

Committee on Children, Families, and Elder Affairs

CS/CS/HB 99 — Sexual Exploitation

by Health and Human Services Committee; Health and Human Services Access Subcommittee; Reps. Fresen, Nunez, and others (CS/CS/SB 202 by Budget Committee; Budget Subcommittee on Criminal and Civil Justice Appropriations; Children, Families, and Elder Affairs Committee; and Senators Flores and Lynn)

The bill creates the “Florida Safe Harbor Act,” which is intended to provide a more coordinated response to address the child welfare service needs of sexually exploited children who are dependent. Specifically, the bill:

- Provides legislative findings and intent and establishes legislative goals relating to the status and treatment of sexually exploited children in the dependency system;
- Amends the definitions of the terms “child who is found to be dependent” and “sexual abuse of a child” to reference sexual exploitation;
- Requires a law enforcement officer who takes a child alleged to be dependent for whom there is also probable cause to believe that he or she has been sexually exploited into custody to deliver the child to the department;
- Provides a process for the assessment and placement of sexually exploited children in a safe house, if available;
- Provides for placement updates to the court during judicial review hearings;
- Provides for data collection relating to these placements by the Department of Children and Family Services (DCF or department);
- Provides a definition for the terms: “child advocate,” “safe house,” “secure,” “sexually exploited child” and “short-term safe house”;
- Provides for services for sexually exploited children residing in a safe house;
- Provides that training, for law enforcement officers who might encounter sexually exploited children, is permissive;
- Increases the civil penalty for crimes related to prostitution from \$500 to \$5,000 and specifies that the difference in the increase, to be paid to the department, be used to fund safe houses as well as short-term safe houses; and
- Provides that a victim of child sexual exploitation shall not be ineligible for victim compensation.

If approved by the Governor, these provisions take effect January 1, 2013.

Vote: Senate 39-0; House 116-0

Committee on Children, Families, and Elder Affairs

SB 446 — OGSR/Insurance Claim Data Exchange Information/Past Due Child Support

by Children, Families, and Elder Affairs Committee

Currently, s. 409.25659, F.S., requires the Department of Revenue (DOR or department) to develop and operate a data match system in which an insurer may voluntarily provide DOR with the name, address, and, if known, date of birth and Social Security number or other taxpayer identification number for each noncustodial parent who has a claim with the insurer and who owes past-due child support. Section 409.25661, F.S., provides that specified information regarding a noncustodial parent who owes past-due child support, collected by DOR pursuant to s. 409.25659, F.S., is confidential and exempt from public records. The exemption will expire October 2, 2012, unless saved from repeal through reenactment by the Legislature. This bill reenacts this public-records exemption.

If approved by the Governor, these provisions take effect October 1, 2012.

Vote: Senate 38-0; House 116-1

Committee on Children, Families, and Elder Affairs

CS/CS/HB 473 — Alzheimer's Disease

by Health and Human Services Committee; Health and Human Services Access Subcommittee; Rep. Hudson; and others (CS/CS/CS/SB 682 by Budget Subcommittee on Health and Human Services Appropriations; Governmental Oversight and Accountability Committee; Children, Families, and Elder Affairs Committee; and Senators Richter, Sachs, Latvala, Joyner, Bennett, Gibson, and Dockery)

This bill creates the Purple Ribbon Task Force within the Department of Elderly Affairs to develop a comprehensive state plan to address the needs of individuals who have Alzheimer's disease or a related form of dementia [hereinafter referred to as Alzheimer's disease] and their family caregivers.

The purpose of the task force is to: assess the current and future impact of Alzheimer's disease on Florida; examine the existing industries, services, and resources in place that address the needs of individuals who have Alzheimer's disease; examine the needs of persons of all cultural backgrounds having Alzheimer's disease; develop a strategy to mobilize a state response to the Alzheimer's disease epidemic; hold public meetings; and provide additional information.

The task force shall consist of 18 culturally diverse members appointed by the Governor, the President of the Senate (President), and the Speaker of the House of Representatives (Speaker). The task force must submit an interim study to the Governor, President, and Speaker by January 30, 2013, regarding state trends with respect to individuals who have Alzheimer's disease, as well as a report and recommendations for an Alzheimer's disease state strategy by August 1, 2013.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 40-0; House 119-0

Committee on Children, Families, and Elder Affairs

CS/CS/CS/SB 694 — Adult Day Care Centers

by Budget Subcommittee on Health and Human Services Appropriations; Health Regulation Committee; Children, Families, and Elder Affairs Committee; and Senators Fasano, Haridopolos, Norman, Sachs, Gaetz, Bullard, Garcia, Dockery, and Sobel

This bill creates the Specialized Alzheimer’s Services Adult Day Care Act (Act), which allows an adult day care center to apply to the Agency for Health Care Administration for a designation on its license as a “specialized Alzheimer’s services adult day care center.” The bill provides heightened requirements that an adult day care center seeking such licensure designation must follow.

The operator and the operator’s designee hired on or after July 1, 2012, by an adult day care center that has a license designated under the Act must meet certain education or experience requirements. In addition, an adult day care center having a license designated under the Act must have a registered or licensed practical nurse on site daily for at least 75 percent of the time that the center is open to Alzheimer’s disease or a dementia-related disorder (ADRD) participants. Certain staff must have additional hours of dementia-specific training and receive and review an orientation plan.

In order for a person to be admitted to an adult day care center with a designated license, the person must require ongoing supervision and may not actively demonstrate aggressive behavior. In addition, the adult day care center participant or the participant’s caregiver must provide certain medical documentation signed by a licensed physician, licensed physician assistant, or a licensed advanced registered nurse practitioner.

The bill provides requirements for an ADRD participant’s plan of care and requires a center to coordinate and execute appropriate discharge procedures if the center involuntarily terminates an ADRD participant’s enrollment in the center for medical or behavioral reasons.

The bill specifies that an adult day care center that chooses not to have a licensure designation may still provide adult day care services to persons who have Alzheimer’s disease or other dementia-related disorders. However, an adult day care center may not claim to have a license or licensure designation to provide specialized Alzheimer’s services unless it has received such licensure designation.

The bill provides rulemaking authority to the Department of Elderly Affairs to administer the newly created section of law.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 39-0; House 118-0

Committee on Children, Families, and Elder Affairs

CS/CS/HB 803 — Child Protection

by Health and Human Services Committee; Health and Human Services Access Subcommittee; and Rep. Diaz (CS/SB 2044 by Judiciary Committee; Children, Families, and Elder Affairs Committee and Senator Lynn)

The bill makes changes to numerous provisions in ch. 39, F.S., relating to the central abuse hotline, child protective investigations, and the dependency process. The bill redesigns the process of child protective services by strengthening the investigation process, streamlining activities, and providing a more focused framework for on-going services to be provided.

Specifically, the bill:

- Amends the central abuse hotline procedures to provide that the hotline may accept a call from a parent or legal custodian seeking assistance for themselves when the call does not meet the statutory requirement of abuse, abandonment or neglect;
- Allows the Department of Children and Family Services (DCF or department) to discontinue an investigation if it is determined that a false report of abuse, abandonment or neglect has been filed;
- Requires the department to maintain one electronic child welfare case file for each child;
- Requires child protective investigators (CPIs) to determine the need for immediate consultation with law enforcement personnel, child protection teams, and others prior to the commencement of an investigation;
- Eliminates the current bifurcated investigative process and provides for a single procedure for every case accepted for investigation; and
- Requires that monitoring of protective investigation reports are used to determine the quality and timeliness of safety assessments, and teamwork with other professionals and engagement with families.

In addition, the bill makes changes to ch. 39, F.S., protective injunction process to prevent child abuse and to mirror language in the civil injunction process in ch. 741, F.S., amends requirements relating to criminal background and records checks for individuals being considered for placement of a child, and amends provisions relating to termination of parental rights that apply to incarcerated parents. The bill provides specific circumstances in which the court may order maintaining and strengthening families as a permanency goal in a child's case plan when the child resides with a parent. Finally, the bill revises the number of times per year the Children and Youth Cabinet must meet.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 39-0; House 119-0

Committee on Children, Families, and Elder Affairs

CS/CS/CS/HB 943 — Background Screening

by Health and Human Services Committee; Criminal Justice Subcommittee; Health and Human Services Access Subcommittee; and Rep. Holder and others (CS/CS/SB 320 by Budget Subcommittee on Health and Human Services Appropriations; Children, Families, and Elder Affairs Committee and Senators Storms, Thrasher, and Rich)

The bill makes a number of changes to background screening requirements, primarily relating to individuals who work and volunteer with vulnerable populations. Specifically, the bill:

- Exempts mental health personnel working in a facility licensed under ch. 395, F.S., who work on an intermittent basis for less than 15 hours per week of direct, face-to-face contact with patients and who are not listed on the Florida Department of Law Enforcement's (FDLE) Career Offender Search or the Dru Sjodin National Sex Offender public website from fingerprinting and screening – unless that person works in a facility with a primary purpose of providing treatment for children;
- Establishes a rescreening schedule for those individuals who have been screened and qualified to work by the Agency for Health Care Administration (AHCA);
- Revises a list of professionals to include law enforcement officers such that officers are not required to be refingerprinted or rescreened if they are working or volunteering in a capacity that would otherwise require them to be screened;
- Includes provisions covering the Division of Vocational Rehabilitation's (DVR) background screening needs and requirements;
- Exempts, from the definition of "direct service provider;" individuals who are related to the client, and volunteers who assist on an intermittent basis for less than 20 hours per month of direct, face-to-face contact with a client and who are not listed on FDLE's Career Offender Search or the Dru Sjodin National Sex Offender public website;
- Specifies that employers of direct service providers previously qualified for employment or volunteer work under Level 1 screening standards, and individuals required to be screened according to the Level 2 screening standards, shall be rescreened every five years, except in cases where fingerprints are electronically retained;
- Creates a definition of the term "specified agency" for purposes of conducting background screening. These agencies include the Department of Health (DOH), the Department of Children and Family Services (DCF), AHCA, the Department of Elder Affairs (DOEA), the Department of Juvenile Justice (DJJ), the Agency for Persons with Disabilities (APD) and DVR;
- Requires fingerprint vendors to meet certain technology requirements;
- Provides that employees may be hired before completing the background screening process but those employees may have no direct contact with vulnerable persons;
- Waives the additional background screening requirement for Certified Nursing Assistants (CNA) under certain circumstances; and
- Provides for requirements relating to fingerprinting including who may take the prints, standards for vendors, and fee collection.

The bill also provides for the creation of the Care Provider Background Screening Clearinghouse. The clearinghouse will:

- Be created by AHCA, in consultation with FDLE;
- Be a web-based system;
- Be implemented to fullest extent possible no later than September 30, 2013; and
- Allow results of criminal history checks, provided to specified agencies for screening of persons under s. 943.0542, F.S., to be shared among the specified agencies when a person has applied to volunteer; be employed; be licensed or enter into a contract that requires a state and national finger-print based criminal history check.

The bill also provides that prints retained by the clearinghouse must meet certain criteria. Finally, the bill provides for rescreening procedures related to use of the clearinghouse; and provides for screening procedures for use on or after January 1, 2013.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 114-0

Committee on Children, Families, and Elder Affairs

CS/CS/HB 1097 — Sexually Violent Predators

by Appropriations Committee; Criminal Justice Subcommittee; and Rep. Kreegel (CS/SB 2052 by Children, Families, and Elder Affairs Committee and Senator Lynn)

This bill amends Florida law related to the Involuntary Civil Commitment of Sexually Violent Predators (“Jimmy Ryce Act”) by:

- Requiring the Department of Children and Families (department) to prioritize written assessments and recommendations of persons convicted of a sexually violent offense who will be released from total confinement within one year;
- Extending the deadline in which the department’s multidisciplinary team is required to complete its assessment to the state attorney;
- Extending the deadline for the state attorney to file a petition to the circuit court alleging that a person is a sexually violent predator;
- Allowing a sexually violent predator, who has a deportation detainer and is released from confinement, to be taken into custody by the federal government rather than be immediately committed to the custody of DCF; and
- Making it a third-degree felony for a person to knowingly and intentionally bring, send, take, or attempt to take any intoxicating beverage, controlled substance, or firearm or weapon into any facility providing secure confinement and treatment under the Jimmy Ryce Act.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 39-0; House 115-0

Committee on Children, Families, and Elder Affairs

CS/CS/CS/HB 1163 — Adoption

by Health and Human Services Committee; Appropriations Committee; Health and Human Services Access Subcommittee; Rep. Adkins and others (CS/CS/SB 1874 by Judiciary Committee; Children, Families, and Elder Affairs Committee; and Senator Wise)

This bill substantially amends the Florida Adoption Act. Specifically, the bill:

- Requires that a petition for termination of parental rights contain facts supporting the allegation that the parents of the child is informed of the availability of private placement of the child with an adoption entity;
- Removes legislative intent that all placements of minors for adoption be reported to the Department of Children and Family Services (DCF or department);
- Amends certain definitions in ch. 63, F.S.;
- Exempts adoption proceedings which were initiated under ch. 39, F.S., from the requirement to search the Florida Putative Father Registry if the search was previously completed;
- Requires the use of an adoption entity for all adoptions of minor children, unless the adoption is by a relative or stepparent;
- Requires that a newborn who tests positive for illicit or prescription drugs or alcohol, but who shows no other signs of child abuse or neglect, be placed in the custody of a licensed child placing agency;
- Prohibits DCF from being involved with a properly surrendered newborn who tests positive for illicit or prescription drugs or alcohol, except when reasonable efforts to contact an adoption entity to take custody of the child fail;
- Prohibits a court from ordering scientific testing until the court determines that a previously entered judgment terminating parental rights is voidable;
- Prohibits a court from increasing contact between an adopted child and siblings, birth parents, or other relatives without the consent of the adoptive parents;
- Prohibits an attorney from removing a child, who was voluntarily surrendered to the attorney, from a prospective adoptive home without a court order unless the child is in danger of imminent harm;
- Revises the obligations and responsibilities of an unmarried biological father seeking to assert his parental rights with regard to his child;
- Requires a court to permit an adoption entity to intervene in a dependency case and outlines the responsibilities of the adoption entity throughout the proceedings;
- Authorizes the prospective adoptive parents to waive receipt of certain medical records;
- Outlines the duties of the court when considering a petition for termination of parental rights and, when the petition has been denied, providing for placement of the child;
- Places restrictions on advertisements offering a minor for adoption or seeking a minor for adoption and establishes criminal penalties for violations of the advertising restrictions;
- Creates the crime “adoption deception”;
- Clarifies the rights and obligations of a volunteer mother involved in a preplanned adoption agreement; and

- Makes technical and conforming changes.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 40-0; House 119-0

Committee on Children, Families, and Elder Affairs

CS/CS/HB 1229 — Reorganization of the Department of Children and Family Services

by Health and Human Services Committee; Health and Human Services Access Subcommittee; and Rep. Drake (CS/SB 2048 by Governmental Oversight and Accountability Committee and Children, Families, and Elder Affairs Committee)

The bill authorizes the Department of Children and Family Services (DCF, or the department) to reorganize and changes the name of the agency to “Department of Children and Families.” The bill also establishes organizational units called “circuits” and “regions,” and changes the mission of the agency. The bill removes provisions related to program offices and directors, and removes obsolete language related to service districts and a prototype region.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 39-0; House 116-0

Committee on Children, Families, and Elder Affairs

CS/HB 1351 — Homeless Youth

by Civil Justice Subcommittee; and Rep. Glorioso and others (CS/SB 1662 by Judiciary Committee; and Senator Latvala)

The bill provides a mechanism for a homeless minor to become a “certified homeless youth,” and, if the minor is 16 years of age or older, petition a court for removal of the disabilities of nonage. The bill also allows the minor to avoid having to prepay court costs and fees when filing the petition. Lastly, the bill allows a certified homeless youth or a minor who has had the disabilities of nonage removed through marriage or by a judicial process to obtain his or her birth certificate.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 39-0; House 118-0

Committee on Children, Families, and Elder Affairs

HB 7093 — Domestic Violence

by Health and Human Services Committee and Rep. Harrell (CS/CS/SB 2054 by Judiciary Committee; Children, Families, and Elder Affairs Committee; and Senator Lynn)

The bill makes statutory changes to conform to proviso included in the FY 2011-2012 General Appropriations Act (GAA). The bill revises the duties and functions of the Department of Children and Family Services (DCF or department) relating to the domestic violence program. Specifically, the bill:

- Limits the department's role in certification of domestic violence shelters to initial certification, suspension and revocation. Ongoing certification of domestic violence shelters will be performed by the Florida Coalition Against Domestic Violence (FCADV or coalition);
- Requires the department to partner with the FCADV to coordinate and administer the statewide activities related to the prevention of domestic violence;
- Requires the department to contract with the coalition for the delivery and management of services for the state's domestic violence program; and
- Eliminates the certification of batterers' intervention programs as well as the authority for the department to collect fees associated with the certification program.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 40-0; House 118-0