

Tab 1	SB 172 by Passidomo ; (Identical to H 0399) Guardianship					
141566	A	S	L	RCS	CF, Passidomo	btw L.90 - 91: 02/06 05:58 PM

Tab 2	SB 358 by Garcia ; Mental Health and Substance Abuse					
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CHILDREN, FAMILIES, AND ELDER AFFAIRS

Senator Garcia, Chair
Senator Torres, Vice Chair

MEETING DATE: Monday, February 6, 2017

TIME: 4:00—6:00 p.m.

PLACE: James E. "Jim" King, Jr. Committee Room, 401 Senate Office Building

MEMBERS: Senator Garcia, Chair; Senator Torres, Vice Chair; Senators Artiles, Broxson, Campbell, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 172 Passidomo (Identical H 399)	Guardianship; Requiring each examining committee member in a proceeding to determine incapacity to file his or her report with the clerk of the court within a specified timeframe after appointment; eliminating the requirement that a court must first find that a ward's spouse has consented to dissolution of marriage before the court may authorize a guardian to exercise specified rights, etc. CF 02/06/2017 Fav/CS JU RC	Fav/CS Yeas 4 Nays 0
2	SB 358 Garcia	Mental Health and Substance Abuse; Authorizing the Department of Children and Families to approve receiving systems for behavioral health care; deleting an obsolete provision requiring a report by the department and the Agency for Health Care Administration; requiring the department to post certain data on its website; specifying that certain court hearings must be scheduled within 5 court working days unless a continuance is granted, etc. CF 02/06/2017 Favorable AHS AP	Favorable Yeas 4 Nays 0
3	Presentation on Human Trafficking Katherine Fernandez Rundle, State Attorney, 11th Circuit Cate Cantral, Office of Program Policy Analysis and Government Accountability		Discussed
4	Federal Child and Family Services Review JoShonda Guerrier, Assistant Secretary, Department of Children and Families		Discussed

Other Related Meeting Documents

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 Committee on Children, Families, and Elder Affairs

BILL: CS/SB 172

INTRODUCER: Children, Family, and Elder Affairs Committee and Senator Passidomo

SUBJECT: Guardianship

DATE: February 7, 2017 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Crosier	Hendon	CF	Fav/CS
2.			JU	
3.			RC	

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 172 revises certain timeframes for the court to schedule a hearing, creates a process for certain parties to challenge a report filed by an examining committee member, removes the cap on the amount allowed to be paid for a ward’s funeral expenses and allows dissolution of marriage proceedings to be initiated without the consent of the ward’s spouse.

The bill has an effective date of July 1, 2017, and is not expected to have a fiscal impact.

II. Present Situation:

Procedures to determine incapacity

Section 744.331, F.S., provides the process whereby a petition to determine incapacity is filed and provided and read to the alleged incapacitated person.¹ Notice of the filing of a petition to determine incapacity must be served on certain individuals.² The notice must also contain the time and place of the hearing on the petition to determine incapacity, that an attorney has been appointed and, if the person is determine incapable of exercising certain rights, a guardian will be appointed to exercise those rights on his or her behalf.³

¹ Section 744.331(1), F.S.

² *Id.*

³ *Id.*

Within 5 days after a petition to determine incapacity is filed the court appoints a 3 member examining committee.⁴ Each member of the examining committee must examine the person, determine the alleged incapacitated person's ability to exercise certain rights as specified in statute and submit a report within 15 days after appointment.⁵ If two of the three examining committee members conclude that the person is incapacitated then a hearing is scheduled on the petition.⁶ A copy of each examining committee member's report must be served on the petitioner and the attorney for the alleged incapacitated person within 3 days after filing and at least 5 days before a hearing is held on the petition.⁷

When the court appoints the examining committee, the court also sets the adjudicatory hearing on the petition for not more than 14 days after the filing of the examining committee reports, unless good cause is shown.⁸

Filing of annual guardianship report

The court, if it does not require a calendar-year filing, requires the guardian to file annual guardianship plan at least 60 days but no more than 90 days before the last day of the anniversary month that the letters of guardianship were signed. The plan must cover the coming fiscal year. If the court requires a calendar-year guardianship plan be filed, the plan must be filed after September 1 but no later than December 1 of the current year.

Procedures for extraordinary authority

Before the court allows a guardian to exercise extraordinary authority over certain rights of the ward as specified in s. 744.3215(4), F.S., the court must follow certain procedures.⁹ To allow a guardian to initiate a petition for dissolution of marriage for a ward, the court must find that the ward's spouse has consented to the dissolution.¹⁰ Currently, the ward's spouse has the right to absolutely bar the initiation of dissolution of marriage proceedings by either the ward or the ward's guardian.

Powers of the guardian upon court approval.

The guardian must file a petition for the court's authorization to perform certain duties, including but not limited to paying reasonable funeral, interment, and grave marker expenses for the ward from the ward's estate, up to a maximum of \$6,000.¹¹

⁴ Section 744.331(3)(a), F.S.

⁵ Section 744.331(3)(e), F.S.

⁶ Section 744.331(4), F.S.

⁷ Section 744.331(3)(h), F.S.

⁸ Section 744.331(5)(a), F.S.

⁹ Section 744.3725, F.S.

¹⁰ Section 744.3725(6), F.S.

¹¹ Section 744.441(16), F.S.

III. Effect of Proposed Changes:

Section 1 amends s. 744.331(3), F.S., to require the clerk of court to serve the examining committee reports on the petitioner's counsel and the attorney for the alleged incapacitated person within 3 days of receiving the reports. The timeframe within which the examining committee reports must be received by counsel for the petitioner and the attorney for the alleged incapacitated person is increased from 5 days to 10 days. The hearing on the petition may be continued if service of the reports is not timely.

This bill creates s. 744.331(3)(i), F.S., to allow the petitioner and the alleged incapacitated person to object to the introduction into evidence of all or any portion of the examining committee members' reports by filing and serving a written objection on the other party no later than 5 days before the adjudicatory hearing. If no objection is made then the examining committees' reports are admissible into evidence without further proof. Unless provided otherwise by the court, only the alleged incapacitated person and the petitioner are entitled to object to the admissibility of the reports.

This section also provides that the adjudicatory hearing on the petition must be conducted at least 10 days, but no more than 30 days, after the last filed report of the examining committee members.

Section 2 amends s. 744.367(1), F.S., to require a guardian file an annual guardianship plan within 90 days after the last day of the anniversary month that the letters of guardianship were signed unless the court requires a calendar-year filing. If the court requires a calendar-year filing, the guardianship plan must be filed on or before April 1 of each year. The latest guardianship plan filed with the court will remain in effect until the court approves the subsequent plan.

Section 3 amends s. 744.3725, F.S. to remove the prohibition of the court granting the guardian the power to initiate a dissolution of marriage proceeding for a ward without the consent of the ward's spouse. However, initiating a dissolution of marriage proceeding remains an extraordinary remedy requiring the court's approval.

Section 4 amends s. 744.441(16), F.S., to remove the statutory cap of \$6,000 that may be used by the guardian to pay for reasonable funeral, interment, ad grave marker expenses from the ward's estate. The reasonable amount for funeral costs of the ward will be determined by the court on a case by case basis.

Section 5 reenacts s. 744.3215(4), F.S., to incorporate the amendment made by this act to s. 744.3725, F.S.

Section 6 provides an effective date for the bill of July 1, 2017.

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 bill allows the guardians, with court approval, to spend more than \$6,000 on funeral expenses for a ward.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 744.331, 744.367, 744.3725, and 744.441.

The bill also reenacts s. 744.3215, F.S.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Children, Families, and Elder Affairs on February 6, 2017:

The amendment provides clarification that the annual guardianship plan is to be filed with the court within 90 days after the last day of the anniversary month that the letters of guardianship were signed unless the court requires calendar-year filing. If the court requires a calendar-year filing the guardianship plan is to be filed before April 1 of each year. The last annual guardianship plan approved by the court will remain in effect until the court approves the subsequent plan.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



141566

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2017	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Between lines 90 and 91

insert:

Section 2. Subsection (1) of section 744.367, Florida
Statutes, is amended to read:

744.367 Duty to file annual guardianship report.—

(1) Unless the court requires filing on a calendar-year
basis, each guardian of the person shall file with the court an
annual guardianship plan within 90 days after ~~at least 60 days,~~



141566

11 ~~but no more than 90 days, before~~ the last day of the anniversary
12 month that the letters of guardianship were signed, and the plan
13 must cover the coming fiscal year, ending on the last day in
14 such anniversary month. If the court requires calendar-year
15 filing, the guardianship plan ~~for the forthcoming calendar year~~
16 must be filed on or before April 1 of each year. The latest
17 annual guardianship plan approved by the court will remain in
18 effect until the court approves a subsequent plan after
19 ~~September 1 but no later than December 1 of the current year.~~

20
21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 Between lines 22 and 23

24 insert:

25 amending s. 744.367, F.S.; increasing the time that a
26 guardian has to file a required annual guardianship
27 plan with the court if the court does not require
28 filing on a calendar year basis; decreasing the time
29 that a guardian has to file a required annual
30 guardianship plan with the court if the court requires
31 calendar-year filing;

By Senator Passidomo

28-00186B-17

2017172__

A bill to be entitled

An act relating to guardianship; amending s. 744.331, F.S.; requiring each examining committee member in a proceeding to determine incapacity to file his or her report with the clerk of the court within a specified timeframe after appointment; requiring the clerk of the court to serve each report on specified persons within a specified timeframe; requiring the clerk of the court to file a certificate of service of each report in the incapacity proceeding; revising the timeframe before the hearing on the petition within which specified parties must be served with all reports; authorizing the petitioner and the alleged incapacitated person to move for a continuance if service is not timely effectuated and to object to the introduction of all or any part of a report by filing and serving a written objection to admissibility on the other party within a specified timeframe; specifying that the admissibility of the report is governed by the rules of evidence; requiring that the adjudicatory hearing be conducted within a specified timeframe after the filing of the last filed report; amending s. 744.3725, F.S.; eliminating the requirement that a court must first find that a ward's spouse has consented to dissolution of marriage before the court may authorize a guardian to exercise specified rights; amending s. 744.441, F.S.; removing the cap on funeral expenses that may be paid from a ward's estate; reenacting s. 744.3215(4), F.S., relating to the rights of persons determined incapacitated, to incorporate the amendment made to s. 744.3725, F.S., in a reference thereto; providing an

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effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraphs (e) and (h) of subsection (3) and paragraph (a) of subsection (5) of section 744.331, Florida Statutes, are amended, and paragraph (i) is added to subsection (3) of that section, to read:

744.331 Procedures to determine incapacity.-

(3) EXAMINING COMMITTEE.-

(e) Each member of the examining committee shall examine the person. Each examining committee member must determine the alleged incapacitated person's ability to exercise those rights specified in s. 744.3215. In addition to the examination, each examining committee member must have access to, and may consider, previous examinations of the person, including, but not limited to, habilitation plans, school records, and psychological and psychosocial reports voluntarily offered for use by the alleged incapacitated person. Each member of the examining committee must file his or her report with the clerk of the court ~~submit a report~~ within 15 days after appointment.

(h) Within 3 days after receipt of each examining committee member's report, the clerk shall serve the report on the petitioner's counsel and the attorney for the alleged incapacitated person, by electronic mail delivery or U.S. mail, and, upon service, shall file a certificate of service in the incapacity proceeding. The petitioner's counsel and the attorney for the alleged incapacitated person must be served with all reports at least 10 days before the hearing on the petition. If

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 62 such service is not timely effectuated, the petitioner or the
 63 alleged incapacitated person may move for a continuance of the
 64 hearing. A copy of each committee member's report must be served
 65 on the petitioner and on the attorney for the alleged
 66 incapacitated person within 3 days after the report is filed and
 67 at least 5 days before the hearing on the petition.

68 (i) The petitioner and the alleged incapacitated person may
 69 object to the introduction into evidence of all or any portion
 70 of the examining committee members' reports by filing and
 71 -serving a written objection on the other party no later than 5
 72 days before the adjudicatory hearing. The objection must state
 73 the basis upon which the challenge to admissibility is made. If
 74 an objection is timely filed and served, the court shall apply
 75 the rules of evidence in determining the reports' admissibility.
 76 For good cause shown, the court may extend the time to file and
 77 serve the written objection. Only the alleged incapacitated
 78 person and the petitioner are entitled to object to the
 79 admissibility of the reports, unless the court provides
 80 otherwise.

81 (5) ADJUDICATORY HEARING.—

82 (a) Upon appointment of the examining committee, the court
 83 shall set the date upon which the petition will be heard. The
 84 ~~date for the~~ adjudicatory hearing must be conducted at least 10
 85 days, but no more than 30 days, after the filing of the last
 86 filed report of the examining committee members ~~set no more than~~
 87 ~~14 days after the filing of the reports of the examining~~
 88 ~~committee members,~~ unless good cause is shown. The adjudicatory
 89 hearing must be conducted at the time and place specified in the
 90 notice of hearing and in a manner consistent with due process.

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 91 Section 2. Section 744.3725, Florida Statutes, is amended
 92 to read:

93 744.3725 Procedure for extraordinary authority.—Before the
 94 court may grant authority to a guardian to exercise any of the
 95 rights specified in s. 744.3215(4), the court must:

96 (1) Appoint an independent attorney to act on the
 97 incapacitated person's behalf, and the attorney must have the
 98 opportunity to meet with the person and to present evidence and
 99 cross-examine witnesses at any hearing on the petition for
 100 authority to act;

101 (2) Receive as evidence independent medical, psychological,
 102 and social evaluations with respect to the incapacitated person
 103 by competent professionals or appoint its own experts to assist
 104 in the evaluations;

105 (3) Personally meet with the incapacitated person to obtain
 106 its own impression of the person's capacity, so as to afford the
 107 incapacitated person the full opportunity to express his or her
 108 personal views or desires with respect to the judicial
 109 proceeding and issue before the court;

110 (4) Find by clear and convincing evidence that the person
 111 lacks the capacity to make a decision about the issue before the
 112 court and that the incapacitated person's capacity is not likely
 113 to change in the foreseeable future; and

114 (5) Be persuaded by clear and convincing evidence that the
 115 authority being requested is in the best interests of the
 116 incapacitated person. ~~and~~

117 ~~(6) In the case of dissolution of marriage, find that the~~
 118 ~~ward's spouse has consented to the dissolution.~~

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120 The provisions of this section and s. 744.3215(4) are procedural
 121 and do not establish any new or independent right to or
 122 authority over the termination of parental rights, dissolution
 123 of marriage, sterilization, abortion, or the termination of life
 124 support systems.

125 Section 3. Subsection (16) of section 744.441, Florida
 126 Statutes, is amended to read:

127 744.441 Powers of guardian upon court approval.—After
 128 obtaining approval of the court pursuant to a petition for
 129 authorization to act, a plenary guardian of the property, or a
 130 limited guardian of the property within the powers granted by
 131 the order appointing the guardian or an approved annual or
 132 amended guardianship report, may:

133 (16) Pay reasonable funeral, interment, and grave marker
 134 expenses for the ward from the ward's estate, ~~up to a maximum of~~
 135 ~~\$6,000.~~

136 Section 4. For the purpose of incorporating the amendment
 137 made by this act to section 744.3725, Florida Statutes, in a
 138 reference thereto, subsection (4) of section 744.3215, Florida
 139 Statutes, is reenacted to read:

140 744.3215 Rights of persons determined incapacitated.—

141 (4) Without first obtaining specific authority from the
 142 court, as described in s. 744.3725, a guardian may not:

143 (a) Commit the ward to a facility, institution, or licensed
 144 service provider without formal placement proceeding, pursuant
 145 to chapter 393, chapter 394, or chapter 397.

146 (b) Consent on behalf of the ward to the performance on the
 147 ward of any experimental biomedical or behavioral procedure or
 148 to the participation by the ward in any biomedical or behavioral

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149 experiment. The court may permit such performance or
 150 participation only if:

151 1. It is of direct benefit to, and is intended to preserve
 152 the life of or prevent serious impairment to the mental or
 153 physical health of the ward; or

154 2. It is intended to assist the ward to develop or regain
 155 his or her abilities.

156 (c) Initiate a petition for dissolution of marriage for the
 157 ward.

158 (d) Consent on behalf of the ward to termination of the
 159 ward's parental rights.

160 (e) Consent on behalf of the ward to the performance of a
 161 sterilization or abortion procedure on the ward.

162 Section 5. This act shall take effect July 1, 2017.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/6/17

Meeting Date

SB 172

Bill Number (if applicable)

Topic Guardianship

Amendment Barcode (if applicable)

Name Sarah Butters

Job Title attorney

Address 4049 Suddy View Ln

Phone (850) 425-5648

Street

Tallahassee, FL 32311

City

State

Zip

Email Sarah.butters@hklaw.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Real Property Probate + Trust Law of FL. Bar

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/6/2017

Meeting Date

SB 172

Bill Number (if applicable)

Topic Guardianship

Amendment Barcode (if applicable)

Name ^{MS.} Zayne Smith

Job Title ASD

Address 200 W. College Ave.
Street

Phone 850-228-4243

Tally FL 32301
City State Zip

Email zsmith@aarp.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing AARP Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

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 Committee on Children, Families, and Elder Affairs

BILL: SB 358

INTRODUCER: Senator Garcia

SUBJECT: Mental Health and Substance Abuse

DATE: February 6, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Crosier	Hendon	CF	Favorable
2.			AHS	
3.			AP	

I. Summary:

SB 358 authorizes the Department of Children and Families to approve behavioral healthcare receiving systems, designate and monitor receiving and treatment facilities and suspend or withdraw such designation for failure to comply with the law and the department’s adopted rules. This bill revises the reporting requirements to the crisis stabilization unit database by the managing entities. The department is required in this bill to post certain data on its website on a monthly basis.

The court is required to schedule a hearing on a petition for involuntary services for substance use disorder within 5 court working days unless a continuance is granted.

The bill has an effective date of July 1, 2017 and is not expected to have a fiscal impact on the state.

II. Present Situation:

In 2016, the Legislature passed Senate Bill 12 which addressed the fragmentation and inefficiency of the state’s behavioral health services, making it difficult for persons with complex, persistent and co-occurring mental health and substance use disorders to obtain needed services. The legislative intent of SB 12 was, among other things, to create a coordinated system of care in regions or communities with a “No Wrong Door model” delivery system of behavioral health services.

The Department of Children and Families (DCF or department) designates receiving systems and designates and monitors receiving and treatment facilities. A receiving facility is defined as a public or private facility or hospital designated to receive and hold or refer involuntary patients under emergency conditions for mental health or substance abuse evaluation and to provide treatment or transportation to the appropriate service provider. A treatment facility is a state-

owned, state-operated, or state-supported hospital, center, or clinic designated for extended treatment and hospitalization of persons who have a mental illness. The department has the authority to withdraw such designation for a receiving or treatment facility's failure to comply with any rules adopted by the department to administer the designation of such facilities. The department also has the authority to designate receiving systems. A designated receiving system consists of one or more receiving facilities that serves a defined geographical area and is responsible for the assessment and evaluation, both voluntary and involuntary, and treatment or triage of people with a mental health or substance abuse disorder, or co-occurring disorders.

Managing entities are required to collect utilization data from providers of public receiving facilities situated in its geographical service area and all detoxification and addictions receiving facilities under contract with the managing entity. This data is submitted to the managing entity in real time or at least daily. The providers submit admissions and discharges of clients receiving public receiving facility services who qualify as indigent; all admissions and discharges of clients receiving substance abuse services in an addictions receiving facility or detoxification facility who qualify as indigent; and the current active census of total licensed and utilized beds, the number of beds purchased by the department, the number of clients qualifying as indigent who occupy any of those beds, the total number of unoccupied licensed beds, regardless of funding, and the number in excess of licensed capacity. Crisis units licensed for both adult and child use will report as a single unit.

A petition for involuntary services for a substance abuse impaired person shall be filed with the clerk of the court. The court shall immediately determine whether the respondent is represented by counsel or if the appointment of counsel for the respondent is appropriate. The court shall schedule a hearing on the petition within 5 days unless a continuance is granted.

III. Effect of Proposed Changes:

Section 1 amends s. 394.461, F.S., to clarify that the department will approve rather than designate receiving systems. The department will continue to designate receiving and treatment facilities and have the authority to suspend or withdraw a facility's designation for failure to comply with the law and rules adopted to administer the facilities. A facility designated as a public receiving or treatment facility is required to submit its initial report of certain data to the department within 6 months of such designation.

Section 2 amends s. 394.879, F.S., to delete an obsolete provision requiring a report by the department and the Agency for Health Care Administration on the efforts of the department and agency to develop a plan to provide options for a single, consolidated license for a provider that offers multiple types of either mental health services or substance abuse services, or both.

Section 3 amends s. 394.9082, F.S., to remove the requirement that providers of public receiving facilities submit, in real time or at least daily, the number of clients qualifying as indigent occupying total licensed beds purchased by the department in excess of licensed capacity. The crisis stabilization units licensed for both adult and child use will report each unit separately. The bill requires the department to post the data collected from the providers on its website, by facility and update such data monthly.

Section 4 amends s. 397.6955, F.S., to clarify that a petition for involuntary services for a substance abuse impaired person will be scheduled by the court within 5 court working days unless a continuance is granted.

Section 5 provides an effective date of July 1, 2017.

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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 394.461, 394.879, 394.9082, 397.6955.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Garcia

36-00566-17

2017358__

A bill to be entitled

An act relating to mental health and substance abuse; amending s. 394.461, F.S.; authorizing the Department of Children and Families to approve receiving systems for behavioral health care; making technical changes; requiring the department to approve specified facilities as receiving systems under certain circumstances; authorizing the department to adopt rules for the approval and the suspension or withdrawal of approval of receiving systems; amending s. 394.879, F.S.; deleting an obsolete provision requiring a report by the department and the Agency for Health Care Administration; amending s. 394.9082, F.S.; revising the reporting requirements of the acute care services utilization database; requiring the department to post certain data on its website; amending s. 397.6955, F.S.; specifying that certain court hearings must be scheduled within 5 court working days unless a continuance is granted; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 394.461, Florida Statutes, is amended to read:

394.461 Designation of receiving and treatment facilities; and approval of receiving systems.—The department is authorized to designate and monitor receiving facilities, and treatment facilities, ~~and receiving systems~~ and may suspend or withdraw such designation for a facility's failure to comply with this part and rules adopted under this part. The department is authorized to approve receiving systems developed pursuant to s.

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394.4573. Unless designated by the department, facilities may ~~not are not permitted to~~ hold or treat involuntary patients under this part.

(1) RECEIVING FACILITY.—The department may designate any community facility as a receiving facility. Any other facility within the state, including a private facility or a federal facility, may be so designated by the department, provided that such designation is agreed to by the governing body or authority of the facility.

(2) TREATMENT FACILITY.—The department may designate any state-owned, state-operated, or state-supported facility as a state treatment facility. A civil patient may ~~shall~~ not be admitted to a state treatment facility without previously undergoing a transfer evaluation. Before a court hearing for involuntary placement in a state treatment facility, the court shall receive and consider the information documented in the transfer evaluation. Any other facility, including a private facility or a federal facility, may be designated as a treatment facility by the department, provided that such designation is agreed to by the appropriate governing body or authority of the facility.

(3) PRIVATE FACILITIES.—Private facilities designated as receiving and treatment facilities by the department may provide examination and treatment of involuntary patients, as well as voluntary patients, and are subject to all the provisions of this part.

(4) REPORTING REQUIREMENTS.—

(a) A facility designated as a public receiving or treatment facility under this section shall report to the

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62 department on an annual basis the following data, unless these
63 data are currently being submitted to the Agency for Health Care
64 Administration:

- 65 1. Number of licensed beds.
- 66 2. Number of contract days.
- 67 3. Number of admissions by payor class and diagnoses.
- 68 4. Number of bed days by payor class.
- 69 5. Average length of stay by payor class.
- 70 6. Total revenues by payor class.

71 (b) For the purposes of this subsection, "payor class"
72 means Medicare, Medicare HMO, Medicaid, Medicaid HMO, private-
73 pay health insurance, private-pay health maintenance
74 organization, private preferred provider organization, the
75 Department of Children and Families, other government programs,
76 self-pay patients, and charity care.

77 (c) The data required under this subsection shall be
78 submitted to the department no later than 90 days following the
79 end of the facility's fiscal year. A facility designated as a
80 public receiving or treatment facility shall submit its initial
81 report for the 6-month period following such designation ending
82 ~~June 30, 2008~~.

83 (d) The department shall issue an annual report based on
84 the data required pursuant to this subsection. The report must
85 ~~shall~~ include individual facilities' data, as well as statewide
86 totals. The report shall be submitted to the Governor, the
87 President of the Senate, and the Speaker of the House of
88 Representatives.

89 (5) RECEIVING SYSTEM.—The department shall approve
90 ~~designate~~ as a receiving system one or more facilities serving a

Page 3 of 7

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

36-00566-17

2017358__

91 defined geographic area developed pursuant to s. 394.4573 which
92 is responsible for assessment and evaluation, both voluntary and
93 involuntary, and treatment, stabilization, or triage for
94 patients who have a mental illness, a substance use disorder, or
95 co-occurring disorders. Any transportation plans developed
96 pursuant to s. 394.462 must support the operation of the
97 receiving system.

98 (6) RULES.—The department may adopt rules relating to:

99 (a) Procedures and criteria for receiving and evaluating
100 facility applications for designation, which may include onsite
101 facility inspection and evaluation of an applicant's licensing
102 status and performance history, as well as consideration of
103 local service needs.

104 (b) Minimum standards consistent with this part that a
105 facility must meet and maintain in order to be designated as a
106 receiving or treatment facility and procedures for monitoring
107 continued adherence to such standards.

108 (c) Procedures and criteria for designating and approving
109 receiving systems which may include consideration of the
110 adequacy of services provided by facilities within the receiving
111 system to meet the needs of the geographic area using available
112 resources.

113 (d) Procedures for receiving complaints against a
114 designated facility or designated receiving system and for
115 initiating inspections and investigations of facilities or
116 receiving systems alleged to have violated ~~the provisions of~~
117 this part or rules adopted under this part.

118 (e) Procedures and criteria for the suspension or
119 withdrawal of designation as a receiving or treatment facility

Page 4 of 7

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

36-00566-17 2017358__

120 and for the suspension or withdrawal of approval of a ~~or~~
121 receiving system.

122 Section 2. Subsection (6) of section 394.879, Florida
123 Statutes, is amended to read:

124 394.879 Rules; enforcement.—

125 (6) The department and the Agency for Health Care
126 Administration shall develop a plan to provide options for a
127 single, consolidated license for a provider that offers multiple
128 types of either mental health services or substance abuse
129 services, or both, regulated under this chapter and chapter 397,
130 respectively. In the plan, the department and the agency shall
131 identify the statutory revisions necessary to accomplish the
132 consolidation. To the extent possible, the department and the
133 agency shall accomplish such consolidation administratively and
134 by rule. ~~The department and the agency shall submit the plan to~~
135 ~~the Governor, the President of the Senate, and the Speaker of~~
136 ~~the House of Representatives by November 1, 2016.~~

137 Section 3. Paragraph (a) of subsection (10) of section
138 394.9082, Florida Statutes, is republished, paragraph (b) of
139 that subsection is amended, and paragraph (f) is added to that
140 subsection, to read:

141 394.9082 Behavioral health managing entities.—

142 (10) ACUTE CARE SERVICES UTILIZATION DATABASE.—The
143 department shall develop, implement, and maintain standards
144 under which a managing entity shall collect utilization data
145 from all public receiving facilities situated within its
146 geographical service area and all detoxification and addictions
147 receiving facilities under contract with the managing entity. As
148 used in this subsection, the term "public receiving facility"

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149 means an entity that meets the licensure requirements of, and is
150 designated by, the department to operate as a public receiving
151 facility under s. 394.875 and that is operating as a licensed
152 crisis stabilization unit.

153 (a) The department shall develop standards and protocols to
154 be used for data collection, storage, transmittal, and analysis.
155 The standards and protocols shall allow for compatibility of
156 data and data transmittal between public receiving facilities,
157 detoxification facilities, addictions receiving facilities,
158 managing entities, and the department for the implementation,
159 and to meet the requirements, of this subsection.

160 (b) A managing entity shall require providers specified in
161 paragraph (a) to submit data, in real time or at least daily, to
162 the managing entity for:

163 1. All admissions and discharges of clients receiving
164 public receiving facility services who qualify as indigent, as
165 defined in s. 394.4787.

166 2. All admissions and discharges of clients receiving
167 substance abuse services in an addictions receiving facility or
168 detoxification facility pursuant to parts IV and V of chapter
169 397 who qualify as indigent.

170 3. The current active census of total licensed ~~and utilized~~
171 beds, the number of beds purchased by the department, the number
172 of clients qualifying as indigent occupying ~~who occupy any of~~
173 those beds, ~~and~~ the total number of unoccupied licensed beds,
174 regardless of funding, ~~and the number in excess of licensed~~
175 ~~capacity. Crisis units licensed for both adult and child use~~
176 ~~will report as a single unit.~~

177 (f) The department shall post on its website, by facility,

36-00566-17

2017358__

178 the data collected pursuant to this subsection and update such
179 posting monthly.

180 Section 4. Subsection (2) of section 397.6955, Florida
181 Statutes, is amended to read:

182 397.6955 Duties of court upon filing of petition for
183 involuntary services.—

184 (2) The court shall schedule a hearing to be held on the
185 petition within 5 court working days unless a continuance is
186 granted. The court may appoint a magistrate to preside at the
187 hearing.

188 Section 5. This act shall take effect July 1, 2017.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Feb 6, 2017

358

Meeting Date

Bill Number (if applicable)

Topic Mental health

Amendment Barcode (if applicable)

Name Donna Duncan

Job Title Advocacy Committee Volunteer

Address 420 E Park

Phone 850 425-3013

Street

Tallahassee, FL 32301

Email dlduncan2@comcast.net

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Big Bend Mental Health Coalition

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



Child and Family Services Review (CFSR) Round 3 – 2016

JoShonda Guerrier, Assistant Secretary for Child Welfare

Florida Senate Committee on Children, Families, and Elder Affairs
February 6, 2017

Child and Family Services Review

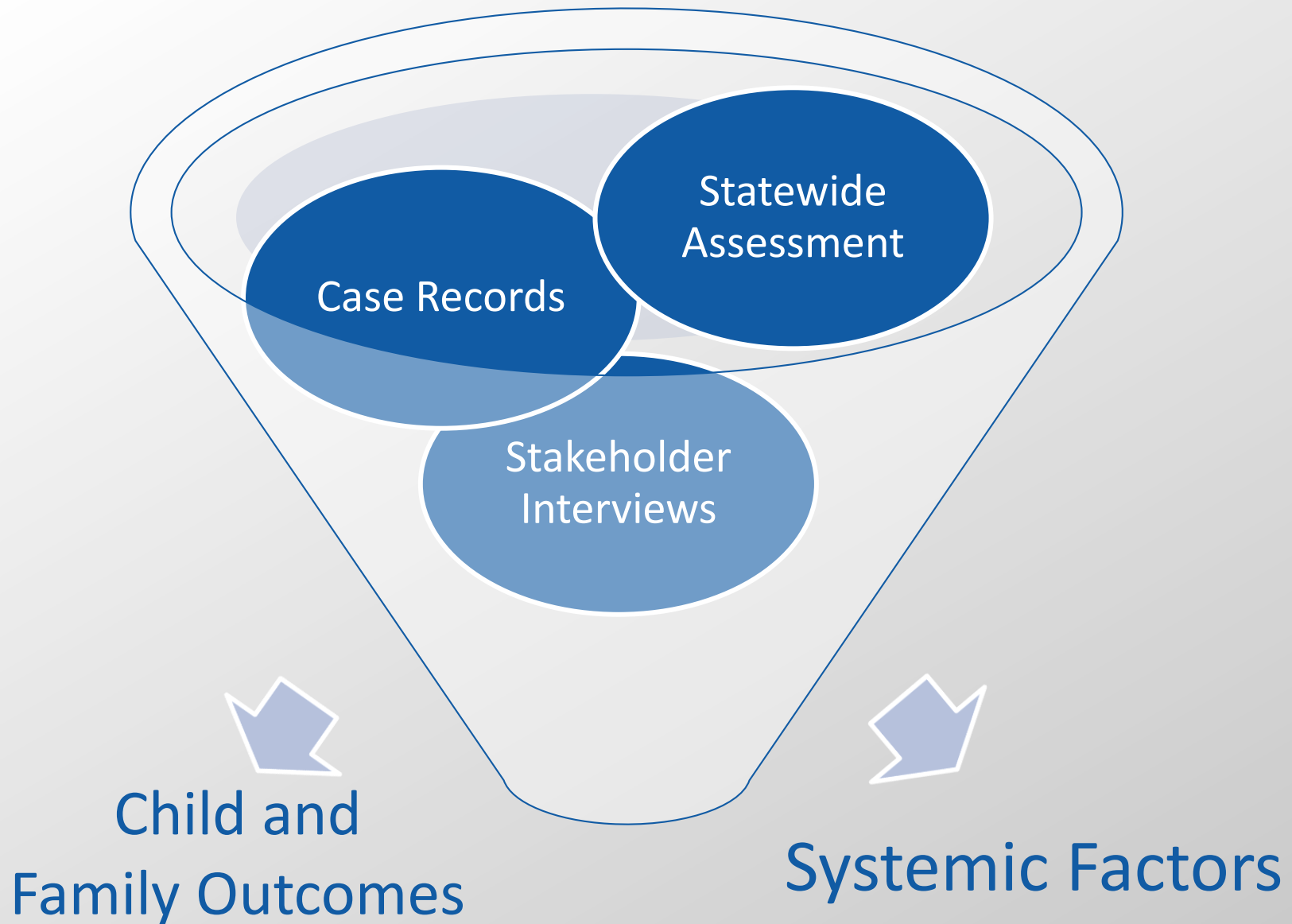
The Child and Family Services Review (CFSR) is a collaborative effort between federal and state governments to:

- Promote continuous quality improvement in child welfare systems nationally.
- Evaluate state performance relative to federal requirements and the state's Child and Family Services Plan (CFSP).
- Identify the strengths and areas needing improvement in state child welfare programs.

States that do not meet standards must develop an action-oriented, 2-year program improvement plan (PIP).



Child and Family Services Review



Florida CFSR History

Round 1 2001

- 50 cases
- Miami-Dade, Sarasota and Santa Rosa counties
- \$2.4 million penalty refunded after appeal

Round 2 2008

- 65 cases
- Miami-Dade, Seminole and Alachua
- \$3.37 million estimated minimum penalty
- Florida met the goals, and the penalty was never imposed.

Round 3 2016

- 80 cases
- Statewide
- Penalties may be assessed pending the level of demonstrated improvement.



CFSR Performance

Child and Family Outcomes

- Safety
- Permanency
- Well-being

Systemic Factors

- Statewide Information System
- Case Review System
- ✓ Quality Assurance System
- ✓ Staff and Provider Training
- Service Array and Resource Development
- ✓ Agency Responsiveness to the Community
- Foster and Adoptive Parent Licensing, Recruitment, and Retention



National Data Indicators

Florida performs better than the national standard on 4 of 7 national data indicators.

- ✓ Permanency in 12 months for children entering foster care
- ✓ Permanency for children in care 12-23 months
- ✓ Permanency for children in care for 24 months or more
- ✓ Re-entry to foster care in 12 months

- Placement stability

- Maltreatment in care

- Recurrence of maltreatment



2016 Florida CFSR

Performance Item or Outcome		State: Outcome and Performance Item Ratings		
		Round One* August 2001	Round Two * January 2008	Round Three April - September 2016
Review Sites and Sample Size		Miami-Dade Sarasota YMCA Santa Rosa N=50	Miami-Dade Seminole Alachua N=60	Statewide N=80
Safety Outcome 1	Children are first and foremost protected from abuse and neglect.	85.7%	70%	91%
Safety Outcome 2	Children are safely maintained in their homes whenever possible and appropriate.	78%	62%	70%
Permanency Outcome 1	Children have permanency and stability in their living situations.	75.9%	34%	49%
Permanency Outcome 2	The continuity of family relationships and connections is preserved for children.	90%	48%	69%



2016 Florida CFSR

Performance Item or Outcome		State: Outcome and Performance Item Ratings		
		Round One* August 2001	Round Two * January 2008	Round Three April - September 2016
Review Sites and Sample Size		Miami-Dade Sarasota YMCA Santa Rosa N=50	Miami-Dade Seminole Alachua N=60	Statewide N=80
Well-Being Outcome 1	Families have enhanced capacity to provide for their children's needs.	62%	25%	40%
Well-Being Outcome 2	Children receive appropriate services to meet their educational needs.	78.90%	83%	92%
Well-Being Outcome 3	Children receive adequate services to meet their physical and mental health needs.	74%	61%	75%



Moving the System Forward

Safety

- Services to families to protect children in the home and prevent removal or re-entry into foster care
- Safety planning and monitoring

Permanency

- Planning toward reunification, guardianship and adoption
- Placement stability

Well-being

- Needs assessment and services to parents
- Caseworker visits
- Physical and mental/behavioral health of the child



FLORIDA DEPARTMENT
OF CHILDREN AND FAMILIES

MYFLFAMILIES.COM

Child and Family Services Review

<http://centerforchildwelfare.org/QualityAssurance/CFSRHome.shtml>

Florida Final Report 2016

[http://centerforchildwelfare.org/qa/CFSRTools/2016 CFSR Final Report.pdf](http://centerforchildwelfare.org/qa/CFSRTools/2016%20CFSR%20Final%20Report.pdf)

Statewide Assessment (March 2016)

<http://centerforchildwelfare.fmhi.usf.edu/QualityAssurance/CFSRHome.shtml>

Child and Family Services Plan 2015-2019

<http://centerforchildwelfare.fmhi.usf.edu/Publications/ChildFamilyServicesPlan.shtml>



Questions?



FLORIDA DEPARTMENT
OF CHILDREN AND FAMILIES

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CHILD AND FAMILY SERVICES REVIEW

Rounds 1, 2 and 3

Performance Item or Outcome		State: Outcome and Performance Item Ratings		
		Round One* August 2001	Round Two * January 2008	Round Three Apr - Sept 2016
Review Sites and Sample Size		Miami-Dade Sarasota YMCA Santa Rosa N=50	Miami-Dade Seminole Alachua N=60	Statewide N=80
Safety Outcome 1	Children are first and foremost protected from abuse and neglect	85.7%	70%	91%
Item 1	Timeliness of initiating investigations of reports of child maltreatment	85.7%	90%	91%
Safety Outcome 2	Children are safely maintained in their homes whenever possible and appropriate.	78%	62%	70%
Item 2	Services to family to protect children in the home and prevent removal or re-entry into foster care.	90.3%	74%	76%
Item 3	Risk and Safety Assessment and Management	78%	65%	71%
Permanency Outcome 1	Children have permanency and stability in their living situations.	75.9%	34%	49%
Item 4	Stability of foster care placements	89.7%	59%	82%
Item 5	Permanency goal for child	58.6%	59%	75%
Item 6	Achieving Reunification, Guardianship, Adoption, or Other Planned Permanent Living Arrangement	50%	70%	67%
Permanency Outcome 2	The continuity of family relationships and connections is preserved for children.	90%	48%	69%
Item 7	Placement with siblings	95.5%	88%	85%
Item 8	Visiting with parents and siblings in foster care	80%	53%	69%
Item 9	Preserving connections	96.2%	78%	82%
Item 10	Relative placement	96.6%	58%	72%
Item 11	Relationship of child in care with parents	87%	28%	60%
Well-Being Outcome 1	Families have enhanced capacity to provide for their children's needs	62%	25%	40%
Item 12	Needs and services of child, parents, and foster parents	72%	28%	51%

CHILD AND FAMILY SERVICES REVIEW
Rounds 1, 2 and 3

Performance Item or Outcome		State: Outcome and Performance Item Ratings		
		Round One* August 2001	Round Two * January 2008	Round Three Apr - Sept 2016
Item 12A	Needs Assessment and Services to Children	[Hatched Area]		88%
Item 12B	Needs Assessment and Services to Parents			55%
Item 12C	Needs Assessment and Services to Foster Parents			80%
Item 13	Child and family involvement in case planning	53.1%	35%	64%
Item 14	Caseworker visits with child	75.5%	80%	73%
Item 15	Caseworker visits with parents	69%	31%	43%
Well-Being Outcome 2	Children receive appropriate services to meet their educational needs	78.90%	83%	92%
Item 16	Educational needs of the child	78.9%	83%	92%
Well-Being Outcome 3	Children receive adequate services to meet their physical and mental health needs	74%	61%	75%
Item 17	Physical health of the child	85.1%	79%	85%
Item 18	Mental/behavioral health of the child	76.3%	67%	72%

Note: Item numbers and descriptions shifted between Round 3 and Rounds 1 & 2 of the CFSR. For example, Item 2, Services to family to protect children in the home and prevent removal or re-entry were assessed under Item 3 in rounds 1 & 2. See crosswalk below.

Crosswalk

Round 3	Rounds 1 & 2	Round 3	Rounds 1 & 2
Item 2	Item 3	Item 11	Item 16
Item 3	Item 4	Item 12	Item 17
Item 4	Item 6	Item 13	Item 18
Item 5	Item 7	Item 14	Item 19
Item 6	Item 8	Item 15	Item 20
Item 7	Item 12	Item 16	Item 21
Item 8	Item 13	Item 17	Item 22
Item 9	Item 14	Item 18	Item 23
Item 10	Item 15		

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)



2/6/17

Meeting Date

Bill Number (if applicable)

Topic Case Review

Name Mike Carroll

Amendment Barcode (if applicable)

Job Title Secretary - DCF

Address 1317 Winewood Blvd.

Phone 850-488-4910

Street

Tallahassee FL 32399

City

State

Zip

Email mike.carroll@myFLfamilies.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Department of Children and Families

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/6/17

Meeting Date

Bill Number (if applicable)

Topic Human Trafficking

Amendment Barcode (if applicable)

Name Cate Cantral

Job Title Legislative Policy Analyst (OPPAGA)

Address 111 W Madison St

Phone 717-0541

Street

Tallahassee

FL

32399

Email cantral.cate@oppaga.fl.gov

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing OPPAGA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____ Bill Number (if applicable) _____
Topic HUMAN TRAFFICKING Amendment Barcode (if applicable) _____
Name ESTHER JACOBO
Job Title CHIEF ASST MIAMI DADE SAO
Address 1350 NW 12 AVE Phone _____
Street
MIAMI FL. 32344 Email _____
City State Zip

Speaking: For Against Information
Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing STATE ATTORNEY'S OFFICE 11th CIRCUIT

Appearing at request of Chair: Yes No
Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on Finance and Tax, *Chair*
Appropriations Subcommittee on Health and Human Services, *Vice Chair*
Appropriations
Children, Families, and Elder Affairs
Communications, Energy, and Public Utilities
Military and Veterans Affairs, Space, and Domestic Security

SENATOR KELLI STARGEL

Deputy Majority Leader
22nd District

February 4, 2017

Chair Garcia
Senate Office

Dear Chair Garcia:

I am requesting to be excused from attending the February 6th committee for Children, Families and Elder Affairs. I will be attending a funeral in the district, which is scheduled for Monday.

Sincerely,

A handwritten signature in black ink that reads "Kelli Stargel".

Senator Kelli Stargel
District 22

Cc: Claude Hendon / Staff Director
Nikki Lowery / AA
Allie Mattice / MO analyst

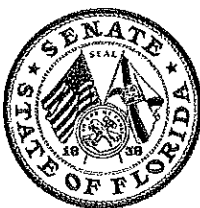
REPLY TO:

- 2033 East Edgewood Drive, Suite 1, Lakeland, Florida 33803 (863) 668-3028
- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5022

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on Finance and Tax
Appropriations Subcommittee on General Government
Children, Families, and Elder Affairs
Communications, Energy, and Public Utilities
Community Affairs

JOINT COMMITTEE:
Joint Administrative Procedures Committee

SENATOR DAPHNE CAMPBELL

38th District

February 6, 2017

Senator Rene Garcia, Chair
Committee on Children, Families, and Elder Affairs
Room 310 Senate Office Building
404 South Monroe Street
Tallahassee, Florida 32399-1100

Dear Chairman Garcia:

This letter is to request that I be excused from the Children, Families and Elder Affairs Committee meeting scheduled to meet on Monday, February 6, 2017. I was invited by President-elect, Jovenel Moïse of the Republic of Haiti to attend his Inauguration events this week.

Your consideration of this request would be very much appreciated.

Sincerely,


Senator Daphne Campbell, District 38

cc: Claude Hendon, Staff Director ✓

REPLY TO:

□ 218 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5038

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

CourtSmart Tag Report

Room: LL 37

Case No.:

Type:


Caption: Senate Criminal Justice Committee

Judge:

Started: 2/6/2017 4:03:34 PM

Ends: 2/6/2017 5:18:14 PM Length: 01:14:41

4:03:33 PM Meeting called to order ✓
4:03:45 PM Roll call ✓
4:04:02 PM Tab 1 SB 172
4:04:15 PM Sen. Passidomo explains SB 172
4:05:39 PM Chair Torres calls for questions
4:06:40 PM Donna Duncan, advocacy committee volunteer speaks in favor of the bill
4:07:01 PM Vice Chair Torres calls for questions and debate
4:07:51 PM Tab 2 SB 358
4:08:15 PM Sen Garcia explains the bill
4:08:29 PM Roll Call SB 358
4:08:56 PM SB 358 recorded favorably
4:09:07 PM Mike Carroll, Secretary DCF, provides information on specific case
4:09:26 PM Carroll speaks
4:14:00 PM Carroll speaks
4:19:05 PM Carroll speaks
4:21:27 PM Carroll speaks
4:23:10 PM Carroll Speaks
4:25:44 PM Joshunda Guerrier presentation on CSFR
4:26:46 PM Guerrier presentation
4:28:21 PM Guerrier presentation
4:31:20 PM Speaker Jashunda Gurrier
4:36:42 PM Chair calls for questions
4:40:01 PM V.C. Torres has questions
~~4:40:01 PM Speaker Esther Jacobo from State Attorney's Office~~
4:40:26 PM Guerrier explains
4:40:56 PM discussion between Torres and Guerrier
4:42:56 PM Chair Garcia question
4:44:07 PM Guerrier explains
4:44:37 PM Esther Jacobo, Chief Asst. State Atty. 11th District, presentation on human trafficking
4:46:56 PM Jacobo's presentation
4:50:06 PM Speakers waive in support
4:53:48 PM Chair Garcia question
4:54:10 PM Chair Garcia question
4:55:10 PM Speaker
5:00:14 PM Discussion
5:03:08 PM Sen. Artilles question
5:03:31 PM Speaker
5:03:56 PM Speaker
5:04:15 PM Speaker
5:05:04 PM Speaker
5:05:16 PM Speaker
5:05:46 PM Vice Chair Torres question
5:10:03 PM Jacobo responds
5:11:17 PM Chair Garcia
5:11:44 PM Cate Cantral, Legislative Analyst, human trafficking presentation
5:11:52 PM Cantral's Presentation on Human Trafficking
5:12:53 PM Vice Chair Torres questions
5:14:28 PM Discussion
5:15:27 PM
5:17:25 PM
~~5:17:25 PM~~
5:18:00 PM Meeting is moved to adjourn ✓



Placement Challenges Persist for Child Victims of Commercial Sexual Exploitation; Questions Regarding Effective Interventions and Outcomes Remain

A Presentation to the
Senate Committee on Children, Families, and Elder Affairs

Cate Cantral
Legislative Policy Analyst

February 6, 2017

Background

- ▶ Federal and Florida law criminalize human trafficking of adults and children
 - Labor trafficking
 - Sex trafficking
- ▶ Commercial sexual exploitation (CSE): *any commercial sex act induced by force, fraud, or coercion, or in which the person induced to perform such act is a minor*

Commercial Sexual Exploitation

► Florida law

- Defines CSE as child abuse and creates specialized placements (Florida Safe Harbor Act of 2012)
- Provides for the establishment of instruments to identify and serve CSE victims (Chapter 2014-161, *Laws of Florida*). The 2014 law also
 - Provides for training DCF and DJJ employees who work with CSE victims
 - Authorizes safe foster homes and creates a certification program for safe houses and safe foster homes
 - Creates statewide council on human trafficking
- Protects children from being prosecuted for prostitution (Ch. 2016-24, *Laws of Florida*)

Eight Providers Accounted for 74% of Expenditures for CSE Children's Services

Provider	Total Payment Amount	Percent of Total Payments Statewide	Total CSE Children Served	Daily Rate
Residential Treatment Providers				
1	\$1,303,703	33%	26	\$432
2	695,252	17%	90	\$138
3	114,284	3%	4	\$223-\$250
Safe House Providers				
1	226,825	6%	17	\$300-\$325
2	224,755	6%	5	\$225-\$245
3	114,367	3%	13	\$308
4	102,837	3%	12	\$240-\$300
Group Care Provider				
1	166,050	4%	3	\$248-\$283
Total	\$2,948,073	74%	170	Average Daily Rate=\$271

Source: OPPAGA analysis of Department of Children and Families data.

OPPAGA Study

- ▶ Chapter 2014-161, *Laws of Florida*, also directs OPPAGA to conduct an annual study on CSE of children in Florida
- ▶ First report covered the period July 2013 through December 2014
- ▶ Second report covers Calendar Year 2015 and addresses
 - Prevalence of CSE of children
 - Specialized placements and services
 - Outcomes and treatment effectiveness

Identification of Victims

Victims of Human Trafficking Are Difficult to Identify

- ▶ Difficult to obtain an accurate count of victims
 - Often physically and/or psychologically controlled by traffickers
 - Difficult to locate due to a high rate of runaway episodes
 - Rarely disclose or provide information on exploitation
- ▶ All reports of CSE go through DCF's abuse hotline

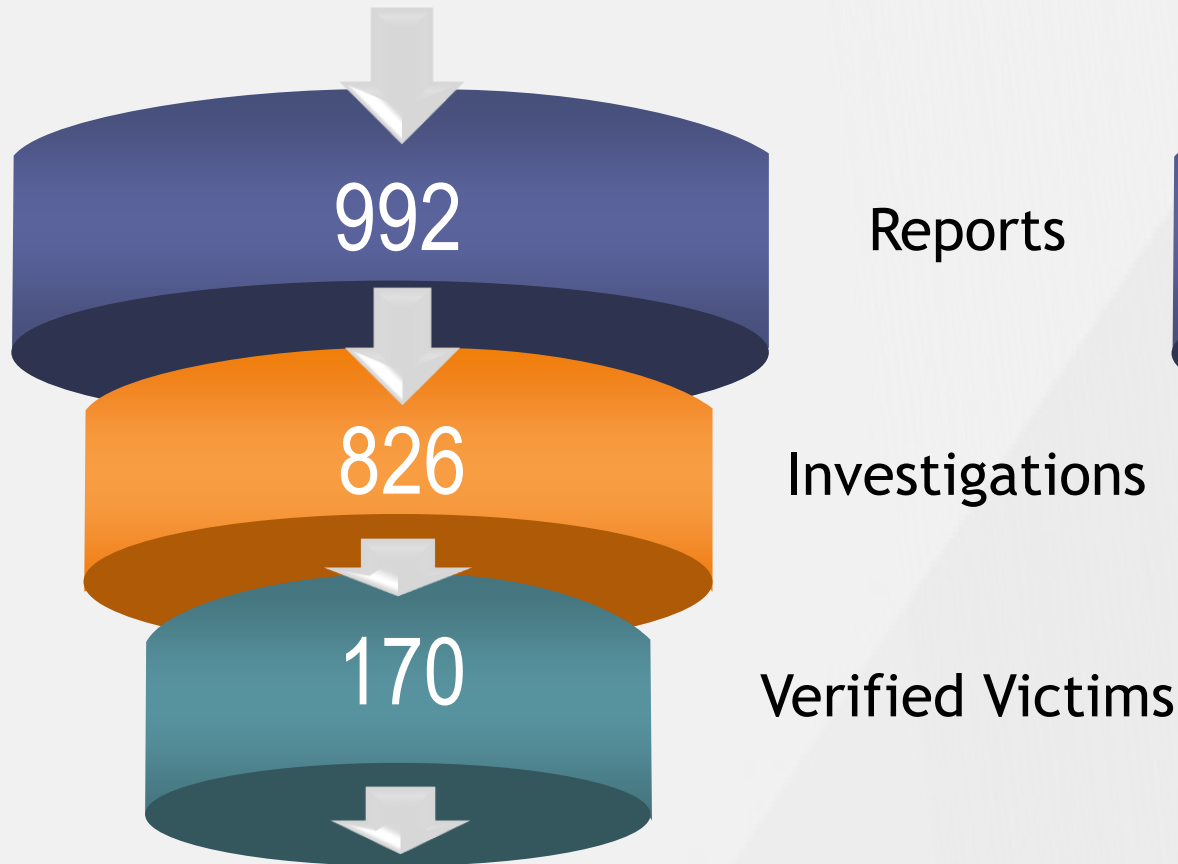
DCF and DJJ Developed a Screening Tool; Child Welfare Staff Expressed Concerns

- ▶ Chapter 2014-161, *Laws of Florida*, directs DCF to develop a screening tool
 - DCF and DJJ developed a questionnaire and have implemented statewide
 - Administered by child protective investigators (CPIs), CBCs, and juvenile assessment center staff
- ▶ CBCs and CPIs expressed dissatisfaction with the tool
- ▶ Juvenile Assessment Center staff did not report any issues

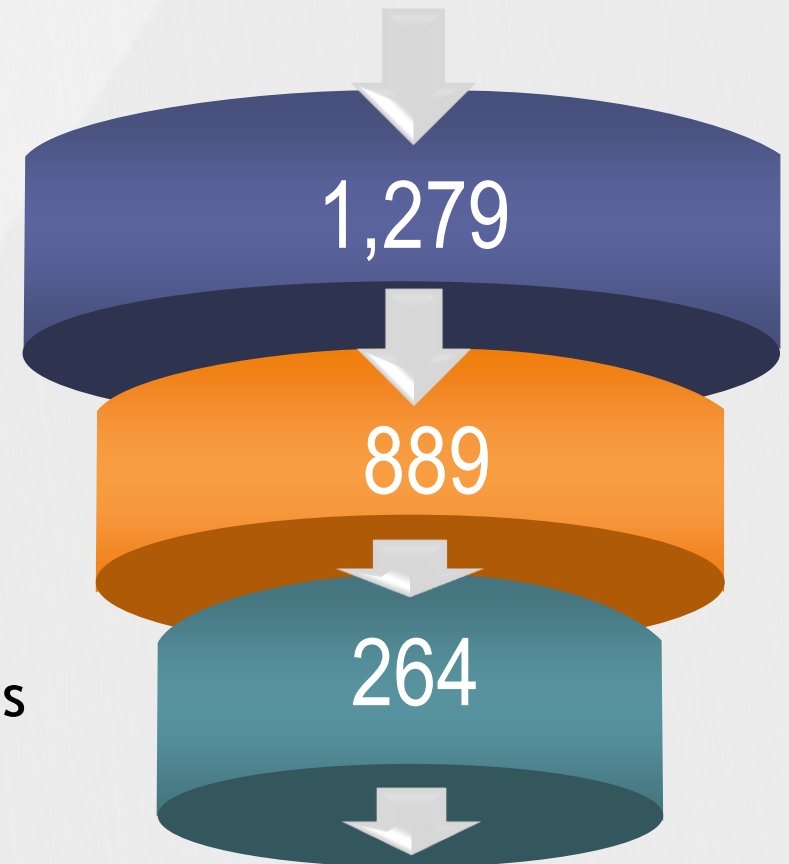
Prevalence

OPPAGA Analysis of DCF Data Identified 264 Victims in 2015

July 2013 - December 2014

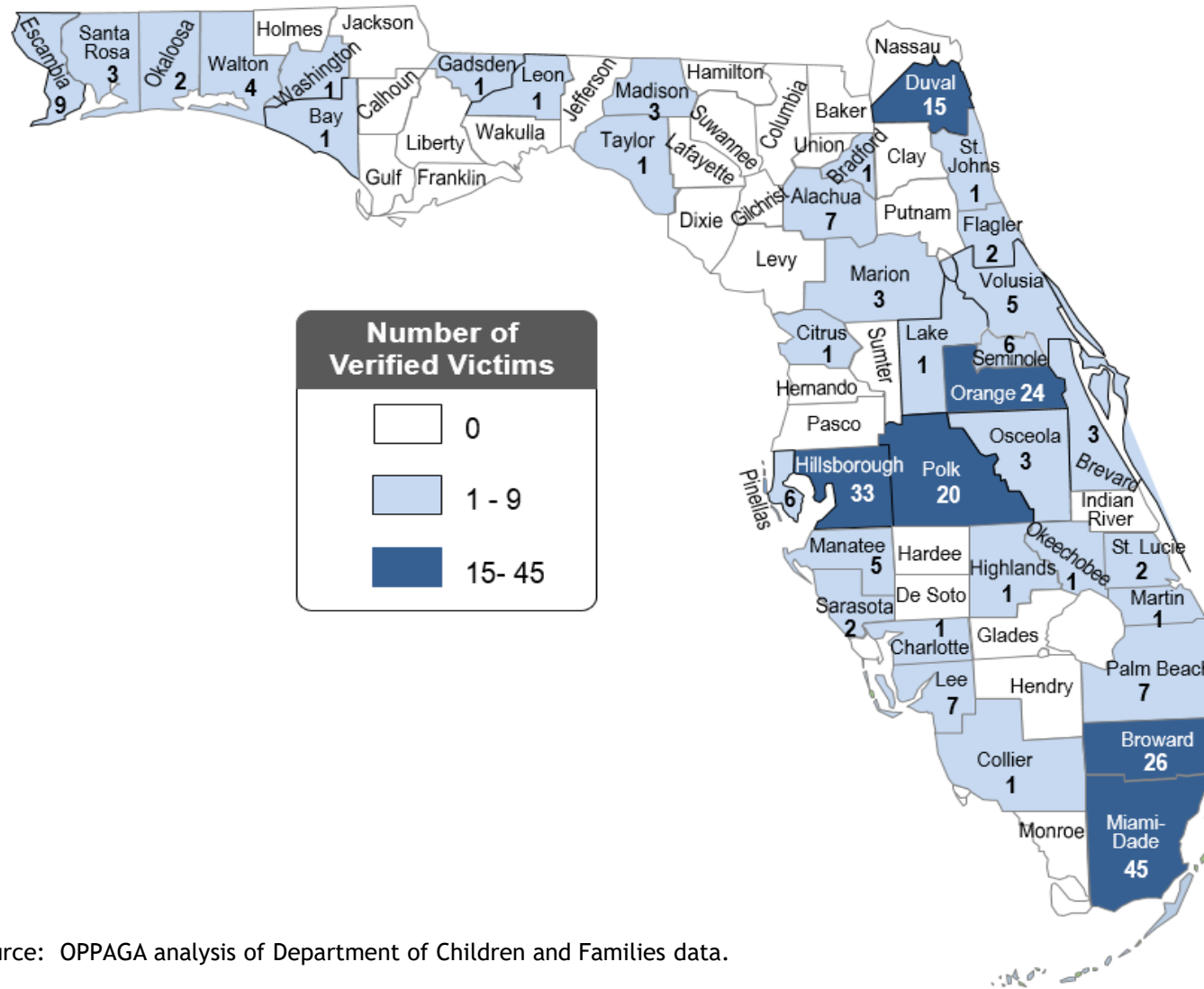


Calendar Year 2015



Source: OPPAGA analysis of Department of Children and Families data.

In 2015, Nearly Half of Victims Were Located in Miami-Dade, Hillsborough, Broward, and Orange Counties



Source: OPPAGA analysis of Department of Children and Families data.

Characteristics of the 264 verified victims in 2015

► Of the 264 verified victims

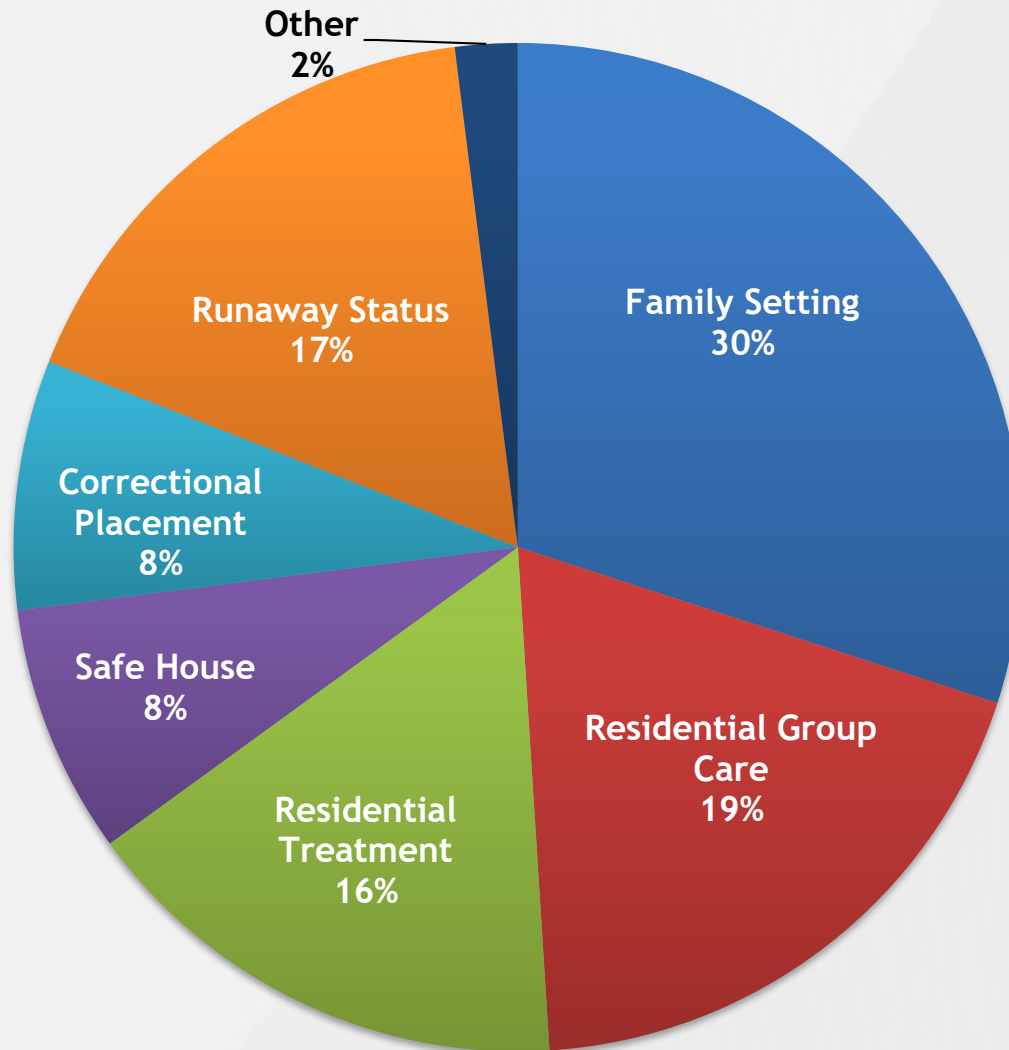
- 93% female
- 92% age 14 or older
- 51% white
- 55% living with at least one biological or adoptive parent; 16% in residential care
- 56% had at least one prior verified maltreatment

Placements and Services

Almost Half of CSE Children Were Served by DCF

- ▶ 106 spent time in out-of-home care after their CSE investigation
- ▶ 17 received in-home services
- ▶ 141 did not receive services through the child welfare system

CSE Children Spent Limited Time in Safe Houses



Source: OPPAGA analysis of Department of Children and Families data.

N= 106

Placement With Specialized Providers Remains Difficult

- ▶ Lack of specialized placements
 - 4 safe houses (24 beds)
 - 15 specialized therapeutic foster homes (typically 1 child per home)
 - 1 safe foster home (1 child per home)
 - 2 residential treatment centers (number of CSE children vary)

Placement With Specialized Providers Remains Difficult, Cont'd

- ▶ Provider criteria exclude many CSE children
 - Pregnancy, mental health issues, active substance use, physically aggressive, viewing self as victim
- ▶ Safe house placements are voluntary
- ▶ Many need more intensive placements
- ▶ Lack of emergency placements

DCF is Required to Certify CSE Residential Providers and Specify Required Services

- ▶ Florida statutes specify services that must be provided to children placed with CSE residential providers

Specialized Treatment and Services

- Victim-witness counseling
- Family counseling
- Behavioral health care
- Treatment and intervention for sexual assault
- Education
- Life skills training
- Mentoring by a survivor of sexual exploitation
- Substance abuse screening and treatment
- Transition planning services
- Structured activities

- ▶ DCF is in the process of certifying providers

Information Available on Service Array Varies by Child's Status

- ▶ CSE residential providers report a similar array of services
 - Therapy, substance abuse treatment, enrichment activities, faith-based opportunities, education services
- ▶ Case files show a variety of in-home services
 - Case management, counseling, medication management, family therapy
- ▶ Little information exists regarding CSE community children following investigation

Outcomes and Treatment Effectiveness

Many CSE Children Are Not Making Progress on Short-Term Social Outcomes

- ▶ Analyzed outcomes for the 170 children identified in 2015 report
 - 87 had subsequent DCF investigations
 - 29 had subsequent verifications of CSE
 - 107 were arrested; 94 had DJJ records
 - Battery, larceny, probation violations
 - 120 were enrolled in K-12 education in the 2014-15 academic year
 - 53% attended for less than half the academic year
 - 73% were in a lower than expected grade level
 - 3 received a diploma; 4 were enrolled in continuing education

Frequent Treatment Interruptions Make It Difficult to Determine Treatment Effectiveness

- ▶ 50 children in 2015 report spent time in out-of-home care
 - Averaged 5.4 placements per year
 - 36 ran away from their placements
- ▶ CBCs and case managers report that CSE children run away more frequently than other children
- ▶ Running shortens exposure to treatment

DCF is Working to Determine Treatment Effectiveness

- ▶ No national best practices
 - Providers use a variety of methods to measure progress
 - Guidance is needed for CBCs and providers
- ▶ DCF clinical workgroups exploring effective treatment interventions, metrics
 - One provider undergoing an independent evaluation

Conclusions and Recommendations

Recommendations

- ▶ DCF should gather systematic feedback from users about the screening instrument.
- ▶ DCF and DJJ should validate the screening instrument when sufficient data and support are available.
- ▶ In its identification of treatment outcomes, DCF should consider the diverse needs and placements of CSE children.

Contact Information

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THE FLORIDA LEGISLATURE'S
OFFICE OF PROGRAM POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY

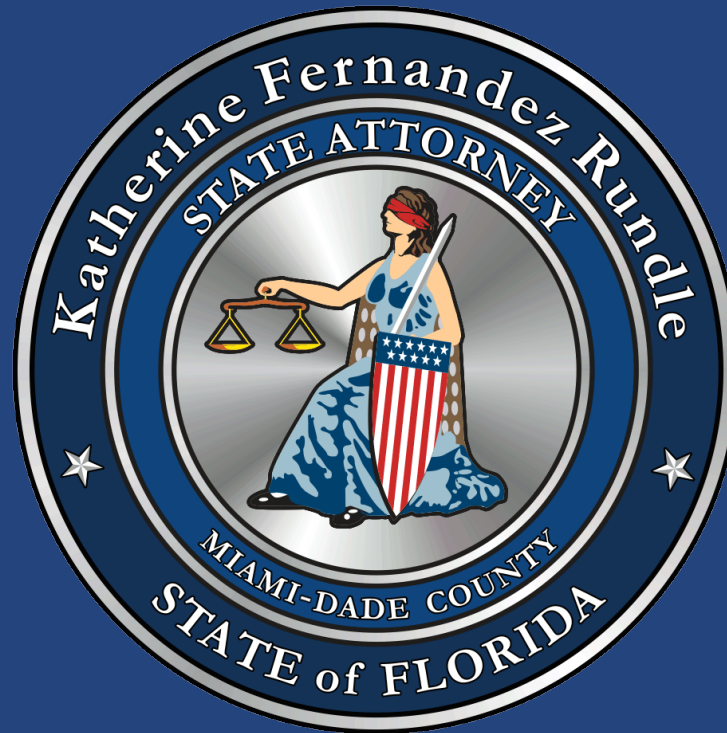
OPPAGA supports the Florida Legislature by providing data, evaluative research, and objective analyses that assist legislative budget and policy deliberations.

Questions?

THE FLORIDA LEGISLATURE'S
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Office of the Miami-Dade State Attorney



Human Trafficking

Senate Children, Families and Elder Affairs Committee



**KATHERINE
FERNANDEZ RUNDLE**

Miami-Dade State Attorney

State Attorney's Office "Victim Centered" Human Trafficking Model

Law Enforcement Task Force:

SAO Investigators;
Detectives detached
from other
departments

Prosecutors:

5 full-time ASA's –
Includes Chief of
Program Development &
Public Policy and
Division Chief of the
Human Trafficking
Unit.

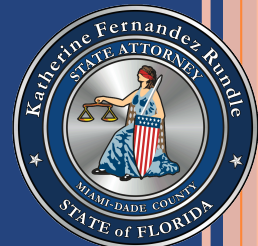
Victim Specialist:

4 full-time specialists
experienced with
providing social services
to victims of human
trafficking and sexual
battery; Connect
victims with services.

Our Victims

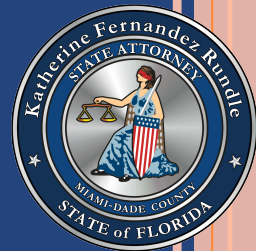
Support Staff:

2 administrative
assistants, 2
victim/witness
coordinators, 1 paralegal,
1 lead worker, 1 unit
administrator



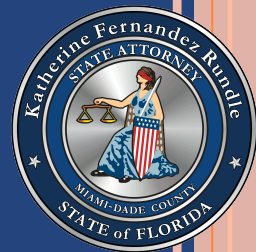
HUMAN TRAFFICKING FACTS:

- Florida ranks **#3 in nation**.
 - **Miami-Dade:** Since we began our unit in 2012, we have worked with **534 victims of Human Trafficking**.
 - Of those Victims:
 - **66.8% are local victims**
 - **33.2% are out of state victims**
- **Miami-Dade:**
 - Female Victims:
 - Minors: **95.4%**; Adults (18-23): **85.2%**
 - Male Victims:
 - Minors: **4.6%**; Adults (18-23): **14.8 %**
- The age of entry into prostitution in the United States is between **12 to 14 years old for girls, and 11 to 13 years old for boys**.
- **Half** of the sex victims in the U.S. are 17 years old or younger.
 - **Miami-Dade:** Approximately **40%** of our victims are **Minors**. **60%** are adults between the **ages of 18-23**.



HUMAN TRAFFICKING FACTS:

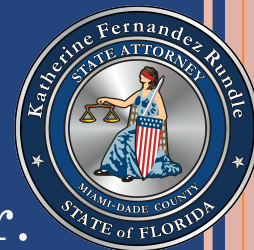
- 1 out of 5 endangered runaways reported to the National Center for Missing and Exploited Children were likely child sex trafficking victims. Of those, 74% were in the care of social services or foster care when they ran.
 - **Miami-Dade:** Approximately 40% of our victims are juveniles that were currently in foster care when recovered.
- Forced labor and human trafficking is a \$150 billion industry worldwide, and \$32 billion industry in the U.S.
- The average victim may be forced to have sex up to 20 or more times a day – 7 days a week.



Trauma Informed Prosecution

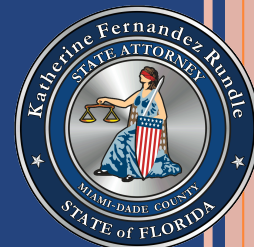
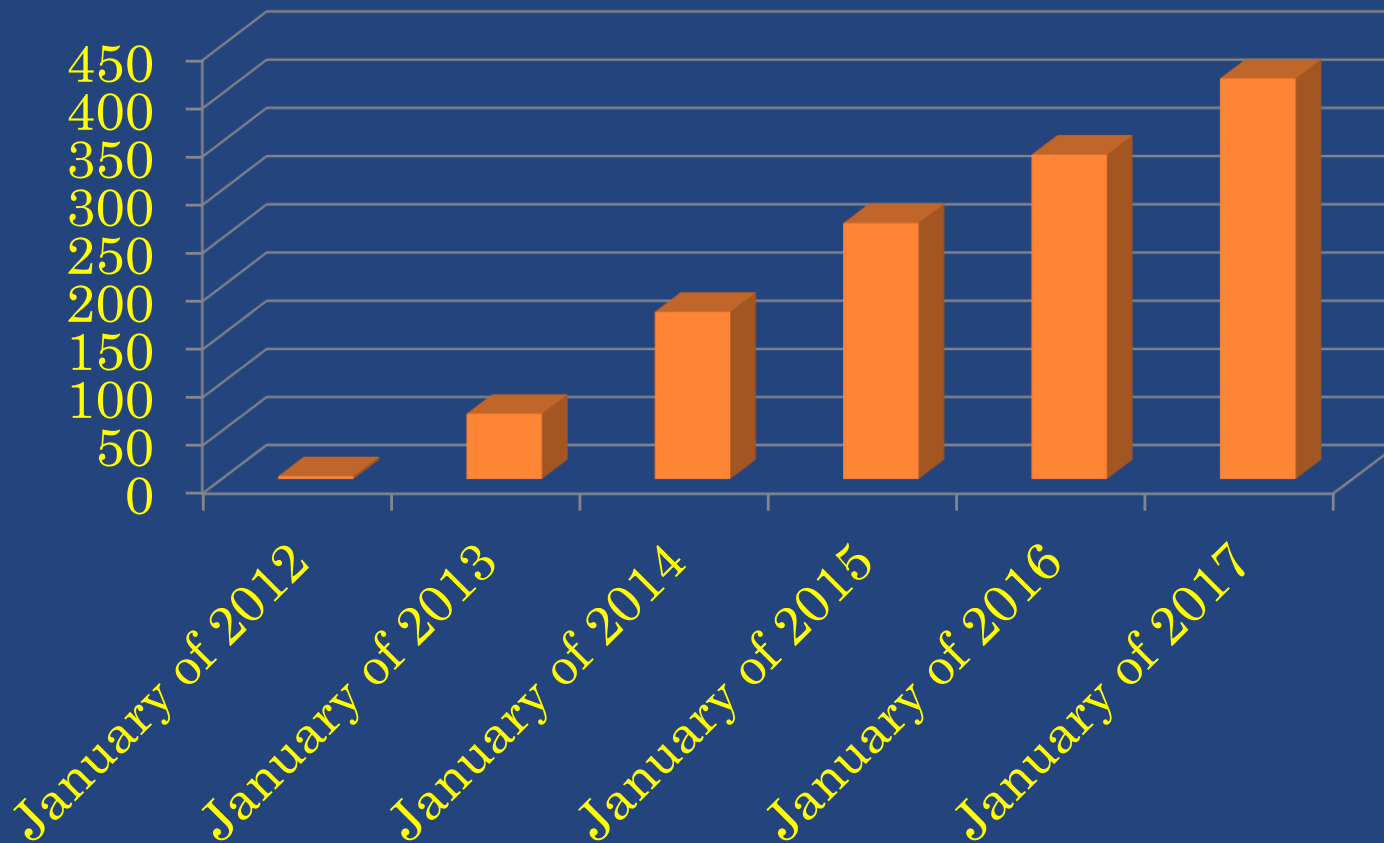


- **Prefrontal Cortex:** The last part of the brain to develop.
 - Responsible for making judgments, predicting outcomes, thinking through consequences, working toward goals, and social control. Not fully developed until age 24.
- **Amygdala:** Part that dominate during the teenage years.
 - Driven by rewards, social position and emotion. It can misread social cues and underestimate risk.
- **Stress hormones** during these years can damage brain structures and delay development. The effects can include irrational thinking, impaired short-term memory, inability to focus and self-destructive behavior.



WHAT HAS THE STATE ATTORNEY'S OFFICE DONE TO FIGHT HUMAN TRAFFICKING:

- In 2012 – only had **3 cases**.
- Since the inception of the unit we have prosecuted a total of **416 cases**.



WHAT IS THE CHANCE PROGRAM?

- **Citrus Helping Adolescents Negatively impacted by Commercial Exploitation (CHANCE)** is a pilot program developed by Citrus Health Network, as part of a partnership with the Florida Department of Children and Families and Our Kids of Miami-Dade/Monroe, Inc., with research being conducted by the University of South Florida.
- The CHANCE Program addresses the emotional and behavioral needs of teenage survivors of commercial sexual exploitation.
- Children receive the following wraparound services from the CHANCE multidisciplinary team:
 - **Assessment and Evaluation**
 - **Individualized Treatment and Services Plan**
 - **Individual, Group and Family Therapy**
 - **24/7 On Call Clinical Staff Availability**
 - **Continuous Monitoring**
 - **Targeted Case Management and Life Coach Services**
 - **Psychiatric Services**
 - **Substance Abuse Treatment**
 - **Primary Health Care Services**
- The CHANCE Program has served 236 clients since it originated in October 2013, as of January 2017.



CHANCE Program

Outcomes

(Source: CHANCE Pilot Study: Progress Report Year 3- University of South Florida)

The CHANCE Program identifies the youth's strengths at admission as well as improvement over time. In particular, CHANCE clients have strong perceived career strengths. As such, the program focuses on skill building to put clients on a career path.

Significant Improvements:

- Life functioning
- Family functioning
- Educational achievement/attendance and behavior
- Reduced trauma symptoms

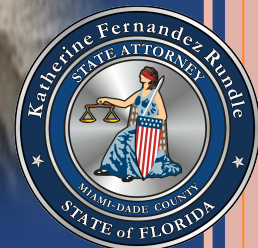
Other Observed Improvements:

- Family involvement
- Decrease in delinquent behavior
- Decrease in run away behavior

HT-CPR:

Human Trafficking Child Plan & Recovery

- HT-CPR is an investigative partnership used to recover children who have gone missing for an extensive period of time.
 - Helps us identify obstacles in our community in order to recover children.
 - Since its inception 6 months ago, we have been able to recover 4 minors.



IDENTIFIED NEED: CHANCE COMMUNITY TEAM

- There is a need for an additional **CHANCE Community Response Team (CRT)** to increase access to CHANCE services for community children who are not involved with the child welfare system, and are identified as victims of Commercial Sexual Exploitation by the Miami-Dade State Attorney's Office.
- The CHANCE CRT works with youth across the continuum of care; following the child regardless of placement, providing intensive, individualized clinical and supportive services, based on the client's needs, and the needs of the family, when applicable.
- Children in the CHANCE CRT will receive the same services as the existing CHANCE Team.

CHANCE Community Response Team Staffing (24 clients at a time)

Clinical Coordinator

Care Coordinator

Family Coaches (2)

Licensed Clinicians (3) to provide intensive in-home services

Targeted Case Managers (2)

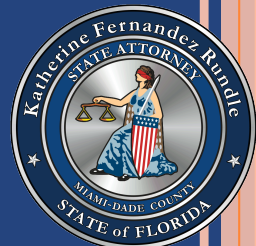


Phoenix Project



Phoenix Project

- Project Phoenix is a residential treatment and recovery program that provides safety and recovery for the Victim's of Human Trafficking.
- Currently serves **16 vulnerable women** who are trying to rebuild their lives.
- 2nd year of operation.
- **Services Provided:**
 - Shelter
 - Food
 - Clothing
 - Medical Services
 - Psychological Services
 - Vocational Training
 - Literacy and Education



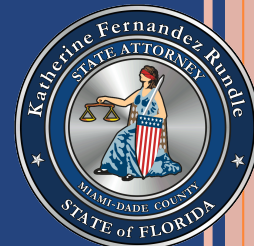
Phoenix Project

- **Referral Sources:**

- State Attorney's Office
- Homeland Security
- Life of Freedom
- Safe Place North
- Camillus House
- Kristi House
- Jackson Memorial Hospital Crisis
- Agape
- Ft. Myers Police Department
- Miami Police Department
- Department of Children and Families
- Self

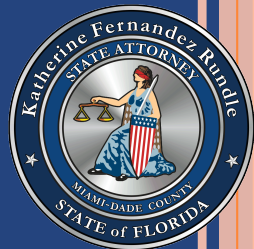
- **Average Daily Census:**

- 2016: 41 Clients (unduplicated)
- 2017: 20 Clients (unduplicated)



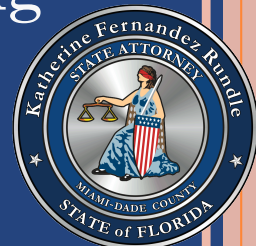
THRIVE Clinic

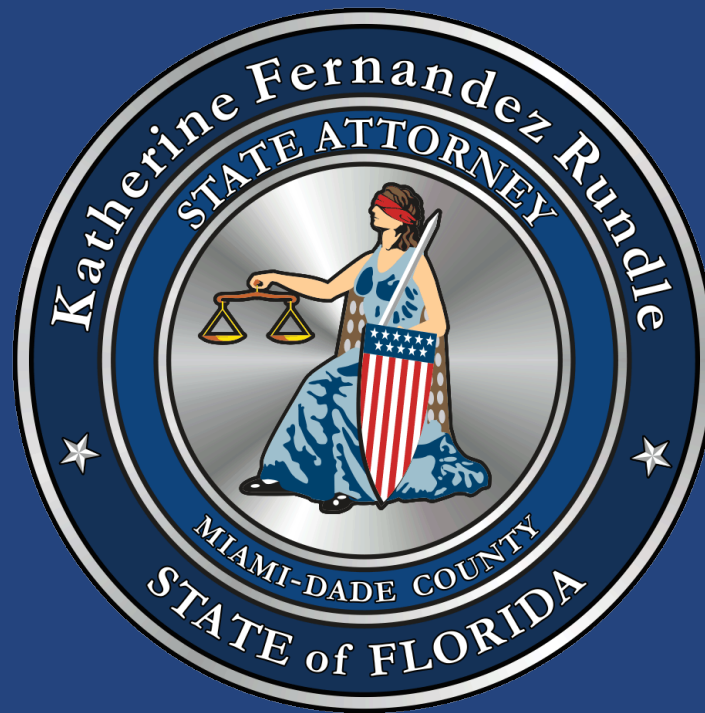
A comprehensive "one-stop shop" medical home that offers multidisciplinary trauma-informed services in a single location for survivors of human trafficking.



MICKEY ROYAL – THE PIMP GAME: AN INSTRUCTIONAL MANUAL

“A mack sell a ho [sic] a dream like a manager promises to take her to Hollywood and make her a star. By the time she realizes she’s been had, she’s trapped. A ho [sic] is in pursuit of her own fantasy and she feels that the pimp knows the direction or is already there. She can’t leave because tomorrow might be that day. That day when the dream or fantasy she’s chasing come true. The same reason why that horse can’t stop pulling the plow. The horse believes that each step, each pull of the plow, brings new hope of the dream coming true: eating the carrot.”





Miami-Dade State Attorney's Office
Human Trafficking Task Force
(305) 547-0749

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