

STORAGE NAME: h0803z.cf
DATE: June 28, 2000

****FAILED TO PASS THE LEGISLATURE****

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
CHILDREN & FAMILIES
FINAL ANALYSIS**

BILL #: CS/HB 803 (Passed as CS/SB 924)

RELATING TO: Visually impaired or blind children

SPONSOR(S): Committee on Children & Families, Representative Russell and others

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) CHILDREN & FAMILIES YEAS 11 NAYS 0
- (2) GOVERNMENTAL RULES & REGULATIONS YEAS 8 NAYS 0
- (3) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS YEAS 10
NAYS 0
- (4)
- (5)

I. SUMMARY:

Passed by the Legislature as CS/SB 924. On June 23, 2000, CS/SB 924 became ch. 2000-359, Laws of Florida, with the Governor's signature.

The bill creates the Blind Babies Program within the Division of Blind Services (division) of the Department of Labor and Employment Security (DLES). The program would provide early-intervention education by community-based provider organizations to children, from birth through five years, who are blind or visually impaired, and to their parents, families and caregivers. The bill provides that the program is not an entitlement, but that education given under the program will be available on a means basis only. The bill directs the division to develop a formula for eligibility based upon financial means and allows the division to set a co-payment fee for families who have sufficient financial means to pay for education received under the program. The bill requires the division to establish outcomes and criteria for contracts, and require providers to report performance measures.

The bill requires the Office of Program Policy Analysis and Government Accountability to review and report on the program to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2002.

The bill appropriates \$1 million from the General Revenue Fund to fund the Blind Babies Program.

The act takes effect July 1, 2000.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a "no" above, please explain:

Less Government

The bill creates a new program to provide early-intervention education by community-based provider organizations to children from birth through five years of age, who are blind or visually impaired, and to their parents, families, and caregivers.

B. PRESENT SITUATION:

The federal Rehabilitation Act of 1973, as amended, allows states to designate a state agency or unit to provide vocational rehabilitation services for blind individuals apart from services provided to other individuals with disabilities (29 U.S.C. s. 721). The State of Florida currently maintains a separate unit, the Division of Blind Services (division), within the Department of Labor and Employment Security (DLES) to render services to the blind. The division has been part of DLES since July 1, 1995, when it was transferred from the Department of Education. In accordance with ch. 99-240, L.O.F., the division will transfer back to the Department of Education effective January 1, 2001.

The division seeks to work with visually impaired individuals toward achieving maximum levels of employment, independence, and integration into the community. The division is currently composed of three bureaus:

- Bureau of Braille and Talking Book Library Services;
- Bureau of Business Enterprises; and
- Bureau of Client Services and Program Support.

The Bureau of Client Services and Program Support provides independent living services and vocational rehabilitation services, which include services and training that allow individuals to return to or enter employment. Within the bureau is the Children and Families Program. The program's goal is to facilitate visually impaired and blind children's fullest participation within the family, community, and educational settings. Services rendered under the Children and Families Program include information and referral; parent education and counseling; case management, including services for early intervention of children younger than three years old; and advocacy. Statewide, the division's children's specialists serve children of all ages and their families to assure that an individual has achieved satisfactory development of independent living skills prior to referral to the Vocational Rehabilitation Program.

In 1996, the division identified services to infants, toddlers, and young children with visual impairments and their families as a critical need within the state. Since then, the division has piloted a Blind Babies Program within its Children and Families Program. According to the division, in that year and in 1997, it used approximately \$120,000 of federal Social Service Reimbursement funds to contract with four community rehabilitation program providers in the amount of \$30,000 each. The division continued to fund the pilot through 1998 with federal Social Service Reimbursement funds. The pilot was designed to administer independent living skills training to visually impaired and blind infants and toddlers, ages birth through five, and to their families. The four participating providers were:

- Lighthouse for the Blind of Palm Beaches;
- Lighthouse for the Blind of Pasco and Hernando;
- Mana-Sota Lighthouse, serving Manatee and Sarasota counties; and
- Pinellas Center for the Visually Impaired.

Services provided to visually impaired and blind children, birth through five years of age, include vision assessment and training; motor skill development; feeding, dressing, and other independent living skills, including travel and mobility development; socialization skills; and cognitive skill development. To parents and families of these children, the pilot provides individual counseling and coping skills; intake and referral information; parent-to-parent group activities and support; parent advocacy training; and counseling and support for siblings.

In 1999, the pilot program was funded, in part, with specific appropriations from General Revenue to these same four providers at \$95,000 each. In the FY 1999-2000 General Appropriations Act, the Legislature mandated in proviso language that these funds were to support the Lighthouse for the Blind/Blind Babies program, and the proviso language identified these four communities (*Conference Report on Senate Bill 2500: 1999-2000 General Appropriations Act*, Florida Legislature, p. 420.). According to the division, it received an additional amount of approximately \$120,000 that was used to expand the program to include services rendered by two more community rehabilitation program providers: CITE of Orlando and the Conklin Center. At present, the division is working with the participating providers to develop a standard assessment instrument to measure the success of the program.

C. EFFECT OF PROPOSED CHANGES:

The bill creates the Blind Babies Program within the Division of Blind Services of the Department of Labor and Employment Security to provide community-based, early-intervention education by community-based provider organizations to children, from birth through five years of age, who are blind or visually impaired, as well as their parents, families, and caregivers.

D. SECTION-BY-SECTION ANALYSIS:

The provisions of this bill were passed as sections 1 through 5 of CS/SB 924, enrolled.

Section 1. - The bill states the findings of the Legislature that all children, including those who are blind or visually impaired, must have a healthy start and that early-intervention services at the youngest age greatly improve a child's chances for lifetime success and reduce the severity of long-term disabilities. The bill further states the finding of the Legislature that it is critical to teach infants and toddlers who are born blind or visually

impaired, as well as their parents, families, and caregivers, the skills to assist them, so they do not miss critical developmental stages that are normally dependent on vision. The bill states that this early intervention is also essential to ensure that these children can access and benefit from other services that assist, educate, train, and employ young people.

Section 2. - The bill creates the Blind Babies Program within the Division of Blind Services of the Department of Labor and Employment Security to provide community-based early-intervention education by community-based provider organizations to children from birth to through five years of age who are blind or visually impaired, as well as to their parents, families, and caregivers. The bill requires the division to enlist parents, ophthalmologists, pediatricians, schools, and therapists, to help enroll blind and visually impaired children as well as their parents, families and caregivers, in these educational programs. The bill does not prescribe the specific early-intervention education to be provided.

The bill provides that the program is not an entitlement but shall promote early development with a special emphasis on visual skills to minimize developmental delays and ensure children enter school as ready to learn as their sighted classmates. It provides for the program to link children and their parents, families, and caregivers to other available services to assist them in the future.

The bill directs the division to develop a formula for eligibility based upon financial means and allows the division to create a means-based matrix to set a co-payment fee for families who have sufficient financial means to pay for education received under the program.

The bill requires the division to establish outcomes for the program and designates outcomes to be included, such as age appropriate development, daily living, ability to participate in preschool and school, and ability to be literate. The bill requires the division develop criteria for contracting with community-based providers and requires the providers to develop and report performance measures for services.

Section 3. - The bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to review and report on the Blind Babies Program to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2002. The bill mandates minimum criteria for OPPAGA to use in conducting its review and preparing its report. Specifically, OPPAGA must determine:

- the program's progress toward achieving its established outcomes;
- the circumstances contributing to the program's capacity to achieve, not achieve, or exceed its established outcomes; and
- whether it will be sound public policy to continue funding the program and the consequences of discontinuing the program.

Section 4. - The bill annually appropriates \$1 million from General Revenue to fund the Blind Babies Program.

Section 5. - The bill takes effect July 1, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill authorizes the division to create a means-based matrix to set a co-payment fee for families having sufficient financial means. Families having sufficient financial means, as determined by the division, may be required to pay a co-payment fee for education under the program.

2. Expenditures:

The bill annually appropriates \$1 million from General Revenue to the Division of Blind Services of the Department of Labor and Employment Security to fund the Blind Babies Program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

The bill appropriates \$1 million from the General Revenue Fund to the Division of Blind Services of the Department of Labor and Employment Security to fund the Blind Babies Program.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce revenue raising authority.

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C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

The bill directs the division to create formulas for program eligibility and allows the division to create matrices for determining co-payments. It directs the division to establish outcomes for the program and develop criteria to be used in identifying and contracting with community-based provider organizations. However, in the bill there is no specific grant of rulemaking authority for implementing the provisions of this section.

C. OTHER COMMENTS:

BILL HISTORY:

01/19/00 HOUSE Prefiled

02/08/00 HOUSE Referred to Children & Families (HFC); Governmental Rules & Regulations (PRC); Transportation & Economic Development Appropriations (FRC)

03/06/00 HOUSE On Committee agenda Children & Families (HFC), 03/08/00, 3:30 pm, 12H

03/07/00 HOUSE Introduced, referred to Children & Families (HFC); Governmental Rules & Regulations (PRC); Transportation & Economic Development Appropriations (FRC) HJ 00055; On Committee agenda Children & Families (HFC), 03/08/00, 3:30 pm, 12H

03/08/00 HOUSE Comm. Action: CS by Children & Families (HFC); YEAS 11 NAYS 0 HJ 00336

03/22/00 HOUSE CS read first time on 03/22/00 HJ 00330

03/17/00 HOUSE Pending review of CS under Rule 113 HJ 00336

03/20/00 HOUSE Now in Governmental Rules & Regulations (PRC) HJ 00336

03/28/00 HOUSE On Committee agenda Governmental Rules & Regulations (PRC), 03/30/00, 9:00 am, 12H

03/30/00 HOUSE Comm. Action: Favorable by Governmental Rules & Regulations (PRC); YEAS 8 NAYS 0 HJ 00418

03/31/00 HOUSE Now in Transportation & Economic Development Appropriations (FRC) HJ 00418

04/07/00 HOUSE On Committee agenda Transportation & Economic Development Appropriations (FRC), 04/11/00, 1:00 pm, 317C Temporarily deferred

04/14/00 HOUSE On Committee agenda Transportation & Economic Development Appropriations (FRC), 04/18/00, 1:30 pm, 317C

04/18/00 HOUSE Comm. Action: Favorable by Transportation & Economic Development Appropriations (FRC); YEAS 10 NAYS 0 HJ 00585

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04/19/00 HOUSE Placed on calendar, available for General Calendar HJ 00585
04/27/00 HOUSE Placed on Special Order Calendar; Read second time HJ 00869;
Amendment(s) adopted HJ 00869
05/02/00 HOUSE Temporarily postponed, on Third Reading HJ 01386
05/03/00 HOUSE Temporarily postponed, on Third Reading HJ 01455
05/05/00 HOUSE Died on Calendar

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON Children & Families:

Prepared by:

Staff Director:

Bob Barrios

Bob Barrios

AS REVISED BY THE COMMITTEE ON GOVERNMENTAL RULES & REGULATIONS:

Prepared by:

Staff Director:

Shari Z. Whittier

David M. Greenbaum

AS FURTHER REVISED BY THE COMMITTEE ON TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS:

Prepared by:

Staff Director:

Loretta J. Darity

Eliza Hawkins

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON CHILDREN & FAMILIES:

Prepared by:

Staff Director:

Glenn Mitchell

Bob Barrios