

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CHILDREN, FAMILIES, AND ELDER AFFAIRS
Senator Storms, Chair
Senator Hill, Vice Chair

MEETING DATE: Tuesday, February 8, 2011
TIME: 8:00 —11:00 a.m.
PLACE: James E. "Jim" King, Jr., Committee Room, 401 Senate Office Building

MEMBERS: Senator Storms, Chair; Senator Hill, Vice Chair; Senators Detert, Hays, and Rich

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Discussion with the Agency for Persons with Disabilities: Human Development Center Group Home		
2	False Reports of Child Abuse in Custody Cases		
3	Presentation by the Department of Revenue: Updates on Child Support Enforcement and Call Centers		
4	Presentation by the Department of Elder Affairs: Overview of Older Americans Act (OAA) Programs, Federal and GR Funded Programs		
5	SB 380 Wise (Identical H 279)	Certification of Child Welfare Personnel; Revises legislative intent. Defines the terms "child welfare certification" and "professional credentialing entity." Requires persons who provide child welfare services to be certified by a professional credentialing entity approved by the Department of Children and Family Services. Provides requirements for department approval. Deletes requirements relating to the establishment of a department training program, including training academies. Revises the use of a department trust fund. Deletes certain rulemaking authority of the department.	
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December 17, 2010

Group home's unorthodox sex policy disquiets mother

By Justin George, Times Staff Writer

A mother was happy to find a facility for her son that kept him out of prison on sex charges. But then she learned about the facility's policies.

Kevin Rouse stood before the judge wearing a patchy beard and a rumpled orange jumpsuit. He was accused of following a young boy into a church bathroom, stuffing paper towels into the boy's mouth and masturbating.

It wasn't the first time Kevin, then in his 30s, had been in trouble. As far back as high school, he had yanked down the pants of a boy, pulled another into a room, and fondled a 7-year-old at a movie theater.

But with an IQ of 60, Kevin couldn't understand the charges against him so he couldn't stand trial.

The judge told Kevin he would stay in jail unless his attorney found him a secure group home.

Rose Rouse looked at her youngest son on that pivotal day in 2003 and saw a little boy in a man's body. She had tried to monitor him by herself for years, but he was more than an aging widow could handle. She knew Kevin, who had a childlike obsession with the Buffalo Bills, wouldn't last in prison.

Someone suggested the Human Development Center. Rose had never heard of this place 138 miles from her house in Palm Bay. It was a government-funded, state-licensed facility for developmentally disabled men. And it had a reputation for working with sex abusers. The judge approved, and the next day Kevin was in a van headed to HDC's isolated campus on Stark Road in Seffner.

The nonprofit's goal was to rehabilitate the men and guide them toward independence. Kevin would learn money management and health skills. He would get all this in a secure home where the public would be safe from him.

Over the next seven years, however, Rose would come to wonder if it was Kevin who needed protection from the program.

Rose learned that her son's shoulder was broken after a struggle with a staff member in a dispute over ice cream. She learned that another client forced himself sexually on Kevin and that the staff urged Kevin to have sex with other men on campus as part of his treatment. When she protested on religious grounds, Rose was made to feel that she was the problem. When she asked to have Kevin placed in another program, the state refused even though other men with similar issues were transferred.

Kevin Rouse's story reveals the difficulties of dealing with a population of men with adult sexual urges and often childlike thinking. The staff of the Human Development Center enacted a bold and unorthodox policy permitting sex between residents, but experts who deal with the developmentally disabled question whether the policy did more harm than good, creating a sexually charged atmosphere that may have encouraged sexual assaults.

Compounding the problem, the state agency that oversees HDC did not object to the policy until a whistle-blower complained to a state legislator. An investigation documented multiple instances of improper sexual activity between residents.

HDC officials say that banning sex is not the answer. It would deny basic rights and simply sweep the issue under the rug, a response they say is all too common when dealing with sex abusers.

But two years later, the state still has not written an official policy concerning sex in group homes. The whistle-blower was fired, and the mentally disabled man at the center of the controversy is stuck in a facility that he - like other men there - is desperate to leave.

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A feeling of hopelessness overwhelmed Rose Rouse the first time she stepped onto the dirt driveway of her son's new home. She saw older men milling around outside three squat concrete block buildings. Thick woods fenced in the rear of the property.

Rose, a plain-spoken woman who had spent her earlier years behind the counters of a Kentucky Fried Chicken and a drugstore, didn't like going inside. The couches were worn through and the fridge was Frankensteined together with bolts. The men ate at a graffiti-carved picnic table. The home smelled of urine and the air conditioner worked sporadically, Rose said.

"They would have fans on to keep cool," Rose said, "and when it was cold, they would have the oven doors open to keep warm."

Rose didn't know that HDC received approximately \$100,000 in Medicaid funding per person annually for most residents. The more services the men needed, the more money HDC received. And 80 percent of the residents were designated "intensive," like Kevin.

Kevin wanted to move out almost as soon as he moved in. He wasn't alone.

Some men stuck forks in their own necks, sliced their wrists, screamed incoherently at 911 dispatchers, threw televisions, swallowed glass, or spread feces on themselves.

One man told a Hillsborough sheriff's deputy in June 2009 that he wanted to kill himself because "there are sexual offenders living there as well and he was abused as a child."

Between 15 and 30 of the 50 residents at the Human Development Center have been accused of sex crimes. Rose knew Kevin wasn't the only one there, but she was appalled by what Kevin told her happened inside the bedrooms where some men lined their shelves with pornographic DVDs.

The men called it "quiet time."

Kevin described it to Rose. Two men would tell a staff member that they wanted to have sex, answer a few questions, receive a few condoms and disappear into a bedroom.

Rose, a devout Catholic, told Kevin that he was not allowed to participate in "quiet time." He assured her that he hadn't and didn't want to.

But soon Rose felt pressure to let Kevin have sex - not from Kevin, but from the staff. The Human Development Center told Rose's attorney that Kevin would benefit. The lawyer urged Rose to consent. She fired him.

In Kevin's 2005 behavioral plan, the HDC staff wrote that they could not evaluate whether Kevin was learning appropriate sexual behavior because his mother wouldn't let him have sex with other campus men - as if that was the only avenue available for him to have sex and the only way staff could monitor his progress.

"Please note that Kevin's guardian has requested that Kevin does not engage in sexual activity with any of his peers,"

the plan says, "so measurement of this skill is only measured through the occasions of Kevin engaging in inappropriate sexual behavior."

It was a stalemate. Rose, who had raised four boys and was used to fighting for Kevin, wouldn't budge. HDC wasn't going to change its policy. Rose didn't know what to do other than pray to Jude, the patron saint of hopeless cases.

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In March 2008, a registered nurse named Eileen Taylor had a shocking conversation about a client at HDC.

Taylor, 46, a registered nurse for 25 years, was the medical case manager of the Tampa Bay region for the state Agency for Persons with Disabilities. Her job was to dispatch nurses to disabled clients.

In this case, she was trying to figure out why a man suffered from rectal bleeding. "Well you know what goes on there . . . ," the man's caseworker said.

Taylor heard that there were sexual offenders at the group home and that the men were allowed to have sex with each other. She worried that mentally impaired men who couldn't legally consent were being victimized by peers with greater physical or mental abilities.

Taylor learned that another case worker, Tina Hammond, could show her behavior plans from HDC that endorsed the sexual activity. When Taylor showed up, however, Hammond was reluctant.

"I need this job. I'm a single parent," Hammond, 42, said. She was already clashing with HDC staff.

"Where are these guys' families?" Taylor asked.

"These guys don't have families. They have no voice," Hammond said. "Except for one."

She told Taylor about Rose Rouse. Rose's litany of complaints led Taylor, who had never set foot in an HDC home, to suggest an undercover visit.

Taylor didn't trust her bosses, who she said had ignored her prior complaints of medical neglect at other group homes, and she was gathering evidence to prove her point.

On a Sunday morning in June 2008, Rose met Taylor at a Seffner truck stop. They rode in Rose's brown Toyota Corolla to the Human Development Center. Taylor signed in using her birth name of Mary, worried someone would recognize her if she used Eileen.

Taylor saw what Rose had complained about: dirty floors, stained carpets, worn couches and a dirty dining table. She jotted it all down on a napkin.

"It was just apathetic neglect," Taylor said recently. "They were just sort of crowded there, and one little, slight woman who couldn't have been more than 20 years old was watching TV, sitting on her butt, and the house wasn't up to any standards. It was small, it was cramped. It was not clean. Everyone was just sort of lounging around. It reminded me of babysitting."

Taylor fed the information directly to a deputy in the Office of the Chief Inspector General in the governor's office, who coordinated whistle-blower investigations. Taylor reported dangerously low staffing and she made sure to mention her concerns about "quiet time."

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There are many reasons why men were having sex with each other on the campus of the Human Development Center, say the caseworkers, staff and residents. Some are gay. Some would prefer women, but lack the ability to cultivate relationships off campus. Some are predatory. But they are all adults, with adult sexual urges.

Kim Church is the professional who developed the Human Development Center's policies about sex. She had worked with patients from a notorious New York institution shut down after decades of abuse and neglect. The stories of those patients pushed Church to become a behavior analyst who would teach the developmentally disabled independence.

She arrived at the Human Development Center in 1989 and over the next 16 years rose to clinical director of an operation with an annual budget of \$5 million. HDC comprised five group homes, two assisted living homes and apartments throughout Hillsborough County and was a rare Tampa Bay area provider that accepted people accused of sex crimes.

Church, 43, believed the developmentally disabled should be educated to make decisions for themselves, in all aspects of their lives, including sex. She subscribed to the 1975 statement from the World Health Organization that sexuality is "a basic need and aspect of being human."

In the mid 1990s, Church came up with a policy that the Human Development Center would not restrict residents' sexual rights but would educate them on how to have safe sex. The center was receiving more men with a history of sexual issues, and Church felt a need for guidelines to protect the men.

State officials never objected to the policy, she said. They had even handed her a box of condoms at a meeting years before.

The nonprofit taught its residents that to have sex their partners needed to be 18 and able to consent. Condoms had to be used. Sex must take place at an appropriate place and time. And, just like the standards in the outside world, "no means no" - at any time.

Church said her staff did not come up with "quiet time"; that was the name the men gave it. There was no "quiet time" room, she said, nor was this time alone meant specifically for sex. It was just "individual time," Church said, for men who had shown they could make responsible decisions and had demonstrated stable behavior.

"It's not our business what's occurring in their room," Church said.

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National experts contacted by the *Times* expressed disbelief at the permissive policy.

David Mank, director of the University of Indiana Institute on Disability and Community, wondered why a group home would allow men alleged to have committed sex crimes to live with other disabled men.

"I wouldn't want to put anybody in a situation where they felt like they were at risk or you could project that someone could be at risk," he said.

Randy Shively, a psychologist and counselor of developmentally disabled offenders who monitors Ohio group homes, said, "I have seen strange situations throughout Ohio, but never one like this.

"Offenders," he said, "typically look for weak links or those who are more passive, or those who they could prey upon."

Frank Caparulo, a certified sex therapist who treats developmentally disabled sex abusers for the state of Connecticut, says group homes can never be sure the mentally impaired have consented to sex even if they are interviewed rigorously beforehand. Allowing men who could be considered sexual predators to have sex with their roommates doesn't teach them appropriate boundaries, Caparulo said, only that sex comes easily.

Other group homes that deal with people as developmentally disabled as Kevin address the issue of their sexuality in a more passive way than HDC.

The Upper Pinellas Association of Retarded Citizens, one of the Tampa Bay area's largest providers of group homes for people with "intensive" behavior issues, refers a client who wants to have sex to a therapist to make sure he knows what he was asking for.

"It hasn't been an issue," said Brian Siracusa, senior residential director. He acknowledges that unlike HDC his agency doesn't handle people accused of sex crimes.

Kim Church's belief was that preventing these men from expressing their sexuality would create frustration that could manifest in unhealthy ways.

But reports about sexual activity inside the Human Development Center appear to justify the concerns of the national experts.

Over a four-year period beginning in 2005, incidents reported at HDC included consensual sex that turned into rape, violent groping of a staff member and a public fondling case where a deputy thought the men involved could not determine right and wrong.

Did HDC's permissive attitude toward "quiet time" lead to these incidents? It's impossible to say.

But in August 2008, Kevin Rouse was involved in an encounter that led one state investigator to suggest a connection between the policy and the sexual behavior.

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On Aug. 16, 2008, Eileen Taylor got a call from Tina Hammond. A staffer had found Kevin Rouse in a bathroom with his pants down, receiving oral sex from another client.

HDC staff viewed it as consensual, not possible abuse, which would have required them to report it to the Department of Children and Families. They took away personal privileges for both men.

Taylor saw it differently. She knew that both men involved had been caught repeatedly in inappropriate sexual encounters and that DCF had ordered that they be kept apart. The other man had threatened Kevin multiple times, stepping on his hand when Kevin picked up pennies, swinging a lunch sack at him when he was trying to clean a table. To Taylor, this new incident reinforced her claims of lax oversight and neglect.

So Taylor called the abuse hot line.

Investigators from DCF talked to both men and chalked it up to inadequate supervision. But law enforcement wasn't notified, and Taylor could see no progress.

In September 2008 she took her concerns to state Sen. Ronda Storms, R-Brandon, who was the chair of the Committee on Children, Families and Elder Affairs and also represented the area where Kevin lived.

"It's like the provider owns the men," Taylor told Storms' senior legislative aide, Audie Canney. "They're encouraging homosexual relationships for containment."

Taylor showed Canney abuse reports of incidents involving Kevin and the other man in the bathroom as well as case notes that described "quiet time" to Canney. She told Storms.

Storms was shocked.

Her office called Jim DeBeaugrine, the head of the Agency for Persons with Disabilities, as well as Department of Children and Families regional director Nick Cox.

DeBeaugrine said he had never heard of "quiet time" until that day even though Taylor had told his agency's inspector general. He ordered HDC to stop the practice. Cox authorized an investigation into the Human Development Center that began Oct. 9, 2008.

Luis Moran, the latest DCF investigator to be assigned the case, interviewed Church. She defended "quiet time" and blamed Rose for interfering with Kevin's treatment. Church told Moran that Kevin was so aggressive that he would be considered a "sex predator" if he were competent.

But Moran didn't think that Kevin was the problem. It was HDC's policy that made him uncomfortable.

He had looked deeper into the bathroom incident between Kevin and the other man, both of whom he wrote lacked the capacity to consent.

Kevin told Moran the other man threatened him physically if he didn't have "quiet time" with him. Kevin told the other man to stop and said he banged on the bathroom wall for help. The other man confirmed Kevin's version of events.

Moran wrote in his report that this man usually threatened Kevin.

"Staff is aware of the threats," he wrote, "and does nothing about it."

The lack of supervision in Kevin's case was troubling, Moran wrote. It also violated Medicaid funding rules because there were not enough staff members watching the men.

DCF regional director Cox visited Church and her staff during the investigation to relay what Moran and other investigators were discovering.

"We expressed a concern about the 'quiet time' practices that they had there. While we understand that consenting adults . . . have certain rights, the idea that they had set aside certain time for persons to be alone and do whatever they pleased was concerning," Cox said. "We were also concerned about a lack of supervision over some very important patients."

Officials for HDC and its overseer, the Agency for Persons with Disabilities, said that "quiet time" was not part of any treatment plan.

Moran took five months to complete his report, concluding that the state needed to review whether the group home should house sex offenders with non-offenders. Later, Moran privately told Eileen Taylor he would have liked to charge HDC with 18 counts of rape, one for every man on the Seffner campus, she said.

It seemed Moran's report would cause sweeping changes.

DeBeaugrine had already promised DCF that his agency would come up with a policy on sexual interaction affecting many of the 35,000 disabled that the Agency for Persons with Disabilities serves.

Rose believed Kevin would be moved to another facility.

Kevin's support coordinator, Tina Hammond, had found another facility near Rose's home, but the Agency for Persons with Disabilities blocked the move because the home wasn't certified to accept intensive cases like Kevin's. Instead, state officials proposed moving Kevin somewhere even farther away from Rose's home.

Rose visited the locked-down facility with her lawyer. She wasn't allowed to see the rooms. Kevin wouldn't be allowed to bring anything except a radio.

"No way do I want Kevin to be in this facility," she told her attorney, who got a judge to block the state's effort to place Kevin there.

Both Rose and Taylor believe the state was retaliating for the investigation. They knew that other men at the Human Development Center - including a man who groped one staffer and threw a brick at another - were moved into other group homes. That man's legal guardian was a top official with the Agency for Persons with Disabilities.

Some, like Kevin, require a judge's consent to be moved. But in Kevin's case, a judge revised Kevin's order in June 2009 to say he just needed an appropriate, supervised but "non-secure" home. The order doesn't specify it has to be HDC.

The state can't comment on Kevin's case or why he can't leave his group home, but Mike Palecki, an attorney for the state, said the Agency for Persons with Disabilities doesn't place sex abusers anywhere without considering the

public risk first. There are 43 "intensive" group homes in the state, but not all accept sex offenders. Two group homes have rejected Kevin in the past year, and the state can't make them accept Kevin.

"We're not heartless people, we're caring people," Palecki said. "There aren't that many options."

Storms launched a two-agency investigation, but nothing changed as a result.

There is "no excuse for APD allowing this type of outrageous behavior to occur," Storms said. "It still seems hard for me to believe that there was no provider anywhere in the state of Florida that was willing to take Kevin."

In some ways, Rose felt she and Kevin were no better off than when Storms' office got involved.

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Eileen Taylor was definitely in a worse position. In the middle of the investigation into "quiet time" she was fired.

The state maintains Taylor wasn't terminated for exposing "quiet time," but could not elaborate. Palecki, attorney for the Agency for Persons with Disabilities, called Taylor a "disgruntled employee who is lashing out at the agency."

The Florida Commission on Human Relations ruled June 16, 2009, that Taylor, a single mother of two, shouldn't have been fired. She was a legitimate whistle-blower, whom the Agency for Persons with Disabilities retaliated against. The commission recommended that the state pay her back for missed salary, clear her personnel record and reinstate her to the same or equivalent position.

Tina Hammond, Kevin's waiver support coordinator, was also fired by her employer, ADEPT Community Services, a state contractor. Hammond sought protection under the state's Whistle Blower Act, but was denied.

"Did Tina do everything right? Absolutely not," her former boss Maryanne Spielman said. "Did she care about the consumer? Absolutely."

Hammond says the state pressured Spielman to fire her.

"We don't take vengeful actions because a waiver support coordinator represented a client against the agency," Palecki said. "That just doesn't happen. We respect them. They're excellent advocates."

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The policy on sexual activity in group homes that the Agency for Persons with Disabilities pledged to tackle has yet to be adopted two years later.

After the state learned of the *Times* investigation into the Human Development Center, state officials convened a task force to draft a policy on sexual activity in state-run group homes. Guidelines for private, state-licensed group homes are being discussed, too.

A draft of one policy would ensure that sexually aggressive residents don't room with anyone else, but it doesn't prohibit sexual activity in group homes unless the disabled are children. Prohibiting adult sex might violate civil rights, Palecki said.

The Human Development Center's revised policy on sexual behavior states it will not promote sexual activity among residents. Condoms will still be available, but only if competent adults ask for them.

Church still believes "quiet time" has value and wants it reinstated. So do the residents, she said.

In August, she brought four men to an interview with the *Times* to talk about "quiet time" and her center. The men declined to disclose their names at Church's urging because some are accused of sex crimes and could be harassed.

One man, who said he is gay, said "quiet time" was his time to express his sexual rights. He wants it back. Another

man of lower intellect said he remembered "quiet time" and recited the center's old guidelines. But he got confused when he was asked whether he thought someone could be victimized during "quiet time."

Whether someone has the capacity to consent to sex is studied case by case, Church said. It's a careful balancing act protecting the men and allowing them their legal and consensual desire to have sex.

The answer, she said, isn't a blanket ban.

"We can't just decide as a society that a group of individuals can't make decisions," she said. "They're not born with a certificate that says they're not competent and not able to make choices for themselves."

Occasionally, she said, they will make a bad choice.

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Every other Sunday, Rose Rouse gets in her car about 6:45 a.m. for the 2 1/2-hour drive to Stark Road. She spends about three hours in Seffner, bringing Kevin's favorite chicken wings with blue cheese dressing from the Wing House.

Some of the stained carpets, soiled box springs, roaches and torn couch cushions that inspectors saw as late as this summer have slowly been replaced by new floors and furniture. A new air conditioner hums outside Kevin's home. But it's not enough to buoy Rose, who leaves each time emotionally drained. The 74-year-old has suffered several mild heart attacks over the past two years, and she worries no one will keep an eye on Kevin when she dies.

Sometimes, Kevin, now 42, asks her why he can't move closer to home.

"They're looking, Kevin."

"Tell them I'm good."

Justin George can be reached at jgeorge@sptimes.com or (813) 226-3368.

ABOUT THIS STORY

This story is based on two years of reporting, hundreds of pages of internal Human Development Center documents, caseworker notes, Agency for Persons with Disabilities inspection reports, Hillsborough County Sheriff's Office records, Florida Department of Law Enforcement records, court records and Department of Children and Families investigatory reports. More than 40 people were interviewed. Incidents described at the group homes are taken from DCF reports, HDC documents and sheriff's reports, as well as interviews with staff, nurses, support coordinators and residents.

St. Petersburg Times



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Department of Revenue
Child Support Enforcement
Program Overview



Lisa Vickers
Executive Director
February 8, 2011

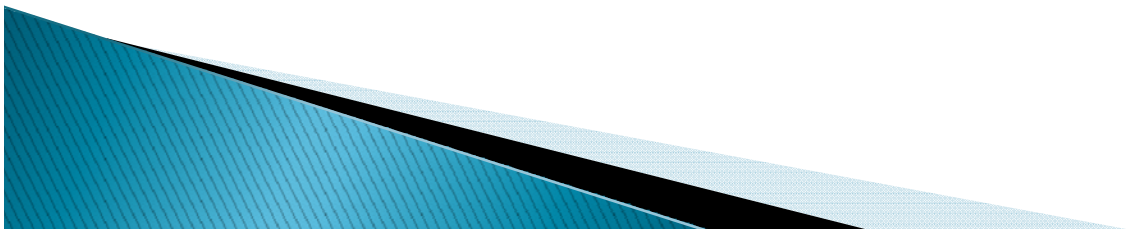
Helping children receive the support they need and deserve

Federally Required Program

- ▶ A federally compliant child support program is a condition of the State receiving the TANF Block Grant (\$622.7 million)

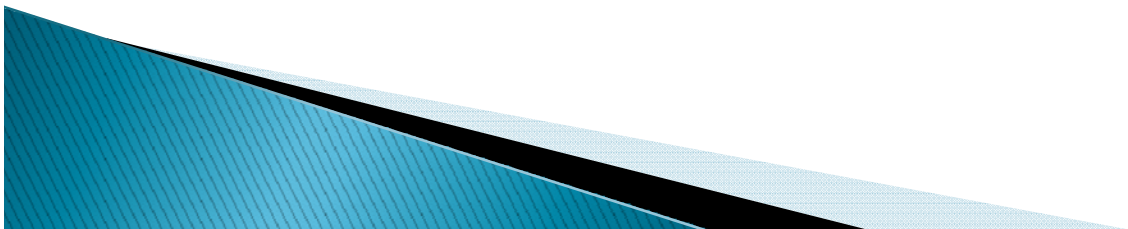
- ▶ **Required Services**

- Paternity establishment
- Support order establishment
- Support order review and modification
- Location of parents, employers, assets
- Payment collection and disbursement
- Order enforcement



Over 860,183 open cases, involving over 1 million children

- ▶ **Families receiving public assistance are required to receive services**
 - Temporary Cash Assistance, Medicaid and Food Stamps
- ▶ **Former public assistance families continue to receive services**
- ▶ **Any family can apply for services**
- ▶ **Other states and countries request services**

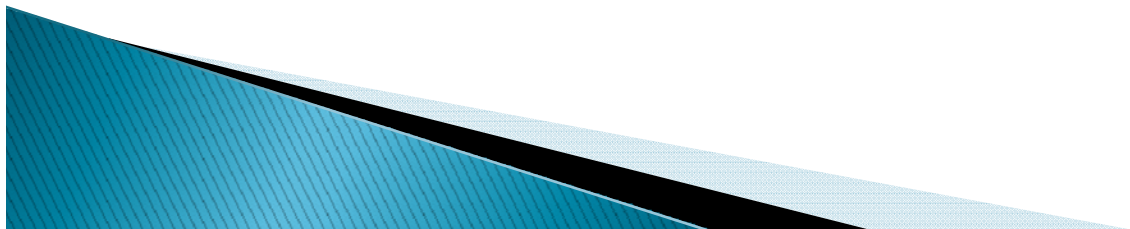
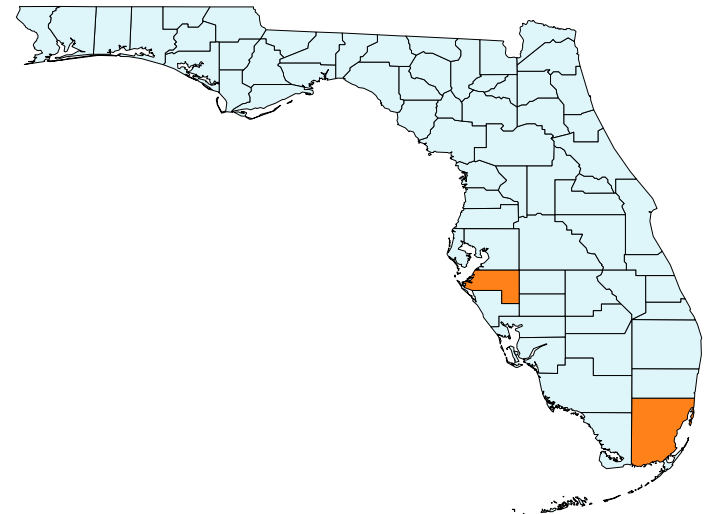


Child Support Cases – Statewide

- ▶ The Department of Revenue does not handle all child support cases in Florida
- ▶ Many child support cases are handled in court with privately hired attorneys or pro se litigants
- ▶ The Department provides services under the federally required program in 65 counties and through contracts in two counties

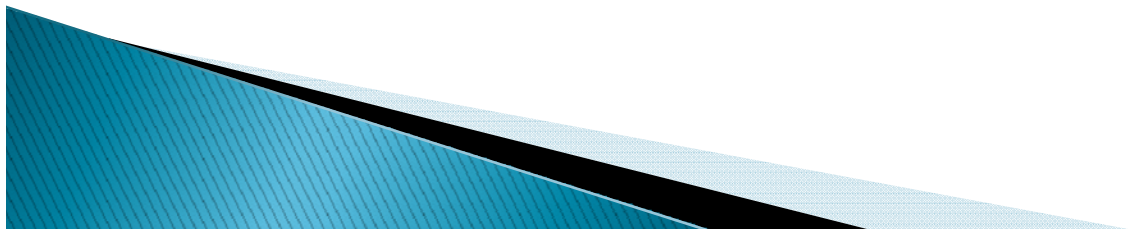
Miami-Dade County cases are handled by the State Attorney's Office

Manatee County cases are handled by the Clerk of Court



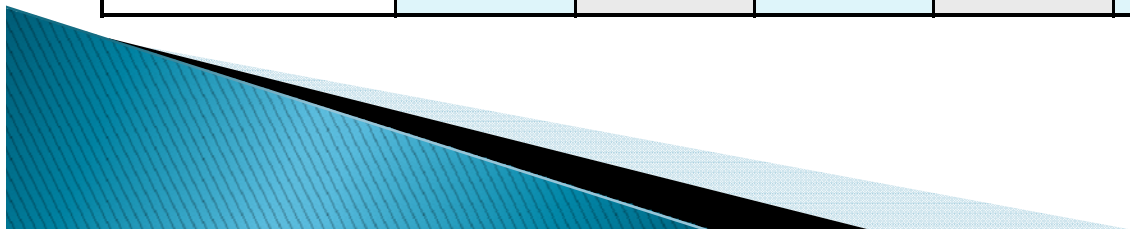
Performance Measures

Measures	Performance					
	FFY 2004-05	FFY 2005-06	FFY 2006-07	FFY 2007-08	FFY 2008-09	FFY 2009-10
Total open IV-D cases	713,796	742,500	766,434	792,069	825,266	860,183
Percent of IV-D cases with an order for support	72.2%	73.8%	74.3%	73.9%	72.9%	73.5%
Number of newly established orders	38,873	36,712	33,452	37,174	41,223	52,240
Total collections received and distributed	\$1,194.5	\$1,249.7	\$1,268.9	\$1,381.0	\$1,409.5	\$1,481.2
Total Unemployment Compensation Collections	\$9.24	\$8.07	\$13.53	\$28.12	\$87.66	\$107.81
Percent of support collected and distributed during the year that was due during the year	72.0%	70.0%	66.3%	68.6%	66.3%	65.9%
Percent of enforced collections			89.0%	90.9%	92.3%	91.8%
Percent of IV-D State Disbursement Unit collections disbursed within 1 business day of receipt	96.4%	95.6%	97.5%	98.2%	98.9%	99.2%



Contact Center Data

	March 2009	June 2009	September 2009	December 2009	March 2010	June 2010	September 2010	December 2010
Calls Received	1,368,850	1,360,236	1,384,522	1,481,923	1,321,478	1,577,378	1,472,156	1,358,466
Agent Answered	173,052	152,395	141,338	156,201	166,569	131,677	139,038	153,733
Self Service	1,007,104	1,008,400	1,042,251	1,138,236	912,796	1,268,541	1,169,005	1,120,034
Total Answered	1,180,156	1,160,795	1,183,589	1,294,437	1,079,363	1,400,218	1,308,043	1,273,767
% Answered	86.22%	85.34%	85.49%	87.35%	81.68%	88.77%	88.85%	93.77%
Total DOR Positions								
Total DOR Positions	158	158	158	158	157	157	157	157
Vacant	25	21	18.5	23.5	27	14	25	6
Filled	133	137	139.5	134.5	130	143	132	151
Separation Rate	60.62%	52.54%	46.77%	49.50%	41.16%	37.68%	32.16%	32.02%



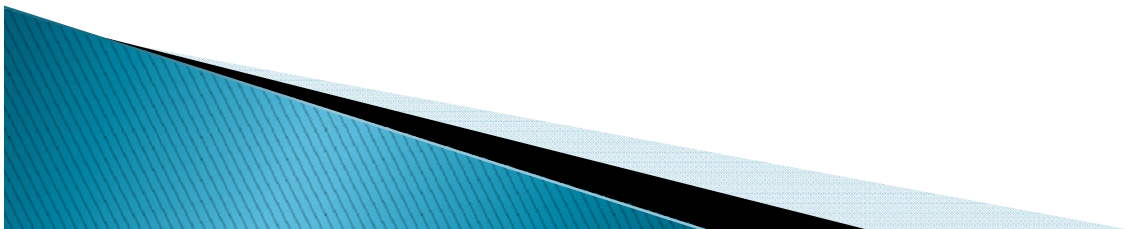
Contact Center Enhancements

▶ Telephony System Upgrade

- Increased capacity
- Enhanced reporting capability
- Enhanced self-service functionality to include educational messages
- Call monitoring, recording and screen capture
- Desktop management for contact center activities, call queue management and agent production
- End of call customer surveys

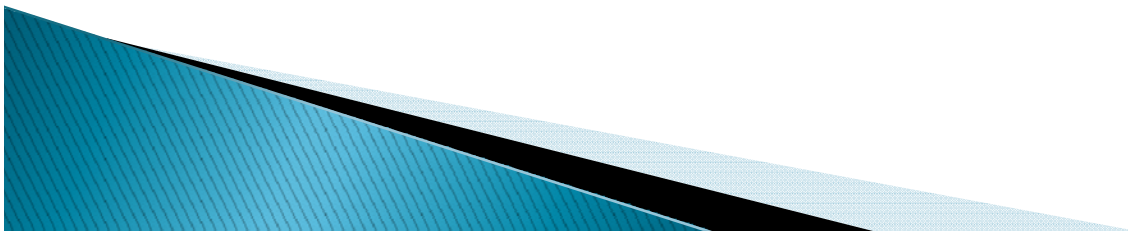
▶ eServices Implementation

- Secure online way for custodial parents to access case information and provide updated personal information
- Over 32,000 active users since August 2010 implementation

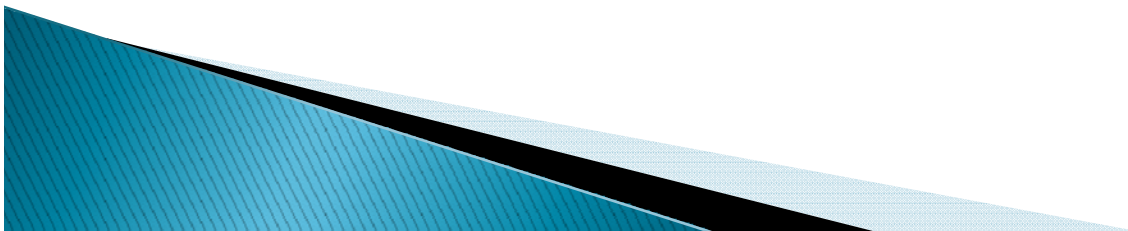


2011 CSE Program Proposals

- ▶ Caregiver Paternity Affidavit
- ▶ Clarification of Driver's License Suspension
- ▶ Depository Role in Title IV-D Cases
- ▶ Requests for Informal Discussion

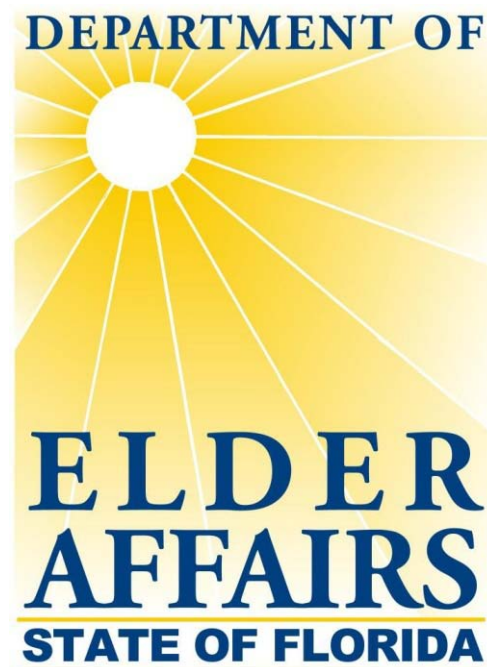


Questions?



Senate Children, Families and Elder Affairs

Overview of Older American's Act , Other Federal and General Revenue Programs
February 8, 2011



Department of Elder Affairs

Quick Facts

- 4.45 million seniors in Florida
- The department serves over 500,000 seniors each year in 16 different programs
- The department's current budget is \$729 Million
- Section 305 of the Older American's Act (OAA) requires the State of Florida to designate a state agency to implement the provisions of the Older American's Act
- Chapter 430, F.S. meets this requirement designating the Department of Elder Affairs as the agency responsible for human services for the elderly

Older American's Act Title III

OAA services: are targeted to elders, family members and caregivers that are affected by any of the following criteria: low income, minority, rural, limited English speaking, or Alzheimer's Disease.

- 2010 Service Allocation is \$75,655,316
- Services Include:
 - Meals - home delivered meals and congregate meals \$41.3 M
 - Supportive Services – In home services, information and referral, transportation, and adult day care \$24M
 - Disease Prevention and Health programs \$1.5 M
 - Family Caregiver Support - caregiver training, counseling, respite and legal assistance for grandparents caring for minor children \$8.8 M

Older Americans Act Allocation

- 60+ Population 35% Weighted Factor
- 60+ Population Below Poverty Level 35% Weighted Factor
- 60+ minority population below 125 poverty level 15% Weighted Factor
- 65+ populations with 2 or more disabilities 15% weighted factor

Older American's Act Title V

Senior Community Service Employment Program \$6.4 Million

- Serves unemployed low income Floridians 55 and older
- Assists with job training, referrals and employment counseling
- Provides participants with work experience in community service assignment.

Other Federal Programs

Adult Care Food Program \$3.7 Million

- The US Department of Agriculture provides funds for adult nutrition \$3.7 Million in adult day care and mental health day treatment centers

Serving Health Insurance Needs of Elders (SHINE) \$2.9 Million

- Trained volunteers help Medicare beneficiaries identify and understand the program and various plans and coverage.

General Revenue Programs

Community Care for the Elderly \$40.4 Million

Services include community-based and in-home services, such as case management, personal care, homemaker, chore, housing improvement, emergency alert response, adult daycare and chore

Home Care for the Elderly \$7.9 Million

Caregivers receive a basic subsidy in the amount of \$106 monthly to assist with costs of caring for the elder. The subsidy can be used for housing, clothing, medical or dental care not already covered by Medicare, Medicaid or other insurance.

Alzheimer's Disease Initiative \$11.8 Million

Services include caregiver support, training, memory screening and respite care

Local Services Program \$7.4 Million

Services include meals, adult day care, and transportation

General Revenue Programs

General Revenue funded services are provided to:

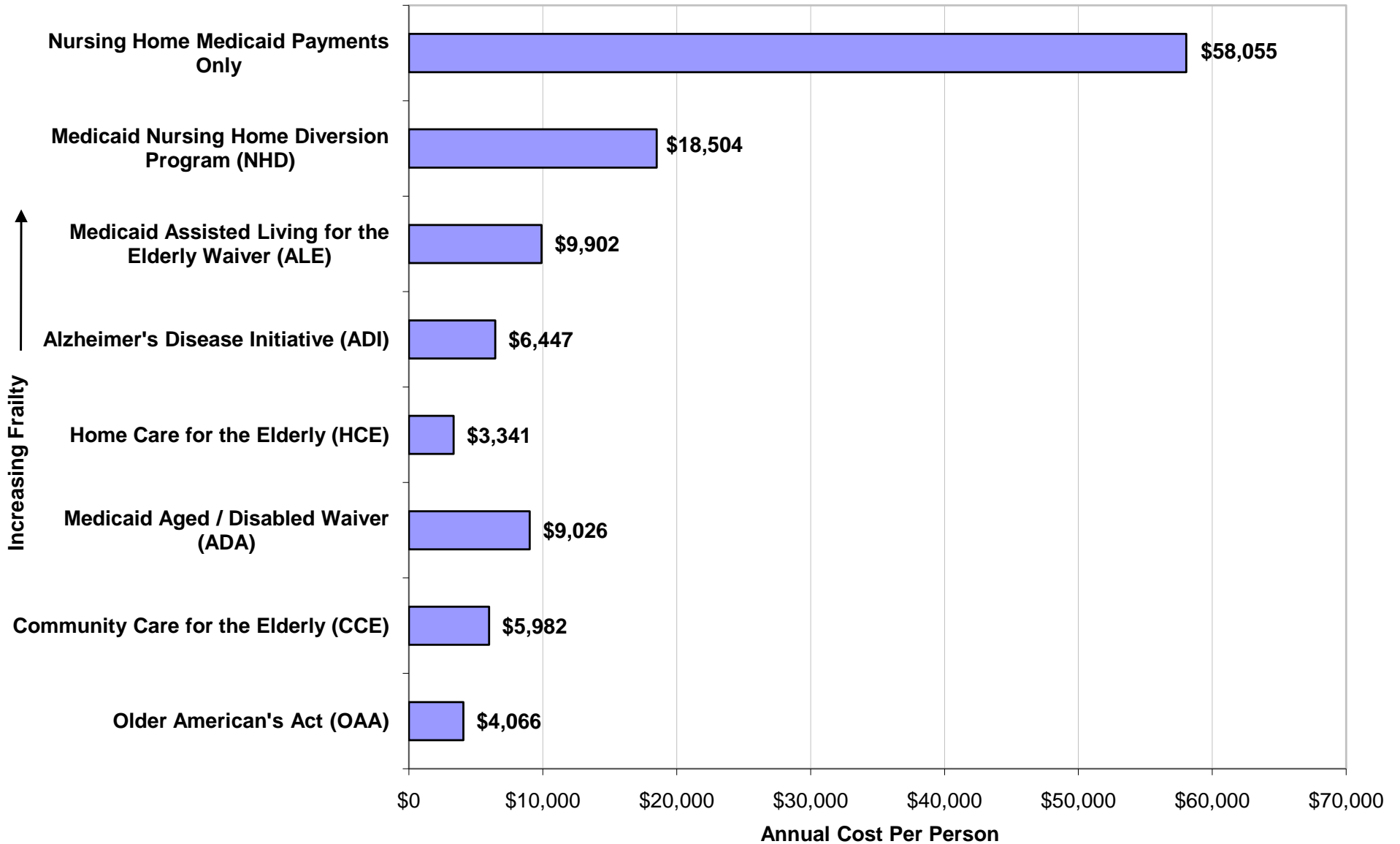
- individuals prioritized through the uniform client assessments
- those at the higher levels of frailty and risk of nursing home placement.

Criteria:

There is no means testing for service eligibility under these programs. HCE participants have income and assets that are comparable to Medicaid. The CCE and ADI programs require co-pay based upon income.

Cost Avoidance of DOEA Programs

Comparison of Annual Cost Per Customer of Programs Serving Florida's Elders
State Fiscal Year 2009-2010



The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Children, Families, and Elder Affairs Committee

BILL: SB 380

INTRODUCER: Senator Wise

SUBJECT: Certification of Child Welfare Personnel

DATE: February 4, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Walsh	CF	Pre-meeting
2.			GO	
3.				
4.				
5.				
6.				

I. Summary:

The bill amends legislative intent by eliminating the training of child welfare personnel by the Department of Children and Family Services (DCF or department) and replacing it with a child welfare certification issued by a professional credentialing entity. The bill creates definitions for the terms "child welfare certification" and "professional credentialing entity," and requires persons who provide child welfare services to be certified by a professional credentialing entity that is approved by the department. The bill also provides requirements for a credentialing entity to secure DCF approval and removes requirements relating to the establishment of the current training program, including training academies. The use of the Child Welfare Training Trust Fund is amended and rulemaking authority of the department is removed. The bill substantially amends s. 402.40 of the Florida Statutes.

II. Present Situation:

Statewide Training

Currently, the department is required to establish, maintain, and oversee a comprehensive system of child welfare training, and all persons providing child welfare services are required to successfully complete the training program pertinent to their areas of responsibility.¹ The department is also authorized to create certification programs for its employees and service providers to ensure that only qualified employees and service providers provide client services.² Core competencies have been established collaboratively by the department with the stakeholder

¹ See s. 402.40, F.S.

² See s. 402.731, F.S.

community and according to the department, community-based care (CBC) agencies and sheriffs' offices can supplement or augment the minimum curriculum standards to meet their local needs.

The department has the authority to develop rules³ that include qualifications for certification, including training and testing requirements, continuing education requirements for ongoing certification, and decertification procedures to be used to determine when an individual no longer meets the qualifications for certification and to implement the decertification of an employee or agent.⁴

The department is also required to establish child welfare training academies to perform one or more of the following: to offer one or more of the developed training curricula; to administer the certification process; to develop, validate, and periodically evaluate additional training curricula determined to be necessary, including advanced training that is specific to a region or contractor, or that meets a particular training need; or to offer any additional training curricula.⁵ The department is required to competitively solicit all training academy contracts.⁶

Department rule defines "certification" as the process whereby an individual must demonstrate the knowledge, skills, abilities and priorities necessary to competently discharge the duties of a Florida child protection professional, as evidenced by the successful completion of all applicable classroom instruction, field training, testing, and job-performance requirements of his or her position classification.⁷ Typically, each individual in a position requiring certification must be certified within one year of the date of hire, or within one year of having successfully completed a post-test or a waiver test, whichever is earlier. Certification is a condition of employment in those positions requiring certification. Absent special circumstances, certification is valid for a period of no longer than three years.⁸

Each type of child protection certification has a different training, testing and certification requirement, all of which are established by the department. Currently, there are 11 types of certification designations for child protection professionals:

- Child Protective Investigator;
- Child Protective Investigations Supervisor;
- Child Protective Investigations Specialist;
- Child Protection Case Manager;

³ See ss. 402.40 and 402.731, F.S. On October 14, 2010, a training and certification rule was adopted to carry out the provisions of ss. 402.40 and 402.731, F.S., and codify policy which has been in existence for the past ten years. The rule applies uniform, minimum, initial and on-going training and certification standards to all DCF, community based care and sheriff's office employees working in child welfare. See 65C-33, FAC.

⁴ See s. 402.731, F.S.

⁵ See s. 402.40, F.S.

⁶ *Id.* The department currently has contracts with the University of South Florida and Florida International University, not only to train and certify child welfare trainers, but also to track and document the certification and recertification of all child welfare staff, and to coordinate all registration for, and participation in, the pre-service training and testing of all newly-hired child welfare staff.

⁷ See Chapter 65C-33.001(3), F.A.C.

⁸ See Chapter 65C-33.002(7), F.A.C.

- Child Protection Case Management Supervisor;
- Child Protection Case Management Specialist;
- Child Protection Licensing Counselor;
- Child Protection Licensing Supervisor;
- Child Protection Licensing Specialist;
- Child Protection Specialized Services Professional; and
- Child Welfare Trainer.⁹

According to the department, during calendar year 2010, DCF initially certified 938 and recertified 1,239 child welfare professionals in the investigative, case management, and licensing specialties. Since there are currently approximately 1,475 child protective investigators (employed either through DCF or sheriff's offices) and 2,200 case managers statewide, more than half of the state's child welfare professionals (2,177 or 59%) who are required to be certified are currently certified. The remaining individuals are in the process of achieving certification, because they are staff who are newly hired or who have not yet met minimum certification requirements.¹⁰

In addition, there are currently 344 child welfare professionals who have met certification requirements to be a Child Welfare Trainer. These staff are employed by community-based care agencies, sheriff's offices, or the department; however, child welfare training may be only one of their job duties. Certified child welfare trainers teach the department-approved standard pre-service curriculum, and the content must be delivered in its entirety to all newly-hired child protective investigative and case management staff statewide.¹¹ The intent of this model is to ensure that all necessary statutory, policy, procedural and best practice information is conveyed to child welfare personnel by qualified child welfare trainers and that minimum competency requirements are consistent statewide.¹²

The department reports¹³ that CBCs and sheriff's offices are allowed to contract for or otherwise arrange for additional training or certifications from local or state providers. Funding is provided to regions, circuits, community-based care agencies and sheriffs offices to deliver the department training curriculum to child welfare staff either internally or through contract; however those entities may add to the content to meet any local training need.

Child Welfare Certificate Offered by Schools of Social Work at State Universities

Schools of social work in many of the state's universities offer a child welfare certificate. The department has developed partnerships with these entities in order to coordinate education and training requirements for those students earning social work degrees who want to work in child welfare. For example, the School of Social Work at Florida State University will allow students who successfully pass the pre-service DCF exam to waive the university required certificate

⁹ See Chapter 65C-33.002(4), F.A.C.

¹⁰ Department of Children and Family Services. Department of Children and Families Staff Analysis and Economic Impact, SB 380, January 25, 2011.

¹¹ See s.402.40, F.S.

¹² *Id.*

¹³ Department of Children and Family Services. Department of Children and Families Staff Analysis and Economic Impact, SB 380, January 25, 2011.

exam. Also current employees of the department and the CBCs may be eligible to exempt the university internship requirement.¹⁴

Federal Requirements for Child Welfare Training

Federal regulations require states to prepare a five-year comprehensive Child and Family Services Plan (CFSP),¹⁵ which lays the groundwork for a system of coordinated, integrated, and culturally relevant family-focused services in state child welfare agencies. The Annual Progress and Services Report (APSR) provides yearly updates on the progress made toward accomplishing the goals and objectives in the CFSP. Completion of the APSR satisfies federal regulations by providing updates on a state's annual progress for the previous fiscal year and planned activities for the upcoming fiscal year.^{16,17}

A state's CFSP must include a staff development and training plan in support of the goals and objectives in the CFSP which addresses both of the title IV-B programs covered by the plan.¹⁸ Training must be an on-going activity and must include content from various disciplines and knowledge bases relevant to child and family services policies, programs and practices.

Training activities in this plan must also be included in the department's Title IV-E training program.¹⁹ These elements are required to receive federal funding. According to the department, failure to obtain approval prior to implementation of any changes to the training requirements could jeopardize those resources.²⁰

Child Welfare Training Trust Fund

The Child Welfare Training Trust Fund was created to fund child welfare training, including securing consultants to develop the training system. The trust fund receives one dollar from certain noncriminal traffic infractions,²¹ receives monies from an additional fee on birth certificates and dissolution of marriage filings,²² and may receive funds from any other public or private source.²³

¹⁴ Florida State University, College of Social Work, Child Welfare Certificate Program. Available at: http://csw.fsu.edu/index.php?clickLink=child_REQ. (Last visited February 3, 2011).

¹⁵ See 45 CFR 1357.15 and 1357.16.

¹⁶ U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau. Available at: http://www.acf.hhs.gov/programs/cb/laws_policies/policy/pi/2008/pi0803.htm#overview. (Last visited: February 2, 2011).

¹⁷ In order to receive funds for FFY 2011, for Child Welfare Services (title IV-B), Child Abuse Prevention and Treatment Act (CAPTA), Chafee Foster Care Independence Program (CFCIP) and Education and Training Vouchers (ETV) programs, the APSR had to be submitted to the Children's Bureau by June 30, 2010.

¹⁸ See 45 CFR. § 1357.15(t).

¹⁹ See 45 CFR 1356.60(b)(2)..

²⁰ Department of Children and Family Services. Department of Children and Families Staff Analysis and Economic Impact, SB 380, January 25, 2011.

²¹ See ss. 318.14(19)(b) and 318.18, F.S.

²² See ss. 382.0255 and 28.101, F.S.

²³ See s. 402.40, F.S.

The Florida Certification Board

The Florida Certification Board (FCB or Board) provides a number of certifications, including those for substance abuse counselors, prevention specialists, criminal justice professionals, mental health professionals, and behavioral health technicians in Florida. The Board does not offer or provide child welfare training.²⁴

While the current training and certification program administered by the department meets the entry-level training and testing needs of CBC providers, the FCB's CBC partners indicated a desire to explore the development of an additional level of certification that is specific to child welfare case managers.²⁵ In response, the board added the Child Welfare Case Manager (CWCM) to its professional certification programs. The CWCM certification is a voluntary designation of professional competency.²⁶ The FCB reports that 193 individuals have an active CWCM certification, and almost all of those individuals are employed by CBCs.

III. Effect of Proposed Changes:

Provisions in the bill eliminate the department's child welfare training program and replace it with a certification from a professional credentialing entity that is to be approved by the department. While the bill substantially amends s. 402.40, F.S., relating to DCF child welfare training, it does not amend s. 402.731, F.S., relating to the authority provided to the department to create certification programs for child welfare employees and service providers. This would appear to create some contradictions relating to the certification of child welfare employees:

- The Board does not offer child welfare training, or child protective investigator training, so it is unclear how individuals working in the field of child welfare and employed by the department, the CBCs and their subcontractors, and the sheriff's offices would receive the training necessary to apply for the board's certification.
- The department reports that the Florida Certification Board is the only "professional credentialing entity" as defined in the bill, and since there are no provisions in the bill for accepting all of the qualifications of individuals currently employed by the department, the CBCs, or the sheriff's offices in lieu of the Board's current qualification requirements, it is unclear what the consequences would be in a number of situations. For example:
 - The board requires a minimum of a bachelor's degree in order to meet the requirements for certification.²⁷ This could subject those individuals with no

²⁴ The Florida Certification Board, Available at: <http://www.flcertificationboard.org/>. (Last visited February 2, 2011).

²⁵ *Id.* The FCB was approached in 2006 by Community Based Care of Seminole, Inc. and Big Bend Community Based Care, Inc. to explore the possibility of creating a Child Welfare Case Manager (CWCM) credential in the state of Florida.

²⁶ *Id.* In order to receive the CWCM, the Board reviews the application portfolio submitted by an applicant, administers the written exam when required, and issues the certification. The department sanctioned training is accepted by the FCB. There is a one time \$150 certification fee, a \$75 exam fee, and a \$125 renewal fee due annually in October. Certified individuals must complete 20 CEUs annually in order to be recertified.

²⁷ The board requires a minimum of a bachelor's degree from an accredited college or university in a related or unrelated field. Related fields are social work, psychology, sociology, human services, counseling, child development, education,

degree that are currently employed to termination from employment and would prevent non-degreed individuals from being hired in the future.

- The board does not offer the variety of certifications that are currently offered by the department, including for child protective investigators. It is unclear how those individuals would obtain the certifications required for employment in their practice areas.
- Eliminating the department training program would appear to have some impact on these partnerships with schools of social work at universities.

The bill also removes the department's rulemaking authority relating to child welfare training and broadens the use of the Child Welfare Training Trust Fund.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The Florida Certification Board charges the individual applicant for the CWCM certification a certification fee, an exam fee if an exam is required, and an annual renewal fee.

The bill does not make any provisions for child welfare staff currently certified through the department to retain that certification. This means all child welfare staff who are required to be certified will have to obtain certification in the first year in order to continue to be employed. The bill does not specify who will assume the cost associated with the certification and renewal certification provided through the newly defined

professional credentialing entity, but it would appear to be either the individual seeking certification or his or her respective employing agency.

C. Government Sector Impact:

While the provisions of the bill will create a fiscal impact on government, the exact amount is unknown. The department has reported the following:²⁸

- Given that the existing third-party credentialing entity does not provide for the certification of child protective investigations staff, it is not known what the initial and ongoing certification costs will be for approximately 1,064 FTEs for Child Protective Investigators and 177 FTEs for Child Protective Investigator Supervisors employed by the department. Using the board fee schedule as an estimate to project Child Protective Investigator certification costs, first-year costs will be approximately:

DCF Child Protective Investigator (CPI)/CPI Supervisor Cost Calculation

First-Year Cost

$$1,241 \times 225 = \$279,225.00$$

$$1,241 \times .25 \times \$225 = \$ 69,806.25$$

TOTAL: \$349,031.25

Since the bill imposes both initial and ongoing certification costs, given the approximate 25% annual turnover rate of child welfare staff statewide, subsequent estimated recurring annual costs to the private sector would be approximately:

Recurring Annual Cost

$$1,241 \times .75 \times \$100 = \$106,800.00$$

$$1,241 \times .25 \times \$225 = \$ 69,806.25$$

TOTAL: \$176,606.25

- The proposed changes would reduce department costs in terms of the annual contracts for the development and maintenance of the pre-service curriculum as well as for the Training Academy; this reduction would be approximately \$1.3 million dollars per year, including 10-12 University of South Florida and Florida International University staff. Additional department training and certification costs may be necessary pending or absent an approved professional credentialing entity. However, since the board doesn't provide training and with the elimination of a single, statewide pre-service curriculum as proposed by the bill,

²⁸ Department of Children and Families Staff Analysis and Economic Impact, SB 380, January 25, 2011.

this savings would likely be offset by the need for other entities to develop or purchase new pre-service curricula and all accompanying materials, thereby resulting in additional costs to be borne by employing case management agencies. At this time this cost cannot be determined.

- Currently the department provides a number of certifications not provided by any third-party entity. It is not known what the costs would be to develop a third-party credential for those child welfare specializations.
- The department has raised the issue of liability that might have to be assumed by a third-party credentialing entity, community based care agency, or sheriff's office as a result of the decentralization of minimum training standards. It is unknown if third-party credentialing entities will be subject to lawsuits due to malpractice of child welfare professionals certified by those entities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.



331020

LEGISLATIVE ACTION

Senate	.	House
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The Committee on Children, Families, and Elder Affairs (Detert) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 402.40, Florida Statutes, is amended to read:

402.40 Child welfare training and certification.—

(1) LEGISLATIVE INTENT.—In order to enable the state to provide a systematic approach to staff development and training for persons providing child welfare services that will meet the needs of such staff in their discharge of duties, it is the intent of the Legislature that the Department of Children and



331020

13 Family Services work in collaboration with the child welfare
14 stakeholder community including department approved third party
15 credentialing entities to ensure that staff have the knowledge,
16 skills, and abilities necessary to competently provide child
17 welfare services establish, maintain, and oversee the operation
18 of child welfare training academies in the state. The
19 Legislature further intends that ~~the staff development and~~
20 certification and training programs that are established will
21 aid in the reduction of poor staff morale and of staff turnover,
22 will positively impact on the quality of decisions made
23 regarding children and families who require assistance from
24 programs providing child welfare services, and will afford
25 better quality care of children who must be removed from their
26 families.

27 (2) DEFINITIONS.—As used in this section, the term:

28 (a) "Child welfare certification" means a professional
29 credential awarded by a department approved third-party
30 credentialing entity, to individuals demonstrating core
31 competency in any child welfare practice area.

32 (b) ~~(a)~~ "Child welfare services" means any intake,
33 protective investigations, preprotective services, protective
34 services, foster care, shelter and group care, and adoption and
35 related services program, including supportive services, and
36 supervision, ~~and legal services~~, provided to children who are
37 alleged to have been abused, abandoned, or neglected, or who are
38 at risk of becoming, are alleged to be, or have been found
39 dependent pursuant to chapter 39.

40 (c) "Core competency" means the minimum knowledge, skills,
41 and abilities necessary to carry out work responsibilities.



331020

42 (d) ~~(b)~~ "Person providing child welfare services" means a
43 person who has a responsibility for supervisory, ~~legal~~, direct
44 care or support related work in the provision of child welfare
45 services pursuant to chapter 39.

46 (e) "Pre-service curriculum" means the minimum statewide
47 training content based upon the core competencies that is to be
48 made available to all persons providing child welfare services.

49 (f) "Third-party credentialing entity" means a department
50 approved nonprofit organization that has met nationally
51 recognized standards for developing and administering
52 professional certification programs.

53 (3) THIRD-PARTY CREDENTIALING ENTITIES.—The department
54 shall approve one or more third-party credentialing entities for
55 the purpose of developing and administering child welfare
56 certification programs for persons who provide child welfare
57 services. A third-party credentialing entity shall request such
58 approval in writing from the department. In order to obtain
59 approval, the third-party credentialing entity must:

60 (a) Establish professional requirements and standards that
61 applicants must achieve in order to obtain a child welfare
62 certification and to maintain such certification;

63 (b) Develop and apply core competencies and examination
64 instruments according to nationally recognized certification and
65 psychometric standards;

66 (c) Maintain a professional code of ethics and a
67 disciplinary process that apply to all persons holding child
68 welfare certification;

69 (d) Maintain a database, accessible to the public, of all
70 persons holding child welfare certification, including any



331020

71 history of ethical violations;

72 (e) Require annual continuing education requirements for
73 persons holding child welfare certification; and

74 (f) Administer a continuing education provider program to
75 ensure only qualified providers offer continuing education
76 opportunities for the certified population.

77 ~~(3) CHILD WELFARE TRAINING PROGRAM. The department shall~~
78 ~~establish a program for training pursuant to the provisions of~~
79 ~~this section, and all persons providing child welfare services~~
80 ~~shall be required to participate in and successfully complete~~
81 ~~the program of training pertinent to their areas of~~
82 ~~responsibility.~~

83 (4) CHILD WELFARE TRAINING TRUST FUND.—

84 (a) There is created within the State Treasury a Child
85 Welfare Training Trust Fund to be used by the Department of
86 Children and Family Services for the purpose of funding the
87 professional development ~~a comprehensive system of child welfare~~
88 ~~training, including the securing of consultants to develop the~~
89 ~~system and the developing of child welfare training academies~~
90 ~~that include the participation~~ of persons providing child
91 welfare services.

92 (b) One dollar from every noncriminal traffic infraction
93 collected pursuant to s. 318.14(10) (b) or s. 318.18 shall be
94 deposited into the Child Welfare Training Trust Fund.

95 (c) In addition to the funds generated by paragraph (b),
96 the trust fund shall receive funds generated from an additional
97 fee on birth certificates and dissolution of marriage filings,
98 as specified in ss. 382.0255 and 28.101, respectively, and may
99 receive funds from any other public or private source.



331020

100 (d) Funds that are not expended by the end of the budget
101 cycle or through a supplemental budget approved by the
102 department shall revert to the trust fund.

103 (5) CORE COMPETENCIES.—

104 (a) The Department of Children and Family Services shall
105 approve ~~establish~~ the core competencies and related pre-service
106 curricula ~~for a single integrated curriculum~~ that ensures that
107 each person delivering child welfare services obtains the
108 knowledge, skills, and abilities to competently carry out his or
109 her work responsibilities. ~~This curriculum may be a compilation~~
110 ~~of different development efforts based on specific subsets of~~
111 ~~core competencies that are integrated for a comprehensive~~
112 ~~curriculum required in the provision of child welfare services~~
113 ~~in this state.~~

114 (b) The identification of these core competencies and
115 development of pre-service curricula shall be a collaborative
116 effort to include professionals with expertise in child welfare
117 services, department approved third-party credentialing
118 entities, and providers that will be affected by the curriculum,
119 to include, but not be limited to, representatives from the
120 community-based care lead agencies, sheriffs' offices conducting
121 child protection investigations, and child welfare legal
122 services providers.

123 (c) ~~Notwithstanding s. 287.057(3) and (21), the department~~
124 ~~shall competitively solicit and contract for the development,~~
125 ~~validation, and periodic evaluation of the training curricula~~
126 ~~for the established single integrated curriculum. No more than~~
127 ~~one training curriculum may be developed for each specific~~
128 ~~subset of the core competencies, Community-based care agencies,~~



331020

129 sheriff's offices, and the department may contract for the
130 delivery of both pre-service and any additional training for
131 persons delivering child welfare services as long as any
132 curriculum satisfies the department approved core competencies.

133 (d) Department approved credentialing entities shall, for a
134 period of no less than 12-months from the implementation of
135 third-party child welfare certification programs, grant
136 reciprocity and award a child welfare certification to
137 individuals who hold current department issued child welfare
138 certification in good standing, at no cost to the state or the
139 certificant.

140 ~~(6) ADVANCED TRAINING.—The Department of Children and~~
141 ~~Family Services shall annually examine the advanced training~~
142 ~~that is needed by persons who deliver child welfare services in~~
143 ~~the state. This examination shall address whether the current~~
144 ~~advanced training provided should be continued and shall include~~
145 ~~the development of plans for incorporating any revisions to the~~
146 ~~advanced training determined necessary. This examination shall~~
147 ~~be conducted in collaboration with professionals with expertise~~
148 ~~in child welfare services and providers that will be affected by~~
149 ~~the curriculum, to include, but not be limited to,~~
150 ~~representatives from the community based care lead agencies,~~
151 ~~sheriffs' offices conducting child protection investigations,~~
152 ~~and child welfare legal services providers.~~

153 ~~(7) CERTIFICATION AND TRAINER QUALIFICATIONS.— The~~
154 ~~department shall, in collaboration with the professionals and~~
155 ~~providers described in subsection (5), develop minimum standards~~
156 ~~for a certification process that ensures that participants have~~
157 ~~successfully attained the knowledge, skills, and abilities~~



331020

158 ~~necessary to competently carry out their work responsibilities~~
159 ~~and shall develop minimum standards for trainer qualifications~~
160 ~~which must be required of training academies in the offering of~~
161 ~~the training curricula. Any person providing child welfare~~
162 ~~services shall be required to master the components of the~~
163 ~~curriculum that are particular to that person's work~~
164 ~~responsibilities.~~

165 ~~(8) ESTABLISHMENT OF TRAINING ACADEMIES.— The department~~
166 ~~shall establish child welfare training academies as part of a~~
167 ~~comprehensive system of child welfare training. In establishing~~
168 ~~a program of training, the department may contract for the~~
169 ~~operation of one or more training academies to perform one or~~
170 ~~more of the following: to offer one or more of the training~~
171 ~~curricula developed under subsection (5); to administer the~~
172 ~~certification process; to develop, validate, and periodically~~
173 ~~evaluate additional training curricula determined to be~~
174 ~~necessary, including advanced training that is specific to a~~
175 ~~region or contractor, or that meets a particular training need;~~
176 ~~or to offer the additional training curricula. The number,~~
177 ~~location, and timeframe for establishment of training academies~~
178 ~~shall be approved by the Secretary of Children and Family~~
179 ~~Services who shall ensure that the goals for the core~~
180 ~~competencies and the single integrated curriculum, the~~
181 ~~certification process, the trainer qualifications, and the~~
182 ~~additional training needs are addressed. Notwithstanding s.~~
183 ~~287.057(3) and (21), the department shall competitively solicit~~
184 ~~all training academy contracts.~~

185 ~~(9) ADOPTION OF RULES.—The Department of Children and~~
186 ~~Family Services shall adopt rules necessary to carry out the~~



331020

187 provisions of this section.

188 Section 2. Subsection (1) of section 402.731, Florida
189 Statutes, is amended to read:

190 402.731 Department of Children and Family Services
191 certification programs for employees and service providers;
192 employment provisions for transition to community-based care.-

193 (1) The Department of Children and Family Services is
194 authorized to ~~create certification programs~~ approve third party
195 credentialing entities as defined in s. 402.40, for its
196 employees and service providers to ensure that only qualified
197 employees and service providers provide client services. ~~The~~
198 ~~department is authorized to develop rules that include~~
199 ~~qualifications for certification, including training and testing~~
200 ~~requirements, continuing education requirements for ongoing~~
201 ~~certification, and decertification procedures to be used to~~
202 ~~determine when an individual no longer meets the qualifications~~
203 ~~for certification and to implement the decertification of an~~
204 ~~employee or agent.~~

205 Section 3. This act shall take effect October 1, 2011.

206
207 ===== T I T L E A M E N D M E N T =====

208 And the title is amended as follows:

209 Delete everything before the enacting clause
210 and insert:

211 A bill to be entitled
212 An act relating to the training and certification of
213 child welfare personnel; amending s. 402.40, F.S.;
214 revising legislative intent; defining the terms "child
215 welfare certification", "core competency", "pre-



331020

216 service curriculum" and "third-party credentialing
217 entity"; providing required criteria for approval of
218 credentialing entities; revising the use of a
219 department trust fund; revising provisions relating to
220 pre-service curricula; requiring persons who provide
221 child welfare services to be certified by a third-
222 party credentialing entity; allowing entities to add
223 to or augment pre-service curriculum; allowing
224 entities to contract for training; requiring persons
225 to master core competencies; providing for recognition
226 for currently certified persons; deleting requirements
227 relating to certification and trainer qualifications;
228 deleting provisions relating to training academies;
229 amending s. 402.731, F.S.; authorizing approval of
230 third party credentialing entities; providing an
231 effective date.



470122

LEGISLATIVE ACTION

Senate

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House

The Committee on Children, Families, and Elder Affairs (Detert) recommended the following:

Senate Amendment to Amendment (331020)

Delete line 18

and insert:

~~of child welfare training academics in the state.~~ It is the intent of the Legislature that each person providing child welfare services in this state earns and maintains a professional certification from a professional credentialing entity that is approved by the Department of Children and Family Services. The