

Committee on Children, Families, and Elder Affairs

CS/HB 93 — Homelessness

by Healthy Families Subcommittee and Rep. Reed (CS/SB 402 by Rules Committee and Senator Joyner)

The bill allows individuals obtaining or renewing their motor vehicle registration or driver license to make a voluntary contribution of \$1 to assist the homeless. Specifically, the bill:

- Effective October 1, 2013, authorizes the Department of Highway Safety and Motor Vehicles to collect a voluntary contribution of \$1 in addition to required motor vehicle registration and driver license fees. The funding will go to Department of Children and Family Services to aid the homeless;
- Exempts the Department of Children and Family Services and the State Office on Homelessness from the required \$10,000 fee paid to the Department of Highway Safety and Motor Vehicles to process applications for voluntary contributions associated with motor vehicle registration and driver licenses;
- Replaces the current emergency assistance program that assists homeless families with a newly-created homeless prevention grant program to provide emergency financial assistance to families facing the loss of their current home due to a financial or other crisis. The bill sets goals for the new program and requires the grant recipients to report on the program's performance; and
- Limits the amount a lead agency may spend on administrative costs under a Challenge Grant to 8 percent of the grant amount.

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

Vote: Senate 37-0; House 113-1

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
Committee on Children, Families, and Elder Affairs

CS/SB 142 — Developmental Disabilities

by Criminal Justice Committee; and Senators Altman, Sobel, and Bradley

The bill substitutes the term “intellectual disability” for “mental retardation” throughout the Florida Statutes, thus eliminating terminology that is now considered out-dated and potentially offensive. The bill also substitutes “the Arc of Florida” for “the Association for Retarded Citizens,” where it appears in law, to reflect the correct name of the organization.

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

Vote: Senate 32-0; House 119-0

Committee on Children, Families, and Elder Affairs

CS/HB 215 — Dependent Children

by Healthy Families Subcommittee; Rep. Albritton and others (CS/SB 164 by Children, Families, and Elder Affairs Committee; and Senators Detert, Sobel, and Stargel)

The bill (Chapter 2013-21, L.O.F.) amends the law related to children in foster care to better enable these children to participate in extracurricular, enrichment and other social activities. Currently children in foster care are often not allowed to participate in normal, age appropriate activities such as sports, spending an overnight with friends, and even going to the prom. The bill also facilitates the ability of the caregiver to approve activities for foster children, without fear of civil liability. The bill specifies a standard, the reasonable and prudent parent standard, which governs whether a caregiver may be held liable for harm to a foster child while engaged in activities approved by the caregiver. The bill requires the department to adopt rules to administer the new requirements.

The bill provides and clarifies the standard for a court to use in determining whether to return a child to a parent after the court enters an adjudication of dependency. If the child is living with a parent, in order to approve the return of the child to the other parent, there must be finding of substantial compliance with the case plan and the standard shall be that the safety, well-being, and physical, mental, and emotional health of the child would not be endangered by reunification. Reunification must also be in the best interest of the child.

This clarifies that a child may not be returned to the parent who harmed the child simply on the basis that the risk of present or future harm is removed. Rather, the move must also be in the child's best interest if the child is currently living in the home of a stable, non-abusive parent.

The bill replaces current law which requires caregivers to produce quarterly progress reports on age appropriate activities with inclusion of activities into the agency's judicial social study report provided to the court.

These provisions were approved by the Governor and take effect on July 1, 2013.

Vote: Senate 38-0; House 116-0

Committee on Children, Families, and Elder Affairs

CS/CS/HB 411 — Children’s Initiatives

by Health and Human Services Committee; Health Families Subcommittee; and Rep. Fullwood and others (SB 1322 by Senators Gibson, Bullard, Thompson, Garcia, Braynon, Margolis, and Flores)

Florida children’s initiatives were created to assist disadvantaged areas within the state in creating a community-based service network that develops, coordinates, and provides quality education, accessible health care, youth development programs, opportunities for employment, and safe and affordable housing for children and families living within its boundaries. There are currently three Florida children’s initiatives, the Miami Children’s Initiative, Inc., the New Town Success Zone, and Parramore Kidz Zone. The Miami Children’s Initiative, Inc. is the only initiative codified.

The bill codifies two other existing children’s initiatives:

- The New Town Success Zone in Council District 9 in Duval County – Jacksonville; and
The Parramore Kidz Zone in Orange County – Orlando.

The bill also provides that in order to be consistent with existing law relating to the Miami Children’s Initiative:

- Both initiatives must be managed by a not-for-profit corporation, in accordance with ch. 617, F.S.;
- The corporation is subject to ch. 119, F.S., relating to public records, ch. 286, F.S., relating to public meetings and records, and ch. 287, F.S., relating to procurement of commodities or contractual services;
- The initiatives are not subject to control, supervision, or direction by any department of the state in any manner;
- Both initiatives are designed to encompass an area that is large enough to include all of the necessary components of community life, including, but not limited to, schools, places of worship, recreational facilities, commercial areas, and common space, yet small enough to allow programs and services to reach every member of the neighborhood who is willing to participate in the project; and
- The Department of Children and Families is required to contract with a not-for-profit corporation to implement the provisions of s. 409.147, F.S., on behalf of the Miami Children’s Initiative.

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

Vote: Senate 38-0; House 115-0

Committee on Children, Families, and Elder Affairs

HB 725 — Public Records and Public Meetings Exemptions

by Rep. Harrell (SB 1680 by Senator Altman)

Current law establishes the State Child Abuse Death Review Committee (CADR) and local child abuse death review committees within the Department of Health (DOH). The CADR is tasked with reviewing the facts and circumstances of the deaths of children whose deaths have been investigated by the Department of Children and Families (DCF) and closed with a “verified” finding of child abuse or neglect.

Current law provides a public record exemption for any information that reveals the identity of the surviving siblings, family members, or others living in the home of a deceased child who is the subject of a review and whose information is held by the CADR or a local committee. It also provides that portions of meetings of the CADR or a local committee at which confidential or exempt information is discussed are exempt from public meeting requirements, but must be recorded. A public record exemption protects the release of such recording.

The bill removes the requirement that closed portions of meetings of the CADR or local committees be recorded, as well as the requirement that no portion of a closed meeting be off the record. The bill also removes the requirement that the CADR or local committee maintain the recording of the closed portion of the meeting.

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

Vote: Senate 33-6; House 88-26

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED

Committee on Children, Families, and Elder Affairs

CS/SB 964 — Termination of Parental Rights

by Children, Families, and Elder Affairs Committee and Senator Abruzzo

The bill substantially changes Florida's termination of parental rights standard to include harm done towards the mother of a child, as a result of a sexual battery that resulted in the birth of a child. The bill constitutes an expansion of the grounds for termination of parental rights stated in s. 39.806(1), F.S.

The bill provides that a father's parental rights may be terminated if the court determines by clear and convincing evidence that the child was conceived during an act of sexual battery pursuant to s. 794.001, F.S., or pursuant to a similar law of another jurisdiction. The father does not have to be convicted of sexual battery under the criminal standard of proof of beyond a reasonable doubt in order to have his parental rights terminated. Currently, if the father was convicted of sexual battery, the court could only order a termination of parental rights based on a conviction and lengthy incarceration pursuant to s. 39.806(1)(d), F.S.

The bill presumes that termination of parental rights is in the best interest of the child if the child was conceived as a result of the unlawful sexual battery and provides that a petition for termination of parental rights may be filed at any time. The bill requires the court to accept a guilty plea or conviction of unlawful sexual battery pursuant to s. 794.011, F.S., as conclusive proof that the child was conceived by a violation of criminal law.

If approved by the Governor, these provisions take effect July 1, 2013, and apply to all unlawful acts of sexual battery occurring before, on, or after that date.

Vote: Senate 38-0; House 115-0

Committee on Children, Families, and Elder Affairs

CS/SB 1036 — Independent Living

by Appropriations Committee; Children, Families, and Elder Affairs Committee; and Senators Detert, Gaetz, Abruzzo, Altman, Bean, Benacquisto, Bradley, Brandes, Braynon, Bullard, Clemens, Dean, Diaz de la Portilla, Evers, Flores, Galvano, Garcia, Gardiner, Gibson, Grimsley, Hays, Hukill, Joyner, Latvala, Lee, Legg, Margolis, Montford, Negron, Richter, Ring, Sachs, Simmons, Simpson, Smith, Sobel, Soto, Stargel, Thompson, and Thrasher

This legislation is entitled the “Nancy C. Detert Common Sense and Compassion Independent Living Act.” The bill creates an option for young adults in foster care who have not found permanency before turning 18 years of age to remain in care up to 21 years of age in order to finish high school, earn a GED, pursue postsecondary education, or begin a career. The bill also restructures the current Road-to-Independence Program (RTI), strengthens the role and authority of foster parents and group home parents, and codifies the concept of normalcy for children in care where children can participate in age appropriate childhood activities.

The bill contains the following provisions related to the extension of foster care to 21 years of age:

- Provides that a child who is living in licensed care on his or her 18th birthday and who has not achieved permanency under s. 39.621, F.S., is eligible to remain in licensed care if he or she meets specified criteria;
- Requires a young adult choosing to remain in care beyond 18 years of age to reside in a supervised living environment, approved by the Department of Children and Families (DCF) or a community-based care lead agency (CBC);
- Allows a young adult to leave and reenter care an unlimited number of times before reaching 21 years of age;
- Requires a CBC lead agency to provide regular case management reviews that ensure contact with a case manager at least monthly while a young adult participates in extended foster care and requires the court to review the young adult’s status at least every six months and hold a permanency hearing at least annually; and
- Requires the creation of a transition plan after the 17th birthday of a child in foster care that will be reviewed and updated as necessary until the child leaves care.

The bill provides for the following related to foster parents and normalcy:

- Relieves caseworkers from many responsibilities associated with independent living services for children from 13-17 years of age, transfers those duties to the foster parents and group home parents, and eliminates the need to contract for those services;
- Provides requirements and expectations for foster parents, group home parents, DCF, CBCs and providers;
- Requires adequate training and support for foster parents, inclusion of foster parents in a full and equal respectful partnership with other participants in the child welfare system, and the authority to assist in meeting the goals of the child and the family;

- Codifies the room and board rates for foster parents, provides for an annual cost of living adjustment and a supplemental room and board payment for providing independent living skills to children who are 13 through 17 years of age; and
- Creates the reasonable and prudent parent standard, which governs whether a caregiver may be held liable for harm to a foster child while engaged in activities approved by the caregiver and allows a caregiver to approve activities for foster children, without fear of civil liability.

The bill restructures the current RTI program to accommodate the differing needs of young adults who have either chosen to remain in foster care or who were formerly in care. The bill provides:

- A young adult is eligible to receive financial assistance only while enrolled in a postsecondary educational institution;
- The amount of financial assistance provided for pursuing postsecondary education is dependent upon whether a young adult remains in care and whether he or she continues to live in a licensed foster home, licensed group home, or another supervised living arrangement;
- Flexibility for young adults enrolled in an eligible postsecondary educational institution. “Full-time student” is defined to mean 9 credit hours or the vocational school equivalent and a student may enroll part-time if he or she has a recognized disability or is faced with another challenge or circumstance that would prevent full-time attendance;
- Payment of financial assistance for a young adult who is not in foster care and is attending a postsecondary school, is made to the CBC lead agency in order to secure housing and utilities, with the balance paid directly to the young adult until the lead agency and the young adult determine that the young adult can successfully manage the full amount of the assistance. Payment of financial assistance for a young adult who remains in extended foster care and is attending postsecondary school, is made directly to the foster parent or group home provider;
- An annual eligibility evaluation for renewal of financial assistance is required. A young adult may apply for reinstatement to the program an unlimited number of times if the application is made before the young adult reaches 23 years of age;
- Aftercare services are available to a young adult who has reached 18 years of age but is not yet 23 years of age and is not in foster care or is temporarily not receiving financial assistance under the RTI program. Young adults may receive a variety of aftercare services and temporary financial assistance for necessities, including, but not limited to, education supplies, transportation expenses, security deposits for rent and utilities, furnishings, household goods, and other basic living expenses; and
- Portability of services and support for children and young adults who relocate within the state.

The bill also contains the following provisions:

- Requires collaboration between the DCF and colleges and universities to create and implement an educational support program for young adults who are or have been in the foster care system;

- Provides for the transfer of young adults who are participating in the current RTI program to the new program without a change in the amount of monthly stipend, the payment method or the living arrangement of the young adult; and
- Requires DCF, in collaboration with the Florida Foster and Adoptive Parent Association and the Quality Parenting Initiative, to design and disseminate training for caregivers on the life skills necessary for children in the foster care system.

If approved by the Governor, these provisions take effect January 1, 2014.

Vote: Senate 38-0; House 116-1

Committee on Children, Families, and Elder Affairs

CS/CS/HB 1325 — Victims of Human Trafficking

by Justice Appropriations Subcommittee; Criminal Justice Subcommittee; Rep. Spano and others (CS/CS/CS/SB 1644 by Appropriations Committee; Judiciary Committee; Children, Families, and Elder Affairs Committee and Senator Flores)

The bill authorizes a victim of human trafficking to petition the court for the expunction of a conviction for any offense, except an offense listed in s. 775.084(1)(b)1, F.S., committed while he or she was a victim of human trafficking. The bill specifies that an expunged conviction is deemed to have been vacated due to a substantive defect in the underlying criminal proceedings. The term “victim of human trafficking” is defined.

The bill requires that a petition can only be initiated after the victim has ceased to be a victim of human trafficking or has sought services for victims of human trafficking, subject to reasonable concerns for the safety of the victim, family members of the victim, or other victims of human trafficking that may be jeopardized by the bringing of such petition.

The bill requires the petition to include a sworn statement attesting that the victim is eligible for such expunction to the best of his or her knowledge or belief and does not have another petition to expunge or seal before any other court. Official documentation of the victim’s status as a victim of human trafficking must be provided, if any exists. However, a petition may be granted without official documentation.

The bill requires the court to grant the expunction when there is a preponderance of the evidence. A determination made without official documentation must be made by a showing of clear and convincing evidence. If a court grants an expunction the bill requires:

- The clerk of the court to certify copies of the order to the appropriate state attorney or the statewide prosecutor, the arresting agency, and to any other agency that has received the criminal history record from the court;
- The arresting agency to forward the order to any other agency listed in the court order to which the arresting agency disseminated the criminal history record information to which the order pertains;
- The Florida Department of Law Enforcement to forward the order to expunge to the Federal Bureau of Investigation; and
- Criminal justice agencies with custody of the expunged record, except FDLE, to physically destroy the record.

The bill also allows persons who have had their human trafficking criminal history records expunged to lawfully deny or fail to acknowledge the arrests covered by the expunged record. Such persons will not face perjury charges or otherwise be liable for giving a false statement for failing to acknowledge an expunged criminal record unless they are a candidate for employment with a criminal justice agency or is a defendant in a criminal prosecution. The bill requires persons to acknowledge such arrests when applying for future sealing or expunctions under ss. 943.059, 943.0585, or 943.0583, F.S.

If approved by the Governor, except as otherwise expressly provided in the bill, these provisions take effect January 1, 2014, except that the Department of Law Enforcement or any other criminal justice agency is not required to comply with an order to expunge a criminal history record before March 1, 2014.

Vote: Senate 37-0; House 116-0

Committee on Children, Families, and Elder Affairs

CS/HB 7129 — Residential Services for Children

by Health and Human Services Committee; Healthy Families Subcommittee and Rep. Perry
(CS/SB 1682 by Children, Families, and Elder Affairs Committee and Senator Joyner)

The bill makes changes to residential facilities serving children, child abuse reporting requirements and makes several appropriations. Currently, residential facilities serving children are either licensed by the Department of Children and Families (DCF), registered with the Florida Association of Christian Child Caring Agencies (FACCCA), or registered with DOE as a boarding school.

The bill amends s. 409.175, F. S., to make a number of changes related to boarding schools including:

- Clarifying that boarding schools must receive one accreditation for academic programs and one accreditation for residential programs;
- Clarifying that boarding schools must register with DOE as a school which provides residential service for students;
- Setting a timeframe for applying for accreditation and directing DOE to remove boarding schools who fail to comply with these requirements from their website;
- Requiring boarding schools to report to DCF on progress made towards accreditation; and
- Requiring level 2 background screening of boarding school employees or contractors with direct student contact.

Under s. 409.176, F.S., residential child-caring agencies and family foster homes may not receive a child for continuing full-time care or custody without first registering with a “qualified association.” The only such association is the FACCCA. The bill amends s. 409.176, F.S., related to residential child-caring agencies and family foster homes. Revisions include:

- Adding a timeframe of 24 hours for the “qualified association” to notify DCF when a specified violation occurs which threatens harm to any child or constitutes an emergency requiring immediate action;
- Setting a timeframe of 3 days for the qualified association to notify DCF of facilities who are not licensed or properly registered for residential child care; and
- Granting DCF the authority to fine the qualified association for failure to comply with statutory requirements.

The bill amends s. 39.201, F.S., creating the following two exceptions to the requirement that any person who knows, or has reasonable cause to suspect that a child is abused by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child’s welfare report such knowledge or suspicion to the hotline:

- An officer or employee of a law enforcement agency is not required to provide notice to the hotline when an incident of suspected child abuse by an adult other than a parent, legal custodian or other person responsible for the child’s welfare under investigation by

law enforcement was originally reported to law enforcement by the hotline through electronic transfer; and

- The central abuse hotline is not required to electronically transfer calls and reports to the county sheriff's office if the incident of alleged child abuse by an adult other than a parent, legal custodian or other person responsible for the child's welfare was originally reported to the hotline by the county sheriff's office or another law enforcement agency.

The bill also provides for an appropriation for three programs:

- \$3 million in recurring general revenue for a rural primary care residency program at Sacred Heart Hospital to include family physicians and pediatricians;
- \$250,000 in nonrecurring general revenue to the Department of Health for a Safe Haven for Newborns program; and
- \$200,000 in nonrecurring general revenue to the Department of Health for St. Johns Bosco Clinic.

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

Vote: Senate 39-0; House 110-6