

Tab 1	SPB 7000 by CF ; OGSR/Current or Former Public Guardians					
Tab 2	SB 168 by Garcia ; Motor Vehicle Insurance and Driver Licenses for Foster Youth					
Tab 3	SB 204 by Rouson ; (Similar to H 00143) Task Force on the Monitoring of Children in Out-of-Home Care					
Tab 4	SB 210 by Harrell ; (Similar to H 00295) Substance Abuse Services					
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CHILDREN, FAMILIES, AND ELDER AFFAIRS

Senator Garcia, Chair

Senator Thompson, Vice Chair

MEETING DATE: Tuesday, February 14, 2023

TIME: 3:30—5:30 p.m.

PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Garcia, Chair; Senator Thompson, Vice Chair; Senators Baxley, Book, Bradley, Brodeur, Ingoglia, and Rouson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Consideration of proposed bill:			
1	SPB 7000	OGSR/Current or Former Public Guardians; Amending a provision which provides an exemption from public records requirements for certain identifying and location information of current or former public guardians, employees with fiduciary responsibility, and the spouses and children thereof; defining terms; narrowing the scope of the public records exemption for current public guardians and employees with fiduciary responsibility and former public guardians and employees with fiduciary responsibility, respectively; removing the scheduled repeal date of the exemption, etc.	Submitted and Reported Favorably as Committee Bill Yeas 7 Nays 0
2	SB 168 Garcia	Motor Vehicle Insurance and Driver Licenses for Foster Youth; Deleting a requirement that a foster youth receiving postsecondary educational services and support must have also been in licensed care at the time of turning 18 years of age in order to be eligible to participate in a specified program covering certain costs for a driver license and motor vehicle insurance, etc. CF 02/14/2023 Favorable AHS FP	Favorable Yeas 7 Nays 0
3	SB 204 Rouson (Similar H 143)	Task Force on the Monitoring of Children in Out-of-Home Care; Creating the task force adjunct to the Department of Law Enforcement; specifying the purpose of the task force; specifying duties of the task force; requiring the Florida Institute for Child Welfare to conduct certain focus groups and submit its findings to the task force by a specified date; providing for future review and repeal, etc. CF 02/14/2023 Favorable FP	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Children, Families, and Elder Affairs

Tuesday, February 14, 2023, 3:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 210 Harrell (Similar H 295)	Substance Abuse Services; Revising application requirements for licensure as a substance abuse service provider; requiring the Department of Children and Families to establish, by a specified date, a mechanism to impose and collect fines for certain violations of law; revising credentialing requirements for recovery residences; prohibiting service providers from referring patients to, or accepting referrals from, specified recovery residences, etc. CF 02/14/2023 Fav/CS AHS FP	Fav/CS Yeas 7 Nays 0

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: SPB 7000

INTRODUCER: Children, Families, and Elder Affairs Committee

SUBJECT: OGSR/Current or Former Public Guardians

DATE: February 15, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Delia	Cox		CF Submitted as Comm. Bill/Fav

I. Summary:

SPB 7000 saves from repeal the public records exemption in s. 744.21031, F.S., by maintaining certain provisions of the exemption as in current while and also narrowing the exemption by allowing certain information that is currently exempt to become public record. Specifically, the bill maintains the exemptions as in current law for certain identifying and location information held by an agency pertaining to:

- Current and former public guardians;
- Employees with fiduciary responsibility; and
- Spouses and children of current and former public guardians and employees with fiduciary responsibility.

The bill expands public access to information by removing the confidential and exempt status of photographs of current public guardians. The bill also removes the confidential and exempt status of places of employment of current or former public guardians, current or former employees with fiduciary duty, and the spouses and children of such persons.

The public records exemption stands repealed on October 2, 2023, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act. The bill removes the scheduled repeal of the exemption to continue the confidential and exempt status of the information.

The bill is effective October 1, 2023.

II. Present Situation:

Public Records Law

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person who acts on behalf of the government.²

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.³ The Public Records Act states that:

[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁴

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes that relate to that particular agency or program.

The Public Records Act does not apply to legislative or judicial records.⁵ Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.

Section 119.011(12), F.S., defines “public records” to include:

[a] ll documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connections with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and

¹ FLA. CONST., art. I, s. 24(a).

² *Id.*

³ Public records laws are found throughout the Florida Statutes.

⁴ Section 119.01(1), F.S.

⁵ *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); *see also Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

Only the Legislature may create an exemption to public records requirements.⁹ An exemption must be created by general law and must specifically state the public necessity which justifies the exemption.¹⁰ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill that enacts an exemption may not contain other substantive provisions¹¹ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act (the Act), prescribe a legislative review process for newly created or substantially amended public records or open meetings exemptions,¹⁶ with specified exceptions.¹⁷ The Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.¹⁸ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.¹⁹ An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption *and* it meets one of the following purposes:

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violations of those laws.

⁹ FLA CONST., art. I, s. 24(c).

¹⁰ *Id.*

¹¹ The bill may, however, contain multiple exemptions that relate to one subject.

¹² FLA. CONST., art. I, s. 24(c)

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings.

¹⁷ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁸ Section 119.15(3), F.S.

¹⁹ Section 119.15(6)(b), F.S.

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;²⁰
- The release of sensitive personal information would be defamatory or jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²¹ or
- It protects trade or business secrets.²²

The Act also requires specified questions to be considered during the review process.²³ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁴ If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.²⁵

Guardianship

A guardian is someone who is appointed by the court to act on behalf of a ward (an individual who has been adjudicated incapacitated) regarding his or her person or property or both.²⁶ The process to determine an individual's incapacity and the subsequent appointment of a guardian begins with a verified petition detailing the factual information supporting the reasons the petitioner believes the individual to be incapacitated, including the rights the alleged incapacitated person is incapable of exercising.²⁷ Once a person has been adjudicated incapacitated (termed a "ward"), the court appoints a guardian, and the letters of guardianship are issued.²⁸ The order appointing a guardian must be consistent with the ward's welfare and safety, must be the least restrictive appropriate alternative, and must reserve to the ward the right to make decisions in all matters commensurate with his or her ability to do so.²⁹

²⁰ Section 119.15(6)(b)1., F.S.

²¹ Section 119.15(6)(b)2., F.S.

²² Section 119.15(6)(b)3., F.S.

²³ Section 119.15(6)(a), F.S. The specific questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁴ FLA. CONST. art. I, s. 24(c).

²⁵ Section 119.15(7), F.S.

²⁶ Section 744.102(9), F.S.

²⁷ Section 744.3201(2), F.S.

²⁸ Sections 744.3371-744.345, F.S.

²⁹ Section 744.2005, F.S.

Office of Public and Professional Guardians

In 1999, the Legislature created the “Public Guardianship Act” and established the Statewide Public Guardianship Office (SPGO) within the DOEA.³⁰ In 2016, the Legislature renamed the Statewide Public Guardianship Office within the DOEA as the Office of Public and Professional Guardians (OPPG), required OPPG to regulate professional guardians and investigate complaints. Additionally, the OPPG was provided an additional six full-time equivalent positions, including an attorney and investigators.³¹ The OPPG appoints local public guardian offices to provide guardianship services to people who have neither adequate income nor assets to afford a private guardian, nor any willing family or friend to serve.³²

There are 17 public guardian offices that serve all 67 counties.³³ Since 2016, approximately 550 professional guardians have registered with the OPPG.³⁴

Confidentiality of Information Regarding Public Guardians

In 2018, the Legislature created s. 744.21031, F.S.,³⁵ containing a public records exemption for the following information as it pertains to current or former public guardians and employees with fiduciary responsibility³⁶:

- Home addresses;
- Telephone numbers;³⁷
- Dates of birth;
- Places of employment; and
- Photographs.³⁸

The exemption also covers all of the same information for spouses and children of such persons, as well as the names of the spouses and children of a public guardian or employee with fiduciary responsibility. Additionally, the names and locations of schools and day care facilities attended by the children of a public guardian or employee with fiduciary responsibility.³⁹

³⁰ Chapter 99-277, L.O.F.

³¹ Chapter 2016-40, L.O.F.

³² The DOEA, *Office of Public and Professional Guardians*, available at <https://elderaffairs.org/programs-services/office-of-public-professional-guardians-oppg/> (last visited February 7, 2023).

³³ *Id.*

³⁴ *Id.*

³⁵ Chapter 2018-16, s. 1, L.O.F.

³⁶ Section 744.21031, F.S., defines “employees with fiduciary responsibility” to mean “an employee of a public guardian who has the ability to direct any transactions of a ward’s funds, assets, or property; who under the supervision of the guardian, manages the care of the ward; or who makes any health care decision, as defined in s. 765.101, on behalf of the ward.”

³⁷ Section 119.071(4)(d)1.b., defines “telephone numbers” includes home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

³⁸ Section 744.21031, F.S.

³⁹ *Id.*

The exemption applies to information held by an agency⁴⁰ before, on, or after July 1, 2018.⁴¹ An agency that is the custodian of such information is required to maintain the exempt status of that information only if the current or former public guardians and employees with fiduciary responsibility submit to the custodial agency a written request for maintenance of the exemption.⁴²

Open Government Sunset Review Findings

According to the public necessity statement included in the original public records exemption, it is a public necessity to protect identifying and location information of current and former public guardians and employees with fiduciary responsibility and their family members because the release of such information might place such individuals in danger of physical and emotional harm from disgruntled individuals who react inappropriately to actions taken by the public guardians and employees with fiduciary responsibility.⁴³

Additionally, the public necessity statement provided that despite the value of the services provided by public guardians, some wards and their family members have harassed their public guardians with threats of incarceration, violence, and death through voicemail messages and social media.⁴⁴ The public necessity statement also provides that after a public guardian or an employee with fiduciary responsibility concludes his or her service, the risk continues because a disgruntled individual may wait until then to commit an act of revenge.⁴⁵ The harm that may result from the release of a public guardian's or an employee with fiduciary responsibility's personal identifying and location information outweighs any public benefit that may be derived from the disclosure of the information.⁴⁶

On August 4, 2022, the Senate Committee on Children, Families, and Elder Affairs staff and the House of Representatives Government Operations Subcommittee staff jointly met with the executive director of the OPPG regarding the need to maintain the public records exemption.⁴⁷ The executive director stated that the exemption has only been utilized by one of the Offices of the Public Guardian since its inception. The Executive Director and DOEA staff expressed the need to maintain the exemption and also expressed support for narrowing the exemption.⁴⁸

⁴⁰ Section 119.011(2), F.S., defines "agency" to mean any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

⁴¹ Section 744.21031, F.S.

⁴² *Id.*

⁴³ Chapter 2018-16, s. 1, L.O.F.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Meeting with staff of the DOEA (August 4, 2022).

⁴⁸ *Id.*

III. Effect of Proposed Changes:

The bill clarifies the application of the exemption by including definitions for terms that are commonly used in other public records laws, including defining “agency”⁴⁹ to have the same meaning as provided in s. 119.011, F.S., and “telephone numbers”⁵⁰ to have the same meaning as provided in s. 119.071(4)(d)1.b., F.S. The bill maintains the current definition of “employee with fiduciary responsibility” provided in s. 744.21031, F.S.

The bill saves from repeal the public records exemption in s. 744.21031, F.S., by maintaining certain provisions of the exemption as in current law and also narrows the exemption by allowing certain information that is currently exempt to become public record. Specifically, the bill maintains the exemptions as in current law for the following identifying and location information held by an agency:

- The home addresses, telephone numbers, and dates of birth of current and former public guardians and employees with fiduciary duty.
- Photographs of former public guardians and employees with fiduciary responsibility.
- The names, home addresses, telephone numbers, and dates of birth of spouses and children of current and former public guardians and employees with fiduciary responsibility who are not themselves current or former public guardians or employees with fiduciary responsibility.
- The names and locations of schools and day care facilities attended by the children of such persons.

The bill removes the confidential and exempt status of the following information, thereby making this information available to the public:

- Places of employment of current or former public guardians, current or former employees with fiduciary duty, and the spouses and children of such persons. This was removed as a result of the report from the DOEA that their records do not include such information.
- The home addresses, telephone numbers, and dates of birth of spouses and children of current or former public guardians and employees with fiduciary responsibility who are or who have been a current or former public guardian or employee with fiduciary responsibility.
- Photographs of current public guardians and employees with fiduciary responsibility.

The public records exemption stands repealed on October 2, 2023, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act. The bill removes the scheduled repeal date of October 2, 2023 for the exemption to continue the confidential and exempt status of the information.

The bill is effective October 1, 2023.

⁴⁹ Section 119.011, F.S. defines “agency” to mean “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁵⁰ Section 119.071(4)(d)1.b. defines “telephone numbers” to mean “home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.”

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Not applicable. The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:**Vote Requirement**

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. If an exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are not required. This bill narrows a current public records exemption; thus, the bill does not require an extraordinary vote for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. This bill narrows a current public records exemption.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect identifying and location information of current and former public guardians, employees with fiduciary responsibility, and the family members of those individuals. This bill exempts only certain identifying and location information. The bill provides that releasing such information could jeopardize the safety of such individuals. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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 section 744.21031 of the Florida Statutes.

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.

FOR CONSIDERATION By the Committee on Children, Families, and Elder Affairs

586-00874A-23

20237000pb

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 744.21031, F.S., which provides an exemption from public records requirements for certain identifying and location information of current or former public guardians, employees with fiduciary responsibility, and the spouses and children thereof; defining terms; narrowing the scope of the public records exemption for current public guardians and employees with fiduciary responsibility and former public guardians and employees with fiduciary responsibility, respectively; removing the scheduled repeal date of the exemption; providing an effective date.

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

Section 1. Section 744.21031, Florida Statutes, is amended to read:

744.21031 Public records exemption.—

(1) For purposes of this section, the term:

(a) "Agency" has the same meaning as provided in s. 119.011.

(b) "Employee with fiduciary responsibility" means an employee of a public guardian who has the ability to direct any transactions of a ward's funds, assets, or property; who, under the supervision of a guardian, manages the care of a ward; or who makes any health care decision as defined in s. 765.101 on behalf of a ward.

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(c) "Telephone numbers" has the same meaning as provided in s. 119.071(4)(d)1.b.

(2) The home addresses, telephone numbers, and dates of birth, ~~places of employment, and photographs~~ of current or former public guardians and employees with fiduciary responsibility; photographs of former public guardians and employees with fiduciary responsibility; the names, home addresses, telephone numbers, and dates of birth, ~~and places of employment~~ of the spouses and children of current or former public guardians and employees with fiduciary responsibility who are not themselves current or former public guardians or employees with fiduciary responsibility such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. ~~As used in this section, the term "employee with fiduciary responsibility" means an employee of a public guardian who has the ability to direct any transactions of a ward's funds, assets, or property; who under the supervision of the guardian, manages the care of the ward; or who makes any health care decision, as defined in s. 765.101, on behalf of the ward.~~ This exemption applies to information held by an agency before, on, or after July 1, 2018. An agency that is the custodian of the information specified in this section shall maintain the exempt status of that information only if the current or former public guardians and employees with fiduciary responsibility submit to the custodial agency a written request for maintenance of the exemption. ~~This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2,~~

586-00874A-23

20237000pb

59 ~~2023, unless reviewed and saved from repeal through reenactment~~
60 ~~by the Legislature.~~

61 Section 2. This act shall take effect October 1, 2023.

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 168

INTRODUCER: Senator Garcia

SUBJECT: Motor Vehicle Insurance and Driver Licenses for Foster Youth

DATE: February 13, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Tuszynski	Cox	CF	Favorable
2.			AHS	
3.			FP	

I. Summary:

SB 168 expands the Keys program by removing language in statute that restricts one of the eligibility paths to receive Keys support. Currently, youth and young adults who achieve eligibility for the Keys program via enrollment in postsecondary educational services and supports (PESS) must also have been in licensed care when he or she reached 18 years of age. The bill expands eligibility for the Keys program by removing the requirement for young adults who are eligible by enrollment in PESS to also have been in licensed care when turning 18 years of age.

The Keys to Independence program (Keys program) is a state-funded normalcy support program designed to remove barriers to obtaining a driver license for foster and former foster youth. The program removes barriers to obtaining a driver license by young adults by paying, subject to available funding, the cost of driver education, licensure, other costs incidental to licensure, and motor vehicle insurance for certain populations.

The change will allow approximately an additional 450 young adults to be eligible to participate in the Keys program.

The bill will likely not have a fiscal impact. See Section V. Fiscal Impact Statement.

The bill provides an effective date of July 1, 2023.

II. Present Situation:

Children in the foster care system often face barriers to participating in everyday life experiences common to other young people their age. These normal life experiences are an integral part of how all children learn and prepare for the responsibilities they will assume as adults. With the support of their families, millions of teens learn to drive and earn driver licenses every year. A study by the National Highway Traffic Safety Administration found that there are approximately

12 million young drivers on America's roadways.¹ However, for a teen in foster care, for whom securing a driver license can be critically important to his or her success, achieving this milestone can be more complicated. Teens with access to a car are reported to perform better in school, obtain better jobs, have more college options, and eventually, more successful careers.² Without a driver license, a teen has difficulty traveling, securing an apartment, and achieving gainful employment.³ Florida law supports the efforts of teens in foster care to engage in age-appropriate activities⁴ and requires the Department of Children and Families (DCF), or its contracted vendors, to provide "independent life skills and normalcy supports" for children 13 through 17 years of age.⁵

Independent Living Services

Florida's Independent Living service array is designed to assist youth and young adults in obtaining skills and support in six federally identified outcome areas⁶ as they transition to adulthood. Independent Living programs include:

- Extended Foster Care (EFC) – a program that allows young adults to remain in foster care until the age of 21 while they participate in school, work or work training, and live in a supervised living arrangement;
- Postsecondary Education Services and Support- a program that helps pay for housing, and other expenses related to attending an educational institution; and
- Aftercare Services - a temporary needs-based program intended to be a bridge between EFC and PESS programs that may include mentoring, tutoring, mental health and substance abuse services, counseling, and financial assistance.⁷

Postsecondary Education Services and Support

Postsecondary Education Services and Support (PESS) is a state-funded Independent Living program that provides a monthly financial award of \$1,720 for housing, utilities, and related expenses to eligible youth who were in the foster care system while working to receive the skills and education necessary to become self-sufficient.⁸

PESS Eligibility

¹ US Department of Transportation, NHTSA, *Traffic Safety Facts 2020 Data*, p. 2, June 2022, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813313> (last visited February 10, 2023).

² Embrace Families, Report to Congress, *Impact Report: Keys to Independence*, May 2022, available at <https://embracefamilies.org/wp-content/uploads/2022/07/KEYS-TO-INDEPENDENCE-Report-to-Congress-FINAL-May-2022.pdf> (last visited February 10, 2023). The Annie E. Casey Foundation's Jim Casey Initiative Youth Opportunities Initiative funded Child Trends, a non-profit research organization with a focus on children and families, to conduct analysis of Embrace Families' data.

³ *Id.*

⁴ Section 409.145(2)(b), F.S.

⁵ Section 409.145(3)(d), F.S.

⁶ The six federally identified outcome areas are increasing financial self-sufficiency, improving educational attainment, increasing connections to caring adults, reducing homelessness, reducing high-risk behavior, and improving access to health insurance.

⁷ See generally The DCF, Office of Child and Family Well-Being, Legislatively Mandated Reports, *Independent Living Services Annual Report FY 2020-21*, January 31, 2022, available at https://www.myflfamilies.com/service-programs/child-welfare/lmr/docs/2022LMRs/Independent_Living_Services_Report_2021.pdf (last visited February 10, 2023).

⁸ Section 409.1451(2), F.S.

Group 1	Group 2
Not yet 23 years of age but turned 18 years of age while in the custody of the Department of Children and Families (DCF) and spent at least six months in licensed care before turning 18.	OR Not yet 23 years of age but at least 18 years of age and adopted or placed with a court-approved guardian after his or her 16 th birthday and spent at least six months in licensed care during the 12 months immediately preceding such placement or adoption.
AND	
Earned a standard high school diploma or equivalent	
AND	
Enrolled in at least nine credit hours and attending a Florida Bright Futures eligible college or vocational school.	

Keys to Independence Program

The Keys to Independence program (Keys program) is a state-funded normalcy support program designed to remove barriers to obtaining a driver license for foster and former foster youth.⁹ The program removes barriers to driving by paying, subject to available funding, the cost of driver education, licensure, other costs incidental to licensure, and motor vehicle insurance for certain populations.¹⁰ The DCF contracts with the Lead Agency in the 9th and 10th Circuit, Embrace Families, to operate the Keys program statewide.¹¹

In 2021, the Legislature expanded the Keys program to include children who are receiving Postsecondary Education Services and Support under s. 409.1451(2), F.S., and who were also in licensed care when reaching 18 years of age.¹²

Since December 2017, the Keys program has had over 8,213 enrolled and helped young adults obtain 2,231 learner permits and 1,199 driver licenses.¹³ The Keys program has stated that the additional requirement that the young adult have been in licensed care when turning 18 years of age is preventing approximately 450 otherwise eligible young adults from the program.¹⁴

III. Effect of Proposed Changes:

SB 168 expands the Keys program by removing language in statute that restricted one of eligibility paths. Currently, youth and young adults who achieve eligibility for the Keys program via enrollment in PESS must also have been in licensed care when he or she reached 18 years of

⁹ Section 409.1454, F.S.

¹⁰ Section 409.1454(2), F.S.

¹¹ Keys to Independence, *About*, available at <https://keystoIndependencefl.com/about/> (last visited February 7, 2023).

¹² Chapter 2021-169, L.O.F. In 2022, the Legislature again expanded the Keys program to include certain certified unaccompanied homeless youth under s. 743.067, F.S. Chapter 2022-65, L.O.F.

¹³ Keys to Independence Program Monthly Report, *All Youth Life of Program Tab*, December 2022 (on file with the Senate Committee on Children, Families, and Elder Affairs).

¹⁴ Embrace Families, Electronic mail from Gerry Glynn, Chief Legal Officer, *Re: Keys to Independence Glitch Bill*, November 29, 2022 (on file with the Senate Committee on Children, Families, and Elder Affairs).

age. The bill removes the requirement for young adults who are eligible by enrollment in PESS to have also been in licensed care when he or she reached 18 years of age. This change will include the group of young adults in the “PESS Eligibility” chart (above) identified as “Group 2,” and expand eligibility for the Keys program by approximately 450 additional young adults.¹⁵

The number of young adults that will enroll in the Keys program out of the newly eligible 450 is unknown. However, lead agency enrollment of eligible young adults in the program range from 99% (Heartland for Children) to 43% (Citrus) for an average of 68% of eligible young adults.¹⁶ Based on this utilization, it would be fair to apply that percentage to the 450 newly eligible, resulting in an increase of 301 young adults in the Keys program.

The bill provides an effective date of July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

¹⁵ *Id.*

¹⁶ Department of Children and Families, *Keys to Independence Annual Report*, p. 2-3, July 2022 (on file with the Senate Committee on Children, Families, and Elder Affairs).

C. Government Sector Impact:

As specific populations of young adult have been added to the Keys program, funding has also increased in the DCF contract with Embrace Families.¹⁷

State Fiscal Year	Keys Program Funding via Contract
2019-2020	\$800,000
2020-2021	\$800,000
2021-2022	\$1,017,688
2022-2023	\$1,688,317
2023-2024	\$1,923,571

The DCF has contracted with Embrace Families for \$1,923,571 for Fiscal Year 2023-24 and plans to amend the contract to increase funding as needed based on ongoing utilization.¹⁸

Embrace Families has reported that the cost of expansion can likely be covered within current budget and contract amounts.¹⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 409.1454 of the Florida Statutes.

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.

¹⁷ The DCF, *Embrace Families Contract #LJ973, Amendment #0007*, available at <https://facts.fldfs.com/Search/ContractDetail.aspx?AgencyId=600000&ContractId=LJ973> (last visited February 8, 2023).

¹⁸ The DCF, Electronic mail from Chad Barrett, *RE: Keys to Independence Program (K2i)*, February 8, 2023 (on file with the Senate Committee on Children, Families, and Elder Affairs).

¹⁹ Embrace Families, Electronic mail from Gerry Glynn, Chief Legal Officer, *Re: Keys to Independence Glitch Bill*, November 29, 2022 (on file with the Senate Committee on Children, Families, and Elder Affairs).

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

By Senator Garcia

36-00394-23

2023168__

A bill to be entitled

An act relating to motor vehicle insurance and driver licenses for foster youth; amending s. 409.1454, F.S.; deleting a requirement that a foster youth receiving postsecondary educational services and support must have also been in licensed care at the time of turning 18 years of age in order to be eligible to participate in a specified program covering certain costs for a driver license and motor vehicle insurance; providing an effective date.

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

Section 1. Subsection (4) of section 409.1454, Florida Statutes, is amended to read:

409.1454 Motor vehicle insurance and driver licenses for children in care and certified unaccompanied homeless youth.—

(4) Payment must be made to eligible recipients in the order of eligibility until available funds are exhausted. If a child determined to be eligible reaches permanency status or turns 18 years of age, the program may pay for that child to complete a driver education program and obtain a driver license for up to 6 months after the date the child reaches permanency status or 6 months after the date the child turns 18 years of age. A child may be eligible to have the costs of and incidental to licensure paid if he or she demonstrates that such costs are creating barriers to obtaining employment or completing educational goals, if the child meets any of the following criteria:

Page 1 of 2

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

36-00394-23

2023168__

(a) Is continuing in care under s. 39.6251;

(b) ~~Was in licensed care when the child reached 18 years of age and~~ Is currently receiving postsecondary education services and support under s. 409.1451(2); or

(c) Is an unaccompanied homeless youth certified under s. 743.067 who is a citizen of the United States or legal resident of this state and is:

1. Completing secondary education;
2. Employed at least part time;
3. Attending any postsecondary education program at least part time; or
4. Has a disability that precludes full-time work or education.

Section 2. This act shall take effect July 1, 2023.

Page 2 of 2

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



2023 AGENCY LEGISLATIVE BILL ANALYSIS

Department of Children and Families

<u>BILL INFORMATION</u>	
BILL NUMBER:	SB 168
BILL TITLE:	<u>Motor Vehicle Insurance and Driver Licenses for Foster Youth</u>
BILL SPONSOR:	Senator Garcia
EFFECTIVE DATE:	July 1, 2023

<u>COMMITTEES OF REFERENCE</u>
1) Children, Families, and Elder Affairs
2) Appropriations Committee on Health and Human Services
3) Fiscal Policy
4)
5)

<u>PREVIOUS LEGISLATION</u>	
BILL NUMBER:	N/A
SPONSOR:	N/A
YEAR:	N/A
LAST ACTION:	N/A

<u>CURRENT COMMITTEE</u>
Children, Families, and Elder Affairs

<u>SIMILAR BILLS</u>	
BILL NUMBER:	N/A
SPONSOR:	N/A

<u>IDENTICAL BILLS</u>	
BILL NUMBER:	N/A
SPONSOR:	N/A

<u>Is this bill part of an agency package?</u>
No.

<u>BILL ANALYSIS INFORMATION</u>	
DATE OF ANALYSIS:	January 25, 2023 For further information, please contact Alexander Guzman at (850) 488-9410.
LEAD AGENCY ANALYST:	Taylor Peck
ADDITIONAL ANALYST(S):	Max Kruse
LEGAL ANALYST:	Laura Battaglia
FISCAL ANALYST:	Sue Zwirz

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Currently funds are available to assist children in the Department's care (foster care) with the cost of obtaining a driver's license and paying for car insurance. Funds are provided through a program called Keys to Independence. Currently if a child leaves the Department's care before they are 18 years old (including through adoption), they cannot participate in the Keys to Independence program. The bill removes the requirement that a foster youth receiving postsecondary educational services and support must have also been in licensed foster care at the time of turning 18 years of age in order to be eligible to participate in the Keys to Independence program. The bill will expand those young adults eligible for the Keys to Independence program and provides an effective date of July 1, 2023.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Section 1. S. 409.1454, F.S.

Section 409.1454, F.S., establishes a motor vehicle insurance and driver license program for children-in-care. The section requires that, to the extent that funding is available, the Department of Children and Families (Department) establish a program to pay the cost of driver education, licensure and other costs incidental to licensure, and motor vehicle insurance for children in out-of-home care who have successfully completed a driver education program. The Department currently contracts with Embrace Families for the administration of the program, and the program is known as the Keys to Independence program.

The section requires payment to be made to eligible recipients in the order of eligibility until available funds are exhausted.

If an eligible child reaches permanency status or turns 18 years of age, the program may pay for that child to complete a driver education program and obtain a driver license for up to six months after the date the child reaches permanency status or six months after the date the child turns 18 years of age.

A child continuing in care under s. 39.6251, F.S., or who was in licensed care when the child reached 18 years of age and is currently receiving Postsecondary Education Services and Support (PESS) under s. 409.1451(2), F.S., may be eligible to have the costs of licensure and costs incidental to licensure paid if the child demonstrates that such costs are creating barriers for obtaining employment or completing educational goals.

It is important to note that being in licensed care when reaching 18 years of age is not the only requirement to be eligible for the PESS program. Therefore, limiting Keys to Independence program participation to PESS recipients who aged out in licensed care excludes some PESS recipients.

The Department is also required to contract with a not-for-profit entity whose mission is to support youth aging out of foster care to develop procedures for operating and administering the program, including, but not limited to:

- a) Determining eligibility, including responsibilities for the child and caregivers.
- b) Developing application and payment forms.
- c) Notifying eligible children, caregivers, group homes, and residential programs of the Keys to Independence program.
- d) Providing technical assistance to lead agencies, providers, group homes, and residential programs to support removing obstacles that prevent children in foster care from driving.
- e) Publicizing the Keys to Independence program, engaging in outreach, and providing incentives to youth participating in the program to encourage the greatest number of eligible children to obtain driver licenses.

Since the Keys to Independence program started in December 2014:

- **2,065** youth and young adults have obtained a learner's permit.
- **1,090** youth and young adults have obtained a Florida driver's license.
- **7,660** youth have been enrolled in the Keys to Independence program statewide.
- **2,995** remained actively enrolled in the program as of the same date.

Young adults in the Keys to Independence program have access to funds up to **\$3600**. Since the expansion to include eligible PESS clients in April 2022, there have been approximately **115** young adults in Florida enrolled in

PESS that have received services through the Keys to Independence program. Total enrollment in the PESS program for state fiscal year 2021-2022 was **832**.

2. EFFECT OF THE BILL:

Section 1. S. 409.1454, F.S.

The bill amends s. 409.1454(4), F.S., to remove the requirement that a PESS recipient must have been in licensed care when they reached 18 years of age in order to be eligible for the Keys to Independence program.

The Department estimates that this change has the potential to expand access to the Keys to Independence program by approximately 300 young adults in the PESS program. Although the total possible expansion is estimated at approximately 300, data shows us that not every PESS recipient receives services through the Keys to Independence program. According to enrollment data over the past fiscal year, approximately 13 percent of PESS recipients received services through the Keys to Independence program. Applying that participation percentage to the total potential expanded population, the Department estimates a real expansion of around 40 young adults.

3. DOES THE LEGISLATION DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? NO

If yes, explain:	N/A
What is the expected impact to the agency's core mission?	None.
Rule(s) impacted (provide references to F.A.C., etc.):	None.

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS? UNKNOWN

List any known proponents and opponents:	N/A
Provide a summary of the proponents' and opponents' positions:	N/A

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? NO

If yes, provide a description:	N/A
Date Due:	N/A
Bill Section Number(s):	N/A

6. ARE THERE ANY GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSION, ETC. REQUIRED BY THIS BILL? NO

Board:	N/A
Board Purpose:	N/A
Who Appoints:	N/A
Appointee Term:	N/A

Changes:	N/A
Bill Section Number(s):	N/A

FISCAL ANALYSIS

1. WHAT IS THE FISCAL IMPACT TO LOCAL GOVERNMENT?

Revenues:	None.
Expenditures:	None.
Does the legislation increase local taxes or fees?	No.
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	N/A

2. WHAT IS THE FISCAL IMPACT TO STATE GOVERNMENT?

Revenues:	None.
Expenditures:	The Department estimates that the expansion could be absorbed within the current appropriation.
Does the legislation contain a State Government appropriation?	No.
If yes, was this appropriated last year?	N/A

3. WHAT IS THE FISCAL IMPACT TO THE PRIVATE SECTOR?

Revenues:	None.
Expenditures:	None.
Other:	N/A

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?

Does the bill increase taxes, fees or fines?	No.
Does the bill decrease taxes, fees or fines?	No.
What is the impact of the increase or decrease?	N/A
Bill Section Number:	N/A

TECHNOLOGY IMPACT

Does the legislation impact the agency's technology systems (i.e., IT support, licensing software, data storage, etc.)?	No.
If yes, describe the anticipated impact to the agency including any fiscal impact.	N/A

FEDERAL IMPACT

Does the legislation have a federal impact (i.e., federal compliance, federal funding, federal agency involvement, etc.)?	No.
If yes, describe the anticipated impact including any fiscal impact.	N/A

ADDITIONAL COMMENTS**LEGAL - GENERAL COUNSEL'S OFFICE REVIEW**

Issues/concerns/comments and recommended action:	The Department's Office of the General Counsel has no issues, concerns, or comments on this bill.
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2/14/2023

Meeting Date

Children, Families, and Elder Affairs

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB168

Bill Number or Topic

Amendment Barcode (if applicable)

Name Kyle Johnson - Florida Youth SHINE Phone 954-643-0619

Address 164 Hideaway Beach LN Email Kyle@floridayouthshine.org

Street

Kissimmee

FL

34746

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☒ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Florida's Children First

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

2/14/23

Meeting Date

Snake Children + Families

Committee

The Florida Senate
APPEARANCE RECORD

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SB 168

Bill Number or Topic

Name

Geori (JOR-E) Seldine, Florida's Children's First

Phone

954-857-9597

Amendment Barcode (if applicable)

Address

4184 paragon way

Street

Email

geori.berman@floridaschildrensfirst.org

Coral Springs

City

FL

State

33472

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

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S-001 (08/10/2021)

2/14/2023

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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SB168

Bill Number or Topic

Children, Families, and Elder Affairs

Committee

Amendment Barcode (if applicable)

Name Martavius Lowery - Florida Youth SHINE

Phone 321-316-7408

Address 1010 Regal Pointe Terr, #308

Street

Email Martavius@floridayouthshine.org

Lake Mary

FL

32746

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☒ I am not a lobbyist, but received
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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/14/23

Meeting Date

SB 168

Bill Number or Topic

Children Families: EA

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Brita Lincoln - Florida PTA

Phone

407/855-7604

Address

1747 Orlando Central Pkwy

Email

Legislation@FloridaPTA.org

Street

Orlando, FL 32809

City

State

Zip

Speaking:

☐ For

☐ Against

☐ Information

OR

Waive Speaking:

☒ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without compensation or sponsorship.

☐

I am a registered lobbyist, representing:

☐

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

168

Bill Number or Topic

Meeting Date

Children, Families & EA.

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Victoria Zepp

Phone

850/241.6309

Address

310 W. College Ave

Email

VICTORIA@TEAM180.COM

Street

TX

City

State

32301

Zip

Speaking:

☐ For

☐ Against

☐ Information

OR

Waive Speaking:

☒ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
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This form is part of the public record for this meeting.

S-001 (08/10/2021)

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 204

INTRODUCER: Senator Rouson

SUBJECT: Task Force on the Monitoring of Children in Out-of-Home Care

DATE: February 13, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Tuszynski	Cox	CF	Favorable
2.			FP	

I. Summary:

SB 204 creates the Task Force on the Monitoring of Children in Out-of-Home Care adjunct to the Florida Department of Law Enforcement (FDLE), with the FDLE providing administrative support for the Task Force. The Task Force is required to identify and counter the root causes of why children go missing while in out-of-home care and to ensure that prompt and effective action is taken to address such causes. The Task Force must examine and recommend improvements to current policies, procedures, programs, and initiatives to prevent children from going missing while in out-of-home care and to ensure that timely and comprehensive steps are taken to find children who are missing for any reason, including, but not limited to, running away, human trafficking, and abduction by or absconding with a parent or an individual who does not have care or custody of the child.

The Task Force is to be composed of 13 members, including, but not limited to, a member of the Senate, a member of the House of Representatives, and representatives from the FDLE, the Guardian ad Litem program, and the community-based care lead agencies (CBCs), a licensed foster parent, and a young adult who has aged out of the foster care system. Dates are specified for member appointments and the initial meeting of the Task Force.

The bill requires the Department of Children and Families (DCF or department) to submit monthly reports through October, 2024, to assist the Task Force in fulfilling its duties and requires the Florida Institute for Child Welfare to conduct focus groups with children in out-of-home care and young adults who have aged out of the foster care system to examine why children leave their out-of-home placements and how to prevent them from leaving.

The bill requires the Task Force to submit a report with findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1, 2024.

The bill includes a date for repeal of the Task Force on June 30, 2025, unless reviewed and saved from repeal by the Legislature.

The bill is anticipated to have a significant negative fiscal impact on the FDLE. *See* Section V. Fiscal Impact Statement.

The bill has an effective date of July 1, 2023.

II. Present Situation:

Out-of-home Care

Current law requires any person who knows or suspects that a child has been abused, abandoned, or neglected to report such knowledge or suspicion to the Florida central abuse hotline (hotline).¹ A child protective investigation begins if the hotline determines the allegations meet the statutory definition of abuse,² abandonment,³ or neglect.⁴ A child protective investigator (CPI) investigates the situation either immediately, or within 24 hours after the report is received, depending on the nature of the allegation.⁵

After conducting an investigation, if the CPI determines that the child is in need of protection and supervision that necessitates removal, the investigator may initiate formal proceedings to remove the child from his or her home. When the DCF removes a child from the home, known as out-of-home care, a series of dependency court proceedings must occur before a child may be adjudicated dependent.⁶

When children cannot safely remain at home with parents, Florida's child welfare system finds safe out-of-home placements for such children. After an assessment to determine the most

¹ Section 39.201(1), F.S.

² Section 39.01(2), F.S. The term "abuse" means any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Abuse of a child includes the birth of a new child into a family during the course of an open dependency case when the parent or caregiver has been determined to lack the protective capacity to safely care for the children in the home and has not substantially complied with the case plan towards successful reunification or met the conditions for return of the children into the home. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.

³ Section 39.01(1), F.S. The term "abandoned" or "abandonment" means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child's care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both.

⁴ Sections 39.01(50) and 39.201(2)(a), F.S. "Neglect" occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent or legal custodian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child may not, for that reason alone, be considered a negligent parent or legal custodian; however, such an exception does not preclude a court from ordering necessary services.

⁵ Section 39.101(2), F.S.

⁶ *See* s. 39.01(14), F.S., for the definition of "child who is found to be dependent".

appropriate out-of-home placement, a child may be placed with a relative, fictive kin, licensed foster parent, in a group home or residential setting.⁷ While in out-of-home care, the child and his or her parents receive services to address problems that led to the removal so that reunification or other permanency option may be reached as quickly as possible.⁸

Once removed, the shelter and daily care for the child are provided by foster or kinship families or group home staff. These caregivers undergo an assessment and licensing or certification process to ensure their suitability as caregivers. While in out-of-home care, services are provided to the child and his or her parents to help improve the problems that led to the removal so that reunification or other permanency options may be reached as quickly as possible.⁹

Missing Children in DCF Custody

In the wake of the disappearance of Rilya Wilson,¹⁰ the Executive Office of Governor Jeb Bush, the DCF, and the Florida Department of Law Enforcement (FDLE) teamed up to locate 393 missing children who were in the DCF's custody.¹¹ This multi-agency statewide effort (Operation SafeKids) created seven Regional Child Location Strike Forces in each of the FDLE's seven regions. The results of the Operation included:

- 292 children, or 75 percent, were located or cases were closed.
- 13 children, or 3 percent, were no longer in the DCF's custody due to age but still had active cases with law enforcement.
- 88 children, or 22 percent, were not located and remained under active investigation by the local law enforcement and the DCF. Of these, 20 were included in the Endangered/Parental Abduction/Involuntary group, and 68 were included in the Runaway group.¹²

The FDLE reports that the FDLE's Missing Endangered Persons Information Clearinghouse (MEPIC)¹³ led a multi-agency statewide effort titled "Operation Safe Kids." Part of this operation's work was to implement the now standard procedure of opening a missing persons case for every child discovered missing while under the DCF custody. The DCF, as the custodian

⁷ Rule 65C-28.004, F.A.C.

⁸ Child Welfare Information Gateway, *Out-of- Home Care Overview*, available at <https://www.childwelfare.gov/topics/outofhome/overview/#:~:text=Out%2Dof%2Dhome%20care%20is,to%20abuse%20and%20for%20neglect> (last visited February 5, 2023).

⁹ *Id.*

¹⁰ Four-year old Rilya Wilson went missing while in DCF's custody after the termination of her mother's parental rights. The DCF did not discover her disappearance until two years later, when she was not found living at the home of her caregiver. In response, Florida created the Rilya Wilson Act (Section 39.604, F.S.), that requires a child from birth to the age of school entry, who is under court-ordered protective supervision or in out-of-home care and is enrolled in an early education or child care program, to attend the program 5 days a week unless the court grants an exemption.

¹¹ The FDLE and the DCF, *Operation SafeKids, Results, Findings & Recommendations* (Dec. 17, 2002), available at https://popcenter.asu.edu/sites/default/files/problems/runaways/PDFs/FL%20DOC&F_2002.pdf (last visited February 5, 2023).

¹² *Id.*

¹³ The Missing Endangered Persons Information Clearinghouse (MEPIC) is the central repository of information regarding missing endangered persons in Florida. MEPIC assists law enforcement in finding missing persons by providing analytical services and engaging the public in the search. MEPIC has worked with partner agencies to develop the Florida AMBER Plan and Florida Silver Alert Plan. MEPIC is responsible for issuing all AMBER Alerts, Missing Child Alerts, and State Silver Alerts in Florida. Available at: <https://www.fdle.state.fl.us/mcicsearch/> (Last visited February 3, 2023).

of the missing child, makes the initial missing report to the appropriate local law enforcement agency who then enters the case into the Florida Crime Information Center (FCIC).

This entry ensures all law enforcement and criminal justice professionals nationwide making inquiries regarding a possible missing child similar to the subject of the case are notified of the Florida missing child. Additionally, the DCF creates a record in the Florida Safe Families Network (FSFN) concerning the missing episode.¹⁴

A DCF liaison, co-located within MEPIC, performs quality control on the information in FSFN using internal DCF information and the missing child's FCIC entry. This information is electronically transferred from the DCF liaison to members of MEPIC who facilitate its entry into MEPIC's Missing Persons Database (MPDB). In addition to populating multiple Florida systems and data access points to, the MPDB electronically transfers the information to the National Center for Missing and Exploited Children (NCMEC). When fully implemented in February of 2008, this electronic process became the first of its kind in the nation, rapidly transferring missing child data for a child in state care to both state and federal missing persons clearinghouses to minimize the time for the safe recovery of the child.¹⁵

The co-location and partnership with the DCF personnel within MEPIC facilitates the ongoing effectiveness and continued success of this system as well as the facilitation of near immediate agency-to-agency communication and information sharing between state and local partners on all DCF missing child cases. This benefit is particularly valuable with those cases involving the most serious danger for the children and urgency required to insure a safe recovery.¹⁶

Additionally, a Florida Senate interim project report noted that the disappearance of Rilya Wilson in 2002 raised national awareness of the problem of children who become missing while under the care of the child welfare agencies. Florida and many other states have studied the issue and enacted legislation and implemented policies intended to improve tracking of children in state care. The report made a number of recommendations related to changes in Florida law, including:

- Give the DCF rule-making authority specific to missing children to promulgate rules that will provide comprehensive, explicit, and consistent guidelines for employees and contracted providers.
- The Legislature should amend Chapter 39 to require the department and its contracted providers to report a child as missing to the appropriate law enforcement agency after making reasonable, but unsuccessful, efforts to locate the child.
- Amend s. 937.021(1), F.S., to clarify that a law enforcement agency must take reports of missing children, not only from parents and guardians, but also from the DCF and its contracted providers.
- Amend s. 787.04(3), F.S., to change the requirement from "criminal intent" to "knowingly and willfully" in regards to removing a minor from the state or concealing the minor during

¹⁴ The FDLE, *2023 FDLE Legislative Bill Analysis SB 204*, p. 5, January 17, 2023 (on file with the Senate Committee on Children, Families, and Elder Affairs) (hereinafter "The FDLE SB 204 Analysis").

¹⁵ *Id.*

¹⁶ *Id.*

the pendency of a dependency proceeding or any investigation, action, or proceeding related to the abuse or neglect of the minor.¹⁷

These recommendations were enacted during the 2008 legislative session.¹⁸

Collection of Information Related to Children in Out-of-home Care

Federal rules enacted in 1993 supported states in planning, designing, developing, and implementing a Statewide Automated Child Welfare Information System (SACWIS) system. SACWIS was a comprehensive, automated case management system that helps social workers manage foster care and adoption cases.

Under the SACWIS rules states were required to collect 66 data elements, including demographic information on the child's race, age, gender, and date of entry into care. SACWIS included case-related information, such as removal reason, service goals, number of placements, and availability for adoption. States were allowed to include other data elements to meet their needs, including elements that help caseworkers manage their caseloads within the structure of the child welfare system.

In 2016, the Administration for Children and Families (ACF) issued a final rule to replace the aging SACWIS rules with a set of modernized rules to create a Comprehensive Child Welfare Information system (CCWIS).¹⁹ CCWIS maintains the required data elements of the old SACWIS rules but streamlines those rules and also requires specific data exchanges that have been made possible by technologies since the original SACWIS rules in 1993. The new exchanges must support collaboration and interoperability that create efficient, economical, and effective data sharing with multiple child-serving agencies such as the courts, juvenile justice, mental and behavioral health, Medicaid, and others.

Currently, the FSFN is named as the SACWIS system-of-record in rule.²⁰ However, the DCF has notified the ACF of plans to transition from SACWIS to a modernized CCWIS under the 2016 regulations in a multi-year IT project. The ACF lists Florida's FSFN system is currently listed with the ACF as a "transitional" CCWIS system in "development" with a "TBD" name.²¹

Florida Institute for Child Welfare

In 2014, the Legislature established the Florida Institute for Child Welfare (FICW) at the Florida State University, College of Social Work. The FICW is to advance the well-being of children and families by improving the performance of child protection and child welfare services

¹⁷ The Florida Senate, Committee on Children, Families, and Elder Affairs, *Missing Children*, Interim Project Report 2008-106, October 2007, available at <https://www.flsenate.gov/UserContent/Committees/Publications/InterimWorkProgram/2008/pdf/2008-106cf.pdf> (last visited Februar 3, 2023).

¹⁸ Chapter 2008-245, L.O.F.

¹⁹ 45 C.F.R. ss. 1355.50 through 1355.59.

²⁰ Rule 65C-38.001, F.A.C.

²¹ Children's Bureau, Administration for Children & Families, *CCWIS Status* (January 5, 2023), available at <https://www.acf.hhs.gov/cb/training-technical-assistance/ccwis-status> (last visted February 6, 2023).

through research, policy analysis, evaluation, and leadership development.²² Law requires the FICW to establish an affiliate network of public and private universities with accredited degrees in social work.²³ The FICW is also required to:

- Maintain a program of research contributing to the scientific knowledge related to child safety, permanency, and child and family well-being.
- Advise the DCF and other organizations about scientific evidence regarding child welfare practice, as well as management practices and administrative processes.
- Assess performance of child welfare services based on specified outcome measures.
- Evaluate training requirements for the child welfare workforce and the effectiveness of training.
- Develop a program of training and consulting to assist organizations with employee retention.
- Identify and communicate effective policies and promising practices.
- Recommend improvements in the state's child welfare system.
- Submit annual reports to the Governor and Legislature.²⁴

Task Force

Section 20.03, F.S., includes definitions related to the required organizational structure of task forces. In part, it defines a “task force” as an advisory body created without specific statutory enactment for a time not to exceed one year or created by specific statutory enactment for a time not to exceed three years and appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem. Its existence terminates upon the completion of its assignment.²⁵

Florida has established a number of task forces in the past related to child welfare. These have typically been created either by the Governor or the DCF in response to incidents involving a child under the DCF's custody. Examples of these include, in part:

- The Nubia Report, the Investigative Panel's Findings and Recommendations, 2011.²⁶
- Family Safety Quality Assurance Review of Courtney Alisa Clark, Initial Findings, 2007.²⁷
- Report of Gabriel Myers Work Group on Child-on-Child Sexual Abuse, 2010.²⁸
- Governor's Blue Ribbon Panel on Child Protection, 2003 (Rilya Wilson).²⁹

²² Section 1004.615, F.S.

²³ All public universities with such programs in Florida are currently part of the network. In 2017, the FICW expanded its affiliate network to include research affiliates, and there are now over 50 research faculty affiliates.

²⁴ Section 1004.615, F.S.

²⁵ Section 20.30(8), F.S.

²⁶ Lawrence, D., Martinez, R., and Sewell, J., *The Nubia Report, The Investigative Panel's Findings and Recommendations*, available at <https://www.myflfamilies.com/service-programs/child-welfare/kids/publications/docs/taskforce/NubiasStory.pdf> (last visited February 6, 2023).

²⁷ The DCF, *Family Safety Quality Assurance Review of Courtney Alisa Clark, Initial Findings*, available at https://www.myflfamilies.com/service-programs/child-welfare/kids/publications/docs/taskforce/cclark_QA_Initial_Findings.pdf (last visited February 6, 2023).

²⁸ The DCF, *Report of Gabriel Myers Work Group on Child-on-Child Sexual Abuse*, available at <https://www.myflfamilies.com/initiatives/GMWorkgroup/docs/Gabriel%20Myers%20COC%20Report%20May%2014%202010.pdf> (last visited February 6, 2023).

²⁹ The DCF, *Governor's Blue Ribbon Panel on Child Protection*, available at <https://www.myflfamilies.com/service-programs/child-welfare/kids/publications/docs/taskforce/BlueRibbonFinal110703.pdf> (last visited February 6, 2023).

There is currently no task force that monitors children in out-of-home care.

III. Effect of Proposed Changes:

The bill creates the Task Force on the Monitoring of Children in Out-of-Home Care adjunct to the FDLE. The Task Force is created to identify and counter the root causes of why children go missing while in out-of-home care and to ensure prompt and effective action is taken to address such causes. The bill requires the Task Force to examine and recommend improvements to current policies, procedures, programs, and initiatives to prevent children from going missing while in out-of-home care and to ensure that timely and comprehensive steps are taken to find children who are missing for any reason, including, but not limited to, running away, human trafficking, and abduction by a parent or a person who does not have care or custody of the child.

The Task Force comprises the following 13 members:

- A member of the Senate, appointed by the President of the Senate.
- A member of the House of Representatives, appointed by the Speaker of the House of Representatives.
- The Secretary of the DCF, or designee.
- The Secretary of the Department of Juvenile Justice, or designee.
- The executive director of the Statewide Guardian ad Litem Office, or designee.
- The executive director of the FDLE, or designee.
- A representative from Safe Kids Florida, appointed by the State Surgeon General.
- A representative from the Statewide Council on Human Trafficking, appointed by the Attorney General.
- A representative from a CBC that delivers child welfare services in a rural county, appointed by the DCF's Secretary.
- A representative from a CBC that delivers child welfare services in an urban county, appointed by DCF's Secretary.
- A licensed foster parent, appointed by the DCF's Secretary.
- A representative from a residential group care provider, appointed by the DCF's Secretary.
- A young adult who aged out of the foster care system, appointed by the DCF's Secretary.

The bill requires all Task Force appointments to be made by August 1, 2023, and provides that each member serves at the pleasure of the appointing official. A vacancy on the Task Force must be filled in the same manner as the original appointment. The members must elect a chair from among the members.

The bill requires the Task Force to convene no later than September 1, 2023, and to meet monthly thereafter or upon the call of the chair. The bill allows meetings to be held through teleconference or other electronic means.

The Task Force must:

- Analyze statistical data regarding children in out-of-home care who are missing and the reasons why, if known;

- Identify the root causes of why children go missing while in out-of-home care and how to prevent children from going missing while in out-of-home care;
- Assess the relationship between children who go missing from out-of-home care and the risks of such children becoming victims of human trafficking;
- Assess the comprehensiveness and effectiveness of existing policies and procedures for preventing children in out-of-home care from going missing, for promptly determining whether such children are missing, and for locating such children;
- Evaluate the state's approaches to reporting on the individual status of children missing from out-of-home care and the results of the efforts to locate such children, including, but not limited to, the use of technology, training, communication, and cooperation;
- Measure the overall performance of efforts to locate and recover children missing from out-of-home care, including, but not limited to, the communication and response between CBC's, the DCF, and other entities;
- Collaborate with the FICW to identify best practices used in other states for monitoring the location of children in out-of-home care who go missing, and evaluate whether such practices should be adopted in the state; and
- Submit recommendations to improve policies, procedures, and systems in the state, including, but not limited to, technology, training, communication, and cooperation, so all entities are effectively monitoring children in out-of-home care, responding appropriately when such children go missing, and preventing such children from going missing while in out-of-home care.

The bill requires the FICW to conduct focus groups with children in out-of-home care and young adults formerly in foster care to assist the Task Force in fulfilling its duties. The focus groups must, at a minimum, consider the reasons why such children seek to leave their out-of-home placement, identify opportunities and resources to assist and prevent children from leaving their placements, and to facilitate the return of such missing children. The bill requires the FICW to submit the findings from the focus groups to the Task Force by April 1, 2024.

The bill requires the DCF to provide monthly reports to the Task Force until October 1, 2024. The monthly reports must, at a minimum, address the number and percentage of children in out-of-home care reported missing, the reasons why such children are missing, if known, and the length of time between when such children are reported missing and their recovery or return. The monthly reports must categorize the required data by age, county, CBC, and reason, if known.

The Task Force must submit a report with its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1, 2024.

The bill includes a repeal date of June 30, 2025, for the section creating the Task Force, unless reviewed and saved from repeal by the Legislature.

The bill provides an effective date of July 1, 2023.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The FDLE reports that due to the short-term nature of the Task Force, the FDLE states it will require two OPS positions totaling \$140,076 (\$130,986 recurring) to support the Task Force.³⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

The FDLE has reported that as a task force pursuant to s. 20.03, F.S., this body would be required to meet sunshine meeting and records requirements. The bill does not provide an

³⁰ The FDLE SB 204 Analysis, p. 4.

exception for closed sessions, therefore, task force members would not be able to openly discuss confidential and/or exempt records without waiving such rights. Further, the FDLE states that there may be the need to occasionally possess and review law enforcement sensitive information in this setting.³¹ The FDLE respectfully recommends mirroring language found in s. 943.687(8), FS, which provides: “Any portion of a meeting of the Marjory Stoneman Douglas High School Public Safety Commission at which exempt or confidential and exempt information is discussed is exempt from s. 286.011, FS, and s. 24(b), Art. I of the State Constitution.”³²

Additionally, the FDLE requests that additional language be included in the bill to allow for the Task Force to possess records while maintaining any exemption or confidentiality status those records may have already maintained and language authorizing closed sessions to discuss confidential and/or exempt materials that the Task Force may regularly need, such as active criminal intelligence information or active criminal investigative information, or personal identifiable information of individuals such as victims who may have constitutional rights under Marsy’s Law.³³

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 39.4093

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.

³¹ The FDLE SB 204 Analysis, p. 5.

³² *Id.*

³³ *Id.*

By Senator Rouson

16-00455-23

2023204__

A bill to be entitled

An act relating to the Task Force on the Monitoring of Children in Out-of-Home Care; creating s. 39.4093, F.S.; creating the task force adjunct to the Department of Law Enforcement; requiring the department to provide certain services; specifying the purpose of the task force; specifying the composition of the task force; providing requirements for member appointments, election of a chair, and meetings; specifying duties of the task force; requiring the Florida Institute for Child Welfare to conduct certain focus groups and submit its findings to the task force by a specified date; requiring the Department of Children and Families to submit certain monthly reports to the task force through a specified date; requiring the task force to submit a report to the Governor and Legislature by a specified date; providing for future review and repeal; providing an effective date.

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

Section 1. Section 39.4093, Florida Statutes, is created to read:

39.4093 Task Force on the Monitoring of Children in Out-of-Home Care.-

(1) CREATION.-The Task Force on the Monitoring of Children in Out-of-Home Care, a task force as defined in s. 20.03(8), is created adjunct to the Department of Law Enforcement. The

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

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Department of Law Enforcement shall provide administrative and staff support services relating to the functions of the task force.

(2) PURPOSE.-The purpose of the task force is to identify and counter the root causes of why children go missing while in out-of-home care and to ensure that prompt and effective action is taken to address such causes. The task force shall examine and recommend improvements to current policies, procedures, programs, and initiatives to prevent children from going missing while in out-of-home care and to ensure that timely and comprehensive steps are taken to find children who are missing for any reason, including, but not limited to, running away, human trafficking, and abduction by or absconding with a parent or an individual who does not have care or custody of the child.

(3) MEMBERSHIP; MEETINGS.-

(a) The task force is composed of the following members:

1. A member of the Senate, appointed by the President of the Senate.

2. A member of the House of Representatives, appointed by the Speaker of the House of Representatives.

3. The secretary, or his or her designee.

4. The Secretary of Juvenile Justice, or his or her designee.

5. The executive director of the Statewide Guardian Ad Litem Office, or his or her designee.

6. The executive director of the Department of Law Enforcement, or his or her designee.

7. A representative from Safe Kids Florida, appointed by the State Surgeon General.

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8. A representative from the Statewide Council on Human Trafficking, appointed by the Attorney General.

9. A representative from a community-based care lead agency that delivers child welfare services in a rural county, appointed by the secretary.

10. A representative from a community-based care lead agency that delivers child welfare services in an urban county, appointed by the secretary.

11. A licensed foster parent, appointed by the secretary.

12. A representative from a residential group care provider, appointed by the secretary.

13. A young adult who has aged out of the foster care system, appointed by the secretary.

(b) Appointments to the task force must be made by August 1, 2023. Each member serves at the pleasure of the official who appointed the member. A vacancy on the task force must be filled in the same manner as the original appointment.

(c) The task force shall elect a chair from among its members.

(d) The task force shall convene no later than September 1, 2023. The task force shall meet monthly or upon the call of the chair. The task force shall hold its meetings through teleconference or other electronic means.

(4) DUTIES.—The duties of the task force include all of the following:

(a) Analyzing statistical data regarding children in out-of-home care who are missing and the reasons why such children are missing, if known.

(b) Identifying the root causes of why children go missing

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while in out-of-home care and how to prevent children from going missing while in out-of-home care.

(c) Assessing the relationship between children who go missing from out-of-home care and the risk of such children becoming victims of human trafficking.

(d) Assessing the comprehensiveness and effectiveness of existing policies and procedures for preventing children in out-of-home care from going missing, for promptly determining whether such children are missing, and for locating any such missing children.

(e) Evaluating the state's approaches to reporting on the individual status of children missing from out-of-home care and the results of the efforts to locate such children, including, but not limited to, the use of technology, training, communication, and cooperation.

(f) Measuring the overall performance of efforts to locate and recover children missing from out-of-home care, including, but not limited to, the communication and response between community-based care lead agencies, the department, and other entities.

(g) Collaborating with the Florida Institute for Child Welfare to identify best practices used in other states for monitoring the location of children in out-of-home care who go missing, and evaluating whether such practices should be adopted in this state.

(h) Submitting recommendations to improve policies, procedures, and systems in this state, including, but not limited to, technology, training, communication, and cooperation, so that all entities are effectively monitoring

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 117 children in out-of-home care, responding appropriately when such
 118 children go missing, and preventing such children from going
 119 missing while in out-of-home care.

120 (5) FOCUS GROUPS.—The Florida Institute for Child Welfare
 121 shall conduct focus groups with children in out-of-home care and
 122 young adults who have aged out of the foster care system to
 123 assist the task force in fulfilling its duties. The focus groups
 124 shall, at a minimum, consider the reasons why such children seek
 125 to leave their out-of-home placements and identify opportunities
 126 and resources to assist and prevent children from leaving their
 127 placements and to facilitate the return of such missing
 128 children. The institute shall submit the findings from the focus
 129 groups to the task force by April 1, 2024.

130 (6) REPORTS.—

131 (a) Through October 1, 2024, the department shall provide
 132 monthly reports to the task force to assist the task force in
 133 fulfilling its duties. The monthly reports must, at a minimum,
 134 address the number and percentage of children in out-of-home
 135 care who have been reported missing; the reasons why such
 136 children are missing, if known; and the length of time between
 137 when such children are reported missing and their recovery or
 138 return. The monthly report must categorize the required data by
 139 age, county, community-based care lead agency, and reasons why
 140 such children are missing, if known.

141 (b) By October 1, 2024, the task force shall submit to the
 142 Governor, the President of the Senate, and the Speaker of the
 143 House of Representatives a report that compiles the findings and
 144 recommendations of the task force.

145 (7) REPEAL.—This section is repealed June 30, 2025, unless

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 146 reviewed and saved from repeal through reenactment by the
 147 Legislature.

148 Section 2. This act shall take effect July 1, 2023.



2023 FDLE LEGISLATIVE BILL ANALYSIS



BILL INFORMATION

BILL NUMBER:	SB 204
BILL TITLE:	Task Force on the Monitoring of Children in Out-of-Home Care
BILL SPONSOR:	Senator Rouson
EFFECTIVE DATE:	July 1, 2023

COMMITTEES OF REFERENCE

1)
2)
3)
4)
5)

PREVIOUS LEGISLATION

BILL NUMBER:	SB 1358
SPONSOR:	Senator Rouson
YEAR:	2022
LAST ACTION:	Died in Messages

CURRENT COMMITTEE

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SIMILAR BILLS

BILL NUMBER:	HB 143
SPONSOR:	Representative Williams

IDENTICAL BILLS

BILL NUMBER:	
SPONSOR:	

Is this bill part of an agency package?

No

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	January 17, 2023
LEAD AGENCY ANALYST:	Lori Mizell
ADDITIONAL ANALYST(S):	Chad Brown, Alan Moses, Heather Faulkner
LEGAL ANALYST:	Philip Lindley
FISCAL ANALYST:	Elizabeth Martin

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

An act relating to the Task Force on the Monitoring of Children in Out-of-Home Care; creating s. 39.4093, F.S.; creating the task force adjunct to the Florida Department of Law Enforcement (FDLE); requiring FDLE to provide certain services; specifying the purpose of the task force; specifying the composition of the task force; providing requirements for member appointments, election of a chair, and meetings; specifying duties of the task force; requiring the Florida Institute for Child Welfare to conduct certain focus groups and submit its findings to the task force by a specified date; requiring the Department of Children and Families (DCF) to submit certain monthly reports to the task force through a specified date; requiring the task force to submit a report to the Governor and Legislature by a specified date; providing for future review and repeal; providing an effective date.

2. SUBSTANTIVE BILL ANALYSIS

1. **PRESENT SITUATION:** There is currently no task force on the monitoring of children in out-of-home care that go missing.
2. **EFFECT OF THE BILL:** Creates s. 39.4093, F.S., establishing a Task Force on the Monitoring of Children in Out-of-Home care adjunct to FDLE. FDLE shall provide administrative and staff support services relating to the functions of the task force. The task force shall be composed of 13 appointed members, including those from the Senate, House of Representatives, Department of Juvenile Justice (DJJ), DCF, FDLE, the Statewide Guardian Ad Litem Office, Safe Kids Florida, the Statewide Counsel on Human Trafficking, community-based care lead agencies, a foster parent, a residential group care provider and a young adult who aged out of the foster care system.

The task force's purpose is to identify and counter the causes of why children go missing while in out-of-home care and ensure that action is taken to address such causes. Duties include analyzing statistical data regarding such missing children, identifying why they go missing and how to prevent it, assessing relationships between such children and the risks of becoming human trafficking victims, assessing existing policies and procedures for preventing such children from going missing, for determining whether they are missing, and for locating them, evaluating the state's approaches to reporting on the status of such children and the results of the efforts to locate them, measuring the overall performance of efforts to recover them, including the communication and response between community-based care lead agencies, DCF and other entities, collaborating with the Florida Institute for Child Welfare to identify best practices used in other states for and evaluating whether such practices should be adopted, and submitting recommendations to improve policies, procedures, and systems so that all entities are effectively monitoring children in out-of-home care, responding appropriately when such children go missing, and preventing such children from going missing.

DCF shall submit monthly reports on the number and percentage of such children who have gone missing, and the reason why, if known and the length of time between when such children are reported missing and their recovery or return. By October 1, 2024, the task force shall submit a report with their findings and the recommendations to the Governor, Senate, and House of Representatives.

3. DOES THE LEGISLATION DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES OR PROCEDURES? Y ☒ N ☐

If yes, explain:	Directs the task force to submit recommendations to improve policies, procedures and systems including, but not limited to, technology, training, communication and cooperation, so all entities are effectively monitoring children in out-of-home care, responding appropriately when such children go missing, and preventing such children from going missing while in out-of-home care.
What is the expected impact to the agency's core mission?	Y <input type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

List any known proponents and	
-------------------------------	--

opponents:	
Provide a summary of the proponents' and opponents' positions:	

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y ☒ N ☐

If yes, provide a description:	<p>DCF shall provide monthly reports to the task force to assist the task force in fulfilling its duties. The monthly reports must address the number and percentage of children in out-of-home care who have been reported missing; the reasons why such children are missing, if known; and the length of time between when such children are reported missing and their recovery or return. The monthly report must categorize the required data by age, county, community-based care lead agency, and reasons why such children are missing, if known.</p> <p>The task force shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that compiles the findings and recommendations of the task force.</p>
Date Due:	October 1, 2024
Bill Section Number:	Section 1, lines 130-144

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSION, ETC. REQUIRED BY THIS BILL? Y ☐ N ☒

Board:	
Board Purpose:	
Who Appointments:	
Appointee Term:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y ☐ N ☒

Revenues:	
Expenditures:	
Does the legislation increase local taxes or fees?	
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of	

the tax or fee increase?	
--------------------------	--

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y ☒ N ☐

Revenues:	
Expenditures:	Due to the short-term nature of this task force, the department is requesting two OPS positions totaling \$140,076 (\$130,986 recurring) to support this task force. Total FDLE Fiscal: \$140,076 (\$130,986 recurring)
Does the legislation contain a State Government appropriation?	No.
If yes, was this appropriated last year?	

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y ☐ N ☒

Revenues:	
Expenditures:	
Other:	

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES? Y ☐ N ☒

Does the bill increase taxes, fees or fines?	
Does the bill decrease taxes, fees or fines?	
What is the impact of the increase or decrease?	
Bill Section Number:	

TECHNOLOGY IMPACT

1. DOES THE LEGISLATION IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E., IT SUPPORT, LICENSING, SOFTWARE, DATA STORAGE, ETC.)? Y ☐ N ☒

If yes, describe the anticipated impact to the agency including any fiscal impact.	
--	--

FEDERAL IMPACT

1. DOES THE LEGISLATION HAVE A FEDERAL IMPACT (I.E., FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y ☐ N ☒

If yes, describe the anticipated impact including any fiscal impact.	
--	--

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments and recommended action:	As a task force pursuant to s. 20.03, F.S., this body would be required to meet sunshine meeting requirements. As no exception for closed sessions is provided in this bill, task force members would be without an effective means to openly discuss confidential and/or exempt records without waiving such rights. There may be the need to occasionally possess and review law enforcement sensitive information in this setting. The department respectfully requests additional language to allow for the task force to possess records while maintaining any exemption or confidentiality status those records may have already maintained. The department also requests language to allow for closed sessions to discuss confidential and/or exempt materials that the task force may regularly need, such as active criminal intelligence information or active criminal investigative information, or personal identifiable information of individuals such as victims who may have constitutional rights under Marsy's Law. FDLE respectfully recommends mirroring language found in s. 943.687(8), FS, which provides: "Any portion of a meeting of the Marjory Stoneman Douglas High School Public Safety Commission at which exempt or confidential and exempt information is discussed is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature."
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ADDITIONAL COMMENTS

- As part of a number of investigations, policy changes, and new protocols developed and implemented in the wake of the discovery of four-year old foster child, Rilya Wilson's disappearance in 2002, and at the request of Governor Jeb Bush, FDLE's Missing Endangered Persons Information Clearinghouse (MEPIC) led a multi-agency, statewide effort, titled "Operation Safe Kids." Part of this operation's work was implementation of the now standard procedure, opening missing persons cases for every child discovered missing while under DCF custody. Criteria for opening a missing person's case with MEPIC starts with the entry of the child as a missing person in the Florida Crime Information Center (FCIC) by a local law enforcement agency. DCF, as the custodian of the missing child, makes the initial missing report to the appropriate local law enforcement agency who then enters the case into FCIC. This entry ensures all law enforcement and criminal justice professionals nationwide making inquiry regarding a possible missing child similar to the subject of the case are notified of the Florida missing child. Additionally, DCF creates a record in the Florida Safe Families Network (FSFN), their internal database, concerning the missing episode. Amongst other benefits, these entries allow DCF and law enforcement to identify potential triggers, intended destinations and possible companions for repeat runaways.
- Two DCF liaisons, co-located within MEPIC, quality control the information in FSFN using internal DCF information and the missing child's FCIC entry. This information is electronically transferred from the DCF liaisons to members of MEPIC who facilitate its entry into MEPIC's Missing Persons Database (MPDB). In addition to populating a variety of Florida systems and access points to the information, MPDB also electronically transfers the information regarding the child to the National Center for Missing and Exploited Children (NCMEC). When fully implemented as an electronic network in February of 2008, this relay process became the first of its kind in the nation, rapidly transferring the missing record of a child in state care, to both state and federal missing persons clearinghouses to help optimize the safe recovery of the child in minimal time.
- The co-location and partnership with DCF personnel within MEPIC facilitates the ongoing effectiveness and continued success of this system as well as the facilitation of near immediate agency-to-agency communication and information sharing between state and local partners on all DCF missing child cases. This benefit is particularly valuable with those cases involving the most serious danger for the children and urgency required to insure a safe recovery.

MEPIC Opened Cases 2016-2022Category: **DCF Custody**

2022	2,040
2021	1,821
2020	1,883
2019	1,855
2018	2,046
2017	2,549
2016	2,631

- This bill establishes the Task Force on Monitoring of Children in Out-of-Home Care adjunct to FDLE. However, the task force is outside of FDLE's mission. Because it focuses almost entirely on DCF missions and operations, it is more appropriately placed under DCF, with FDLE providing representation through an appointed membership.

The Florida Senate

APPEARANCE RECORD

SB 204

Bill Number or Topic

07/14/2023

Meeting Date

Children, families & Elder Affairs

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Brita Wilkins - Lincoln

Phone

407

Address

Florida PTA
1747 Orlando Central Pkwy

Email

legislation@floridapta.org

Street

Orlando

State

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Zip

32809

City

Speaking:

☐ For

☐ Against

☐ Information

OR

Waive Speaking:

☒

In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/14/23

Meeting Date

C, F, & EA

Committee

~~2/14/23~~ 204

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

VICTORIA ZEPP

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850/241.6309

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State

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Zip

City

Speaking:

☐ For

☐ Against

☐ Information

OR

Waive Speaking:

☒ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
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This form is part of the public record for this meeting.

S-001 (08/10/2021)

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 210

INTRODUCER: Children, Families, and Elder Affairs and Senator Harrell

SUBJECT: Substance Abuse Services

DATE: February 15, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Delia	Cox	CF	Fav/CS
2.			AHS	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 210 modifies requirements for licensed substance abuse service providers offering treatment to individuals living in recovery residences. The bill prohibits the following substances from being used on the premises of a provider licensed by the Department of Children and Families (the DCF):

- Alcohol;
- Marijuana, including marijuana certified by a qualified physician for medical use;
- Illegal drugs; and
- Prescription drugs when used by persons other than for whom the medication is prescribed.

The bill also prohibits referrals from licensed service providers to recovery residences which allow the use of such substances on the premises, and it requires service providers to provide proof of a prohibition on the use of such substances in applications for licensure with the DCF. The bill also provides that referrals to a recovery residence include placement into the licensed housing component of a service provider's day or night treatment program, regardless of whether the housing component is affiliated with the service provider. This will ensure that all patients referred to a recovery residence are also referred into licensed community housing as part of treatment.

The bill makes it a second degree misdemeanor for any person discharged from a recovery residence to willfully refuse to depart after being warned by an owner or authorized employee of the residence.

The bill requires the DCF to establish a mechanism for the imposition and collection of fines arising from failed inspections and improper referrals made by licensed service providers.

The bill may have a negative fiscal impact to private substance abuse service providers and state government. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2023.

II. Present Situation:

Substance abuse is the harmful or hazardous use of psychoactive substances, including alcohol and illicit drugs.¹ According to the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), a diagnosis of substance use disorder (SUD) is based on evidence of impaired control, social impairment, risky use, and pharmacological criteria.² SUD occurs when an individual chronically uses alcohol or drugs, resulting in significant impairment, such as health problems, disability, and failure to meet major responsibilities at work, school, or home.³ Repeated drug use leads to changes in the brain's structure and function that can make a person more susceptible to developing a substance abuse disorder.⁴ Imaging studies of brains belonging to persons with SUD reveal physical changes in areas of the brain critical to judgment, decision making, learning and memory, and behavior control.⁵

In 2021, approximately 46.3 million people aged 12 or older had a SUD related to corresponding use of alcohol or illicit drugs within the previous year.⁶ The most common substance abuse disorders in the United States are from the use of alcohol, tobacco, cannabis, opioids, hallucinogens, and stimulants.⁷ Provisional data from the CDC's National Center for Health Statistics indicate there were an estimated 107,622 drug overdose deaths in the United States

¹ The World Health Organization, *Mental Health and Substance Abuse*, available at <https://www.who.int/westernpacific/about/how-we-work/programmes/mental-health-and-substance-abuse>; (last visited February 8, 2023); the National Institute on Drug Abuse (NIDA), *The Science of Drug Use and Addiction: The Basics*, available at <https://www.drugabuse.gov/publications/media-guide/science-drug-use-addiction-basics> (last visited February 8, 2023).

² The National Association of Addiction Treatment Providers, *Substance Use Disorder*, available at <https://www.naatp.org/resources/clinical/substance-use-disorder> (last visited February 8, 2023).

³ The Substance Abuse and Mental Health Services Administration (The SAMHSA), *Substance Use Disorders*, <http://www.samhsa.gov/disorders/substance-use> (last visited February 8, 2023).

⁴ The NIDA, *Drugs, Brains, and Behavior: The Science of Addiction*, available at <https://www.drugabuse.gov/publications/drugs-brains-behavior-science-addiction/drug-abuse-addiction> (last visited February 8, 2023).

⁵ *Id.*

⁶ The SAMHSA, *Highlights for the 2021 National Survey on Drug Use and Health*, p. 2, available at <https://www.samhsa.gov/data/sites/default/files/2022-12/2021NSDUHFFRHighlights092722.pdf> (last visited February 8, 2023).

⁷ The Rural Health Information Hub, *Defining Substance Abuse and Substance Use Disorders*, available at <https://www.ruralhealthinfo.org/toolkits/substance-abuse/1/definition> (last visited February 8, 2023).

during 2021 (the last year for which there is complete data), an increase of nearly 15% from the 93,655 deaths estimated in 2020.⁸

Substance Abuse Treatment in Florida

In the early 1970s, the federal government enacted laws creating formula grants for states to develop continuums of care for individuals and families affected by substance abuse.⁹ The laws resulted in separate funding streams and requirements for alcoholism and drug abuse. In response to the laws, the Florida Legislature enacted chs. 396 and 397, F.S., relating to alcohol and drug abuse, respectively.¹⁰ Each of these laws governed different aspects of addiction, and thus had different rules promulgated by the state to fully implement the respective pieces of legislation.¹¹ However, because persons with substance abuse issues often do not restrict their misuse to one substance or another, having two separate laws dealing with the prevention and treatment of addiction was cumbersome and did not adequately address Florida's substance abuse problem.¹² In 1993, legislation was adopted to combine ch. 396 and 397, F.S., into a single law, the Hal S. Marchman Alcohol and Other Drug Services Act (Marchman Act).¹³

The Marchman Act encourages individuals to seek services on a voluntary basis within the existing financial and space capacities of a service provider.¹⁴ However, denial of addiction is a prevalent symptom of SUD, creating a barrier to timely intervention and effective treatment.¹⁵ As a result, treatment typically must stem from a third party providing the intervention needed for SUD treatment.¹⁶

The DCF administers a statewide system of safety-net services for substance abuse and mental health (SAMH) prevention, treatment, and recovery for children and adults who are otherwise unable to obtain these services. Services are provided based upon state and federally-established priority populations.¹⁷ The DCF provides treatment for SUD through a community-based provider system offering detoxification, treatment, and recovery support for individuals affected by substance misuse, abuse, or dependence.¹⁸

⁸ The Center for Disease Control and Prevention, National Center for Health Statistics, *U.S. Overdose Deaths In 2021 Increased Half as Much as in 2020 – But Are Still Up 15%*, available at https://www.cdc.gov/nchs/pressroom/nchs_press_releases/2022/202205.htm (last visited February 8, 2023).

⁹ The DCF, *Baker Act and Marchman Act Project Team Report for Fiscal Year 2016-2017*, p. 4-5. (on file with the Senate Committee on Children, Families, and Elder Affairs).

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Chapter 93-39, s. 2, L.O.F., which codified current ch. 397, F.S.

¹⁴ See s. 397.601(1) and (2), F.S. An individual who wishes to enter treatment may apply to a service provider for voluntary admission. Within the financial and space capabilities of the service provider, the individual must be admitted to treatment when sufficient evidence exists that he or she is impaired by substance abuse and his or her medical and behavioral conditions are not beyond the safe management capabilities of the service provider.

¹⁵ Darran Duchene and Patrick Lane, *Fundamentals of the Marchman Act*, Risk RX, Vol. 6 No. 2 (Apr. – Jun. 2006) State University System of Florida Self-Insurance Programs, available at <http://flbog.sip.ufl.edu/risk-rx-article/fundamentals-of-the-marchman-act/> (last visited February 8, 2023) (hereinafter cited as “Fundamentals of the Marchman Act”).

¹⁶ *Id.*

¹⁷ See chs. 394 and 397, F.S.

¹⁸ The DCF, *Treatment for Substance Abuse*, available at <https://www.myflfamilies.com/service-programs/samh/substance-abuse.shtml> (last visited February 8, 2023).

- **Detoxification Services:** Detoxification services use medical and clinical procedures to assist individuals and adults as they withdraw from the physiological and psychological effects of substance abuse.¹⁹
- **Treatment Services:** Treatment services²⁰ include a wide array of assessment, counseling, case management, and support that are designed to help individuals who have lost their abilities to control their substance use on their own and require formal, structured intervention and support.²¹
- **Recovery Support:** Recovery support services, including transitional housing, life skills training, parenting skills, and peer-based individual and group counseling, are offered during and following treatment to further assist individuals in their development of the knowledge and skills necessary to maintain their recovery.²²

Licensure of Substance Abuse Service Providers

The DCF regulates substance use disorder treatment by licensing individual treatment components under ch. 397, F.S., and Rule 65D-30, F.A.C. Licensed service components include a continuum of substance abuse prevention,²³ intervention,²⁴ and clinical treatment services.²⁵

Clinical treatment is a professionally directed, deliberate, and planned regimen of services and interventions that are designed to reduce or eliminate the misuse of drugs and alcohol and promote a healthy, drug-free lifestyle.²⁶ “Clinical treatment services” include, but are not limited to, the following licensable service components:

- Addictions receiving facility.
- Day or night treatment.
- Day or night treatment with community housing.
- Detoxification.
- Intensive inpatient treatment.
- Intensive outpatient treatment.
- Medication-assisted treatment for opiate addiction.

¹⁹ *Id.*

²⁰ *Id.* Research indicates that persons who successfully complete substance abuse treatment have better post-treatment outcomes related to future abstinence, reduced use, less involvement in the criminal justice system, reduced involvement in the child-protective system, employment, increased earnings, and better health.

²¹ *Id.*

²² *Id.*

²³ Section 397.311(26)(c), F.S. “Prevention” is defined as “a process involving strategies that are aimed at the individual, family, community, or substance and that preclude, forestall, or impede the development of substance use problems and promote responsible lifestyles”. Substance abuse prevention is achieved through the use of ongoing strategies such as increasing public awareness and education, community-based processes and evidence-based practices. These prevention programs are focused primarily on youth, and, in recent years, have shifted to the local level, giving individual communities the opportunity to identify their own unique prevention needs and develop action plans in response. This community focus allows prevention strategies to have a greater impact on behavioral change by shifting social, cultural and community environments. *See also*, The DCF, *Substance Abuse: Prevention*, available at <https://www.myflfamilies.com/service-programs/samh/prevention/index.shtml> (last visited February 8, 2023).

²⁴ Section 397.311(26)(b), F.S. “Intervention” is defined as “structured services directed toward individuals or groups at risk of substance abuse and focused on reducing or impeding those factors associated with the onset or the early stages of substance abuse and related problems.”

²⁵ Section 397.311(26), F.S.

²⁶ Section 397.311(26)(a), F.S.

- Outpatient treatment.
- Residential treatment.²⁷

Florida does not license recovery residences; instead, in 2015 the Legislature enacted sections 397.487–397.4872, F.S., which establish voluntary certification programs for recovery residences and recovery residence administrators, implemented by private credentialing entities.²⁸

Day or Night Treatment with Community Housing

The DCF licenses “Day or Night Treatment” facilities both with and without community housing components. Day or night treatment programs provide substance use treatment a service in a nonresidential environment, with a structured schedule of treatment and rehabilitative services.²⁹ Day or night treatment programs with community housing are intended for individuals who can benefit from living independently in peer community housing while participating in treatment services for a minimum of 5 hours a day for a minimum of 25 hours per week.³⁰

Day or night treatment with community housing is appropriate for individuals who do not require structured, 24-hours-a-day, 7-days-a-week residential treatment.³¹ The housing must be provided and managed by the licensed service provider, including room and board and any ancillary services needed, such as supervision, transportation, and meals. Activities for day or night treatment with community housing programs emphasize rehabilitation and treatment services using multidisciplinary teams to provide integration of therapeutic and family services.³² This component allows individuals to live in a supportive, community housing location while participating in treatment. Treatment must not take place in the housing where the individuals live, and that the housing must be utilized solely for the purpose of assisting individuals in making a transition to independent living.³³ Individuals who are considered appropriate for this level of care:

- Would not have active suicidal or homicidal ideation or present a danger to self or others;
- Are able to demonstrate motivation to work toward independence;
- Are able to demonstrate a willingness to live in supportive community housing;
- Are able to demonstrate commitment to comply with rules established by the provider;
- Are not in need of detoxification or residential treatment; and
- Typically need ancillary services such as transportation, assistance with shopping, or assistance with medical referrals and may need to attend and participate in certain social and recovery oriented activities in addition to other required clinical services.³⁴

Services provided by such programs may include:

- Individual counseling;

²⁷ *Id.*

²⁸ Chapter 2015-100, L.O.F.

²⁹ Section 397.311(26)(a)2., F.S.

³⁰ Section 397.311(26)(a)3., F.S.

³¹ Rule 65D-30.0081(1), F.A.C.

³² *Id.*

³³ *Id.*

³⁴ *Id.*

- Group counseling;
- Counseling with families or support system;
- Substance-related and recovery-focused education, such as strategies for avoiding substance use or relapse, information regarding health problems related to substance use, motivational enhancement, and strategies for achieving a substance-free lifestyle;
- Life skills training such as anger management, communication skills, employability skills, problem solving, relapse prevention, recovery management, decision-making, relationship skills, symptom management, and food purchase and preparation;
- Expressive therapies, such as recreation therapy, art therapy, music therapy, or dance (movement) therapy to provide the individual with alternative means of self-expression and problem resolution;
- Training or provision of information regarding health and medical issues;
- Employment or educational support services to assist individuals in becoming financially independent;
- Nutrition education; and
- Mental health services for the purpose of:
 - Managing individuals with disorders who are stabilized,
 - Evaluating individuals' needs for in-depth mental health assessment,
 - Training individuals to manage symptoms; and
 - If the provider is not staffed to address primary mental health problems that may arise during treatment, the provider shall initiate a timely referral to an appropriate provider for mental health crises or for the emergence of a primary mental health disorder in accordance with the provider's policies and procedures.³⁵

Each enrolled individual must receive a minimum of 25 hours of service per week, including:

- Counseling;
- Group counseling; or
- Counseling with families or support systems.³⁶

Each provider is required to arrange for or provide transportation services, if needed and as appropriate, to clients who reside in community housing.³⁷ Each provider must have an awake, paid employee on the premises at all times at the treatment location when one or more individuals are present.³⁸ For adults, the provider must have a paid employee on call during the time when individuals are at the community housing location.³⁹ In addition, the provider must have an awake, paid employee at the community housing location at all times if individuals under the age of 18 are present.⁴⁰ No primary counselor may have a caseload that exceeds 15 individuals.⁴¹ For individuals in treatment who are granted privilege to self-administer their own medications, provider staff are not required to be present for the self-administration.⁴²

³⁵ Rule 65D-30.0081(2), F.A.C.

³⁶ Rule 65D-30.0081(4), F.A.C.

³⁷ Rule 65D-30.0081(5), F.A.C.

³⁸ Rule 65D-30.0081(6), F.A.C.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Rule 65D-30.0081(7), F.A.C.

⁴² Rule 65D-30.0081(8), F.A.C.

Application for Licensure

Individuals applying for licensure as substance abuse service providers must submit applications on specified forms provided, and in accordance with rules adopted, by the DCF.⁴³ Applications must include, at a minimum:

- Information establishing the name and address of the applicant service provider and its director, and also of each member, owner, officer, and shareholder, if any.
- Information establishing the competency and ability of the applicant service provider and its director to carry out the requirements of ch. 397, F.S.
- Proof satisfactory to the DCF of the applicant service provider's financial ability and organizational capability to operate in accordance with ch. 397, F.S.
- Proof of liability insurance coverage in amounts set by the DCF by rule.
- Sufficient information to conduct background screening for all owners, directors, chief financial officers, and clinical supervisors as provided in s. 397.4073, F.S.
- Proof of satisfactory fire, safety, and health inspections, and compliance with local zoning ordinances.⁴⁴
- A comprehensive outline of the proposed services, including sufficient detail to evaluate compliance with clinical and treatment best practices, for:
 - Any new applicant; or
 - Any licensed service provider adding a new licensable service component.
- Proof of the ability to provide services in accordance with the DCF rules.
- Any other information that the DCF finds necessary to determine the applicant's ability to carry out its duties under this chapter and applicable rules.
- The names and locations of any recovery residences to which the applicant service provider plans to refer patients or from which the applicant service provider plans to accept patients.⁴⁵

Inspections and Classifications of Violations

The DCF has the right to enter and inspect a licensed provider at any time to determine statutory and regulatory compliance and may inspect suspected unlicensed providers.⁴⁶ The DCF is required to accept, in lieu of its own inspections for licensure, the survey or inspection of an accrediting organization, if the provider is accredited and the DCF receives the report of the accrediting organization.⁴⁷ A designated and authorized agent of the DCF may access the records of the individuals served by licensed service providers, but only for purposes of licensing, monitoring, and investigation.⁴⁸ The DCF's authorized agents may schedule periodic inspections of licensed service providers in order to minimize costs and the disruption of services, however they may inspect the facilities of any licensed service provider at any time.⁴⁹

⁴³ Section 397.403(1), F.S.

⁴⁴ Service providers operating under a regular annual license shall have 18 months from the expiration date of their regular license within which to meet local zoning requirements. Applicants for a new license must demonstrate proof of compliance with zoning requirements prior to the department issuing a probationary license. Section 397.403(1)(f), F.S.

⁴⁵ Section 397.403(1), F.S.

⁴⁶ Section 397.411(1)(a), F.S.

⁴⁷ Section 397.411(2), F.S.

⁴⁸ Section 397.411(3), F.S.

⁴⁹ Section 397.411(4), F.S.

In an effort to coordinate inspections among agencies, the DCF is required to notify applicable state agencies of any scheduled licensure inspections of service providers jointly funded by the agencies.⁵⁰ The DCF is required to maintain as public information, available to any person upon request and upon payment of a reasonable charge for copying, copies of licensure reports of licensed providers.⁵¹

Rule violations are classified according to the nature of the violation and the gravity of its probable effect on an individual receiving substance abuse treatment.⁵² Violations are classified on written notices as follows:

- Class “I” violations are those conditions or occurrences related to the operation and maintenance of a service component or to the treatment of an individual which the DCF determines present an imminent danger or a substantial probability of death or serious physical or emotional harm. The condition or practice constituting a class I violation must be abated or eliminated within 24 hours, unless a fixed period, as determined by the DCF, is required for correction. The DCF is required to impose an administrative fine for a cited class I violation. Fines are levied notwithstanding the correction of the violation.⁵³
- Class “II” violations are those conditions or occurrences related to the operation and maintenance of a service component or to the treatment of an individual which the DCF determines directly threaten the physical or emotional health, safety, or security of the individual, other than class I violations. The DCF is required to impose an administrative fine for a cited class II violation. Fines are levied notwithstanding the correction of the violation.⁵⁴
- Class “III” violations are those conditions or occurrences related to the operation and maintenance of a service component or to the treatment of an individual which the DCF determines indirectly or potentially threaten the physical or emotional health, safety, or security of the individual, other than class I or class II violations. The DCF is required to impose an administrative fine for a cited class III violation. A citation for a class III violation must specify the time within which the violation is required to be corrected. If a class III violation is corrected within the time specified, the DCF may not impose a fine.⁵⁵
- Class “IV” violations are conditions or occurrences related to the operation and maintenance of a service component or to required reports, forms, or documents that do not have the potential of negatively affecting an individual. These violations are of a type that the DCF determines do not threaten the health, safety, or security of an individual. The DCF is required to impose an administrative fine for a cited class IV violation. A citation for a class IV violation must specify the time within which the violation is required to be corrected. If a class IV violation is corrected within the time specified, the DCF may not impose a fine.⁵⁶

⁵⁰ Section 397.411(5), F.S.

⁵¹ Section 397.411(6), F.S.

⁵² Section 397.411(7), F.S.

⁵³ Section 397.411(7)(a), F.S.

⁵⁴ Section 397.411(7)(b), F.S.

⁵⁵ Section 397.411(7)(c), F.S.

⁵⁶ Section 397.411(7)(d), F.S.

Recovery Residences

Recovery residences (also known as “sober homes” or “sober living homes”) are alcohol- and drug-free living environments for individuals in recovery who are attempting to maintain abstinence from alcohol and drugs.⁵⁷ These residences offer no formal treatment and are, in some cases, self-funded through resident fees.⁵⁸

A recovery residence is defined as “a residential dwelling unit, the community housing component of a licensed day or night treatment facility with community housing, or other form of group housing, which is offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free, and drug-free living environment.”⁵⁹

Voluntary Certification of Recovery Residences and Administrators in Florida

Florida utilizes voluntary certification programs for recovery residences and recovery residence administrators, implemented by private credentialing entities.⁶⁰ Under the voluntary certification program, the DCF has approved two credentialing entities to design the certification programs and issue certificates: the Florida Association of Recovery Residences certifies the recovery residences and the Florida Certification Board (the FCB) certifies recovery residence administrators.⁶¹

Credentialing entities must require prospective recovery residences to submit the following documents with a completed application and fee:

- A policy and procedures manual containing:
 - Job descriptions for all staff positions;
 - Drug-testing procedures and requirements;
 - A prohibition on the premises against alcohol, illegal drugs, and the use of prescribed medications by an individual other than the individual for whom the medication is prescribed;
 - Policies to support a resident’s recovery efforts; and
 - A good neighbor policy to address neighborhood concerns and complaints.
- Rules for residents;
- Copies of all forms provided to residents;
- Intake procedures;
- Sexual predator and sexual offender registry compliance policy;
- Relapse policy;
- Fee schedule;

⁵⁷ The SAMSHA, *Recovery Housing: Best Practices and Suggested Guidelines*, p. 2, available at <https://www.samhsa.gov/sites/default/files/housing-best-practices-100819.pdf> (last visited February 8, 2023).

⁵⁸ However, these homes may mandate or strongly encourage attendance at 12-step groups. The Society for Community Research and Action, *Statement on Recovery Residences: The Role of Recovery Residences in Promoting Long-term Addiction Recovery*, available at <https://www.scra27.org/what-we-do/policy/policy-position-statements/statement-recovery-residences-addiction/> (last visited February 8, 2023).

⁵⁹ Section 397.311(38), F.S.

⁶⁰ Sections 397.487–397.4872, F.S.

⁶¹ The DCF, *Recovery Residence Administrators and Recovery Residences*, available at <https://www.myflfamilies.com/service-programs/samh/recovery-residence/> (last visited February 8, 2023).

- Refund policy;
- Eviction procedures and policy;
- Code of ethics;
- Proof of insurance;
- Proof of background screening; and
- Proof of satisfactory fire, safety, and health inspections.⁶²

Patient Referrals

While certification is voluntary, Florida law incentivizes certification. Since 2016, Florida has prohibited licensed substance abuse service providers from referring patients to a recovery residence unless the recovery residence holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator (CRRRA).⁶³ There are certain exceptions that allow referrals to or from uncertified recovery residences, including any of the following:

- A licensed service provider under contract with a behavioral health managing entity.
- Referrals by a recovery residence to a licensed service provider when the recovery residence or its owners, directors, operators, or employees do not benefit, directly or indirectly, from the referral.
- Referrals made before July 1, 2018, by a licensed service provider to that licensed service provider's wholly owned subsidiary.
- Referrals to, or accepted referrals from, a recovery residence with no direct or indirect financial or other referral relationship with the licensed service provider, and that is democratically operated by its residents pursuant to a charter from an entity recognized or sanctioned by Congress, and where the residence or any resident of the residence does not receive a benefit, directly or indirectly, for the referral.⁶⁴

Service providers are required to record the name and location of each recovery residence that the provider has referred patients to or received referrals from in the DCF's Provider Licensure and Designations System.⁶⁵ Prospective service providers must also include the names and locations of any recovery residences which they plan to refer patients to, or accept patients from, on their application for licensure.⁶⁶

III. Effect of Proposed Changes:

Substance Use Prohibition

The bill requires applicants for licensure as substance abuse service providers with the DCF to provide proof of a prohibition on the premises against the following substances:

- Alcohol;
- Marijuana, including marijuana certified by a qualified physician for medical use;⁶⁷

⁶² Section 397.487(3), F.S.

⁶³ Section 397.4873(1), F.S.

⁶⁴ Section 397.4873(2)(a)-(d), F.S.

⁶⁵ Section 397.4104(1), F.S.

⁶⁶ Section 397.403(1)(j), F.S.

⁶⁷ In Florida, a recommendation for medical marijuana from a physician is not considered to be a prescription because marijuana is a Schedule I controlled substance and, under federal law, "has no currently accepted medical use in treatment in

- Illegal drugs; and
- Prescription drugs used by persons other than for whom the medication is prescribed.

The bill also requires the DCF to include a prohibition on any of these substances on the premises as a licensing requirement for substance abuse service providers. This provision aligns the licensed service providers with the prohibited substances policy with which the certified recovery residences must comply.

The bill prohibits licensed substance abuse service providers from making referrals of prospective, current, or discharged patients to, or accepting referrals from, recovery residences which allow the use of any of the aforementioned substances on its premises.

The bill also adds marijuana to the list of substances a credentialing entity must require that a recovery residence list as prohibited in its policy and procedures manual when submitting an application for certification.

Mechanism for Imposing and Collecting Fines

As mentioned above, the DCF has authority to inspect and issue violations to providers who are out of compliance with rule or providers that are suspected of operating while unlicensed. However, the bill requires the DCF to establish a mechanism for the imposition and collection of fines for violations related to inspections of licensed substance abuse service providers to improve the DCF's administrative oversight.

Criminal Penalty for Trespassing

The bill makes it a second degree misdemeanor⁶⁸ for any person discharged from a recovery residence to willfully refuse to depart after being warned by the owner or an authorized employee of the recovery residence.

Community Housing Referrals

The bill provides that any referral made by a licensed substance abuse service provider or a recovery residence must include placing the referred patient into the licensed community housing component of the provider's day or night treatment program, regardless of whether the community housing component is affiliated with the service provider.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

the United States." The Florida Department of Law Enforcement, *Criminal Justice Standards and Training Commission Technical Memorandum 2019-03*, available at <https://www.fdle.state.fl.us/CJSTC/Publications/Publications/Technical-Memoranda/Documents/2019/TM-2019-03-MedicalMarijuanaUpdates-final3-signedPk.aspx> at p. 6. See also Section 381.986(1)(k), F.S., which defines "physician certification" to mean "a qualified physician's authorization for a qualified patient to receive marijuana and a marijuana delivery device from a medical marijuana treatment center."

⁶⁸ A second degree misdemeanor is punishable by a term of imprisonment not to exceed 60 days and a fine not to exceed \$500. Sections 775.083(1)(e) and 775.082(4)(b), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

There may be an indeterminate negative fiscal impact to licensed substance abuse service providers, as these providers will need to ensure prohibited substances are not used on the premises. Enforcement of this requirement may require hiring additional staff.

C. Government Sector Impact:

The DCF has stated that the PLADS system will need to be modified to include monitoring of proof of a provider's prohibition of alcohol, marijuana, illegal drugs, and the use of prescribed medications by any individual other than the individual from whom the medication is prescribed.⁶⁹ The DCF has provided an estimate of \$20,000 for the modifications, and believes the cost can be absorbed by the existing budget for PLADS enhancements.⁷⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁶⁹ The DCF, *Agency Analysis of SB 210* (2023), p. 6 (on file with the Senate Committee on Children, Families, and Elder Affairs).

⁷⁰ *Id.*

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 397.403, 397.410, 397.411, 397.487, and 397.4873.

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

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

CS by Children, Families, and Elder Affairs on February 14, 2023:

The Committee Substitute clarifies that the bill's added prohibitions against marijuana on the premises of licensed service providers also apply to marijuana certified by a qualified physician for medical use in accordance with s. 381.986, F.S.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/15/2023	.	
	.	
	.	
	.	

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

Senate Amendment

Delete lines 37 - 91
and insert:
medication is prescribed. For the purposes of this paragraph,
"marijuana" includes marijuana that has been certified by a
qualified physician for medical use in accordance with s.
381.986.

Section 2. Paragraph (f) is added to subsection (1) of
section 397.410, Florida Statutes, to read:



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397.410 Licensure requirements; minimum standards; rules.—

(1) The department shall establish minimum requirements for licensure of each service component, as defined in s.

397.311(26), including, but not limited to:

(f) A prohibition on the premises against alcohol, marijuana, illegal drugs, and the use of prescribed medications by an individual other than the individual for whom the medication is prescribed. For the purposes of this paragraph, "marijuana" includes marijuana that has been certified by a qualified physician for medical use in accordance with s. 381.986.

Section 3. Subsection (8) is added to section 397.411, Florida Statutes, to read:

397.411 Inspection; right of entry; classification of violations; records.—

(8) The department shall establish a mechanism for the imposition and collection of fines for violations under this section no later than January 1, 2024.

Section 4. Paragraph (a) of subsection (3) of section 397.487, Florida Statutes, is amended, and subsection (12) is added to that section, to read:

397.487 Voluntary certification of recovery residences.—

(3) A credentialing entity shall require the recovery residence to submit the following documents with the completed application and fee:

(a) A policy and procedures manual containing:

1. Job descriptions for all staff positions.

2. Drug-testing procedures and requirements.

3. A prohibition on the premises against alcohol,



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marijuana, illegal drugs, and the use of prescribed medications by an individual other than the individual for whom the medication is prescribed. For the purposes of this subsection, "marijuana" includes marijuana that has been certified by a qualified physician for medical use in accordance with s. 381.986.

4. Policies to support a resident's recovery efforts.

5. A good neighbor policy to address neighborhood concerns and complaints.

(12) Any person discharged from a recovery residence under subsection (11) who willfully refuses to depart after being warned by the owner or an authorized employee of the recovery residence commits the offense of trespass in a recovery residence, a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 5. Present subsections (3) through (7) of section 397.4873, Florida Statutes, are redesignated as subsections (4) through (8), respectively, a new subsection (3) is added to that section, and present subsections (3) and (6) of that section are amended, to read:

397.4873 Referrals to or from recovery residences; prohibitions; penalties.—

(3) Notwithstanding subsection (2), a service provider licensed under this part may not make a referral of a prospective, current, or discharged patient to, or accept a referral of such patient from, a recovery residence that allows on its premises the use of alcohol, marijuana, or illegal drugs or the use of prescribed medications by an individual other than the individual for whom the medication is prescribed. For the



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69 purposes of this subsection, "marijuana" includes marijuana that
70 has been certified by a qualified physician for medical use in
71 accordance with s. 381.986.

By Senator Harrell

31-00363A-23

2023210__

A bill to be entitled

An act relating to substance abuse services; amending s. 397.403, F.S.; revising application requirements for licensure as a substance abuse service provider; amending s. 397.410, F.S.; revising licensure requirements for substance abuse providers; amending s. 397.411, F.S.; requiring the Department of Children and Families to establish, by a specified date, a mechanism to impose and collect fines for certain violations of law; amending s. 397.487, F.S.; revising credentialing requirements for recovery residences; prohibiting persons discharged from a recovery residence from willfully refusing to depart after being warned by specified persons; providing criminal penalties; amending s. 397.4873, F.S.; prohibiting service providers from referring patients to, or accepting referrals from, specified recovery residences; revising requirements regarding patient referrals for substance abuse service providers and recovery residences; requiring the department to establish, by a specified date, a mechanism to impose and collect fines for certain violations of law; providing an effective date.

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

Section 1. Paragraph (k) is added to subsection (1) of section 397.403, Florida Statutes, to read:
397.403 License application.—

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

31-00363A-23

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(1) Applicants for a license under this chapter must apply to the department on forms provided by the department and in accordance with rules adopted by the department. Applications must include at a minimum:

(k) Proof of a prohibition on the premises against alcohol, marijuana, illegal drugs, and the use of prescribed medications by an individual other than the individual for whom the medication is prescribed.

Section 2. Paragraph (f) is added to subsection (1) of section 397.410, Florida Statutes, to read:

397.410 Licensure requirements; minimum standards; rules.—
(1) The department shall establish minimum requirements for licensure of each service component, as defined in s. 397.311(26), including, but not limited to:

(f) A prohibition on the premises against alcohol, marijuana, illegal drugs, and the use of prescribed medications by an individual other than the individual for whom the medication is prescribed.

Section 3. Subsection (8) is added to section 397.411, Florida Statutes, to read:

397.411 Inspection; right of entry; classification of violations; records.—

(8) The department shall establish a mechanism for the imposition and collection of fines for violations under this section no later than January 1, 2024.

Section 4. Paragraph (a) of subsection (3) of section 397.487, Florida Statutes, is amended, and subsection (12) is added to that section, to read:

397.487 Voluntary certification of recovery residences.—

Page 2 of 5

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

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(3) A credentialing entity shall require the recovery residence to submit the following documents with the completed application and fee:

(a) A policy and procedures manual containing:

1. Job descriptions for all staff positions.

2. Drug-testing procedures and requirements.

3. A prohibition on the premises against alcohol, marijuana, illegal drugs, and the use of prescribed medications by an individual other than the individual for whom the medication is prescribed.

4. Policies to support a resident's recovery efforts.

5. A good neighbor policy to address neighborhood concerns and complaints.

(12) Any person discharged from a recovery residence under subsection (11) who willfully refuses to depart after being warned by the owner or an authorized employee of the recovery residence commits the offense of trespass in a recovery residence, a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 5. Present subsections (3) through (7) of section 397.4873, Florida Statutes, are redesignated as subsections (4) through (8), respectively, a new subsection (3) is added to that section, and present subsections (3) and (6) of that section are amended, to read:

397.4873 Referrals to or from recovery residences; prohibitions; penalties.—

(3) Notwithstanding subsection (2), a service provider licensed under this part may not make a referral of a prospective, current, or discharged patient to, or accept a

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referral of such patient from, a recovery residence that allows on its premises the use of alcohol, marijuana, or illegal drugs or the use of prescribed medications by an individual other than the individual for whom the medication is prescribed.

(4) (a) (3) For purposes of this section, a licensed service provider or recovery residence shall be considered to have made a referral if the provider or recovery residence has informed a patient by any means about the name, address, or other details of a recovery residence or licensed service provider, or informed a licensed service provider or a recovery residence of any identifying details about a patient.

(b) A referral shall also include the placement of a patient by a licensed service provider into the housing component of the provider's day or night treatment, which has a community housing license, regardless of whether the community housing component is affiliated with the licensed service provider.

(7) (6) A licensed service provider that violates this section is subject to an administrative fine of \$1,000 per occurrence. If such fine is imposed by final order of the department and is not subject to further appeal, the service provider shall pay the fine plus interest at the rate specified in s. 55.03 for each day beyond the date set by the department for payment of the fine. If the service provider does not pay the fine plus any applicable interest within 60 days after the date set by the department, the department shall immediately suspend the service provider's license. Repeat violations of this section may subject a provider to license suspension or revocation pursuant to s. 397.415. The department shall

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117 establish a mechanism no later than January 1, 2024, for the
118 imposition and collection of fines for violations under this
119 section.

120 Section 6. This act shall take effect July 1, 2023.



2023 AGENCY LEGISLATIVE BILL ANALYSIS

Department of Children and Families

<u>BILL INFORMATION</u>	
BILL NUMBER:	SB 210
BILL TITLE:	<u>Substance Abuse Services</u>
BILL SPONSOR:	Senator Harrell
EFFECTIVE DATE:	July 1, 2023

<u>COMMITTEES OF REFERENCE</u>
1) Children, Families, and Elder Affairs
2) Appropriations Committee on Health and Human Services
3) Fiscal Policy
4)
5)

<u>PREVIOUS LEGISLATION</u>	
BILL NUMBER:	N/A
SPONSOR:	
YEAR:	
LAST ACTION:	

<u>CURRENT COMMITTEE</u>
Children, Families, and Elder Affairs

<u>SIMILAR BILLS</u>	
BILL NUMBER:	HB 295
SPONSOR:	Representative Caruso

<u>IDENTICAL BILLS</u>	
BILL NUMBER:	
SPONSOR:	

<u>Is this bill part of an agency package?</u>
No.

<u>BILL ANALYSIS INFORMATION</u>	
DATE OF ANALYSIS:	01/25/23 For further information, please contact Alexander Guzman at (850) 488-9410.
LEAD AGENCY ANALYST:	Hillary Crow, Office of Licensing
ADDITIONAL ANALYST(S):	Courtney Smith, Office of Licensing
LEGAL ANALYST:	Susan Hetrick, General Counsel
FISCAL ANALYST:	Julie Mayo, Budget Services

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

This bill revises the requirements for the licensure application of each service provider and each individual service component to require proof of prohibition of alcohol, marijuana, illegal drugs, and the use of prescribed medications by any individual other than the individual from whom the medication is prescribed on the premises of the substance abuse providers. The Department of Children and Families (Department) will be required to establish a system for issuing and collecting fines for violations. Alcohol is added to the list of substances that are not permitted on the premises of recovery residences. A second-degree misdemeanor criminal penalty is established for a trespassing offense committed on the recovery residence premises.

In addition, a licensed service provider, such as Addictions Receiving Facilities; Day or Night Treatment with Community Housing; Day or Night Treatment; Inpatient Detoxification; Inpatient Methadone Detoxification; Intensive Inpatient Treatment; Residential Level I-IV; Intensive Outpatient Treatment; Outpatient Treatment; or Methadone or Medication-Assisted Treatment programs, may not receive referral from or refer a patient to any recovery residence that allows alcohol, marijuana, illegal drugs, and the use of prescribed medications by any individual other than the individual from whom the medication is prescribed on their premises. The referral shall now include the placement from the licensed service provider into the housing component regardless of whether the day-or-night treatment is affiliated with a licensed service provider.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Section 1:

Currently, under s. 397.403, F.S., an application for licensure of a substance abuse service provider must include at a minimum:

- Established name and address of the potential service provider, the director's name and any applicable members, owners, officers, and shareholders, if any.
- Established competency and ability information of the potential service provider and director.
- Proof of the potential service provider's financial ability and organizational capability to operate.
- Proof of liability insurance coverage, as set by the Department.
- Background screening information for all owners, directors, chief financial officers, and clinical supervisors.
- Proof of satisfactory fire, safety, and health inspections, and compliance with local zoning.
- Comprehensive outline of proposed services.
- Proof of ability to provide services in accordance with Department rules.
- Any other information the Department finds necessary to make a licensure determination.
- Names and location of all recovery residences that potential service providers will refer patients to or will accept patient referrals from.

The application is initiated, completed, and resides in the Provider Licensure and Designation System (PLADS) under which service components can be added per the licensed provider's decision to offer those services.

The burden of proof for all requirements listed above is with the potential service provider. A potential service provider who willfully and knowingly makes a false representation regarding any required application information or willfully and knowingly omits such information from the application commits a third-degree felony.

A "recovery residence" is a residential dwelling unit, the community housing component of a licensed day or night treatment facility with community housing, or other form of group housing, which is offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free, and drug-free living environment. This form of housing is not licensed by the Department, but can voluntarily be certified by the Florida Association of Recovery Residences (FARR) to show compliance with their established requirements for certification. It is FARR, not the Department, that monitors and inspects the recovery residence for compliance.

FARR administers the application, certification, recertification and disciplinary processes for recovery residences that volunteer to become certified. They monitor and conduct inspections of the recovery residence and its staff to ensure compliance and provide training for owners, managers and staff.

Along with a maximum \$100 initial application fee, the recovery residence will need to submit the following as part of the completed application:

- A policy and procedures manual that contains job descriptions for all staff positions, drug-testing procedures and requirements, a prohibition on the premises against alcohol, illegal drugs and the use of prescribed medications by an individual other than the individual for whom the medication is prescribed, policies to support a resident's recovery efforts, and a good neighbor policy addressing neighborhood concerns and complaints.
- Rules for residents
- Copies of all forms provided to residents
- Intake procedures
- Sexual predator and sexual offender registry compliance policy
- Relapse policy
- Fee schedule
- Refund policy
- Eviction procedures and policy
- Code of ethics
- Proof of insurance
- Proof of background screening
- Proof of satisfactory fire, safety, and health inspections

The certified recovery residence must be actively managed by a certified recovery residence administrator.

Additionally, all owners, directors and chief financial officers of the recovery residence are subject to level 2 background screening.

Once a complete application is received, FARR conducts an on-site inspection of the recovery residence. If compliant, FARR approves the application and inspection then issues the certification. The recovery residence must renew the certification annually, which includes an annual on-site inspection by FARR.

Section 2:

Per s. 397.410, F.S., each component is licensed individually under the licensed service provider in PLADS. Minimum licensure requirements include, but not limited to:

- Standards and procedures for the administrative management of the component.
- Standards consistent with clinical and treatment best practices that ensure the provision of quality treatment.
- The number and qualifications of all personnel, pursuant to s. 397.410(c), F.S.
- Service provider facility standards, pursuant to s. 397.410(d), F.S.
- Disaster planning policies and procedures.

Section 3:

The Department is authorized under s. 397.415, F.S., to impose and collect fines for violations occurring in licensed service provider programs and components.

Section 4:

The credentialing entity, Florida Association of Recovery Residences, administers the application, certification, recertification, and disciplinary processes; monitors and inspects recovery residences and their staff to ensure compliance with certification requirements. The credentialing entity establishes the application, inspection, and annual certification, new applicant, and renewal application fees. The policy and procedures manual that a recovery residence must submit for certification shall include a prohibition on the premises against alcohol, illegal drugs, and the use of prescribed medications by an individual other than the individual for whom the medication is prescribed.

Per s. 397.487(11), F.S., a certified recovery residence that has a discharge policy approved by a Department-recognized credentialing agency may immediately discharge or transfer a resident in accordance with that policy under any of the following circumstances:

- Necessary for resident's welfare.
- Resident's needs cannot be met at the recovery residence.

- The health and safety of other residents or employees is at risk or would be at risk.

Section 5:

Per s. 397.4873, F.S., a licensed service provider can only make or accept referrals from a recovery residence if the recovery residence has a valid certificate of compliance and managed by a certified recovery residence administrator. Statute permits for the licensed service provider and recovery residence to complete a referral when they inform the patient about the name, address, or other details of a recovery residence or licensed service provider or inform a licensed service provider or a recovery residence of any identifying details about a patient.

Violation of the above referral procedure results in a \$1,000 administrative fine per occurrence. Repeated violations of the above may result in license suspension or revocation.

2. EFFECT OF THE BILL:**Section 1:**

This section adds a new application requirement. The Department's application for licensure of a substance abuse provider will now require proof of the provider's prohibition of alcohol, marijuana, illegal drugs, and the use of prescribed medications by any individual other than the individual from whom the medication is prescribed.

Section 2:

This section adds a minimum requirement for licensure that prohibits the use of alcohol, marijuana, illegal drugs, and prescribed medications by any individual other than the individual from whom the medication is prescribed.

Section 3:

This section directs the Department to establish a mechanism for the issuance and collection of fines for violations under s. 397.411, F.S.

Section 4:

This section requires marijuana be added to the list of prohibited substances in recovery residence's policy and procedures manual.

Any patient that is discharged from a recovery residence under s. 397.487(11), F.S., who willfully refuses to depart after the owner or an authorized employee's warning will be committing the offense of trespassing in a recovery residence, a second-degree misdemeanor.

Section 5:

This section prohibits licensed service providers from accepting a patient from or referring a patient to a recovery residence that allows, on their premises, the use of alcohol, marijuana, illegal drugs, or prescribed medications by any individual other than the individual from whom the medication is prescribed.

The referral will need to include the placement of the patient by the licensed service provider into the housing component of the provider's day-or-night treatment. The referral can be made to the day-or-night treatment of the licensed service provider who is making the referral or that of another licensed service provider.

The Department is directed to establish a mechanism for the issuance and collection of fines for violations of all licensed substance abuse treatment providers who violate the referral requirements under s. 397.4873, F.S.

3. DOES THE LEGISLATION DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES?

If yes, explain:	Yes, the bill language directs the adoption of a mechanism for issuing and collecting fines for violations of law and applicable rules.
What is the expected impact to the agency's core mission?	None.
Rule(s) impacted (provide references to F.A.C., etc.):	65C-30.0038, F.A.C.

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

List any known proponents and opponents:	Unknown
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Provide a summary of the proponents' and opponents' positions:	N/A
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5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?

If yes, provide a description:	N/A
Date Due:	N/A
Bill Section Number(s):	N/A

6. ARE THERE ANY GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSION, ETC. REQUIRED BY THIS BILL?

Board:	N/A
Board Purpose:	N/A
Who Appoints:	N/A
Appointee Term:	N/A
Changes:	N/A
Bill Section Number(s):	N/A

FISCAL ANALYSIS**1. WHAT IS THE FISCAL IMPACT TO LOCAL GOVERNMENT?**

Revenues:	None.
Expenditures:	None.
Does the legislation increase local taxes or fees?	No.
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	N/A

2. WHAT IS THE FISCAL IMPACT TO STATE GOVERNMENT?

Revenues:	None.
Expenditures:	Determined to be \$20,000 to pay vendor. Please see the Technology Impact section for more details.
Does the legislation contain a State Government appropriation?	No.
If yes, was this appropriated last year?	N/A

3. WHAT IS THE FISCAL IMPACT TO THE PRIVATE SECTOR?

Revenues:	None.
Expenditures:	None.

Other:	N/A

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?

Does the bill increase taxes, fees or fines?	No.
Does the bill decrease taxes, fees or fines?	No.
What is the impact of the increase or decrease?	N/A
Bill Section Number:	N/A

TECHNOLOGY IMPACT

Does the legislation impact the agency's technology systems (i.e., IT support, licensing software, data storage, etc.)?	Yes
If yes, describe the anticipated impact to the agency including any fiscal impact.	The application used to manage the licensure of substance abuse and mental health providers will need to be modified to include monitoring of proof of the provider's prohibition of alcohol, marijuana, illegal drugs, and the use of prescribed medications by any individual other than the individual from whom the medication is prescribed. The vendor has provided an estimate of \$20,000 to complete this work. The cost for these changes can be absorbed by the existing budget for PLADS enhancements.

FEDERAL IMPACT

Does the legislation have a federal impact (i.e., federal compliance, federal funding, federal agency involvement, etc.)?	N/A
If yes, describe the anticipated impact including any fiscal impact.	N/A

ADDITIONAL COMMENTS

It is unclear how other providers will know if a recovery residence is not in compliance with the statute and is unable to receive or make referrals. The only way the Department will know if a recovery residence is out of compliance with the statute is if there is a complaint filed with the Department. It may be difficult to establish that this regulation was not followed by the recovery residence, as the Department is not the monitoring authority.

The language suggests that placement of the client is a required part of the referral process. Clients have the right to choose the licensed provider and recovery residence that they feel will suit their needs.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments and recommended action:	<p>As written, the changes to the law do not specifically address medical marijuana, which is authorized through a certification card in accordance with s. 381.986, F.S.</p> <p>Section 397.4873(4)(b), F.S., indicates that housing is a component of the provider's treatment but can be unaffiliated with the service provider. For example, under this language the unaffiliated community housing component could be a converted hotel, if unlawful events or transactions occur at the housing, the service provider could assert that they are not responsible because, although the patient was placed there by the service provider as a component of the treatment, the housing component was not affiliated with the provider. This lack of clarity could make enforcement difficult.</p>
--	---

APPEARANCE RECORD

2/14/23

Meeting Date

Family and Elders

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

210

Bill Number or Topic

Name

Jolien Caraballo

Phone

772-618-5437

Amendment Barcode (if applicable)

Address

950 SE Browning

Street

PSL

City

FL

State

34783

Zip

Email

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐I am appearing without
compensation or sponsorship.☐I am a registered lobbyist,
representing:☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

2-14-23

APPEARANCE RECORD

210

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Chadler & Fankler

Committee

Amendment Barcode (if applicable)

Name

Albert Balido

Phone

850 251 3440

Address

201 W Park Ave #100

Email

alberto@antifl.com

Street

Tallahassee

State

Zip

32301

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Certification Board

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/14/23

Meeting Date

210

Bill Number or Topic

Children, Families & Elder

Committee Affairs

Amendment Barcode (if applicable)

Name Kasey Denny

Phone 9544956333

Address 301 N Olive Ave

Email kdenny@pbcdgov.org

Street

West Palm Beach FL 33401

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Palm Beach
County

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR BLAISE INGOGLIA

11th District

COMMITTEES:

Finance and Tax, *Chair*
Appropriations
Appropriations Committee on Criminal
and Civil Justice
Banking and Insurance
Children, Families, and Elder Affairs
Criminal Justice
Ethics and Elections

SELECT COMMITTEE:

Select Committee on Resiliency

JOINT COMMITTEE:

Joint Administrative Procedures Committee, *Alternating Chair*

February 14th, 2022

The Honorable Ileana Garcia, Chair
Suite 322, Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Chair Garcia,

I respectfully ask to be excused from today's committee meeting on Children, Families, and Elder Affairs that will be held on Tuesday, February 14th at 3:30 pm.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Blaise Ingoglia", with a stylized flourish at the end.

Blaise Ingoglia
State Senator, District 11

CC: *Ryan Cox*
Nikki Lowery

□ 312 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5011

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

CourtSmart Tag Report

Room: SB 37
Caption: Committee on Children, Families and Elder Affairs

Type:
Judge:

Started: 2/14/2023 3:31:48 PM
Ends: 2/14/2023 3:59:57 PM
Length: 00:28:10

3:31:48 PM Chair calls meeting to order
3:32:15 PM Roll call
3:32:16 PM Quorum is present
3:32:26 PM Comment by chair Garcia
3:32:35 PM Chair Garcia takes up Tab 4 SB210 Substance Abuse Services
3:32:36 PM Senator Harrell explains SB 210
3:34:30 PM Comment by Senator Harrell
3:38:43 PM Chair asks member for questions
3:38:56 PM Question by Senator Rouson
3:39:22 PM Answer by Senator Harrell
3:40:01 PM Question by Senator Rouson
3:40:31 PM Answer by Senator Harrell
3:41:29 PM Comment by Chair Garcia
3:41:35 PM Chair takes up Amendment 390088
3:41:42 PM Senator Harrell explains amendment
3:42:01 PM Chair Garcia ask for questions
3:42:07 PM Question by Senator Bradley
3:42:38 PM Answer by Senator Harrell
3:43:02 PM Question by Senator Baxley
3:43:49 PM Answer by Senator Harrell
3:44:11 PM Chair Garcia ask for any appearances
3:44:17 PM Appearance by Kasey Denny
3:44:21 PM Appearance by Albert Balido
3:44:26 PM Chair Garcia asks for debate
3:44:37 PM Senator Harrell closes on the amendment
3:44:46 PM Chair Garcia asks for questions on the bill as amended
3:44:54 PM Chair Garcia asks for debate
3:45:00 PM Chair Garcia recognizes Senator Harrell to close on bill as amended
3:45:34 PM Comment by Chair Garcia on SB 210
3:45:37 PM Roll Call on SB 210
3:45:50 PM Vote on SB 210 recorded
3:46:03 PM Take up Tab 1 SB7000 OGSR/Current or Former Public Guardians
3:46:22 PM Chair Recognizes Staff Attorney for explanation on SB 210
3:47:59 PM Chair Garcia asks for questions
3:48:27 PM Chair Garcia asks for debate
3:48:34 PM Chair Garcia asks for objection
3:48:50 PM Senator Bradley moves
3:48:58 PM Motion adopted
3:49:03 PM Roll Call SB7000
3:49:22 PM Vote Recorded
3:49:29 PM Chair Garcia passes gavel to Vice Chair Thompson
3:49:42 PM Chair Thompson takes up Tab 2 SB Motor Vehicle Insurance and Driver Licenses for Foster Youth
3:49:53 PM Chair Thompson recognizes Senator Garcia
3:49:55 PM Senator Garcia explains bill
3:51:10 PM Chair Thompson asks for questions
3:51:24 PM Appearance by Victoria Zepp
3:51:30 PM Appearance by Geori Seldine
3:51:37 PM Appearance by Brita Lincoln
3:51:49 PM Appearance by Martavius Lowery of Florida Youth Shine
3:53:02 PM Public Testimony by Martavius Lowery of Florida Youth Shine
3:54:29 PM Public Testimony by Kyle Johnson of Florida Youth Shine
3:55:38 PM Chair Thompson asks for debate

3:55:41 PM	Chair Thompson recognizes Senator Garcia to close on bill
3:56:02 PM	Roll Call on SB168
3:56:14 PM	Vote on SB168 Recorded
3:56:32 PM	Chair Thompson returns gavel to Senator Garcia
3:56:38 PM	Chair Garcia takes up Tab 3 SB204 Task Force on the Monitoring of Children in Out-of-Home Care
3:56:45 PM	Chair Recognizes Senator Rouson to explain bill
3:58:13 PM	Vote Recorded
3:58:32 PM	Chair Garcia asks for question on the bill
3:58:36 PM	Chair Garcia asks for appearances
3:58:43 PM	Appearance by Victoria Zepp
3:58:47 PM	Appearance by Brita Wikins- Lincoln
3:58:53 PM	Chair Garcia recognizes Senator Rouson to close on bill
3:58:59 PM	Roll Call
3:59:33 PM	Senator Brodeur moves to adjourn
3:59:44 PM	Meeting adjourned

From: [Cox, Ryan](#)
To: [Arnold, Sue](#); [Al-Asadi, Anhar](#)
Subject: FW: Ingoglia- Vote Record
Date: Wednesday, February 15, 2023 12:44:30 PM
Attachments: [image002.png](#)
[image001.png](#)

Sincerely,

Ryan C. Cox

Staff Director

Committee on Children, Families, and Elder Affairs

(850) 487-5340



From: Amato, Marissa <Amato.Marissa@flsenate.gov>
Sent: Wednesday, February 15, 2023 12:16 PM
To: Cox, Ryan <Cox.Ryan@flsenate.gov>; Lowery, Nikki <LOWERY.NIKKI@flsenate.gov>
Cc: Ingoglia, Blaise <Ingoglia.Blaise@flsenate.gov>; Christian, Hannah <Christian.Hannah@flsenate.gov>
Subject: Ingoglia- Vote Record

Good afternoon,

Senator Ingoglia would like to vote "yes" on all 4 bills presented during the Children, Families, and Elder Affairs committee yesterday.

SB 210- YES
SPB 7000- YES
SB 168- YES
SB 204- YES

Kindest Regards,

Marissa Amato

Senior Legislative Assistant
State Senator Blaise Ingoglia, District 11
312 Senate Office Building, The Capitol

O: 850-487-5011 | C: 863-326-0459



Florida has a very broad public records law. Most written communications to or from state officials and staff are public records and made available to the public and the media upon request. Please note, your e-mail message may be subject to public disclosure.