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#### WHAT'S INSIDE:

<u>Page</u> Bills Heard this Week.....1-10



United Way of Florida

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# Legislative Link

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

#### **BILLS HEARD THIS WEEK**

(Some information below is excerpted from legislative staff analysis)

### CS/SB 106 Child Care Facilities (Children, Families, and Elder Affairs Committee and Senator Hill)

The bill requires that beginning on July 1, 2008, all fingerprints of child care personnel employed in a licensed child care facility that are submitted for level 2 screening must be submitted electronically and retained by the Department of Law Enforcement (FDLE). The Department of Law Enforcement is required to search all incoming arrest fingerprints against the retained fingerprints of child care personnel and inform the Department of Children and Family Services (DCF or the department) of an identified match. The bill provides that child care personnel reemployed after July 1, 2008, who have not had fingerprints electronically submitted must do so. By December 1, 2009, child care personnel whose fingerprints are not yet retained by FDLE must be re-fingerprinted and must meet level 2 screening requirements. Each person who is employed in a child care facility must meet level 2 screening requirements, including a federal criminal history check by the Federal Bureau of Investigation (FBI), every five years.

Last Action: 04/18/07 SENATE Pending reference review under Rule 4.7(2); Now in Health and Human Services Appropriations -SJ 00439

#### HB 127 Developmental Disabilities Institutions :(Nehr and others)

HB 127 establishes the intent to prevent the Legislature and the Agency for Persons with Disabilities from closing or reducing the resident population of a developmental disabilities institution unless it complies with specified notice, public hearings, Governor and Cabinet approval, funding and review, with retroactive application.

The bill:

• Requires the Agency for Persons with Disabilities to give written notice to the Governor and Cabinet, each resident of the Developmental Disabilities Institution, an adult member of the resident's immediate family (if known) and resident's guardian if it proposes to close or reduce the resident population of a developmental disabilities institution.

Last Action: 04/17/07 Favorable with CS by Healthcare Council

### SB 276 Elderly Persons/Disabled Adult/Abuse (Senators Margolis and Fasano)

The bill increases the felony degree of the offense of aggravated abuse of an elderly or disabled person from a second degree felony to a first degree felony. The bill also requires that certified law enforcement personnel receive training in the identification and investigation of elder abuse and neglect.

Last Action: 04/12/07 Senate On Committee agenda--Criminal Justice, 04/17/07, 2:00 pm, 401-S --Temporarily postponed.

#### HB 283 Florida 211 Network (Chestnut and others)

House Bill 283 amends section 409.9 18, Florida Statutes, to expand the Florida 211 Network to provide information and referral services in each county. The bill includes new language to emphasize the benefit of the 211 network, particularly during a disaster. The bill revises the network's objectives to include collaboration among information and referral systems, including those serving persons with disabilities and special health care needs. The bill requires Florida 211 Network providers to coordinate with county emergency management agencies regarding using the 211 Network in the event of a disaster.

The bill designates the Agency for Health Care Administration (agency) as the lead entity to receive and distribute any funds received from the federal government to support the Florida 211 Network. The bill directs the agency to distribute these funds to the Florida Alliance of Information & Referral Services (alliance). The alliance is to make these funds available to 211 providers on a matching basis, with each 211 provider required to match \$1 for \$1 the amount that it is provided from the alliance.

Last Action: 04/17/07 Favorable with CS by Healthcare Council

#### HB 291 Coverage for Mental and Nervous Disorders (Homan and others)

House Bill 291 amends s. 627.6688, F.S., to specifically define those mental health conditions that must be covered within the mandated offering, generally including all diagnostic categories of mental health conditions listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders and as listed in the mental and behavioral disorders section of the current International Classification of Diseases.

The bill deletes current law limiting mental health benefits by specific service areas, such as inpatient benefits, and inserts a general statement that the mental health benefits may not be more restrictive than the treatment limitations and cost-sharing requirements that are applicable to other diseases, illnesses, and medical conditions.

Last Action: 04/17/07 Favorable with CS by Healthcare Council

#### SB 292 Criminal Offenses Against Elderly (Senators Fasano and King)

The bill creates "The Senior's Safety Act," which revises the law governing reclassification of certain felony offenses when those offenses are committed against elderly persons and disabled adults. Specifically, the bill:

- Creates a reclassification provision to apply to any third, second, or first degree felony offense when such offense is committed upon a person who is 65 years of age or older, an "elderly person" as defined in ch. 825, F.S. (a person who is 60 years of age or older and who suffers from certain mental, physical or emotional dysfunctions), or a "disabled adult" as defined in ch. 825, F.S. (a person who is 18 years of age or older and who suffers from certain mental or physical incapacitations or limitations), regardless of whether the offender knew or had reason to know the victim's age, infirmity, or disability. (Replaces current felony reclassification provisions relevant to aggravated assault, aggravated battery, and theft upon persons 65 years of age or older.)
- Mandates a 3-year mandatory minimum term of imprisonment for theft from a person who is 65 years of age or older, and for exploitation of an elderly person or disabled

adult as defined in that chapter, if the theft or exploitation involves funds, assets, or property valued at \$10,000 or more.

 Provides an exception to the 3-year mandatory minimum term of imprisonment for theft from a person 65 years of age or older if the property involved is one or more motor vehicles, regardless of associated value.

Last Action: 04/12/07 S On Committee agenda-- Criminal Justice, 04/17/07, 2:00 pm, 401-S -- Temporarily postponed.

#### HB 509 Children's Services (Ausley and others)

HB 509 creates within the Executive Office of the Governor a Children and Youth Cabinet.

The bill provides that the Legislature recognizes all state agencies providing services to youth should work together to provide a full continuum of services to youth. The bill charges the Cabinet to foster public awareness of children's issues and promote children's issues to the Legislature. The Cabinet is responsible for promoting children's issues and developing new partners to serve children.

Members of the Cabinet are established in statute as:

- The Governor, who serves as the chair of the Cabinet;
- The Secretary of Children and Family Services;
- The Secretary of Juvenile Justice;
- The Director of the Agency for Persons with Disabilities;
- The Director of the Agency for Workforce Innovation;
- The Secretary of Health;
- The Secretary of Health Care Administration;
- The Commissioner of Education;
- The Director of the Statewide Guardian Ad Litem Office;
- The Director of the Office of Child Abuse Prevention; and
- Five members representing children and youth advocacy organizations, who are not service providers and who are appointed by the Governor by October 1, 2007.

The bill requires the Children and Youth Cabinet to develop a strategic plan by December 31, 2007, to align all of the public resources to serve youth and their families. The strategic plan will consist of services from prenatal care through the transition to adulthood and create measurable outcomes for those services. The Children and Youth Cabinet is required to measure the outcomes developed in the strategic plan continuously.

The bill requires the cabinet to create an impact statement for evaluating proposed legislation and to develop a children-and-youth-based budget through a children and youth estimating conference.

Last Action: 04/20/07 HOUSE Original reference(s) removed: Policy & Budget Council; Placed on Calendar

### CS/SB 564 Children's Services (Governmental Operations Committee and Senator Rich and others)

SB 564 describes the Legislature's finding that all state agencies and programs that touch the lives of children and youth must work in a coordinated and comprehensive manner to provide a

continuum of services from prenatal care through successful transition to adulthood. The bill describes the Legislature's finding that the creation of a Children and Youth Cabinet (Cabinet) is the best method to ensure that Florida is the first place families think of when asked, "Where do you want to raise a child?" The bill describes the Legislative intent to work collaboratively with the Governor to improve child and family outcomes in Florida.

The bill creates the Cabinet, which is defined as a coordinating council, in the Executive Office of the Governor (EOG) and directs it to ensure that Florida's public policy promotes interdepartmental collaboration and program implementation so that services for children and youth are planned, managed, and delivered in a holistic and integrated manner.

The bill specifies that the EOG will provide administrative support to the Cabinet. It requires the Cabinet to meet for its organizational session no later than October 1, 2007. After its organizational meeting, the Cabinet is to meet six times each year in different regions of the state. Each meeting must provide an opportunity for public comment.

The bill provides that the Cabinet shall have fifteen members as follows:

- The Governor (who shall serve as chair);
- The Secretary of Children and Family Services;
- The Secretary of Juvenile Justice;
- The Director of the Agency for Persons with Disabilities;
- The Director of the Agency for Workforce Innovation;
- The Secretary of Health;
- The Secretary of Health Care Administration;
- The Commissioner of Education;
- The Director of the Statewide Guardian ad Litem Office;
- The Director of the Office of Child Abuse Prevention; and
- Five members appointed by the Governor who are representatives of children and youth advocacy organizations, but who are not service providers.

The bill provides that the following or their designees shall serve as ex officio members of the Cabinet:

- The President of the Senate;
- The Speaker of the House;
- The Chief Justice of the Supreme Court; and
- The Chief Financial Officer.

The bill provides that nongovernmental Cabinet members shall serve without compensation, but may receive per diem travel expenses pursuant to s. 112.061, F.S.

The bill describes the duties and responsibilities of the Cabinet:

• Develop and implement a shared vision using integrated services to improve child, youth and family outcomes in Florida;

- 04/17/07 S Placed on Calendar, on 2nd reading on Tuesday, April 17, 2007 2:38 PM By December 31, 2007, develop a strategic plan to achieve the goals of the shared vision;
- Develop and implement measurable outcomes, and regularly report on progress made toward the outcomes;
- Design and implement actions to promote collaboration, creativity, increased efficiency, information sharing, and improved service delivery between and within state governmental organizations, and develop long-range plans in accordance with s. 2 16.013, F.S.
- Foster public awareness of issues related to children and youth, and develop new partners;
- Create a children and youth impact statement evaluating proposed legislation, requested appropriations, and programs;
- Develop a budget through an estimating conference; and
- Engage in other activities.

The bill permits the Governor to appoint an advisory board to assist the Cabinet, and specifies that the board should include representatives of advocacy groups, as well as young people who have received services funded by the state.

Last Action: 04/17/07 SENATE Favorable by- Health and Human Services Appropriations; YEAS 4 NAYS 0-SJ 00438; Placed on Calendar, on 2nd reading -SJ 00439

#### HB 745 Motor Vehicle Insurance for Foster Children (Reagan and others)

The bill requires the Department of Children and Families (DCF or the department) to establish a three-year pilot program in, DeSoto, Hillsborough, Manatee, Pasco, Pinellas, and Sarasota counties to provide funds, to the extent that they are available, to reimburse foster parents, residential facilities, or foster children who live independently for a portion of the increase in the auto insurance premium that occurs when a foster child receives a driver's license and is added to an insurance policy. Through the pilot program, DCF will provide one-half of the amount of the increase which is incurred as a result of adding the foster child to the motor vehicle insurance policy, or less than one-half, if another source of funding to pay for the increase is available. The bill provides that the foster child must be encouraged to pay the other half of the increase in insurance costs.

Last Action: 04/20/07 HOUSE Now in Policy & Budget Council

## CS/CS/SB 930 Florida KidCare Program (Governmental Operations Committee, Health Policy Committee and Senator Dawson and others)

The bill makes the following changes related to the Florida KidCare Program:

- Creates the Florida Council on Children's Health in the Executive Office of the Governor, consisting of twelve members appointed by the Governor who are responsible for identifying and developing specific strategies for addressing issues related to children's lack of access to high-quality and affordable health care services for and health care coverage for recommendation to the Governor and the Legislature;
- Eliminates the current coordinating council chaired by the Department of Health;
- Creates the Division of Children's Health Insurance and the Office of Child Health Coordination in the Department of Health (DOH), and specifies their responsibilities;
- Renames the Children's Medical Services program to the Children's Health program and requires it to consolidate and coordinate Florida KidCare child health policy,

develop pediatric benefit packages, develop budget and federal and state legislative issues, and develop pediatric quality assurance and access standards;

- Clarifies and adds definitions relating to the Florida KidCare Program;
- Revises the components of the program;
- Allows certain persons to buy into the Medicaid program;
- Changes eligibility criteria for children so they can participate in certain components;
- Repeals penalties for voluntary cancellation of policies for non-payment of premiums;
- Requires the Agency for Health Care Administration (AHCA) to estimate the number of uninsured children;
- Expands Medicaid eligibility for a limited time to allow families to transition from Title XIX-funded KidCare components to Title XXI-funded KidCare components without a gap in coverage;
- Eliminates contradictory eligibility criteria;
- Extends eligibility for reasons of good cause for voluntary cancellation of employersponsored health coverage;
- Extends premium assistance eligibility to children who are dependents of state employees;
- Extends premium assistance eligibility to children who are non-qualified legal aliens;
- · Repeals the 10 percent limit on full-pay enrollees in Medikids and Florida Healthy Kids;
- Requires health plans and other providers to be notified of their members losing Medicaid or Medikids eligibility so they may assist them in maintaining continuous coverage in the Florida KidCare Program;
- Requires eligibility information to be electronically verified to the extent possible;
- Redefines the benchmark benefit package for the program;
- Prohibits requiring children with special health care needs from paying premiums and co-payments in certain situations;
- Transfers and consolidates most administrative functions in the entire Florida KidCare program under the DOH effective July 1, 2008;
- Clarifies that parents and legal guardians have access to certain enrollment information;
- Extends Medicaid coverage to certain pregnant women;
- Extends Medicaid coverage to children between 6 and 19 years of age who have incomes between 100 and 133 percent of the federal poverty level;
- Modifies the legislative intent related to the Medicaid managed care pilot program; and,
- Repeals the Florida Healthy Kids Corporation effective June 30, 2009.

Last Action: 04/19/07 SENATE Pending reference review -under Rule 4.7(2)

#### HB 1179 Social Worker Identification (Richardson and others)

House Bill 1179 amends the Clinical, Counseling and Psychotherapy Services Act (Chapter 491, Florida Statutes) to create the definition of "social worker" to mean a person who has a bachelor's, master's or doctoral degree in social work. The bill provides title protection for social workers and provides that it is a misdemeanor of the first degree for persons to hold themselves out to the public, for or without compensation, as a social worker.

The bill allows persons who have used the title "social worker" prior to July 1, 2007, to continue to do so, provided they remain with the same employer, and remain employed in the same capacity after that date. Employees who provide social work services under administrative

supervision at long-term care facilities licensed by the Agency for Health Care Administration are also exempt from provisions of the bill.

Last Action: 04/20/07 HOUSE Original reference(s) removed: Policy & Budget Council; Placed on Calendar

#### HB 1215 Independent Living Transition Services (Glorioso)

The bill provides for a number of changes related to older children who are in the foster case system, including:

- Authorizing the caseworker at the agency at which the state has placed a child to sign a minor's application for a driver's license. The caseworker is required to notify the foster parents or other responsible party of his or her intent to sign the application;
- Making young adults who were placed with a court-approved dependency guardian or adopted from foster care after reaching age 16 and have spent a minimum of 6 months in foster care within the 12 months preceding such adoption or placement eligible to be provided with independent living transition services;
- Providing that foster parents or caregivers cannot have their licensure status jeopardized as a result of actions of a child engaged in approved independent living activities;
- Requiring a child who has reached 16 years of age to be formally evaluated for a subsidized independent living arrangement;
- Expanding the Medicaid eligibility criteria to include 20 year old young adults who have aged out of foster care; and
- Removing the disability of nonage for minors for the purposes of securing depository financial services such as checking and savings accounts.

Last Action: 04/17/07 Favorable with CS by Healthcare Council

### CS/SB 1612 Direct-Support Organization for Guardian Ad Litem Program (Children, Families, and Elder Affairs Committee and Senators Rich and Lynn)

This bill authorizes the Statewide Guardian Ad Litem Office to create and contract with a notfor-profit direct-support organization to conduct programs and activities, raise funds, and make expenditures for the benefit of the office. The office currently oversees and provides assistance to all guardian ad litem and attorney ad litem programs within the judicial circuits.

Last Action: 04/17/07 SENATE Favorable by- Criminal and Civil Justice Appropriations; YEAS 5 NAYS 0-SJ 00438; Placed on Calendar, on 2nd reading -SJ 00439

#### SB 2048 Child Restraint Requirements (Senator Posey)

The bill revises child restraint requirements for children passengers in motor vehicles. Motor vehicle operators will be required to use child restraint devices for certain children through 7 years of age instead of the current 4 years of age. Under the bill's provisions, a safety belt alone is no longer sufficient protection for any child aged 4 through 7 years. In addition, the bill specifies certain child safety seats are appropriate restraint devices for children aged through 4 years, and certain child booster seats are appropriate restraint devices for children aged 4 through 7 years. 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:

• 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
- Acting generally as a Good Samaritan.

The court must 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, 2009. Beginning July 1, 2008, 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 2009.

Last Action: 04/12/07 S On Committee agenda-- Criminal Justice, 04/17/07, 2:00 pm, 401-S -- Temporarily postponed.

#### SB 2226 Child Care/Quality Rating System (Senator Rich)

This bill requires the Agency for Workforce Innovation (AWI) to establish Florida's Sunshine State Stars Quality Rating System (QRS), which assesses and communicates to parents the quality of early childhood education and child care programs provided by licensed child care facilities and facilities participating in the Voluntary Prekindergarten Education (VPK) Program. The QRS must be voluntary for facilities and must be based on an assessment of a facility's learning environment; curricula, screening, and assessment; staff qualifications; professional development; business practices; and family involvement. The bill requires AWI to design the QRS as a five-star rating system of five tiers, each tier being represented by one to five stars. A facility is required to meet the criteria of a lower tier before advancing to the next tier.

The bill creates a 2-year voluntary pilot program to implement the QRS in eight Florida counties: Broward, Duval, Hillsborough, Leon, Miami-Dade, Orange, Palm Beach, and Pinellas. The bill specifies that centers and programs rated as Tier 1, 2, or 3 are eligible for grants and awards to improve quality. The bill also provides that centers and programs rated as Tier 4 or 5 are eligible for merit awards to maintain high quality. The bill does not, however, require AWI or the early learning coalitions to provide these grants and awards or specify the amounts of the awards.

The bill provides a \$25 million appropriation to AWI to fund the program. Last Action: 04/19/07 SENATE Favorable with 1 amendment(s) by Education Pre-K - 12(492574); YEAS 5 NAYS 0; Now in Children, Families, and Elder Affairs

#### SB 2272 Fetal Alcohol Syndrome Prevention (Senator Bennett and Others)

The bill creates the Fetal Alcohol Syndrome Prevention Act. The bill requires the Department of Health (DOH) to develop a public education program to inform the public regarding the detrimental effects of fetal alcohol syndrome and requires the information to be placed on the website's of DOH, the Department of Children and Family Services (DCF), and the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation (DBPR).

The bill provides that DOH and DCF must establish a Fetal Alcohol Syndrome Prevention Network. The bill provides that DOH must establish a telephone hotline on fetal alcohol syndrome. Fetal Alcohol Spectrum Disorders Diagnostic and Intervention Centers and Florida-

licensed substance abuse treatment providers must establish a system for assessing charges for their services, which are to be apportioned according to a person's ability to pay.

The bill provides that the disability of minority is removed for a pregnant minor solely for obtaining voluntary alcohol or substance abuse treatment services from a licensed substance abuse treatment services provider. The bill establishes criteria and procedures for voluntary and involuntary assessment, stabilization, and treatment of a female pregnant minor or adult woman whose consumption of alcoholic beverages may be placing her unborn child at risk of fetal alcohol syndrome.

The bill requires each vendor licensed to sell alcoholic beverages for consumption to post a health warning sign on its licensed premises where alcoholic beverages are sold. The sign must contain information specified in the bill regarding fetal alcohol birth defects and warning patrons to not drink during pregnancy or before driving a car, or operating a boat or machinery. The Division of Alcoholic Beverages and Tobacco of DBPR must produce and distribute the health warning signs to vendors and collect an amount sufficient to cover the costs of printing and delivering the signs

Last Action: 04/19/07 SENATE Favorable by Children, Families, and Elder Affairs; YEAS 6 NAYS 1

#### SB 2824 Homelessness (Senator Crist)

The bill provides for the establishment of a housing retention program to provide funding for comprehensive, short-term financial aid, and case management to households at risk of losing their current home due to a crisis. Currently, the Emergency Financial Assistance for Housing Program (EFHAP) is the only state program designed to help prevent homelessness. The Emergency Shelter Grant is the only federal program designed to help prevent homelessness. According to the Department of Children and Family Services (DCF), the majority of government assistance programs for the homeless are to help the person who is already homeless rather than those individuals and families who are at risk of homelessness.

Last Action: 04/19/07 SENATE CS by Children, Families, and Elder Affairs; YEAS 7 NAYS 0; On Committee agenda-- Community Affairs, 04/24/07,1:45 pm, 412-K --If received

### CS/SB 2868 Mental Health and Substance Abuse Services (Health Regulation Committee and Children, Families, and Elder Affairs Committee)

This bill authorizes the Department of Children and Family Services (DCF or department) in consultation with the Agency for Health Care Administration (AHCA), to establish integrated mental health crisis stabilization and addictions receiving facilities for adults. The bill specifies categories of individuals who may receive services in these facilities.

The bill also deletes a requirement that mental health and substance abuse providers must have a contract with the AHCA and the DCF to receive reimbursement for rehabilitative services in Medicaid, and requires the DCF to participate with the agency in the assessment of rehabilitative mental health and substance abuse services.

Last Action: 04/17/07 S Placed on Calendar, on 2nd reading on Tuesday, April 17, 2007

#### PCB HCC 07-04 Florida KidCare (Healthcare Council and Galvano)

Making it easier for qualified, uninsured children to get health care coverage through Florida KidCare is idea 86 in 100 Innovative Ideas for Florida's Future. KidCare is an umbrella program of federal and state subsidized children's health care programs. The federal, State Children's Health Insurance Program (SCHIP) pays seventy-one cents of every dollar spent on eligible children. Use of federal SCHIP funds to offer comprehensive healthcare coverage to children costs less than \$35 per month in state dollars.

PCB HCC 07-04 removes barriers to enrollment of eligibility child in KidCare by simplifying the enrollment process, the transition between eligibility groups, and administration. It increases families' choice of health care plans that meet the needs of their children and lets children keep their eligibility for 12 months.

The bill specifies eligibility requirements for subsidized premiums based on the child's family income, age, and any special health care needs. It provides for the use of electronic documentation of eligibility information. The bill uses the existing Department of Children and Families, Community Access Network in partnership with local providers, schools, agencies, and volunteer organizations to provide outreach to assist family enrollment. It also eliminates barriers for full-pay families, and reduces loss of coverage for failure to pay premiums. Transition between program eligibility groups is simplified by allowing premiums to follow patients. Benefits can be applied to any plan administered by the program, whatever the funding source. Families with children, in different eligibility and benefit categories will be able to use choice plans have the same providers. The bill provides for choice counseling to help families choose the appropriate plan to meet their children's needs.

The bill simplifies administration by establishing KidCare as the program's brand name. The Florida Healthy Kids Corporation that administers the front end of the program will be responsible for marketing and customer relations.

Last Action: 04/17/07 Favorable with 1 amendment

### PCB HCC 07-08 Self-Directed Care and Mental Health System Improvements (Healthcare Council and Bean)

Self-directed care is a consumer-centered model for mental health services in which participants control the money available for their care. Participants decide their desired goals, what services to purchase, and who provides the services. The program increases consumer choice and supports recovery and independence.

PCB HCC 07-08 authorizes the Department of Children and Families to expand the Florida Self-Directed Care Program statewide and remove the 2008 expiration date for the pilot program. The bill provides legislative intent with regard to funding, requires an independent financial agent to pay for services, and clarifies rulemaking authority. *Last Action: 04/17/07 Favorable with 1 amendment* 



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