

THE FLORIDA SENATE
2019 SUMMARY OF LEGISLATION PASSED
Committee on Children, Families, and Elder Affairs

CS/SB 124 — Dependent Children

by Judiciary Committee and Senators Bean, Montford, Harrell, and Cruz

The bill addresses the complications that arise when a dependent child or young adult is involved in legal proceedings in multiple courts and jurisdictions.

For example, the courts of the county having jurisdiction over a child's dependency case lose jurisdiction to appoint a guardian for the child if the child is placed in a living arrangement outside of that county. Similarly, the courts of the county having jurisdiction over an incapacitated young adult's dependency case lose jurisdiction to appoint a guardian for the young adult if he or she is placed in a specialized and supportive living arrangement outside of the county. The bill addresses this issue by creating an additional guardianship venue provision that permits venue in the county with jurisdiction of the dependency case.

The bill also addresses issues concerning a dependent child who is involved in juvenile justice proceedings. In addressing these issues, the bill:

- Permits the court, before making a final disposition in juvenile proceedings, to receive and consider any information provided by the Guardian Ad Litem Program and the child's attorney ad litem, if appointed, when the child is also under the jurisdiction of a dependency court;
- Requires the Department of Juvenile Justice to notify the dependency court, the Department of Children and Families, and if appointed, the Guardian Ad Litem Program and the child's attorney ad litem before transferring a dependent child who is in the custody of the Department of Juvenile Justice from one facility or program to another;
- Permits a court, when receiving a quarterly report in juvenile proceedings, to receive and consider any information provided by the Guardian Ad Litem Program or the child's attorney ad litem, if appointed, if the child is under the jurisdiction of a dependency court; and
- Adds the Guardian Ad Litem Program to the group of entities that may serve on a community reentry team that helps a youth transition from a residential commitment facility to adulthood.

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

Vote: Senate 39-0; House 116-0

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2019 SUMMARY OF LEGISLATION PASSED
Committee on Children, Families, and Elder Affairs

CS/SB 184 — Aging Programs

by Appropriations Committee and Senator Book

The bill moves rule making authority for certain programs from the Department of Elder Affairs (DEA) to the Agency for Health Care Administration (AHCA). These programs include hospice care, assisted living facilities, adult family care homes, and adult day care programs. Currently both agencies develop rules, while licensing and inspection is solely performed by the AHCA. The bill makes no substantive changes to the requirements of these programs.

If approved by the Governor, these provisions take effect July 1, 2019.

Vote: Senate 40-0; House 116-0

THE FLORIDA SENATE
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CS/SB 262 — Child Welfare

by Judiciary Committee and Senators Albritton, Harrell, Montford, and Rader

The bill revises the dependency process for abused children removed from their home to facilitate permanency within 1 year. Permanency for a dependent child can be reunification with parents, placement with a permanent guardian, such as a relative, or adoption. State law sets 1 year as a goal to achieve permanency. According to the Department of Children and Families, only 40% of dependent children in Florida reach their permanency goal within 1 year. To shorten the time children spend in dependency, the bill:

- Requires the court to name the Guardian ad Litem in the record;
- Directs caseworkers to provide updated contact information to parents;
- Limits court continuances to less than 60 days each year;
- Requires parents to give updated contact information to the caseworker and the court;
- Makes parents notify the court of any barriers to completing their case plan;
- Obligates case managers to make referrals to needed services for parents within 7 days after the case plan is approved;
- Requires the case plan to include strategies to overcome any barriers that would prevent the parents from completing any tasks;
- Orders the court to clearly inform parents that if they do not complete their case plan within 1 year, the court may terminate their parental rights; and
- Requires the court to provide a written order following a termination of parental rights within 30 days.

If approved by the Governor, these provisions take effect October 1, 2019.

Vote: Senate 39-0; House 112-0

Committee on Children, Families, and Elder Affairs

CS/CS/CS/SB 318 — Public Records/Child Abuse, Abandonment, or Neglect

by Rules Committee; Education Committee; Children, Families, and Elder Affairs Committee; and Senator Montford

The bill expands the public records exemption that protects the name of a reporter of child abuse, abandonment, or neglect to also include other identifying information. Such information would be protected and would only be released to specified persons, officials, and agencies specified in law.

The bill subjects this public record exemption to the Open Government Sunset Review Act, and thus the exemption will be repealed on October 2, 2024, unless it is reviewed and saved from repeal by the Legislature. The bill provides a statement of public necessity as required by the State Constitution that protecting such information of reporters will strengthen mandatory reporting laws by helping ensure that all instances of known or suspected child abuse, abandonment, or neglect are reported to the Department of Children and Families.

If approved by the Governor, these provisions take effect July 1, 2019.

Vote: Senate 38-0; House 112-0

Committee on Children, Families, and Elder Affairs

CS/CS/HB 369 — Substance Abuse Services

by Health and Human Services Committee; Children, Families and Seniors Subcommittee; and Rep. Caruso and others (CS/SB 900 by Children, Families, and Elder Affairs Committee and Senator Harrell)

The bill promotes the use of peer specialists in behavioral health care and revises requirements for recovery residences (also known as “sober homes”). Peer specialists are persons who have recovered from a substance use disorder or mental illness who support a person with a current substance use disorder or mental illness. The bill also codifies existing training and certification requirements for peer specialists.

The bill also modifies requirements for licensed substance abuse service providers offering treatment to individuals living in recovery residences. Specifically, the bill subjects all owners, directors, and chief financial officers of a recovery residence applying for voluntary certification to level II background screening, and creates a new first-degree misdemeanor offense for anyone who knowingly and fraudulently discloses inaccurate information on a licensure application when such fact is material to determining one’s qualifications to be an owner, director, volunteer, or other personnel of a service provider. The bill also provides due process procedures for actions taken by an approved certifying entity on a recovery residence’s certification.

The bill exempts certified recovery residences from landlord/tenant laws in cases where a discharge is deemed necessary to protect the resident at issue, other residents, or staff, provided the recovery residence has an approved discharge policy.

The bill revises background screening requirements for individuals who have been disqualified for employment with substance abuse service providers by adding offenses for which such individuals may seek an exemption from disqualification following a failed background screening.

If approved by the Governor, these provisions take effect July 1, 2019.

Vote: Senate 37-0; House 113-0

Committee on Children, Families, and Elder Affairs

CS/CS/HB 449 — Alzheimer's Disease

by Health and Human Services Committee; Children, Families and Seniors Subcommittee; and Reps. Willhite, Plakon, and others (CS/SB 860 by Appropriations Committee and Senators Stargel and Gibson)

The bill revises the membership of the Alzheimer's Disease Advisory Committee (Committee) and requires the Department of Elder Affairs (DOEA) to collect and report pertinent information on the impact of Alzheimer's disease in Florida. The bill:

- Adds five members to the Committee, increasing the total membership to 15 members;
- Authorizes the Governor to appoint 11 members, and the President of the Senate and the Speaker of the House of Representatives to appoint two members each;
- Adds a first responder, a sitting member of the Senate, a sitting member of the House of Representatives, a citizen appointed by the President of the Senate, and a citizen appointed by the Speaker of the House of Representatives to the Committee;
- Requires the Committee to submit a report annually by September 1st to the Governor and Legislature that includes information and recommendations on Alzheimer's disease policy, state-funded efforts relating to Alzheimer's disease, and updates to the Alzheimer's disease state plan;
- Requires the DOEA to update the Alzheimer's disease state plan triennially beginning on or before November 1, 2020; and
- Establishes a memory disorder clinic at Miami Jewish Health Systems.

If approved by the Governor, these provisions take effect July 1, 2019.

Vote: Senate 40-0; House 114-0

Committee on Children, Families, and Elder Affairs

CS/CS/SB 838 — Public Records/Mental Health Treatment and Services

by Children, Families, and Elder Affairs Committee; Rules Committee; and Senator Powell

The bill creates new exemptions from the public records inspection and access requirements of Art. 1, s. 24(a) of the State Constitution and s. 119.07(1), F.S. The bill makes confidential and exempt pleadings, orders, and personal identifying information on Baker Act proceedings. The information may be disclosed upon request to certain persons involved in the proceedings, certain agencies, or when directed by the court. The Florida Mental Health Act, also known as the Baker Act, allows for voluntary and, under certain circumstances, involuntary, examinations of individuals suspected of having a mental illness and presenting a threat of harm to themselves or others, and establishes procedures for courts, law enforcement, and certain health care practitioners to initiate such examinations and then act in response to the findings.

The bill provides that the exemptions are subject to the Open Government Sunset Review Act, and stand repealed on October 2, 2024, unless reviewed and saved from repeal by the Legislature. The bill also provides a statement of public necessity as required by the State Constitution.

If approved by the Governor, these provisions take effect July 1, 2019.

Vote: Senate 40-0; House 112-0

Committee on Children, Families, and Elder Affairs

CS/HB 1209 — Caregivers for Children in Out-of-Home Care

by Children, Families and Seniors Subcommittee and Rep. Buchanan and others (CS/CS/SB 1432 by Rules Committee; Children, Families, and Elder Affairs Committee; and Senator Baxley)

Current law provides duties for the Department of Children and Families (DCF) and community-based care lead agencies (CBCs) while working with caregivers who provide out-of-home care to dependent children. CS/HB 1209 establishes a goal for DCF to treat foster parents, kinship caregivers, and nonrelative caregivers with dignity, respect, and trust while ensuring the delivery of child welfare services. The bill requires DCF to strive to accomplish these goals to the extent not otherwise prohibited by state or federal law and within current resources. The goals require DCF to provide specified information and supports to foster parents, kinship caregivers, and nonrelative caregivers.

Additionally, CS/HB 1209 creates a dispute resolution process for a caregiver who believes the goals are not being met and such failure is harmful to the child or is inhibiting the caregiver's ability to meet the child's needs.

If approved by the Governor, these provisions take effect July 1, 2019.

Vote: Senate 39-0; House 114-0

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CS/CS/SB 1418 — Mental Health

by Children, Families, and Elder Affairs Committee; Rules Committee; and Senator Powell

The bill implements two recommendations of a Department of Children and Families (DCF) task force on Baker Act cases involving minors. The Florida Mental Health Act, also known as the Baker Act, allows for voluntary and, under certain circumstances, involuntary, examinations of individuals suspected of having a mental illness and presenting a threat of harm to themselves or others, and establishes procedures for courts, law enforcement, and certain health care practitioners to initiate such examinations and then act in response to the findings. The task force found that Florida has seen an increasing trend statewide and in certain counties to initiate involuntary examinations of minors in recent years.

The first recommendation contained in the bill encourages school districts to adopt a standardized suicide assessment tool that school-based mental health professionals would implement prior to initiation of an involuntary examination. The second recommendation increases the number of days, from the next working day to five working days that the receiving facility has to submit forms to DCF. This will allow DCF to capture data on whether the minor was admitted, released, or a petition filed with the court. The bill also increases data gathered on involuntary examinations and requires DCF to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, every two years on its findings and recommendations related to involuntary examinations initiated on minors.

The bill also requires that when a patient communicates a specific threat against an identifiable individual to a mental health service provider, the provider must notify law enforcement of the potential threat. The bill further requires that law enforcement notify the target of the threat presented. The bill provides immunity from civil and criminal liability to service providers acting in good faith when releasing such information.

If approved by the Governor, these provisions take effect July 1, 2019.

Vote: Senate 38-0; House 113-0

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HB 6047 — Florida ABLÉ Program

by Rep. Roach (SB 1300 by Senator Benacquisto)

The bill repeals section 11 of the 2018-2019 budget implementing bill (ch. 2018-10, L.O.F) relating to the Florida Achieving a Better Life Experience (ABLE) program. The Legislature established the ABLE program in 2015 to encourage and assist persons saving for the cost of their disability. Contributions to ABLE accounts are tax exempt and pay for a variety of expenses related to maintaining the health, independence and quality of life for persons with disabilities. Many of the persons in the ABLE program are provided medical care by the Medicaid program. Section 1009.986, F.S. allows the Medicaid program, upon the death of the designated beneficiary, to file a claim with the ABLE program to allow the state to recoup the cost of medical care provided to the designated beneficiary.

Section 10 of the implementing bill prohibits the Medicaid program from filing a claim upon the death of a Medicaid recipient who has assets in an ABLE account during fiscal year 2018-2019. Section 11 removes this prohibition effective July 1, 2019. By repealing section 11, the law that prohibits a claim by Medicaid on an ABLE account will remain in effect beyond fiscal year 2018-2019.

If approved by the Governor, these provisions take effect June 30, 2019.

Vote: Senate 40-0; House 110-0