued

The bill also makes changes to Citizens Property Insurance Corporation (Citizens). The rate freeze currently in place by law for Citizens' rates is allowed to expire but the resulting rate increases are limited to 10 percent on average statewide or 20 percent per individual policy until Citizens' rates are actuarially sound. Ten percent of the revenue collected by Citizens due to the rate increase allowed by the bill must be used to fund mitigation grants for Citizens' policyholders under the My Safe Florida Home Program (MSFH Program or Program).

Last Action: 05/27/09 Approved by Governor

CS/CS/CS/SB 1540 - Zero Tolerance Policies/Schools (Senators Wise and Sobel)

CS/CS/CS/SB 1540 requires district school boards to revise their zero-tolerance policies to:

- Define petty misconduct and offenses that pose a serious threat to school safety;
- Clarify that zero-tolerance policies do not require the reporting of petty misconduct and certain misdemeanors to a law enforcement agency;
- Provide for a review of the disciplinary action taken against a student pursuant to s. 1006.07, F.S.; and
- Consider the particular circumstances surrounding the student's misbehavior in any disciplinary or prosecutorial action.

The bill also requires cooperative agreements to specify guidelines for offenses that pose a serious threat to school safety and reporting them to law enforcement.

Finally, the bill requires a district school board having a policy authorizing corporal punishment to review such policy every three years during a public school board meeting. If the meeting does not occur, the corporal punishment policy expires.

Last Action: 05/27/09 Approved by Governor

CS/CS/SB 2612 - Substance Abuse and Mental Health Services (Senator Wise)

CS/CS/SB 2612 makes numerous technical and conforming changes to statutes relating to substance abuse and mental health services. Among others, the bill:

- Deletes a requirement for a contract between the Department of Children and Families (DCF or the department) and residential treatment facilities;
- Sets client eligibility for substance abuse and mental health services by establishing priority populations to receive these services;
- Makes substantial changes to the licensure process for substance abuse programs and requires licenses to be issued by service component, rather than issuing a license by facility (physical location);
- Requires the department to coordinate licensure inspections with other state agencies; and
- Adds physician assistants and advanced registered nurse practitioners (ARNPs) who have a specialty in psychiatry to the list of qualified professionals who may provide substance abuse services, and physician assistants to the group of licensed medical professionals who may provide certain substance abuse services.

Last Action: 05/26/09 Signed by Officers and presented to Governor (Governor must act by 06/10/09)

BILLS THAT DIED

HB 0195 - Relating to Public Employees' Charitable Campaigns (Rouson)

HB 195 would create the Florida Public Employees' Charitable Campaign. It would mandate that local public employers include in their annual employee charitable campaigns any federation - or member agencies of a federation - that comply with the bills' requirements. (A federation is an umbrella organization representing at least 10 charities.) This would add potentially hundreds of additional charities - most of which do not provide "local" services - to each of these campaigns.

SB 242 - Childhood Vaccinations (Children, Families, and Elder Affairs Committee)

The Committee Substitute for Senate Bill 242 provides that a parent, legal guardian, or other authorized person has the right to choose an alternative immunization schedule to that recommended by the Centers for Disease Control and Prevention (CDC), as long as the child is immunized prior to the earlier of, kindergarten or initial entry into a public or private school.

The bill requires health care practitioners to provide the parent or legal guardian of a minor child with a copy of the current vaccine information statement (V IS) published by the CDC before administering any vaccine to the minor child.

The bill prohibits administration of vaccines to minors without a statement, signed by the parent or guardian, documenting that the vaccine information statement was provided. The bill provides specific language to be used for the signed statement.

The bill provides that the practitioner must include the signed statement in the minor's medical record.

CS/CS/SB 308 - Autism Spectrum Disorders Health Insurance Screening (Senator Ring)

CS/CS/SB 308 requires a physician to refer a minor whose parent suspects the minor has autism spectrum disorder (ASD) or other developmental disability to an appropriate specialist immediately for screening, evaluation, or diagnosis. The bill requires insurers and health maintenance organizations (HMOs) to provide direct access to an appropriate specialist for the diagnosis of ASD or other developmental disability.

The bill also mandates health insurance policies and HMO contracts to provide at least three visits per policy year for the screening, evaluation of, or diagnosis for ASD and other developmental disorders.

SB 348 - Medicaid buy-in for persons with disabilities (Crist)

SB 348 establishes new Medicaid "buy-in" coverage for working disabled individuals aged 16 through 64 who would be eligible for Supplemental Security Income (SSI) if earnings equal to 250 percent of the Federal Poverty Level (FPL) were disregarded, and unearned income did not exceed 88 percent of the FPL. A participant in the Medicaid buy-in program must be charged a premium based on a sliding scale once the participant's earned income exceeds 100 percent of the FPL. Assets excluded, in addition to SSI, are: cash assets in the amount of \$10,000 for a single individual and \$15,000 for a couple; any retirement account recognized by the Internal Revenue Service, and a second vehicle for a couple.

The bill also requires the Agency for Health Care Administration (AHCA) to seek amendments to existing Medicaid waiver coverage groups that would allow those who are eligible under the proposed Medicaid buy-in program to be eligible to receive services provided under Medicaid waivers serving persons with disabilities.

Bills That Died Continued

CS/CS/H B 589 - Alzheimer's Disease (Schwartz)

CS/CS/HB 589 directs the Department of Elderly Affairs, to develop a public education program regarding memory impairment screening and early diagnosis of Alzheimer's disease and related disorders. The department is required to submit an annual report concerning these activities.

The bill authorizes the department to award grants to entities that support programs that provide memory screening information and services, and establishes evaluation and selection criteria of grant applicants.

SB 666 - Senior Services/Independent Special Districts (Senator Rich)

SB 666 would authorize each county, by ordinance, to create an independent special district to provide county wide funding for senior services. The boundaries of each district must be coterminous with the boundaries of the county. "Senior" means a person who is at least 60 years of age.

Upon adoption of the ordinance creating the district, the levy of ad valorem taxes at a rate not to exceed 0.5 mills of assessed valuation of all properties subject to ad valorem taxes within the county, which will be used to fund the district, must be placed on the ballot by the governing body of the county enacting the ordinance, and shall take effect if approved by a majority of the electors of the county voting in a referendum held for such purpose.

The district could be dissolved by a special act of the legislature, or the county governing body may, by ordinance, dissolve the district subject to approval by a majority of the electors voting in the county voting on the issue.

The district would be governed by a 10 member council including: the executive director of the Area Agency on Aging or designee; the county director of social services or a designee; the director of the adult services program at the department of Children and Family Services, or a designee; two members appointed by a majority of the county governing body; and four members appointed by the Governor.

Among others, the council would be responsible for identifying and assessing the needs of seniors within the county and providing a written report describing the activities, services and opportunities that would be provided to seniors, the manner in which seniors would be served, the anticipated schedule for providing those services, the manner in which the council would seek and obtain funding for unmet needs, and the strategy for inner-agency coordination in order to maximize existing human and fiscal resources.

HB 767 - Mental Health and Substance Abuse Services (Fitzgerald and others)

This bill creates Chapter 394.4996, Florida Statutes, authorizing AHCA to license facilities that provide services as integrated adult mental health crisis stabilization units and addictions receiving facilities. The bill also provides eligibility criteria for treatment services

CS/CS/HB 1143 - Department of Children and Family Services (Aubuchon)

CS/CS/HB 1143 provides for the reorganization of the Department of Children and Families. The 2007 Legislature directed the department to begin the process of reorganization subject to further legislative review and approval. This legislation recognized the need for modifications to improve efficiency and effectiveness and specified that the modifications shall not impede and must be compatible with the scheduled sunset review process for the department. The bill places in statute the reorganization plans of the department in response to the 2007 Legislative directive. The bill makes the following changes:

Bills That Died Continued

- Integrates the substance abuse and mental health programs into the department, by deleting statutory responsibilities of the directors for these programs and eliminating the director's direct line authority over circuit program staff;
- Provides for the appointment of assistant secretaries as needed and retains the position of Assistant Secretary for Substance Abuse and Mental Health;
- Adds Homelessness as a program office;
- Changes the sub-state structure of the department by eliminating service districts and providing that services will be delivered through operating units known as circuits, which must be aligned with judicial circuits and an unspecified number of regional divisions;
- Provides the department with discretion on the establishment of community alliances, partnerships and advisory groups; and
- Retains current law requiring consultation with counties on mandated programs and allowing a competitive bidding exemption for health services.

CS/CS/HB 1211 - Juvenile Justice (Garcia)

CS/CS/HB 1211 makes changes to the juvenile justice chapter of statute, along with conforming changes to other 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." Among others, the bill:

- Encourages the diversion of youth 9 years of age or younger who are found by a court to pose no danger to the community and are unlikely to reoffend;
- Provides changes to the "child in need of services" definition to allow these youth to be served by the CINS/FINS network;
- Promotes the use of restorative justice practices to support victims of juvenile delinquency;
- Adds counties, municipalities and the Department of Juvenile Justice (DJJ) to the specified entities that are encouraged to create pre-arrest or post-arrest diversion programs for youth 9 years of age or younger and youth who are first time misdemeanants;
- Permits the judge to set conditions of preadjudicatory release; and
- Makes the court primarily responsible for determining the appropriate restrictiveness level for a child committed to a residential program.

CS/CS/SB 1404 - Child-Restraint Requirements (Senators Altman, Gelber, and others)

CS/CS/SB 1404 revises child restraint requirements for children passengers in motor vehicles. Current law requires children through age 5 years to be secured in car seats, although for ages 4 through 5 years, a seat belt may be used in lieu of a car seat. Under the bill's provisions, the upper age is raised to 7 years, and a seat belt alone would no longer legally provide sufficient protection for children aged 4 through 7 years. Depending on the size of the child, a booster seat would have to be used. The infraction is a moving violation punishable by a fine of \$60 plus court costs and add-ons, and by assessment of 3 points against the driver's license.

The bill provides exceptions to the child restraint law for persons who are:

- Traveling on a highway with a posted maximum speed limit of 45 miles per hour or less;
- Visiting the state;
- Transporting the child gratuitously and in good faith in response to a declared emergency situation or an immediate emergency involving the child; or
- Transporting a child whose medical condition necessitates an exception as evidenced by appropriate documentation from a health professional.

Bills That Died Continued

It also provides exceptions if the child is being transported in the bed of a pick-up truck or participating in an official parade.

The court may dismiss a first violation if the operator produces proof of purchase of a federally approved child restraint device. The revised provisions take effect January 1, 2011. Beginning July 1, 2010, law enforcement officers may issue verbal warnings and educational literature to those persons who are in compliance with existing law, but who are violating the provisions which take effect in 2011. This bill may result in increased traffic citations which could result in increased revenues to state and local governments.

SB 1660 - Prepaid Services for Parents of Children with Developmental Disabilities (Peaden)

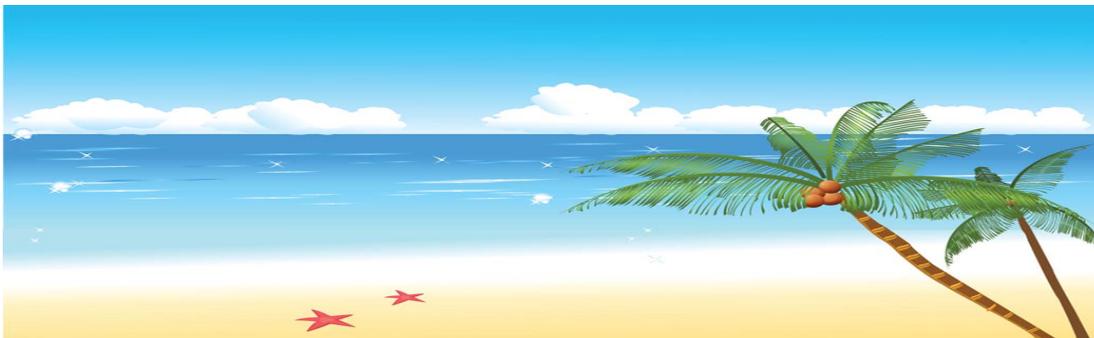
CS/HB 745 establishes a study group to determine the feasibility of creating a prepaid service plan for children with disabilities modeled after the Florida prepaid college plan. The prepaid service plan would allow funds to be paid into a fund on behalf of a child and would be used for vouchers for services to help the child to transition into the workforce. A final report due no later than January 29, 2010, will address services for which a voucher could be used, financial requirements, qualifications of service providers, and steps necessary to qualify this plan for a federal waiver program that would allow for federal financial participation.

SJR 1906 - Government Revenues/Voter Approval/New Taxes & Fees (Senator Haridopolos)

SJR 1906 proposes an amendment to Section 1 and the creation of a new section in Article VII of the State Constitution, to provide the following:

- Replaces the existing state revenue limit based on Florida personal income growth with new state revenue limits, and creates a local government revenue limit;
- Limits property tax revenues based on changes in local growth and school enrollment changes;
- Requires excess revenues to be deposited into budget stabilization funds and provides for distribution of the excess funds;
- Authorizes voters to permit the collection of revenues in excess of the limit;
- Authorizes the Legislature and the local government governing body to approve emergency taxes by a supermajority vote; and
- Prohibits state and local government from imposing new taxes, fees, assessments, or charges for services without first obtaining approval by a supermajority vote of electors voting on the issue.

The proposed amendment will be submitted to the electors at the general election in 2010 or at an earlier special election specifically authorized by law for the purpose, and will take effect upon adoption. The Legislature is required to adopt implementing legislation which must take effect July 1, 2011.





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