

Broward SLI

State Legislative Information

February 9, 2012

Number 10 - Volume XV

Session Week 5

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Special Edition- 2012 State Legislative Session Budget

Juvenile Justice

Last week, Commissioner Wexler arrived in Tallahassee for a meeting with Secretary Walters, Department of Juvenile Justice (Department), to discuss three (3) main topics:

- Support for the implementation of the Stakeholder Workgroup's joint recommendations (upon which Commissioner Wexler was nominated to serve by the Florida Association of Counties last year) to reform the juvenile justice system
- Concerns about the potential impacts of broad language placed in the Department's bill, HB 5401, that revised the availability of county cost-sharing for youth charged with domestic violence being placed in respite beds
- Request that counties be included in the Department's workgroup formed to review and revise juvenile justice statutes; with recommendations to the Executive and Legislative branches in the next Session (for implementation in mid-2013)

The meeting, which lasted over an hour and offered a significant opportunity to dialogue about the Department's long-term vision for reform, also resulted in an immediate commitment by the Secretary to include a representative of the Florida Association of Counties (FAC) in any working groups tasked with revising current juvenile justice laws. The Secretary and her staff also offered to work with the counties to craft amendatory language that would narrow the application of county cost-share for alternatives to detention, in HB 5401. Commissioner Wexler met with several members and the House Policy Chief throughout the day to discuss juvenile justice issues, furthering our advocacy while embarking on needed discussions of systemic obstacles to efficacious reform. Cost shift issues were also discussed, as was the need for increased engagement by local elected officials in their juvenile justice boards and councils.

Follow-up with the Department Thursday necessitated a conference call with all stakeholder counties to discuss the amendatory language needed on HB 5401. On Monday of this week, a conference call occurred and the Department failed to agree to any requested changes. HB 5401 was then calendared Tuesday for the House floor (on 2nd Reading). Our efforts this week have related to getting the language amended in a Senate conforming bill. We appear to have been successful, although the issue will now likely be resolved in the Budget Conference process (*see below for an additional discussion of this issue*).

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Budget Issues

Department of Juvenile Justice

The Governor requested \$2.7 M in reductions to the counties' cost-share for secure detention (effectuated through use of alternatives and diversion of youth inappropriate for detention). The House did not include any reduction for secure detention bed utilization in its budget. This week, the Senate released its appropriation recommendations from Subcommittees and for juvenile secure detention cost-share, only a \$100,000 cut was recommended. Because the House and Senate differ in their treatment of this issue, it will likely be resolved in conference, where we obviously hope to see a figure closer to that which was recommended by the Governor. Our contract lobbying team, staff and the Florida Association of Counties are working diligently to resolve the outstanding juvenile justice issues in our favor. The Senate's conforming bill (these bills have not yet been assigned numbers in the system) contains the amendment requested by several counties to strike the words "including, but not limited to," when referring to the types of alternatives counties will be responsible for cost-sharing with the Department.

Department of Economic Opportunity

Regional Planning Councils were completely eliminated from the Senate Transportation, Tourism and Economic Development (TTED) Appropriations proposal that was released Wednesday afternoon; however, an outcry by the membership brought back an amended budget proposal Thursday morning that includes a \$2.5 M allocation from non-recurring general revenue (GR). Also in the Senate's revised proposal this morning is \$8.2 M for Visit Florida coming from the SEED Trust Fund (non-recurring GR). These shifts helped to free-up GR which was transferred in to Libraries (see below).

Department of State

The House and Senate both funded Libraries at \$21.3 M; however, this morning, Senate TTED Appropriations actually added \$4 M of recurring general revenue to the \$4.9 M of GR already allocated to the Libraries Grants in Aid. Chair Benacquisto noted that the decision to do so was directed at creating a recurring revenue base for Libraries.

Housing

In what appeared to be a surprise to several members of TTED Appropriations, State Housing Initiative Partnership dollars were not allocated. Sen. Fasano urged his colleagues to consider funding SHIP and touted the excellent track record and outcomes of the program. Chair Benacquisto assured members of the committee and audience that she would advocate with the full Budget Chair Alexander to see that affordable housing programming received funding; however, for the time being, no funds are allocated in either chamber. Additionally, the Senate's conforming bill (these bills have not yet been assigned a number) relating to the Florida Housing Finance Corporation (FHFC) was extremely controversial and heavily debated. Senate TTED Appropriations is recommending as part of the budget process, that the FHFC be "unprivatized"; thus, requiring the FHFC to deposit funds into GR, subject to an annual appropriations process. The language further prohibits the FHFC from issuing additional loan guarantees. Sen. Gaetz spent almost half an hour questioning the executive director of the FHFC about its operating expenses (\$15.1 M), salaries, and the building of units in areas with a plethora of vacant affordable housing instead of in areas of greatest need. Sen. Latvala requested substantial vetting of the issue and was assured that the conforming bill would receive a complete staff analysis before it is heard in the full Budget committee next week.

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Health and Human Services

The House and Senate appeared committed to preserving funds for older adults through increased funding for Community Care for the Elderly (House has \$100,000 more than last year and Senate is level-funded), as well as enhanced flexibility in use of community-based nursing home waiver programs; allowing seniors to “age in place with dignity,” per Chair Negrón.

Medically Needy and Meds AD are level-funded in the Senate’s proposal. No cuts to children’s services are recommended and the Agency for Persons with Disabilities was held harmless. Chair Negrón touted the ability to provide \$5.4 M additional dollars for Healthy Start and increase funding for child protective investigations.

However, many areas of the House and Senate’s HHS-related budgets do not align. The House proposes a 7% hospital rate cut, while the Senate rolled-out a complex transfer of \$218.8 M in GR out of Medicaid prepaid plans, which significantly affects hospital rates (beyond 7%). Chair Negrón suggested that proviso would be forthcoming to require that counties and taxing authorities contribute IGTs to help ameliorate this reduction. There are no reductions to Homeless programs, like the Challenge Grant of which Broward is a recipient, in the Senate’s proposal. The House proposal holds Adult Mental Health and Substance Abuse funding harmless, while the Senate proposes a \$63.3 M reduction in Adult MH and \$22.5 M reduction in Adult SA (the initial cut was nearer to \$23.3 M, but the Chair restored more than \$800,000 this morning). Of note is the Senate’s commitment to preserve “crisis” services, including detoxification and Crisis Stabilization Unit dollars.

Interestingly, the proposed cuts to the MH and SA programs will be done using a new approach and methodology, recommended by Sen. Gaetz and effectuated through an audit/analysis conducted by the Department of Children and Families of grantee effectiveness. Based on Chair Negrón’s explanation in committee this morning, the HHS Appropriations recommendations will be heard before the full Budget committee next week (week 6). The HHS Appropriations subcommittee will then meet in week 7, to have DCF make its presentation of the program rankings, at which time, and based on final allocations, programs will be recommended for elimination or reduction.

The savings achieved from the imposition of the AHCA Medicaid Billing/Recapture proposal that was detailed in the previous update and added to the State Legislative Program by the Board last Tuesday, would likely offer an opportunity for the Legislature to “trade” on other member priorities or HHS reductions during the conference process. As drafted, the AHCA proposal (being workshopped in the Revenue Estimating Conference tomorrow to establish its actual fiscal impact) would create a three-year non-recurring influx of cash from counties who are currently in arrears on their Medicaid billing. The potential recapture, at a 15% forgiveness rate would be almost \$280 M.

Department of Environmental Protection

The Storage Tank Compliance Verification Program is fully funded at \$7 M in the Senate proposal; the House proposed a detrimental \$2.5 M reduction. Petroleum Tank Preapprovals are fully funded at \$128 M; the House proposed \$118 M, a \$10 M reduction from last year’s funding level. Beach projects would receive \$20 M under the Senate proposal; the House would allocate only \$11.7 M (including reverters). The Senate maintained air program funding which includes Title V programs. Unfortunately, the Senate allocated zero funds for Everglades restoration, which received relatively significant funding in both the Governor’s and House proposals, at \$40 M and \$30 M, respectively. Like the House proposal, the Senate allocated zero funding for Florida Forever.

Transportation

Aviation Development Grants are funded at \$184,428,822. This amount is over \$32 M above the Governor's request and over \$12 M over Florida Department of Transportation budget submission to the Governor. Public Transit Development Grants are funded at \$389,115,493 which is over \$27 M less than the Governor's budget, but about \$8 M over the agency's request to the Governor.

Seaport Economic Development is level-funded at \$15 M. The Seaport Access Program is level-funded at \$10 M. The Seaport Investment Program, which in the House and Senate transportation packages is to receive a minimum of \$35 M per year beginning FY 2013, is funded at only \$15 M. Moreover, funding for this program is provided by shifting certain motor vehicle fees currently deposited in the state general fund to the State Transportation Trust Fund. Revenues may be used to pay the debt service on any bonds issued to fund seaport projects identified in the FY 2012 FDOT work program.

Intermodal Development Grants are funded at almost \$95.5 M as requested by FDOT. This amount exceeds of the Governor's recommended budget for the same category by almost \$33 M.

Rail Development Grants are funded at \$119 M, or about \$50 M less than the Governor requested, but about \$7 M more than FDOT's submitted budget. Transportation Planning Grants receive \$27,626,104 as requested by FDOT.

The Committee did not propose sweeping any amounts from the State Transportation Trust Fund this year.

Crime Lab

Senate Criminal and Civil Justice Appropriations Budget Subcommittee is proposing a budget conforming bill that will provide additional revenues to local crime labs. The language in the bill is identical to SB 2118, which passed in the 2011 Session, but was vetoed by Governor Scott for unrelated reasons. The bill will assess a \$100 mandatory court cost on individuals convicted of a crime when a crime lab's services are used in the investigation or successful prosecution of the criminal defendant.

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