

By Senator Mitchell

4-957-01

1 A bill to be entitled
 2 An act relating to children; creating s.
 3 39.909, F.S.; creating the Children's Services
 4 Accountability Commission; providing
 5 legislative intent; requiring the Department of
 6 Children and Family Services to provide
 7 administrative support; providing independence
 8 of the commission; providing purpose, duties,
 9 and membership of the commission; providing for
 10 meetings; providing for a director; authorizing
 11 the director and members to examine records
 12 relating to children in the child protection
 13 system; requiring the commission to examine its
 14 scope of responsibilities, prepare an annual
 15 summary of its work, and report to the Governor
 16 and the Legislature; amending ss. 39.0132,
 17 39.202, F.S.; providing that confidential
 18 information under ch. 39, F.S., relating to
 19 dependent children, may be released to members
 20 and staff of the commission; providing an
 21 effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:

24
 25 Section 1. Section 39.909, Florida Statutes, is
 26 created to read:
 27 39.909 Children's Services Accountability Commission;
 28 intent; creation; duties; staff; annual report.--
 29 (1) It is the intent of the Legislature that a
 30 commission be established to ensure that all professionals
 31 that are a part of the state's child protection system are

1 working together effectively to provide children with the
2 protections set forth in s. 39.001(3), which are as follows:

3 (a) Protection from abuse, abandonment, neglect, and
4 exploitation.

5 (b) A permanent and stable home.

6 (c) A safe and nurturing environment that will
7 preserve a sense of personal dignity and integrity.

8 (d) Adequate nutrition, shelter, and clothing.

9 (e) Effective treatment to address children's
10 physical, social, and emotional needs, regardless of
11 geographical location.

12 (f) Equal opportunity and access to effective, quality
13 education that will meet the individual needs of each child,
14 and to recreation and other community resources to develop
15 individual abilities.

16 (g) An independent, trained advocate, when
17 intervention is necessary, and a skilled guardian or caregiver
18 in a safe environment when alternative placement is necessary.

19 (2) There is created the Children's Services
20 Accountability Commission which is administratively assigned
21 to the Department of Children and Family Services. The
22 Department of Children and Family Services shall provide
23 administrative support to the commission, including office
24 space, support staff, and assistance with personnel,
25 accounting, and management-information systems. The commission
26 is not subject to control, supervision, or direction by the
27 Department of Children and Family Services in the performance
28 of its duties. The commission shall annually prepare a budget
29 request that may not be changed by the department and must be
30 transmitted to the Governor for transmittal to the
31 Legislature.

1 (3) The purpose of the Children's Services
2 Accountability Commission is to provide an ongoing mechanism
3 of external system review to ensure that cases of child abuse
4 and neglect are handled timely and in an effective manner so
5 as to best ensure the health and safety of children who are
6 subject to abuse, and to prevent child abuse and neglect to
7 the greatest extent possible. The duties of the commission
8 include coordinating efforts of the child protection system,
9 advocating on behalf of children, improving the delivery of
10 child protection services to children, and recommending
11 changes in law, procedures, and policy necessary to enhance
12 the protection of children. The commission shall:
13 (a) Examine policies and procedures and evaluate the
14 effectiveness of the child protection system, specifically the
15 respective roles of the Department of Children and Family
16 Services, the Department of Health, the dependency court
17 system, Child Welfare Legal Services, law enforcement, the
18 medical community, community service providers, and other
19 partners in ensuring the protection of children.
20 (b) Review and make recommendations concerning
21 investigative procedures, emergency responses, services and
22 placements, dependency court system reviews, and achieving
23 permanency.
24 (c) Propose and promote legislative recommendations to
25 the Governor and the Legislature.
26 (4) The Children's Services Accountability Commission
27 shall consist of 16 members:
28 (a) Two representatives from the Department of
29 Children and Family Services to be appointed by the Secretary.
30
31

1 (b) One representative from the Department of Health's
2 Child Protection Team Program to be appointed by the
3 Secretary.

4 (c) Two representatives of the circuit court assigned
5 to exercise jurisdiction under chapter 39 to be appointed by
6 the Chief Judge.

7 (d) One member of the Senate to be appointed by the
8 President of the Senate.

9 (e) One member of the House of Representatives to be
10 appointed by the Speaker of the House of Representatives.

11 (f) Nine at-large members to be appointed by the
12 Governor which shall include one person from the medical
13 community, one person from the education community, one
14 representative of Child Welfare Legal Services to be
15 recommended by the Office of the Attorney General, two persons
16 from law enforcement agencies, and four persons representing
17 community programs that serve children in the child protection
18 system. The Governor shall appoint the chair from the at-large
19 members.

20 (5) The commission shall meet at least quarterly.
21 Members of the commission shall serve without compensation.
22 Commission members representing governmental agencies shall
23 attend meetings at the expense of the governmental agency.
24 Commission members who are not representing governmental
25 agencies are entitled to receive reimbursement for per diem
26 and travel expenses as provided in s. 112.061.

27 (6) The Children's Services Accountability Commission
28 shall have a director who will be dedicated solely to
29 assisting the commission in performing its duties. The
30 Governor shall select the director from three candidates
31 recommended by the commission.

1 (7) The commission may form task forces to assist with
2 its examination of particular issues. State agencies
3 represented on the commission shall provide professional staff
4 assistance to the commission in the performance of its duties.

5 (8) The members and director of the commission shall
6 have the authority to examine all program records, reports,
7 and budgets, as well as client files, pertaining to children
8 in the child protection system, under chapter 39. This access
9 to records applies to any program, service, or facility that
10 is operated, funded, or contracted for services in the child
11 protection system under chapter 39.

12 (9) The commission shall periodically examine the
13 scope of its responsibilities to determine the feasibility and
14 merit of expanding its external system review function beyond
15 the child protection system to other forms of children's
16 services.

17 (10) The commission shall annually prepare a summary
18 of its work and recommendations and submit the summary by
19 October 1 to the Governor, the President of the Senate, and
20 the Speaker of the House of Representatives. This summary must
21 include, but need not be limited to, a summary of the
22 activities and findings of the commission, the recommendations
23 developed by the commission, recommendations developed in
24 response to the commission's examination of its scope, and
25 actions taken by the partners in the child protection system
26 to implement the recommendations.

27 Section 2. Paragraph (a) of subsection (4) of section
28 39.0132, Florida Statutes, is amended to read:

29 39.0132 Oaths, records, and confidential
30 information.--

31

1 (4)(a) All information obtained pursuant to this part
2 in the discharge of official duty by any judge, employee of
3 the court, authorized agent of the department, correctional
4 probation officer, or law enforcement agent is confidential
5 and exempt from s. 119.07(1) and may not be disclosed to
6 anyone other than the authorized personnel of the court, the
7 department and its designees, correctional probation officers,
8 law enforcement agents, guardians ~~guardian~~ ad litem, members
9 and staff of the Children's Services Accountability Commission
10 pursuant to s. 39.909, and others entitled under this chapter
11 to receive that information, except upon order of the court.

12 Section 3. Paragraph (a) of subsection (2) and
13 subsection (5) of section 39.202, Florida Statutes, are
14 amended to read:

15 39.202 Confidentiality of reports and records in cases
16 of child abuse or neglect.--

17 (2) Access to such records, excluding the name of the
18 reporter which shall be released only as provided in
19 subsection (4), shall be granted only to the following
20 persons, officials, and agencies:

21 (a) Employees, authorized agents, or contract
22 providers of the department, the Department of Health, or
23 county agencies responsible for carrying out:

- 24 1. Child or adult protective investigations;
- 25 2. Ongoing child or adult protective services;
- 26 3. Healthy Start services; or
- 27 4. Licensure or approval of adoptive homes, foster
28 homes, or child care facilities, or family day care homes or
29 informal child care providers who receive subsidized child
30 care funding, or other homes used to provide for the care and
31 welfare of children.

1
2 Also, employees or agents of the Department of Juvenile
3 Justice responsible for the provision of services to children,
4 pursuant to chapters 984 and 985, and members and staff of the
5 Children's Services Accountability Commission, pursuant to s.
6 39.909.

7 (5) All records and reports of the child protection
8 team of the Department of Health are confidential and exempt
9 from the provisions of ss. 119.07(1) and 455.667, and shall
10 not be disclosed, except, upon request, to the state attorney,
11 law enforcement, the department, members and staff of the
12 Children's Services Accountability Commission, pursuant to s.
13 39.909,and necessary professionals, in furtherance of the
14 treatment or additional evaluative needs of the child, by
15 order of the court, or to health plan payors, limited to that
16 information used for insurance reimbursement purposes.

17 Section 4. This act shall take effect July 1, 2001.

18

19

20

SENATE SUMMARY

21

Creates the Children's Services Accountability Commission
to ensure that all professionals that are a part of the
22 state's child protection system work together
effectively. Requires the Department of Children and
23 Family Services to provide administrative support.
Provides that the commission functions independently.
24 Provides purpose, duties, and membership of the
commission. Requires meetings at least quarterly.
25 Provides for a director. Authorizes the director and
members to examine records relating to children in the
26 child protection system. Requires the commission annually
to examine the scope of its responsibilities and prepare
27 a summary and a report to the Governor and the
Legislature. Authorizes the release to the commission
28 members and staff of confidential information under ch.
39, F.S., relating to dependent children.

29

30

31