

STORAGE NAME: h2125z.cf  
DATE: May 24, 2000

**\*\*AS PASSED BY THE LEGISLATURE\*\***  
**CHAPTER #: 2000-139**

**HOUSE OF REPRESENTATIVES  
AS FURTHER REVISED BY THE COMMITTEE ON  
CHILDREN & FAMILIES  
FINAL ANALYSIS**

**BILL #:** HB 2125 (PCB CF 00-03B)

**RELATING TO:** Department of Children and Families

**SPONSOR(S):** Committee on Children & Families and Representative Murman

**TIED BILL(S):**

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) CHILDREN & FAMILIES YEAS 7 NAYS 4
  - (2) GOVERNMENTAL OPERATIONS YEAS 5 NAYS 1
  - (3) HEALTH AND HUMAN SERVICES APPROPRIATIONS YEAS 11 NAYS 0
  - (4)
  - (5)
- 

**I. SUMMARY:**

**On May 23, 2000, HB 2125, as enrolled, became ch. 2000-139, Laws of Florida, with the Governor's signature.**

House Bill 2125 reorganizes the Department of Children and Family Services (DCF) to support and continue the move to privatize the administration of services in the department. It establishes eight program offices: adult services, child care services, developmental services, economic self-sufficiency services, family safety, mental health, refugee services, and substance abuse. It eliminates the current health and human services boards. The bill creates a community alliance in each county with a core membership and delineates the responsibilities of the alliance. The bill establishes a prototype region to test the lead agencies in Pasco, Pinellas, Manatee, Sarasota, DeSoto, and Hillsborough counties. The department would contract with a lead agency to administer, provide (under certain conditions), and/or subcontract with other agencies for all or any part of the children's services currently administered by DCF.

The bill also reorganizes ch. 39, F.S., to reflect the sequential order in which the child protection process would usually proceed and creates two new parts: Dispositions, Postdisposition and Change of Custody; and Permanency.

It requires the Criminal Justice Estimating Conference to project future bed needs and other program needs resulting from the civil commitments authorized under the Jimmy Ryce Act of 1998 and makes other changes to the Jimmy Ryce Act.

Directs the Office of the State Court Administrator to establish a 3-year pilot Attorney Ad Litem Program in the Ninth Judicial Circuit by October 1, 2000, to represent the rights of children in Dependency proceedings.

Other provisions in the bill include: designation of the second Monday in September of each year as "Florida Missing Children's Day; provides that any adult who knowingly causes or attempts to cause a child to come into contact with blood, seminal fluid, or urine or feces by throwing, tossing, projecting, or expelling such material is guilty of a felony of the third degree; and authorizes the Department of Children and Family Services to continue to provide foster care services to individuals 18 to 23 years of age who are enrolled full time in a degree-granting program in a postsecondary educational institution or technical school.

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Subject to the Governor's veto powers, the effective date of this bill is July 1, 2000.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |                             |   |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

**History of The Department of Children & Family Services (formerly the Department of Health & Rehabilitative Services--HRS)**

**1968 State Constitution**

The 1968 adoption of a new state constitution required simplification of the structure of state government through consolidation of overlapping and fragmented functions. The new constitution required a reduction in the number of executive agencies from more than 220 to 25 or less. The pre-1968 configuration of health and human services in Florida included 15 independent agencies. They were administered by various committees consisting of cabinet members or by independent boards or commissions appointed by the Governor. These agencies were as follows:

1. The Division of Corrections
2. The Division of Youth Services
3. The Division of Mental Health
4. The Division of Mental Retardation
5. The Division of Vocational Rehabilitation
6. The Florida Council for the Blind
7. The Commission on Aging
8. The Crippled Children's Commission
9. The State Department of Public Welfare (public assistance and Medicaid)
10. The Division of Community Hospitals and Medical Facilities
11. The State Board of Health (including county health departments)
12. The State Tuberculosis Board
13. The Pest Control Commission
14. Alcoholic Rehabilitation Program
15. Comprehensive Health Planning

**Reorganization Act of 1969**

The Governmental Reorganization Act of 1969 placed the 15 independent agencies in a loose confederation under a new agency--the Department of Health & Rehabilitative

Services (HRS), s. 20.19, F.S. The act created ten program divisions and bureaus. The authority of the Secretary of HRS was relatively weak as the act delegated authority to the Governor to appoint and remove division directors with confirmation by the Senate. The program divisions retained line authority over local program administration and substantial autonomy was retained by the divisions. The ten program divisions and bureaus included:

- ▶ Division of Health
- ▶ Division of Mental Health
- ▶ Division of Retardation
- ▶ Division of Adult Corrections
- ▶ Division of Youth Services
- ▶ Division of Family Services
- ▶ Division of Administrative Services
- ▶ Division of Vocational Rehabilitation
- ▶ Bureau of Alcoholic Rehabilitation
- ▶ Bureau of Blind Services

### **The Early Years**

From 1970 to 1975 more changes were made in the organizational structure to achieve better efficiency in services. Attempts to integrate services and develop cooperation among the quasi-autonomous divisions failed to meet the expectations of the Legislature. Some divisions acted fairly independently and resisted efforts to come under a broader management umbrella. In the course of these five years, there were discussions and bills introduced every session addressing the department's organizational structure. Most efforts failed to gain broad support. However, during this time period several changes did take effect. The Legislature gave the Secretary authority to appoint and remove division directors. A Division of Children's Medical Services and a Division of Aging were added. Dissatisfaction with HRS grew to a point that in 1974 an effort to dismantle HRS failed by less than ten votes on the House floor. The 1974 Legislature directed HRS to conduct a comprehensive review of reorganizational alternatives. Also, that year, the Governor's Management and Efficiency Commission recommended the reorganization of HRS.

### **The Reorganization Act of 1975**

The Reorganization Act of 1975 substantially altered the structure of HRS. Today, almost 25 years since the adoption of the act, many of those organizational elements remain essentially unaltered. Common principles promoted by the Legislature in the 1975 deliberations are the same principles that have been promoted in some form by every Legislature since the 1975 session. These principles were:

- ▶ Program integration
- ▶ A holistic approach to multi-problem individuals and families
- ▶ Decentralization of services
- ▶ Increased efficiency and effectiveness of service delivery
- ▶ Avoidance of fragmentation
- ▶ Co-location of services to promote accessibility to the public and service integration
- ▶ Timely and appropriate responsiveness to the problems and needs of the public
- ▶ Cooperation and coordination with other governmental and community agencies
- ▶ Elimination of service duplication
- ▶ Maximization of people's potential to become independent, taxpaying citizens

The 1975 Reorganization Act of the department reorganized the HRS into its present form. The amended s. 20.19, F.S., created the following organizational structure:

- ▶ A Secretary of the department
- ▶ A deputy secretary
- ▶ Assistant secretaries
- ▶ Program offices
- ▶ Districts

## **The 1975 Organizational Structure**

### **Headquarters**

The central headquarters of HRS were established in Tallahassee. Under the Secretary, there were three assistant secretaries:

1. Assistant Secretary for Administration. This position was responsible for fiscal and personnel management.
2. Assistant Secretary for Operations. This position had line authority over district administrators and district staff.
3. Assistant Secretary for Program Planning and Development. This position was responsible for recommending program policies, standards, performance criteria, and assuring program quality among district programs.

### **Program Offices**

Program offices were to act as staff to the Assistant Secretary for Program Planning and Development. Program offices, headed by a staff director, were delegated the development of policy, program standards, performance criteria, assurance of program quality, and staff development and training. The program offices created by the 1975 act included:

- ▶ Children's Medical Services
- ▶ Social and Economic Services (AFDC, food stamps, SSI, Medicaid, child care, protective services, foster care and other related child welfare programs)
- ▶ Health
- ▶ Retardation
- ▶ Vocational Rehabilitation
- ▶ Aging and Adult Services
- ▶ Youth Services (delinquent children)
- ▶ Mental Health

### **The Districts**

The 1975 act also created the district structure that remains in place today. Eleven districts were created (now 15 districts), and each was managed by a district administrator appointed by the Secretary. The district administrator had line authority over all staff assigned to the district. Districts were organized in a structure that mirrored the structure in Tallahassee headquarters with program offices, operations and administrative components. The primary duty of the district administrator and district staff was to ensure district conformity with statewide policies, procedures and standards. The district administrator was allowed to transfer up to 10 percent of the total district budget, with the approval of the Secretary, to maximize effective program delivery and to meet unique local needs. However, this authority was rarely, if ever, granted.

### **Others Component of the 1975 Reorganization Act**

#### **District Advisory Councils**

Another feature of the reorganization created district advisory councils to assist with coordination of social services at the local level. Members of the district advisory councils

were appointed by the Governor. The Secretary also appoints advisory councils for each program office. The Statewide and District Human Rights Advocacy Committee was created to protect client rights.

#### Budget Entities

The department's budget was organized into four budget entities--Office of the Secretary, Office of the Assistant Secretary for Administration, Office of the Assistant Secretary for Operations and Office of the Assistant Secretary for Program Planning & Development. There are currently still four distinct budget entities:

1. Department Administration
2. Statewide Services
3. Entitlement Benefits and Services
4. District Services

#### Program Evaluation and Accountability

One of the most innovative aspects of the 1975 Reorganization Act was establishing a program evaluation component in s. 20.19, F.S. These provisions were among the first in the nation to require accountability efforts. The provisions required the department to establish measurable program objectives and performance criteria for every program in the department. It also required the department to evaluate 20 percent of its program annually.

#### Information Systems

The Secretary was required to implement a priority program aimed at the design testing and integration of automated information systems necessary for effective and efficient management of the department. This included management data, program data, and client data deemed essential for service delivery and management decisions. The act required the department to consolidate eligibility requirements to the extent possible into a single eligibility system.

#### Privatization

The beginning of privatization was also encouraged by the act. It required, whenever possible, the department to contract for the provision of services by counties, municipalities, nonprofit corporations, and other entities capable of providing needed services, if the services provided were more cost efficient than those provided by the department. Twenty-five years later, services in mental health, substance abuse, child care, and community developmental services are all provided by private providers. Other services, including child welfare and public assistance, are becoming privatized.

#### Down sizing of HRS

The 1975 Reorganization Act also made the department smaller by removing the Division of Corrections and creating a separate Department of Offender Rehabilitation (now the Department of Corrections). The down sizing of HRS would gain momentum again in the 1990s.

#### **Size**

In the 1980s, HRS kept growing and, by 1990, the department's size was considered its biggest drawback. At its peak, HRS had more than 37,000 employees (FY 90/91) and a budget approaching \$10 billion (FY 92/93) or about 33% of the state's budget. Throughout the 1990s, the Legislature removed programs and functions from the department and created other departments or agencies. The department is now much smaller in scope and size with 26,854 employees and a budget of \$3.4 billion (FY 98/99) or about 7.5% of the state's budget.

**Changes Continue: 1975 - To Present**

As significant as the 1975 Reorganization Act was, it would only signify the beginning of the struggle to shape the department into the original efficient and effective vision cast by the 1969 and 1975 reorganizations.

Since 1975, s. 20.19, F.S., has been changed numerous times; and every year since 1975 a change has been made, or proposals to change it have been introduced in the Legislature. Significant changes in this period include:

- 1986 Transferred Vocational Rehabilitation from Department of Health & Rehabilitative Services(HRS) to the Department of Labor.
- 1991 The Department of Elder Affairs was created and related programs in HRS were transferred to the new department.
- 1992 The Agency for Health Care Administration (AHCA) was created and health regulation functions were transferred from HRS to AHCA.
- 1992 Health & Human Service Boards were created in each district and other district advisory councils were eliminated.
- 1993 Medicaid was transferred from HRS to AHCA.
- 1994 The child support enforcement program was transferred from HRS to the Department of Revenue.
- 1994 Programs for delinquent youth transferred to a new Department of Juvenile Justice.
- 1996 All health-related programs and functions in HRS transferred to a new Department of Health.
- 1996 What remains of HRS is recreated in a new Department of Children & Family Services. The Department of Children & Family Services is now responsible for child welfare, child care, social & economic services, developmental services, mental health, substance abuse, services for disabled adults, and adult protective services.

**Current Organizational Structure**

The central headquarters of DCF are in Tallahassee. Under the Secretary there is a deputy and there are assistant secretaries. Program offices are responsible for the development of policy, program standards, performance criteria, assuring program quality, and staff development and training. The program offices included:

- ▶ Developmental Services
  - Persons in the community with developmental disabilities
- ▶ Economic Self-Sufficiency
  - Adults and their families who need assistance to become economically self-sufficient (WAGES participants)
  - Persons who are indigent, and aged, disabled, or incapacitated, or who have insufficient income to meet basic needs
- ▶ Family Safety
  - Families with children needing child care
  - Families known to the department with children at risk of abuse and neglect
  - Children who have been abused or neglected by their families
  - Child victims of abuse or neglect who become eligible for adoption
  - Victims of domestic violence
- ▶ Mental Health
  - Children with mental health problems
  - Children incompetent to proceed to juvenile justice

- Adults with mental illness (community)
- ▶ Substance Abuse
  - Adults with substance abuse problems
  - Children with or at serious risk of substance abuse problems

### **The Districts**

The DCF plans, administers, and delivers most of its services to target groups through the 15 service district offices. District offices are responsible for ensuring that services are delivered in accordance with state and federal laws and for coordinating district office services with other public or private agencies that offer services for clients in the target populations. The district offices work with the district health and human service boards to establish district goals and objectives, conduct needs assessments, develop district plans, and provide budget and policy oversight.

### **Resources**

For Fiscal Year 1999-2000, the Department of Children and Families was appropriated \$3.7 billion. In Fiscal Year 1999-2000, the department received funding for 26,760 positions. The majority of staff, 91 percent, works directly with clients. The other 9 percent work in administration (5 percent in district administration and 4 percent in central office administration). The department provides services to more than 2.6 million Floridians. The majority of the department's budget is used to buy services through contracts or other agreements, to provide direct services through department operated programs, and for direct payments to clients who qualify for such payments. Administration comprises the other portion of the department's budget and includes evaluation and quality assurance, statewide information systems, budget and financial management, personnel services, and district administration.

### **Pervasive issues**

Since the 1975 reorganization, certain issues have consistently presented each administration with considerable challenges. Several major studies of the department have been conducted including studies by the National Academy of Public Administration in 1977 and 1986, the Child Welfare League of America in 1990, a major interim study by the House Committee on Health & Rehabilitative Services in 1990, and several House interim studies. All of these studies have identified similar issues.

Attempts to address these issues have fallen short of closure, and many of these issues have very little to do with the organizational structure. However, the organizational structure is judged in part on how effective management is in addressing these issues. Even with a smaller programmatic scope, as compared to HRS at its peak, these issues still affect the Department of Children & Family Services, and the resolution will have a great bearing on the success of future administrations. These issues were also imbedded in a rapidly changing policy environment as government reinvented itself in the 1990s from the traditional welfare state of the 1960s, 1970s and early 80s.

Among the most pervasive issues facing the department are the following:

- ▶ An organizational structure that diffuses responsibility and accountability.
- ▶ Demands for services that exceed program capacity.
- ▶ An insufficient front-line workforce as reflected by caseloads that exceed recognized standards.
- ▶ Unacceptably high front-line staff turnover.
- ▶ Inadequate salary compensation in some critical positions.



- ▶ Inadequate level of professionalism of the workforce and an inadequate infrastructure that supports continual workforce development.
- ▶ Poor staff morale due to frequent public criticism and negative publicity. Thousands of Floridians receive needed services every day from the department and its providers without fanfare. However, little recognition is given to the yeoman effort of staff that meet these needs.
- ▶ Critical deficiencies in administrative support capacity including insufficient fiscal staff for budget monitoring and contract management staff for program oversight and quality assurance.
- ▶ Categorical funding that limits flexibility to blend funds to address complex cases.
- ▶ District allocations of dollars that are based more on history rather than current demographics or demand for services.
- ▶ Inadequate information systems that cannot yield consistently valid and reliable program and cost data necessary for the effective management of the department.
- ▶ District variation in program quality and cost per service.
- ▶ Inadequate or no price level funding of annual increases for contract providers for existing programs, which challenge providers to keep up with inflation and make investments to improve programs.
- ▶ The explosive nature of the child welfare system (child abuse investigations, protective services, foster care and related services) including the periodic tragic deaths of children under the supervision of the state has hampered every administration since the mid-eighties. The death of a child always requires the full attention and energy of the administration to investigate, explain and take corrective measures to avoid a similar recurrence. No other program in the department is more responsible for the negative public perception of the ability of the department to fulfill its mission and address the problems of the state with competency.

### **Future Trends**

As the department approaches the new century, several trends have emerged that will have a bearing on how the department conducts its business and the success it will have in achieving its mission.

#### Privatization

Child care, mental health, substance abuse and developmental services are privatized. The continued movement to privatize the remaining elements of the department will shape the kind of agency that the department will become. The department will be as effective as its contract service providers. With diminished or no responsibility for direct services, the department must shift its focus to contract management, monitoring compliance with contract requirements, and assuring fiscal integrity and quality in the service provided by private entities.

#### Accountability

The department has made progress in developing performance indicators and outcome measures. The requirements of PB<sup>2</sup> have forced rapid evolution and acceptance of program outputs, performance measures, and performance outcomes throughout the department's in-house and contracted programs. This effort should continue to evolve, expand and improve. Still unresolved is the incentive and disincentive system that needs to be in place to address performance success and failure.

#### Information systems and the Internet

Considerable investments of state and federal dollars have been made to develop and improve information systems in the department. The return on this investment has been

disappointing. The department will need to continue development of distributed information networks that link the provider community. The use of the Internet and intranet systems has unlimited potential in management, customer services, program assessment, program support, and staff training.

#### Budget and program restructure

The department's introduction of target groups shifted the focus and discussion from programs to people who need services. If the new administration supports the continuation of this approach, the budget which is constructed primarily around budget entities and program categories will need to be restructured to fund target groups.

#### Collaborative partnerships

The break up of the department into several agencies does not abrogate the need to eliminate duplication of services, to avoid fragmentation of policy, and to increase efficiency and effectiveness of service delivery. Collaboration is an acknowledgment that no single agency solution or strategy can by itself effectively meet the complex needs of children and families. The department will have to continue to emphasize collaborative partnerships with public, private, and community agencies to fulfill its mission.

#### **Chapter 99-219, Laws of Florida**

Committee Substitute for Senate Bill 1902 was approved by the Governor on May 26, 1999 and became ch. 99-219, Laws of Florida. The bill waived certain provisions under s. 20.19, F.S., until July 1, 2000, in order for the Secretary of the Department of Children and Family Services to organize programs, districts, and functions of the department to achieve a more effective and efficient service delivery system and to improve accountability. The law required the Secretary to submit a report by August 1, 1999, describing actions that have been taken and additional plans for operating the department's programs and services under those provisions waived in CS/SB 1902. It also directs the Secretary of the Department of Children and Family Services to submit a comprehensive plan for department reorganization to the Governor and the Legislature by January 1, 2000 and for a plan to realign the districts of the department so that the district boundaries are consistent with the boundaries of the judicial circuits. The plan was delivered on schedule to the Legislature.

#### **The Current Framework of s. 20.19, F.S.**

Section 20.19, F.S., delineates the organizational structure of the Department of Children and Families. The following subsections are found in s. 20.19, F.S.:

1) **MISSION AND PURPOSE**

Establishes the mission of the department and purpose of department services.

Requires a five-year strategic plan, and allows appointment of ad-hoc committees.

(2) **SECRETARY OF CHILDREN AND FAMILY SERVICES; DEPUTY SECRETARY**

Establishes the Secretary and deputy secretary of the department and the responsibilities of the Secretary. Requires needs assessment methodology and permits regional processing centers.

(3) **OFFICE OF STANDARDS AND EVALUATION**

Establishes office to evaluate department programs, performance, and quality assurance systems.

(4) **CERTIFICATION PROGRAMS FOR DEPARTMENT EMPLOYEES**

Allows certification for family safety employees and agents.

(5) **PROGRAM OFFICES**

Creates and establishes responsibilities for four program offices: Economic Self-Sufficiency, Developmental Services, Children and Families, and Alcohol, Drug Abuse and Mental Health.

(6) ASSISTANT SECRETARY FOR ADMINISTRATION

Requires Secretary to appoint assistant secretary for administration and establishes responsibilities for budget and administrative support, including fiscal accountability.

(7) SERVICE DISTRICTS

Creates and establishes county composition of 15 service districts and eight subdistricts for administering department programs.

(8) HEALTH AND HUMAN SERVICES BOARDS

Creates at least one health and human services board in each service district to support interagency collaboration, their required membership and joint responsibilities with district administrators, including planning and funding priorities.

(9) DISTRICT NOMINEE QUALIFICATIONS REVIEW COMMITTEES FOR HHSB

Creates health and human services board member nominee review committees and their composition and duties.

(10) DISTRICT ADMINISTRATOR

Requires Secretary to appoint a district administrator for each service district. Establishes program and administrative duties, and joint responsibilities with health and human services boards.

(11) STATEWIDE HEALTH AND HUMAN SERVICES BOARD

Creates statewide board composed of chairs of district health and human services boards to advise Secretary.

(12) DEPARTMENTAL BUDGET

Requires Secretary submit budget by budget entity, district and program, and establishes responsibilities of assistant secretary for administration and district administrators.

(13) CONFORMITY WITH FEDERAL STATUTES AND REGULATIONS

Requires conformity to federal statute and regulation and permits Secretary to change state service plans to conform to federal program requirements when there are conflicts. Creates districts as local agencies for administering programs.

(14) INFORMATION SYSTEMS

Requires Secretary to appoint chief information officer and establishes duties.

(15) ELIGIBILITY REQUIREMENTS

Requires department review of eligibility requirements of programs and consolidates them into a single system to the extent possible.

(16) PURCHASE OF SERVICES

Requires the department to contract for provision of services to the extent possible.

(17) CONTRACTING AND PERFORMANCE STANDARDS

Requires the department to establish performance standards for all contracted client services. Requires penalties and competitive contracting when a provider fails to achieve established standards. Permits contracts for multiple years and for systems of treatment. Requires controls to ensure financial integrity and service quality.

(18) HEADQUARTERS; SERVICE FACILITIES

Requires department to maintain its headquarters in Tallahassee.

(19) PROCUREMENT OF HEALTH SERVICES

Provides that competitive bids are not required for health service examinations, diagnosis and treatment.

- (20) **CONSULTATION WITH COUNTIES ON MANDATED PROGRAMS**  
Requires department to consult with county governments on policy and service plans when county governments are required by law to participate in funding programs
- (21) **OUTCOME EVALUATION AND PROGRAM EFFECTIVENESS**  
Establishes intent and requires reporting in conformity with performance-based budgeting.
- (22) **INNOVATION ZONES.**  
Provides for experimental, pilot or demonstration projects and responsibilities.

### **Section 20.04, F.S.**

Section 20.04, F.S., provides that the head of a department may not reallocate duties and functions specifically assigned by law to a specific unit of the department. However, those functions or agencies assigned generally to the department without specific designation to a unit of the department may be allocated and reallocated to a unit of the department at the discretion of the head (Secretary) of the department. Additional offices in the Department of Children & Family Services may be established only by specific statutory enactment.

### **Chapter 39**

In 1998, the Florida Legislature substantially rewrote chapter 39, F.S., relating to proceedings for children. See ch. 98-403, L.O.F. It incorporated the recommendations of a statewide study conducted by Florida's Dependency Court Improvement Program. The program was established in 1995 with federal funding from the U.S. Department of Health and Human Services made available to all state courts to study the judicial management of foster care and adoption proceedings involving dependent children. Chapter 98-403, L.O.F., also incorporated the requirements of the federal Adoption and Safe Families Act of 1997 which refocused the paramount concern in decisions at all stages of dependency proceedings to be on the health and safety of children rather than on family reunification or preservation. Florida became the first state in the nation to enact the provisions of the federal act.

Chapter 98-403, L.O.F., transferred and reorganized relevant sections from ch. 415, F.S., into ch. 39, F.S., to create 11 parts. The 11 parts present the dependency process from intake to case outcome. Chapter 39, F.S., now provides that all foster care children are required to have a permanency planning review hearing within one year from the date of their removal from home and additional grounds for expediting termination of parental rights under certain circumstances are provided. It also provided attorneys for parents who qualify under indigence standards at shelter hearings and for continual representation of those parents through the duration of the case. It also increased penalties for false reporting and created the Relative Caregiver Program.

Subsequent to the rewrite of ch. 39, F.S., some errors and inconsistencies were uncovered. Chapter 99-193, Laws of Florida, clarified the definitions, roles, obligations and rights of parents, legal custodians and caregivers depending on their involvement in proceedings under ch. 39, F.S. It allowed counties to also acquire a lien on court-ordered payment of attorneys' fees and costs in indigent dependency cases. It allowed a default consent to dependency adjudication to be entered in the event a person who is ordered to appear at a subsequent adjudication hearing fails to appear. It clarified time frames for filing

dependency petitions, setting arraignment and adjudicatory hearings, and placing children in shelter care or out-of-home care.

### **Foster care children in post secondary institutions**

Independent living is an expansion of the permanency planning process that provides a range of tangible and intangible skills and knowledge that youth should have in order to be successful upon departure from foster care. Skills and knowledge needed for self-sufficiency include educational development and employment or career planning. As a part of educational development, subsection (3) of s. 409.145, F.S., allows dependent youth to remain in foster care up to their 21st birthday if they are enrolled full time in an educational program or vocational program and maintain a 2.0 GPA. According to the Department of Children & Family Services, over the past two years approximately 114 youths have had to leave college or find another method to subsidize their college education only because they turned 21 years of age. A typical college freshman is 18 years of age and 22 or 23 years of age at graduation.

When an individual is attending a community college, college, or university, the department may make foster care payments to the institution in lieu of payment to the foster parents or individual, for the purpose of room and board. The payments shall not exceed the amount that would have been paid to the foster parents had the individual remained in the foster home.

Section 240.235, F.S., exempts any student in long-term foster care or independent living, or who is adopted from the Department of Children and Family Services from the payment of all undergraduate fees, including fees associated with enrollment in college-preparatory instruction or completion of college-level communication and computation skills testing programs. The exemption is to be valid for no more than 4 years after the date of graduation from high school.

Section 240.35, F.S., exempts students in foster care from the payment of all undergraduate fees. The exemption is valid for no more than 4 years after the date of graduation from high school. As a condition for continued fee exemption, the student must maintain a 2.0 grade point average for college work.

### **Legal Representation of Children**

#### Appointment of Attorneys for Children

Currently, s. 39.4085, F.S., establishes as legislative intent certain goals for dependent children, including that children in shelter or foster care have a guardian ad litem appointed to represent their best interests and where appropriate, an attorney ad litem be appointed to represent their legal interests. There are legislative purposes and intent set forth in s. 39.001, F.S., relating to assuring due process and enforcement of constitutional and other legal rights of interested parties in proceedings under ch. 39, F.S. See s. 39.001(1)(l) and (3), F.S.

Section 39.822(1), F.S., requires that a guardian ad litem be appointed for any child involved in a child abuse, neglect, or abandonment proceeding; however, unofficial reports indicate that as few as 50 percent of eligible children are appointed a guardian ad litem. The 1998 Legislature provided parents involved in any judicial proceeding under ch. 39, F.S., the right to counsel (ch. 98-403, L.O.F.), but children involved in such proceedings are not guaranteed counsel under current law.

There is no current statutory definition for "attorney ad litem" nor instructions or procedures as to an attorney ad litem's appointment and representation of a child's legal interests in ch. 39, F.S.

#### Privileges

Generally, all privileges with the exception of the attorney-client privilege or clerk privilege are abrogated in cases of abuse, neglect or exploitation. See s. 39.204, F.S. Section 90.502(2), F.S., recognizes the attorney-client privilege to protect confidential communications made during the rendition of legal advice to the client. The right to assert the attorney-client privilege lies with the client although the privilege may be asserted by the attorney on behalf of the client. Similarly, only the client may waive the privilege.

#### Appointment of Guardians Ad Litem

Section 39.820(1), F.S., defines a "guardian ad litem" as a person who is appointed by the court as a representative of the child, to represent the *best* interests (as opposed to *expressed* interests) of a child in a proceeding under ch. 39, F.S., or in any judicial proceeding. The law specifies that a guardian ad litem serves until discharged by the court and can be one of the following: a certified guardian ad litem program, a duly certified volunteer, a state attorney, contract attorney, or certified pro bono attorney working on behalf of a guardian ad litem or the program; staff members of a program office; a court-appointed attorney; or a responsible adult.

Section 39.822, F.S., provides that a guardian ad litem be appointed by the court at the earliest possible time to represent the child in any civil or criminal child abuse, abandonment, or neglect judicial proceeding. Any person participating in a civil or criminal judicial proceeding resulting from the appointment must be presumed prima facie to be acting in good faith and in so doing is immune from civil or criminal liability that otherwise might be incurred or imposed. In cases in which the parents are financially able, the parent or parents of the child must reimburse the court, in part or in whole, for the cost of provision of guardian ad litem services. Reimbursement to the individual providing guardian ad litem services is not contingent upon successful collection by the court from the parent or parents. The guardian ad litem or the program representative must review all disposition recommendations and changes in placements, and must be present at all critical stages of the dependency proceeding, or submit a written report of recommendations to the court. Written reports are filed with the court and served on all parties whose whereabouts are known at least 72 hours prior to the hearing.

Section 39.402(8)(c), F.S., requires that, whenever a shelter hearing is held for a child in the custody of the department, the court must appoint a guardian ad litem to represent the child unless the court finds that representation is unnecessary.

Section 39.001(3), F.S., specifies the general protections to be provided for children which include an independent, trained advocate whenever that intervention is necessary and a skilled guardian or caregiver in a safe environment whenever an alternative placement is necessary.

#### Florida Rules of Juvenile Procedure

The Florida Rules of Juvenile Procedure do not contain provisions relating to attorneys ad litem. The rules address the appointment of guardians ad litem in several instances, most notably in Rule 2.215, which provides that a guardian ad litem may (or may not) be an attorney, and which lists the responsibilities of a guardian ad litem. These duties specifically include representing the best interests of the child.

### Parents' Right to Counsel

Section 39.013(8), F.S., requires that all parents of children involved in dependency proceedings be informed of their right to counsel at each stage of the proceedings, and that parents be appointed counsel when they are unable to afford counsel. This law requires that the court determine whether waivers of counsel by parents are knowing and intelligent and must make its findings on this issue in writing. It also requires that once counsel has been appointed or has entered an appearance, the attorney continues to represent the parent throughout the proceedings. If the attorney-client relationship is discontinued, the court must advise the parent of the right to have new counsel retained or appointed for the remainder of the proceedings.

### Compensation of Counsel

All court-appointed counsels in dependency proceedings under ch. 39, F.S., who are entitled to compensation are compensated according to a rate established by each county. See s. 39.0134(1), F.S. However, in proceedings for termination of parental rights, the rate is statutorily set at a maximum of \$1,000 for representation at the trial level and a maximum of \$2,500 for representation at the appellate level. See s. 39.0134(1), F.S.

### ABA Standards

The American Bar Association Standards of Practice for Lawyers Representing a Child in Abuse and Neglect Cases (ABA Standards)<sup>1</sup> defines a "child's attorney" as a lawyer who provides legal services for a child and who owes the same duties of undivided loyalty, confidentiality, and competent representation to the child as is due an adult client. These standards contemplate representation of the child's *expressed interest*, in all cases except those children with exceptional problems such as children with limited language development, mental retardation, or serious mental illness. Section B-3 of the ABA Standards rejects the idea that children of certain ages are incapable of effectively directing representation on their behalf. In cases when an attorney ad litem is unable to ascertain the child's legal interests, the attorney may seek the advice and consultation of experts and other knowledgeable people in making the determination.

According to the ABA Standards, a lawyer appointed as "guardian ad litem" for a child is an officer of the court appointed to protect the child's interests without being bound by the child's expressed preferences. In those circumstances in which a child is unable to express a position, as in the case of a preverbal child, or may not be capable of understanding the legal or factual issues involved, the child's attorney should continue to represent the child's legal interests and request appointment of a guardian ad litem. This limitation distinguishes the scope of independent decision-making of the child's attorney and a person acting as guardian ad litem.

The ABA Standards recognize that there may be occasions when a child's expressed preferences would be injurious to the child. The standards state that if the child's attorney determines that the child's expressed preference would be seriously injurious to the child

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<sup>1</sup>In February, 1996, the ABA House of Delegates adopted standards of practice for lawyers representing children in abuse and neglect cases. The standards were developed by a committee within the ABA's Family Law Section in an attempt to provide guidance in this area. The non-binding standards emphasize the need for specially trained lawyers and the use of multidisciplinary resources, particularly regarding issues of child development. State and local bar associations and courts may opt to adopt these standards in some cases. They have become de facto standards of practice in the field.

(as opposed to merely being contrary to the lawyer's opinion of what would be in the child's best interest), the lawyer may request appointment of a separate guardian ad litem and continue to represent the child's expressed preference, unless the child's position is prohibited by law or without any factual foundation. The child's attorney shall not reveal the basis of the request for appointment of a guardian ad litem which would compromise the child's position.

**C. EFFECT OF PROPOSED CHANGES:**

The key elements of the new organizational structure for DCF as delineated in this bill:

- ▶ Eliminates very descriptive language regarding the organizational structure and related functions.
- ▶ Focuses on essential organizational components and removes substantive provisions from s. 20.19, F.S., that are unrelated to structure to substantive chapters.
- ▶ Creates the framework to allow the department to test the lead agency concept in a prototype region. The department would contract with a lead agency to administer, provide (under certain conditions), and/or subcontract with other agencies for all or any part of the services currently administered by DCF.
- ▶ The bill eliminates the current health and human services boards and replaces them with a community alliance in each county. The alliance becomes the advisory, coordinating and advocacy body to the department.

The bill continues the ongoing effort to revise ch. 39, F.S., for an orderly presentation of the dependency process, a prioritization of the permanency placement options, and an incorporation of federal mandates that primarily focus on the protection of children rather than family reunification and preservation. Additionally, it makes the following specific changes as to the eleven statutory parts of ch. 39, F.S.

This bill authorizes the department to continue providing foster care and related services to persons 18 to 23 years of age, rather than 21 years of age, who are enrolled full-time in a degree-granting program in a postsecondary educational institution. Foster care services will continue only for the period of time that the person is continuously enrolled full-time in a degree-granting program in a post-secondary educational institution or applied technology diploma.

Other provisions in the bill include designation of the second Monday in September of each year as "Florida Missing Children's Day; provides that any adult who knowingly causes or attempts to cause a child to come into contact with blood, seminal fluid, or urine or feces by throwing, tossing, projecting, or expelling such material is guilty of a felony of the third degree; and authorizes the Department of Children and Family Services to continue to provide foster care services to individuals 18 to 23 years of age who are enrolled full time in a degree-granting program in a postsecondary educational institution or technical school.

**D. SECTION-BY-SECTION ANALYSIS:**

**Section 1. Amends subsection (4) of s. 20.04, F.S.**

Eliminates the use of "assistant secretaries" and replaces it with "program directors."

**Section 2. Amends s. 20.19, F.S., relating to the Department of Children and Family Services.**



*Creates the department. This section is substantially rewritten. See s. 20.19, F.S. (1999), for current text. Changes to the subsections are explained below.*

(1) **MISSION AND PURPOSE**

Changes the department mission to include safety, and requires a strategic plan and measurable goals, standards, and quality assurance requirements. To the extent possible, requires services by contract through private providers.

(2) **SECRETARY OF CHILDREN AND FAMILY SERVICES; DEPUTY SECRETARY**

Similar to current law. This subsection specifies the duties of the Secretary and deputy secretary. Ensures that the mission of the department is fulfilled in accordance with state and federal laws, rules, and regulations. Unlike the current law, this subsection does not reference needs assessment and regional processing centers.

(3) **PROGRAM DIRECTORS**

Requires the Secretary to appoint program directors and delegate duties and responsibilities to them. Current assistant secretaries are eliminated by the bill.

(4) **PROGRAM OFFICES AND SUPPORT OFFICES.**

Current law creates and establishes responsibilities for four program offices: Economic Self-Sufficiency, Developmental Services, Children and Families, and Alcohol, Drug Abuse and Mental Health. This bill establishes eight program offices: adult services, child care services, developmental services, economic self sufficiency services, family safety, mental health, refugee services, and substance abuse. This bill allows the Secretary, in consultation with the Executive Office of the Governor to consolidate, restructure, or rearrange program offices and support offices. It also allows the Secretary to appoint other managers and administrators as necessary.

(5) **SERVICE DISTRICTS**

This bill retains the current district and subdistrict structure of the department. Districts remain headed by a district administrator appointed by the Secretary.

(6) **COMMUNITY ALLIANCE**

This bill eliminates the current health and human services boards. This bill creates a community alliance in each county with a core membership and delineates the responsibilities of the alliance. A community alliance may cover more than one county when it is determine that such an arrangement is necessary to provide more effective representation. The members of the alliance can be expanded beyond the initial core membership at any time after the initial meeting of the alliance to better meet the needs of the community. The responsibilities of an alliance are delineated. The alliance becomes the advisory, coordinating and advocacy body to the department.

(7) **PROTOTYPE REGION**

This bill establishes a prototype region to the test the lead agency structure for the counties in the sixth, twelfth, and thirteenth judicial circuits. This prototype region is composed of Pasco, Pinellas, Manatee, Sarasota, DeSoto, and Hillsborough counties. In the prototype region, this bill creates a lead agency in each county. The department would contract with a lead agency to administer, provide (under certain conditions), and/or subcontract with other agencies for all or any part of the children's services currently administered by DCF. This subsection delineates the duties of a lead agency.

(8) **CONSULTATION WITH COUNTIES ON MANDATED PROGRAMS**

Requires the department to consult with county governments on policy and service plans when county governments are required by law to participate in funding programs. This provision is in current law.

(9) **PROCUREMENT OF HEALTH SERVICES**

Provides that competitive bids are not required for health service examinations, diagnosis and treatment. This provision is in current law.

Subsections of current s. 20.19 eliminated in this bill.

- (3) OFFICE OF STANDARDS AND EVALUATION  
Establishes office to perform and coordinate evaluation activities. The functions of this office are already included in other provisions of law and PB<sup>2</sup> (s. 216.0166, F.S.).
- (6) ASSISTANT SECRETARY FOR ADMINISTRATION  
Requires Secretary to appoint assistant secretary for administration and establishes responsibilities for budget and administrative support, including fiscal accountability.
- (8) HEALTH AND HUMAN SERVICES BOARDS  
Creates at least one health and human services board in each service district to support interagency collaboration, their required membership and joint responsibilities with district administrators, including planning and funding priorities.
- (9) DISTRICT NOMINEE QUALIFICATIONS REVIEW COMMITTEES FOR HHSB  
Creates health and human services board member nominee review committees and their composition and duties.
- (11) STATEWIDE HEALTH AND HUMAN SERVICES BOARD  
Creates statewide board composed of chairs of district health and human services boards to advise Secretary.
- (12) DEPARTMENTAL BUDGET  
Requires the Secretary to submit budget by budget entity, district and program, and establishes the responsibilities of assistant secretary for administration and district administrators. This function is included in substantive law.
- (13) CONFORMITY WITH FEDERAL STATUTES AND REGULATIONS  
Requires conformity to federal statutes and regulations, and permits the Secretary to change state service plans to conform to federal program requirements when there are conflicts. Creates districts as local agencies for administering programs. These functions are already in substantive law and federal requirements, and the conformity provision is included in section (2) Secretary of Children and Family Services; Deputy Secretary.
- (14) INFORMATION SYSTEMS  
Requires the Secretary to appoint chief information officer and establishes duties. These functions are already in other provisions of substantive law and federal requirements.
- (15) ELIGIBILITY REQUIREMENTS  
Requires the department to review eligibility requirements of programs and consolidate them into a single system to the extent possible. These functions are already in other provisions of substantive law and federal requirements.
- (16) PURCHASE OF SERVICES  
Requires the department to contract for provision of services to the extent possible. These functions are already in other provisions of substantive law and federal requirements.
- (18) HEADQUARTERS; SERVICE FACILITIES  
Requires the department to maintain its headquarters in Tallahassee. This provision is not need the department could not move without legislative authority.
- (21) OUTCOME EVALUATION AND PROGRAM EFFECTIVENESS

Establishes intent and requires reporting in conformity with performance-based budgeting. These functions are already included in substantive law and PB<sup>2</sup> requirements.

(22) INNOVATION ZONES

Provides for experimental, pilot or demonstration projects and responsibilities. The purpose of the proposed innovation zone is to demonstrate that specific statutory goals can be achieved more effectively by using procedures that require modification of existing rules, policies, or procedures, the proposal may request the Secretary to waive such existing rules, policies, or procedures, or to otherwise authorize use of alternative procedures or practices. Waivers of such existing rules, policies, or procedures must comply with applicable state or federal law. This provision was seldom used.

Subsections of current s. 20.19 recreated in other sections of the bill.

(4) CERTIFICATION PROGRAMS FOR DEPARTMENT EMPLOYEES

Recreated in s. 402.731, F.S. (See section 8 of this bill ).

(17) CONTRACTING AND PERFORMANCE STANDARDS

Requires the department to establish performance standards for all contracted client services. Requires penalties and competitive contracting when a provider fails to achieve established standards. Permits contracts for multiple years and for systems of treatment. Requires controls to ensure financial integrity and service quality. Recreated in s. 402.73, F.S. (See section 7 of this bill).

**Section 3. Amends s. 39.3065, F.S., relating to child protective investigation conducted by sheriffs.**

- ▶ Adds Broward County sheriff to the county sheriffs that DCF must transfer protective investigations to by the end of FY 1999/2000.
- ▶ Allows the DCF to enter into grant agreements with sheriffs of other counties (in addition to Pasco, Manatee, Broward and Pinellas that are already specified) to perform child protective investigations beginning in FY 2000/2001.
- ▶ Requires that sheriffs must meet performance standards and outcome measures as well as complete the training that is required of protective investigators employed by the department.
- ▶ Allows the department to advance payments to the sheriffs for child protective investigations.
- ▶ Requires program performance evaluation to be conducted by a team of peer reviewers from the respective sheriffs' offices that perform child protective investigations and representatives from the department.
- ▶ Deletes provisions regarding a committee appointed by the Governor to establish criteria to evaluate child protective investigations conducted by the sheriff.

**Section 4. Amends paragraph (a) of subsection (2) of Section 318.21, Florida Statutes, as amended by section 135 of chapter 98-403, Laws of Florida.**

Transfers funds for the foster care citizen review panels to the state courts system from the Department of Children and Family Services.

**Section 5. Amends s. 393.502, F.S., relating to family care councils.**

- ▶ Increase the number of members in a council from 9 to 10 - 15
- ▶ Requires the council to recommend appointments to the Governor for approval.
- ▶ Specifies the type of members that must be on the council.
- ▶ Delineates restrictions regarding activities or affiliations that would prevent appointment to the council.
- ▶ Delineates the length of service on a council for members and chairs.
- ▶ Requires the department, in consultation with the district councils, establish a training program for district family care council members.
- ▶ Requires all training to be completed by new council members within 90 days of appointment.
- ▶ Delineates the procedures that need to be followed for establishing new councils.
- ▶ Allows a district family care council to apply for, receive, and accept grants, gifts, donations, bequests, and other payments from any public or private entity or person.
- ▶ Requires an annual financial review by district staff and compliance with state expenditure requirements.

**Section 6. Amends s. 393.503, F.S., relating to respite and family care subsidy expenditures.**

- ▶ Removes the health and human service boards and adds the department as the recipient of recommendations from the family care councils.

**Section 7. Creates s. 402.73, F.S., relating to contracting and performance standards for contracted client services. (Recreates s. 20.19(17) with deletion of obsolete dates.)**

- ▶ Requires the department to establish performance standards for all contracted client services, and to competitively procure services when a provider fails to achieve established standards.
- ▶ Requires rules for incremental penalties in contracts if the provider fails to comply with a required corrective action.
- ▶ Allows the Secretary of the department to defer the competitive process under certain circumstances.
- ▶ Requires the department to execute multi-year contracts to the extent practicable, and provides for contracts for systems of treatment with multiple providers rather than contracting separately for services from each provider.
- ▶ Requires the department to implement systems and controls to ensure financial integrity and service quality.

- ▶ Requires the standard contract to include a provision for a lien against property constructed or renovated through state funds.
- ▶ Delineates procedures the department must take when a provider fails to meet performance standards.
- ▶ Requires standards of conduct and disciplinary actions for department employees related to contracting responsibilities.
- ▶ Provides for cost-neutral, performance-based incentives. Provides for the department to adopt rules and procedures for competitive procurement of contracts that are alternatives to current RFPs (request-for-proposals) and invitations-to-bid.
- ▶ Allows the department to competitively procure any contract when it is in the best interest of the state.

**Section 8. Creates s. 402.731, F.S., relating to certification program for employees and transitional employment provisions. (Includes provisions of current 20.19(4).)**

- ▶ Allows the department to create certification programs for employees and agents to ensure that only qualified persons provide client services. The department is authorized to develop rules for certification requirements that include training, testing, continuing education, and decertification procedures when an individual no longer meets the qualifications.
- ▶ Requires the department to implement employment programs to attract and retain competent staff for the transition to privatized community-based care. Employment programs shall include lump-sum bonuses, salary incentives, relocation allowances, severance pay, out placement services, and time-limited exempt positions that have salaries and benefits as if they were career service employees.

**Section 9. Amends s. 409.1671, F.S., relating to foster care and related services.**

- ▶ Deletes language allowing the department to distribute excess federal earnings based on a methodology approved by the Executive Office of the Governor (EOG).
- ▶ Allows the department to contract with more than one lead agency within a single county when it results in more effective delivery of foster care and related services.
- ▶ Requires quality assurance standards for privatized services be based on standards of a national accreditation organization.
- ▶ Allows the department to establish a risk pool to reduce service provider financial risk from unanticipated growth in caseloads.
- ▶ Requires a three-year program to distribute excess earned federal funds to department entities and community-based agencies that contributed to the excess earnings under privatization contracts as of July 1, 1999. Provides for methodology and review of program.

**Section 10. Creates s. 409.1675, F.S., relating to a receivership procedure for lead community-based providers.**

- ▶ Authorizes the Department of Children and Family Services to petition a court of competent jurisdiction for the appointment of a receiver to take over operation of a lead community-based provider that experiences certain safety and financial problems.
- ▶ Establishes certain judicial time frames and procedures to be followed in the consideration of such a petition.
- ▶ Specifies the powers and duties of the receiver focusing on the safe and efficient continuation of services provided to clients.
- ▶ Provides procedures regarding payment, compensation and liability issues, and termination of receivership.

**Sections 11 Adds paragraph (g) to subsection (6) of section 409.176, F.S., relating to registration of child caring agencies and family foster homes.**

- ▶ Contingent on securing the specific consent of the parent, legal guardian, or person having legal custody of the child, authorizes the facility administrator of a **registered** child-caring agency and family foster home to consent to routine and emergency medical care on behalf of the parent, legal guardian, or person having legal custody of the child.

**Section 12. Amends subsection (5) of section 20.43, F.S., relating to the Department of Health.**

- ▶ Makes technical and conforming changes.

**Section 13. Amends paragraph (e) of subsection (2) and paragraph (b) of subsection (7) of section 39.001, F.S., relating to purpose and intent.**

- ▶ Makes technical and conforming changes.

**Section 14. Amends paragraph (b) of subsection (3) of section 39.0015, F.S., relating to child abuse prevention training in the district school system.**

- ▶ Makes technical and conforming changes.

**Section 15. Amends s. 39.01, F.S., relating to definitions.**

- ▶ Defines long-term licensed custody.

**Section 16. Amends subsection (10) and adds a new subsection (4) of s. 39.013, F.S., relating to procedures and jurisdiction and right to counsel under ch. 39.**

- ▶ This section provides that any order of the circuit court hearing dependency matters must be filed by the clerk of the court in any dissolution or other proceedings involving custody or visitation with the child. The order from the dependency court must take precedence over other custody and visitation orders. This section also removes the

right of legal custodian to have court-appointed counsel. The right is reserved for parents only.

**Section 17. Amends s. 39.0132, F.S., relating to oaths, records, and confidential information.**

- ▶ Removes the reference to “part” and in its place, adds “chapter,” to conform to the rest of ch. 39. This change will ensure that the court’s records dealing with all aspects of dependency cases remain confidential and can be used, as appropriate, in appellate and administrative proceedings.

**Section 18. Amends subsections (2) and (7) of s. 39.202, F.S., relating to confidentiality of reports and records in cases of child abuse or neglect.**

- ▶ Provides that if a perpetrator is not a parent, access by the perpetrator to information is limited to information involving the protective investigation only.

**Section 19. Amends paragraph (c) of subsection (8) of s. 39.402, F.S., relating to placement in a shelter.**

- ▶ Provides that the guardian ad litem shall represent the best interest of the child, and not the child’s desires. This is consistent with the definition of guardian ad litem contained in s. 39.820 (1), F.S.

**Section 20. Amends subsection (18) of s. 39.502, F.S., relating to notice, process, and service.**

- ▶ Removes the reference to “part” and in its place, adds “chapter,” to conform to the rest of ch. 39.

**Section 21. Amends subsection (5) of s. 39.503, F.S., relating to when the identity or the location of the parent is unknown, and special procedures.**

- ▶ Substitutes the word “petitioner” in place of “department” because the petitioner in some dependency cases is not the department, and ch. 39 consistently requires that the petitioner perform a diligent search.

**Section 22. Redesignates the existing part VII of chapter 39, F.S., relating to case plans, as part VIII, and creates a new part VII, consisting solely of a new section 39.521, F.S., relating to disposition and postdisposition change of custody, which is based on the old section 39.508, F.S. In addition, existing parts VIII through XI of chapter 39, F.S., are redesignated as parts X through XIII, respectively, and a new part IX is created, consisting of s. 39.621, 39.39.622, 39.623, and 39.624, F.S., relating to permanency.**

**Section 23. Section 39.508, F.S., is renumbered as sections 39.521 and 39.522, F.S. New section 39.521 refers to disposition hearings and new s. 39.522 refers to postdisposition change of custody.**

- ▶ Subsection (1)(a) retains some of the same provisions currently found in subsection (9)(a). It also clarifies that the case plan and the predisposition study prepared by the Department of Children and Family Services must be filed with the court, served upon

the child's parents, and provided to the guardian ad litem and to all other parties, no later than 72 hours before the disposition hearing. If the case plan is not approved, a subsequent hearing must be held within 30 days after the disposition hearing to review and approve another case plan. This subsection revises the required content of an order adjudicating dependency to include requirements to participate in necessary treatment and services and in dependency mediation if necessary, and provide for placement of a child in the home of a relative or other approved adult or in the custody of the department, subject to protective supervision.

- ▶ Subsection (1)(c) retains the same provisions currently found in subsection (7) requiring an initial judicial review hearing to be held no later than 90 days after the disposition hearing, or after the date of the hearing approving the case plan, but in no event no later than 6 months after a child's removal from the home. Subsection (1)(d) retains the same existing requirements found in subsection (9)(b) for what must be included in a disposition order with the exception of two new requirements. If the child is in an out-of-home placement, the disposition order must include provisions for support, care and maintenance of the child including health insurance and enforcement of other child support obligations. If the court does not commit the child to temporary legal custody of a relative, legal custodian or other court-approved adult, the disposition order must include the reasons for the court's decision and a determination that diligent efforts were made to locate such persons. If diligent efforts were made but no suitable relative was found, the court may consider transferring temporary legal custody of a child from the department, legal custodian, or other court-approved adult to an adult relative at a later date unless it is in the child's best interest to remain otherwise.
- ▶ Subsections (1)(e) and (f), relating to reunification efforts by the department, retain existing statutory language formerly found in subsections (9)(c)-(d) under the old section numbered 39.508, F.S., with one exception--the term "legal custodian" is removed in reference to persons whose parental rights may be terminated.
- ▶ Subsection (2) is reorganized and revised to require additional documented information to be submitted in the predisposition study. This includes the capacity and disposition of the parents to provide the child with food, clothing and medical care, the length of time the child has resided in the specified environment, the mental and physical health of the parent, the child's home, school and community record, the child's preference, and any evidence of domestic and child abuse. Reference to the abuse registry is clarified to mean the Florida Abuse Hotline Information System.
- ▶ Subsection (3) retains and clarifies existing statutory language formerly found in subsections (8)(a)-(b) and (9)(a) 4. relating to the placement of a child adjudicated dependent. Language is added to provide that if the court determines the child can remain safely in the child's parents' home and that it would be in the child's best interest to remain there, then the court must order the conditions under which the child may continue to reside in the home under the protective supervision of the department. This protective supervision may be for 6 months, which is consistent with the existing time frame for protective supervision. If no fit parent is willing or available to assume care and custody of the dependent child, then the child is to be placed under the protective supervision of the department in the temporary legal custody of an adult relative or court-approved adult. If the child cannot be safely placed in a nonlicensed placement, the court must commit the child to the temporary legal custody of the department who will have all the rights and responsibilities of a legal custodian of the



child until the court terminates the commitment, or the child reaches the age of 18. The provisions regarding termination of protective supervision are clarified and expanded.

- ▶ Subsections (4), (5), (6), and (7) are formerly subsections (12), (13), (14), and (15), respectively.

**Section 24. Amends paragraph (c) of subsection (1) and paragraph (a) of subsection (2) of section 39.5085, F.S., relating to the relative caregiver program.**

- ▶ Adds provision in intent language declaring that permanency is in the best interests of the child and that it can be achieved through a variety of placement options.

**Section 25. Creates section 39.522, F.S., relating to postdisposition change of custody, which is based on the same statutory language in the existing subsections (9) (a) 8.a.-b. of section 39.508, F.S.**

**Section 26. Amends subsection (2) and paragraph (a) of subsection (3) of s. 39.601, F.S., relating to case plan requirements.**

- ▶ This section provides that the case plan must be filed with the court and served on all parties whose whereabouts are known, at least 72 hours prior to the disposition hearing. In addition, this section provides that alternative permanency goals should be identified and pursued at the same time as efforts are made to reunify the child with the parents.

**Section 27. Amends paragraph (a) of subsection (1) of s. 39.603, F.S, relating to court approvals of case planning.**

- ▶ Deletes the term “shall” and inserts in its place “may” to provide permissive authority for a court to appoint a guardian ad litem. The court is given the discretion to determine if the facts of a particular case warrant the appointment of a guardian ad litem.

**Section 28. Creates s. 39.621, F.S., relating to permanency determination by the court.**

- ▶ This section is created from a restatement of current law, s. 39.001(1)(j) and 39.703 (1), F.S., relating to permanency. This section provides when a permanency option is appropriate, lists specific permanency options, and provides that a permanency placement is intended to continue until the child reaches the age of majority, unless the court finds that the permanency placement is no longer in the best interest of the child.

**Section 29. Creates s. 39.622, F.S., relating to long-term custody.**

- ▶ This section was previously s. 39.508 (9)(a)5.a. and b., F.S. This section is in substantially the same form as current law. In addition, this section removes from current law the agreement of the parties, as a condition of approval for a long-term custody plan, that the child could be returned to the parents’ custody if the parents demonstrate a material change in circumstances and the return is in the child’s best interest. This section also provides that the court be notified of any change in residence.

**Section 30. Creates s. 39.623, F.S., relating to long-term licensed custody.**

- ▶ This section was previously s. 39.508(9)(a)6.b., F.S. The section is in substantially the same form as current law but some terms have been changed to conform to the bill's intent, such as "long-term out-of-home care" to "long-term licensed custody."

**Section 31. Creates s. 39.624, F.S., relating to independent living.**

- ▶ This section was previously s. 39.508(9)(a)6.c., F.S. and has been reorganized. This section also allows for independent living to be considered a permanency option, if this type of alternative care arrangement is the most appropriate plan and that the health, safety, and well-being of the child will not be jeopardized by such an arrangement.

**Section 32. Amends paragraph (b) of subsection (3) and paragraph (b) and (c) of subsection (6) of s. 39.701, F.S., relating to judicial review.**

- ▶ This section provides that if a citizen review panel recommends extending the goal of reunification for any case plan beyond 12 months from the date the child was removed from the home or the case plan was adopted, whichever date came first, the court must schedule a judicial review hearing within 30 days after receiving the recommendation from the panel. This section also provides that the guardian ad litem report be served on all parties whose whereabouts are known. This section also replaces obsolete language with new terms.

**Section 33. Amends subsection (5) of s. 39.803, F.S., relating to identity or location of parent unknown after filing of termination of parent rights petition and special procedures.**

- ▶ This section clarifies who should conduct the diligent search required under this section, and the type of hearing before which the search should occur.

**Section 34. Amends s. 39.804, F.S., relating to penalties for false statements of paternity.**

- ▶ This section provides that criminal penalties for knowingly and willfully making a false statement concerning the paternity of a child is applicable to any male or any mother of a dependent child.

**Section 35. Amends paragraph (b) of subsection (1) of s. 39.806, F.S., relating to grounds for termination of parental rights.**

- ▶ This section provides that abandonment as defined in 39.01(1), F.S., is grounds for petitioning for the termination of parental rights.

**Section 36. Amends paragraph (a) and (b) of subsection (2) of s. 39.807, F.S., relating to right to counsel and guardian ad litem.**

- ▶ This section clarifies that the guardian ad litem's role is to represent the best interest of the child and not the child's wishes.

**Section 37. Amends subsection (4) of s. 39.811, F.S., relating to powers of disposition and order of disposition.**

- ▶ This section provides that in the case of a child who is neither in the custody of the department nor the custody of a parent, and the parents' rights have been terminated, the court may order the child to be placed with a legal custodian who will either be designated a guardian or a long-term custodian, if the child has been residing with the custodian for a minimum of six months.

**Section 38. Amends section 435.045, F.S., relating to the requirements for prospective foster and adoptive parents, to relocate provisions formerly in subsection 39.508 (3) (a), F.S.**

- ▶ These provisions allow the Department of Children and Families to place a child in a foster home if state and local criminal record's checks do not otherwise disqualify the applicant, pending the results of the federal criminal records check based on submitted fingerprint information, and require the prospective and adoptive parent to disclose any pending local, state or federal criminal proceedings. This section also redesignates a cross-reference to refer to the new section 39.521, F.S.

**Section 39. Amends subsection (10) of section 409.2554, F.S., relating to the state child support enforcement program.**

- ▶ Conforms cross-references to redesignated and created sections.

**Section 40. Repeals subsection (3) of section 402.40, F.S.**

**Section 41. Amends subsection (9) of section 39.201, F.S., relating to mandatory reports of child abuse, abandonment, or neglect; mandatory reports of death, central abuse hotline.**

- ▶ Makes technical and conforming changes.

**Section 42. Amends subsection (1) of section 39.302, F.S., relating to protective investigations of institutional child abuse, abandonment, or neglect.**

- ▶ Makes technical and conforming changes.

**Section 43. Amends paragraph (b) of subsection (9) of section 216.136, F.S., relating to the consensus estimating conferences; duties and principals.**

- ▶ Makes technical and conforming changes.

**Section 44. Amends paragraph (a) of subsection (3) of section 381.0072, F.S., relating to food service protection.**

- ▶ Makes technical and conforming changes.

**Section 45. Amends subsection (5) of section 383.14, F.S., relating to screening for metabolic disorders, other hereditary and congenital disorders, and environmental risk factors.**

- ▶ Makes technical and conforming changes.

**Section 46. Amends subsection (1) of section 393.064, F.S., relating to prevention.**

- ▶ Makes technical and conforming changes.

**Section 47. Amends paragraph (l) of subsection (4) of section 393.13, F.S., relating to personal treatment of persons who are developmentally disabled.**

- ▶ Makes technical and conforming changes.

**Section 48. Amends subsection (3) of section 394.462, F.S., relating to transportation.**

- ▶ Makes technical and conforming changes.

**Section 49. Amends paragraph (e) of subsection (2) of section 394.4674, F.S., relating to plan and report.**

- ▶ Makes technical and conforming changes.

**Section 50. Amends subsections (17) and (19) of section 394.67, F.S., relating to definitions.**

- ▶ Makes technical and conforming changes.

**Section 51. Amends paragraph (b) of subsection (11) of section 394.75, F.S., relating to strict alcohol, drug abuse, and mental health plans.**

- ▶ Makes technical and conforming changes.

**Section 52. Amends paragraph (a) of subsection (19) of section 397.311, F.S., relating definitions.**

- ▶ Makes technical and conforming changes.

**Section 53. Amends paragraph (b) of subsection (14) and subsection (18) of section 397.321, F.S., relating to duties of the department.**

- ▶ Makes technical and conforming changes.

**Section 54. Adds subsection (20) to section 397.321, F.S., relating to the duties of the department (DCF).**

- ▶ Provides authority for the Department of Children and Family Services to establish a not-for-profit managed care pilot program in Palm Beach County for the delivery of mental health and substance abuse services for non-Medicaid patients.

**Section 55 to 73. Amends 397.821, 397.901, 400.435, 402.17, 402.3015, 402.40, 402.47, 409.152, 409.1673, 410.0245, 411.01, 411.223, 411.224, 414.028, 414.105, 414.36, 916.107, 985.223, and 985.413, F.S., to provide changes to conform with the provisions of the act, including references to service areas and program names.**

**Section 74.** Repeals s. 402.185(2), F.S., relating to funding for staff of the Office of Standards and Evaluation of the department, and s. 409.152 (6), F.S., relating to designation of family preservation programs by health and human service boards.

- ▶ Deletes cross-reference. The office and the health and human service boards were deleted in a previous section.

**Section 75. Children's services council or juvenile welfare board incentive grants.**

- ▶ Subject to specific appropriations, allows children's services councils or juvenile welfare boards to submit a request for funding or continued funding to the Department of Children and Family Services to support programs funded by the council or board for local child welfare services related to implementation of community-based care.

**Section 76. Secure facility of at least 400 beds to house and rehabilitate sexual predators committed.**

- ▶ Requires the Correctional Privatization Commission created under ch. 957, Florida Statutes, in consultation with the Department of Children and Family Services to develop and issue a request for proposal for the financing, design, construction, acquisition, ownership, leasing, and operation of a secure facility of at least 400 beds to house and rehabilitate sexual predators committed under the Jimmy Ryce Act of 1998. The Secretary of Children and Family Services shall retain final approval of the request for proposal, the successful bidder, and the contract.
- ▶ The facility is to be constructed on the grounds of the DeSoto Correctional Facility in DeSoto County.
- ▶ Provides for the phase out of the Martin County Sexually Violent Predator facility upon completion of the DeSoto facility.

**Section 77. Amends s. 409.145, F.S., relating to care of children.**

- ▶ This section authorizes the Department of Children and Family Services to continue to provide foster care services to individuals 18 to 23 years of age who are enrolled full time in a degree-granting program in a postsecondary educational institution or technical school, provided specified requirements are met. The foster care services must be terminated when the individual is 23 years of age or has completed, withdrawn or been expelled from the program or institution.

**Section 78. Amends subsection (5) of section 216.136, F.S., relating to the consensus estimating conferences; duties and principals.**

- ▶ Expands the expectations of the Criminal Justice Estimating Conference with regard to making forecasts in the civil commitment arena. Requires the Estimating Conference to project future bed needs and other critical program needs under the Jimmy Ryce Act, for the purpose of determining necessary appropriations.

**Section 79. Repeals section 216.1365, F.S., relating to the Estimating Conference to project future bed needs and other critical program needs under the Jimmy Ryce Act.**

- ▶ Section repealed and move to. 216.136, F.S. (See above)

**Section 80. Amends section 960.07, F.S., relating to the filing of claims for compensation.**

- ▶ Allows a victim of a sexually violent offense, as defined in s. 394.912, to file a claim for compensation for counseling or other mental health services within one year after the filing of a petition under s. 394.914, F.S., to involuntarily civilly commit the individual who perpetrated the sexually violent offense.

**Section 81. Amends paragraph (e) of subsection (3) of section 394.913, F.S., relating to notice to state attorney and multidisciplinary team of release of sexually violent predator; establishing multidisciplinary teams; information to be provided to multidisciplinary teams.**

- ▶ Extends the time for the multidisciplinary team to file its report and recommendation to the state attorney from 45 days, after notice of the impending release of the person to whom the Jimmy Ryce Act may apply, to 90 days.

**Section 82. Amends section 394.930, F.S., relating to the authority to adopt rules.**

- ▶ Creates subsection (2) which would give the Department of Children and Family Services the authority to adopt rules for the continuing education requirements for members of the multidisciplinary teams who assess people who may fall under the “sexually violent predator” criteria, and any additional training required for other professionals who assess and evaluate persons under the act.

**Section 83. Amends section 394.931, F.S., relating to quarterly reports.**

- ▶ Adds a requirement that the Department of Children and Family Services implement a long-term study to determine the overall efficacy of **this part**. There is no time-frame specified for reporting the findings of the study. *Note: “this part” is assumed to include only sections 78 to 83. These sections which are the content of SB 2500 were added to HB 2125 by a Senate amendment.*

**Section 84. Social Work Feasibility Study.**

- ▶ Authorizes the Department of Children and Family Services to study the feasibility of establishing a certification or licensure program for non-clinical masters level and bachelor level social work.

**Section 85. Created Section 784.085, F.S., relating to battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.**

- ▶ Provides that any adult who knowingly causes or attempts to cause a child to come into contact with blood, seminal fluid, or urine or feces by throwing, tossing, projecting, or expelling such material is guilty of a felony of the third degree.

**Section 86. Amends paragraph (d) of subsection (3) of section 921.0022, F.S., relating to criminal punishment code; offense severity ranking chart.**

- ▶ Adds battery of child by throwing, tossing, projecting, or expelling certain fluids or materials to chart as 3rd degree felony.

**Section 87. Creates s. 683.23, F.S., relating to Florida Missing Children's Day.**

This section designates the second Monday in September of each year as "Florida Missing Children's Day" in remembrance of Florida's past and missing children and in recognition of Florida's continued efforts to protect the safety of children through prevention, education and community involvement.

**Section 88. Pilot program for attorneys ad litem for dependent children.**

- ▶ Requires the Office of the State Courts Administrator to establish a 3-year pilot Attorney Ad Litem Program in the Ninth Judicial Circuit by October 1, 2000. Allows the Ninth Judicial Circuit to contract with a private or public entity to establish the pilot program. The entity is responsible for providing representation of children in the Ninth Judicial Circuit under the pilot program who are continued in out-of-home care at the shelter hearing conducted under s. 39.402, F.S., if the court determines that an attorney ad litem representation is necessary.
- ▶ Requires the Office of the State Court Administrator to provide oversight of the pilot and identify measurable outcomes, including, but not limited to, the impact of counsel on child safety, improvements in the provision of appropriate services, and any reduction in the length of stay of children in state care.
- ▶ Requires the Office of the State Courts Administrator in conjunction with the pilot program to develop a training program for attorneys ad litem. The Office of the State Courts Administrator in conjunction with the pilot program must also design an appropriate attorney ad litem program and may establish the number of attorneys needed to serve as attorneys ad litem and may employ attorneys and other personnel.
- ▶ Requires the court to appoint a guardian ad litem pursuant to s. 39.822, F.S., for all children who have been appointed an attorney ad litem.
- ▶ Once assigned, the attorney ad litem represents the child's wishes for purposes of proceedings under ch. 39, as long as the child's wishes are consistent with the safety and well being of the child.
- ▶ The attorney ad litem represents the child until the program is discharged by order of the court because permanency has been achieved or the court believes that the attorney ad litem is no longer necessary.
- ▶ Requires the Office of the State Courts Administrator to conduct research and gather statistical information to evaluate the establishment, operation, and impact of the pilot program in meeting the legal needs of dependent children. The office must submit a report to the Legislature and the Governor by October 1, 2001 and by October 1, 2002, regarding its findings. A final report by October 1, 2003, must include an evaluation of the pilot program; findings on the feasibility of a statewide program; and recommendations, if any, for locating, establishing, and operating a statewide program.
- ▶ Requires the Supreme Court to adopt rules of juvenile procedure by October 1 2000, to address the duties, responsibilities, and conduct of an attorney ad litem. The Office of the State Courts Administrator, in consultation with the Dependency Court Improvement Committee of the Supreme Court, shall develop implementation guidelines for the attorney ad litem pilot program.

- ▶ The sums of \$1,040,111 in recurring funds and \$48,674 in nonrecurring funds are appropriated from the General Revenue Fund and two full-time-equivalent positions are authorized for Court Operations - Circuit Courts in the State Court System to operate the attorney ad litem pilot program in the Ninth Judicial Circuit
- ▶ Provides an effective date for the attorney ad litem pilot program of October 1, 2000.

**Section 89.** Subject to approval by the Governor, this act shall take effect on July 1, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

According to the department, reorganization will be accomplished within the existing budget. Some administrative savings are anticipated over a multi-year period through reorganization.

The sum of \$696,798 in recurring funds is appropriated from the General Revenue Fund, and 14 full-time equivalent positions are authorized, for the circuit court budget to ensure best interests representation by the Guardian Ad Litem Program as part of the pilot program. The sum of \$75,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Supreme Court for the Office of the State Courts Administrator for the purpose of evaluating the pilot program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

According to the department this bill does not require expenditures by local government.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

According to the department there will be some impact on the private, nonprofit sector from expansion of business opportunities that result from redirecting activities previously done by state government.



D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce revenue raising authority.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

Requires the DCF to develop rules for incremental penalties in contracts when a provider fails to comply with a required corrective action to correct a contract deficiency.

C. OTHER COMMENTS:

**BILL HISTORY**

03/24/00 HOUSE Filed  
03/28/00 HOUSE Referred to Governmental Operations (PRC); Health & Human Services Appropriations (FRC) -HJ 00352  
03/29/00 HOUSE Introduced -HJ 00351  
04/03/00 HOUSE On Committee agenda-- Governmental Operations (PRC), 04/05/00, 1:30 pm, 317-C  
04/05/00 HOUSE Comm. Action: Favorable by Governmental Operations (PRC); YEAS 5 NAYS 1 -HJ 00535  
04/07/00 HOUSE Now in Health & Human Services Appropriations (FRC) -HJ 00535  
04/14/00 HOUSE On Committee agenda-- Health & Human Services Appropriations (FRC), 04/18/00, 1:30 pm, Reed Hall  
04/18/00 HOUSE Comm. Action:-Favorable with 6 amendment(s) by Health & Human Services Appropriations (FRC); YEAS 11 NAYS 0 -HJ 00594  
04/20/00 HOUSE Placed on Calendar -HJ 00594

**STORAGE NAME:** h2125z.cf

**DATE:** May 24, 2000

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04/26/00 HOUSE Placed on Special Order Calendar; Read second time -HJ 00815; Amendment(s) adopted -HJ 00815; Was taken up -HJ 00817, -HJ 00822; Amendment(s) failed -HJ 00824; Amendment pending --Temporarily postponed -HJ 00825

04/28/00 HOUSE Pending amendment withdrawn -HJ 01173; Amendment(s) adopted -HJ 01174; Amendment(s) reconsidered, failed -HJ 01180, -HJ 01181; Amendment(s) reconsidered, adopted as amended -HJ 01181

05/03/00 HOUSE Read third time -HJ 01462; Amendment(s) adopted -HJ 01462; Passed as amended; YEAS 119 NAYS 0 -HJ 01463 05/03/00 SENATE In Messages

05/04/00 SENATE Received, referred to Children and Families; Governmental Oversight and Productivity; Fiscal Policy -SJ 01149

05/05/00 SENATE Withdrawn from Children and Families; Governmental Oversight and Productivity; Fiscal Policy -SJ 01239; Substituted for SB 2566 -SJ 01240; Read second time -SJ 01240; Amendment(s) adopted -SJ 01240; Read third time -SJ 01256; Passed as amended; YEAS 35 NAYS 3 -SJ 01256

05/05/00 HOUSE In returning messages; Amendment(s) to Senate amendment(s) adopted; Concurred in Senate amendment(s) as amended; Requested Senate to concur; Concurred in 13 amendment(s); Refused to concur in 3 amendment(s); Requested Senate to recede; Passed as amended; YEAS 119 NAYS 0

05/05/00 SENATE In returning messages; Concurred -SJ 01776; Passed as amended; YEAS 37 NAYS 1 -SJ 01776; Reconsidered -SJ 01776; Receded from 3 amendment(s) -SJ 01776; Concurred -SJ 01776; Passed as amended; YEAS 33 NAYS 5 -SJ 01776 05/05/00 HOUSE Ordered engrossed, then enrolled

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

This analysis is of the enrolled bill as passed by the House and Senate. The enrolled bill differs from the original bill because it contains amendments adopted in committees and amendments adopted on the House and Senate floors.

VII. SIGNATURES:

COMMITTEE ON CHILDREN AND FAMILIES:

Prepared by:

Bob Barrios

Staff Director:

Bob Barrios

AS REVISED BY THE COMMITTEE ON GOVERNMENTAL OPERATIONS:

Prepared by:

Amy K. Tuck

Staff Director:

Jimmy O. Helms

AS FURTHER REVISED BY THE COMMITTEE ON HEALTH AND HUMAN SERVICES APPROPRIATIONS:

Prepared by:

Robert Wagner

Staff Director:

Lynn Dixon

**STORAGE NAME:** h2125z.cf

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**FINAL ANALYSIS PREPARED BY THE COMMITTEE ON CHILDREN & FAMILIES:**

Prepared by:

Staff Director:

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Bob Barrios

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Bob Barrios