

Bill No. CS for CS for SB 1454

Amendment No. ____ Barcode 040462

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Lynn moved the following amendment:		
12			
13	Senate Amendment (with title amendment)		
14	On page 5, between lines 28 and 29,		
15			
16	insert:		
17	Section 2. Subsection (2) of section 39.202, Florida		
18	Statutes, is amended, a new subsection (4) is added to that		
19	section and subsections (5) through (7) are redesignated as		
20	subsections (6) through (8) to read:		
21	39.202 Confidentiality of reports and records in cases		
22	of child abuse or neglect.--		
23	(2) <u>Except as provided in subsection (4),</u> access to		
24	such records, excluding the name of the reporter which shall		
25	be released only as provided in subsection (5)(4) , shall be		
26	granted only to the following persons, officials, and		
27	agencies:		
28	(a) Employees, authorized agents, or contract		
29	providers of the department, the Department of Health, or		
30	county agencies responsible for carrying out:		
31	1. Child or adult protective investigations;		

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- 1 2. Ongoing child or adult protective services;
- 2 3. Healthy Start services; or
- 3 4. Licensure or approval of adoptive homes, foster
- 4 homes, or child care facilities, or family day care homes or
- 5 informal child care providers who receive subsidized child
- 6 care funding, or other homes used to provide for the care and
- 7 welfare of children.
- 8 5. Services for victims of domestic violence when
- 9 provided by certified domestic violence centers working at the
- 10 department's request as case consultants or with shared
- 11 clients.

12
13 Also, employees or agents of the Department of Juvenile
14 Justice responsible for the provision of services to children,
15 pursuant to chapters 984 and 985.

16 (b) Criminal justice agencies of appropriate
17 jurisdiction.

18 (c) The state attorney of the judicial circuit in
19 which the child resides or in which the alleged abuse or
20 neglect occurred.

21 (d) The parent or legal custodian of any child who is
22 alleged to have been abused, abandoned, or neglected, and the
23 child, and their attorneys, including any attorney
24 representing a child in civil or criminal proceedings. This
25 access shall be made available no later than 30 days after the
26 department receives the initial report of abuse, neglect, or
27 abandonment. However, any information otherwise made
28 confidential or exempt by law shall not be released pursuant
29 to this paragraph.

30 (e) Any person alleged in the report as having caused
31 the abuse, abandonment, or neglect of a child. This access

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1 shall be made available no later than 30 days after the
2 department receives the initial report of abuse, abandonment,
3 or neglect and, when the alleged perpetrator is not a parent,
4 shall be limited to information involving the protective
5 investigation only and shall not include any information
6 relating to subsequent dependency proceedings. However, any
7 information otherwise made confidential or exempt by law shall
8 not be released pursuant to this paragraph.

9 (f) A court upon its finding that access to such
10 records may be necessary for the determination of an issue
11 before the court; however, such access shall be limited to
12 inspection in camera, unless the court determines that public
13 disclosure of the information contained therein is necessary
14 for the resolution of an issue then pending before it.

15 (g) A grand jury, by subpoena, upon its determination
16 that access to such records is necessary in the conduct of its
17 official business.

18 (h) Any appropriate official of the department
19 responsible for:

20 1. Administration or supervision of the department's
21 program for the prevention, investigation, or treatment of
22 child abuse, abandonment, or neglect, or abuse, neglect, or
23 exploitation of a vulnerable adult, when carrying out his or
24 her official function;

25 2. Taking appropriate administrative action concerning
26 an employee of the department alleged to have perpetrated
27 child abuse, abandonment, or neglect, or abuse, neglect, or
28 exploitation of a vulnerable adult; or

29 3. Employing and continuing employment of personnel of
30 the department.

31 (i) Any person authorized by the department who is

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1 engaged in the use of such records or information for bona
2 fide research, statistical, or audit purposes. Such individual
3 or entity shall enter into a privacy and security agreement
4 with the department and shall comply with all laws and rules
5 governing the use of such records and information for research
6 and statistical purposes. Information identifying the subjects
7 of such records or information shall be treated as
8 confidential by the researcher and shall not be released in
9 any form.

10 (j) The Division of Administrative Hearings for
11 purposes of any administrative challenge.

12 (k) Any appropriate official of a Florida advocacy
13 council investigating a report of known or suspected child
14 abuse, abandonment, or neglect; the Auditor General or the
15 Office of Program Policy Analysis and Government
16 Accountability for the purpose of conducting audits or
17 examinations pursuant to law; or the guardian ad litem for the
18 child.

19 (l) Employees or agents of an agency of another state
20 that has comparable jurisdiction to the jurisdiction described
21 in paragraph (a).

22 (m) The Public Employees Relations Commission for the
23 sole purpose of obtaining evidence for appeals filed pursuant
24 to s. 447.207. Records may be released only after deletion of
25 all information which specifically identifies persons other
26 than the employee.

27 (n) Employees or agents of the Department of Revenue
28 responsible for child support enforcement activities.

29 (o) Any person in the event of the death of a child
30 determined to be a result of abuse, abandonment, or neglect.

31 Information identifying the person reporting abuse,

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1 | abandonment, or neglect shall not be released. Any information
2 | otherwise made confidential or exempt by law shall not be
3 | released pursuant to this paragraph.

4 | (p) The principal of a public school, private school,
5 | or charter school where the child is a student. Information
6 | contained in the records which the principal determines are
7 | necessary for a school employee to effectively provide a
8 | student with educational services may be released to that
9 | employee.

10 | (4) Notwithstanding any other provision of law, when a
11 | child under investigation or supervision of the department or
12 | its contracted service providers is determined to be missing,
13 | the following shall apply:

14 | (a) The department may release the following
15 | information to the public when it believes the release of the
16 | information is likely to assist efforts in locating the child
17 | or to promote the safety or well-being of the child:

18 | 1. The name of the child and the child's date of
19 | birth;

20 | 2. A physical description of the child, including at a
21 | minimum the height, weight, hair color, eye color, gender, and
22 | any identifying physical characteristics of the child; and

23 | 3. A photograph of the child.

24 | (b) With the concurrence of the law enforcement agency
25 | primarily responsible for investigating the incident, the
26 | department may release any additional information it believes
27 | likely to assist efforts in locating the child or to promote
28 | the safety or well-being of the child.

29 | (c) The law enforcement agency primarily responsible
30 | for investigating the incident may release any information
31 | received from the department regarding the investigation, if

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1 it believes the release of the information is likely to assist
 2 efforts in locating the child or to promote the safety or
 3 well-being of the child.

4
 5 The good-faith publication or release of this information by
 6 the department, a law enforcement agency, or any recipient of
 7 the information as specifically authorized by this subsection
 8 shall not subject the person, agency or entity releasing the
 9 information to any civil or criminal penalty. This subsection
 10 does not authorize the release of the name of the reporter,
 11 which may be released only as provided in subsection (5).

12 Section 3. Paragraph (c) of subsection (1) of section
 13 402.305, Florida Statutes, is amended to read:

14 402.305 Licensing standards; child care facilities.--

15 (1) LICENSING STANDARDS.--The department shall
 16 establish licensing standards that each licensed child care
 17 facility must meet regardless of the origin or source of the
 18 fees used to operate the facility or the type of children
 19 served by the facility.

20 (c) The minimum standards for child care facilities
 21 shall be adopted in the rules of the department and shall
 22 address the areas delineated in this section. The department,
 23 in adopting rules to establish minimum standards for child
 24 care facilities, shall recognize that different age groups of
 25 children may require different standards. The department may
 26 adopt different minimum standards for facilities that serve
 27 children in different age groups, including school-age
 28 children. The department shall also adopt by rule a definition
 29 for child care which distinguishes between child care programs
 30 that require child care licensure and after-school programs
 31 that do not require licensure. Notwithstanding any other

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1 provision of law to the contrary, minimum child care licensing
2 standards shall be developed to provide for reasonable,
3 affordable, and safe before-school and after-school care.
4 Standards, at a minimum, shall allow for a credentialed
5 director to supervise multiple before-school and after-school
6 sites.

7 Section 4. Section 402.40, Florida Statutes, is
8 amended to read:

9 402.40 Child welfare training.--

10 (1) LEGISLATIVE INTENT.--In order to enable the state
11 to provide a systematic approach to staff development and
12 training for persons providing child welfare services
13 ~~dependency program~~ staff that will meet the needs of such
14 staff in their discharge of duties, it is the intent of the
15 Legislature that the Department of Children and Family
16 Services establish, maintain, and oversee the operation of
17 child welfare training academies in the state. The
18 Legislature further intends that the staff development and
19 training programs that are established will aid in the
20 reduction of poor staff morale and of staff turnover, will
21 positively impact on the quality of decisions made regarding
22 children and families who require assistance from programs
23 providing child welfare services ~~dependency programs~~, and will
24 afford better quality care of children who must be removed
25 from their families.

26 (2) DEFINITIONS.--As used in this section, the term:

27 (a) "Child welfare services" "~~Dependency program~~"
28 means any intake, protective investigations, preprotective
29 services, protective services, foster care, shelter and group
30 care, and adoption and related services program, including
31 supportive services, supervision, and legal services, provided

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1 to children who are alleged to have been abused, abandoned, or
 2 neglected, or who are at risk of becoming, are alleged to be,
 3 or have been found dependent pursuant to ch. 39 whether
 4 operated by or contracted by the department, providing intake,
 5 counseling, supervision, or custody and care of children who
 6 are alleged to be or who have been found to be dependent
 7 pursuant to chapter 39 or who have been identified as being at
 8 risk of becoming dependent.

9 (b) "Person providing child welfare services"
 10 ~~"Dependency program staff"~~ means person who has a
 11 responsibility for supervisory, legal, and direct care or
 12 support related work in the provision of child welfare
 13 services pursuant to ch. 39 staff of a dependency program as
 14 ~~well as support staff who have direct contact with children in~~
 15 ~~a dependency program.~~

16 (3) CHILD WELFARE TRAINING PROGRAM.--The department
 17 shall establish a program for training pursuant to the
 18 provisions of this section, and all persons providing child
 19 welfare services ~~dependency program staff~~ shall be required
 20 to participate in and successfully complete the program of
 21 training pertinent to their areas of responsibility.

22 (4) CHILD WELFARE TRAINING TRUST FUND.--
 23 (a) There is created within the State Treasury a Child
 24 Welfare Training Trust Fund to be used by the Department of
 25 Children and Family Services for the purpose of funding a
 26 comprehensive system of child welfare training, including the
 27 securing of consultants to develop the system and the
 28 developing of child welfare training academies that include
 29 the participation of persons providing child welfare services
 30 ~~dependency program staff.~~

31 (b) One dollar from every noncriminal traffic

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1 infraction collected pursuant to s. 318.14(10)(b) or s. 318.18
2 shall be deposited into the Child Welfare Training Trust Fund.

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

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

12 (5) CORE COMPETENCIES.--

13 (a) The Department of Children and Family Services
14 shall establish the core competencies for a single integrated
15 preservice curriculum that ensures that each person delivering
16 child welfare services obtains the knowledge, skills and
17 abilities to competently carry out his or her work
18 responsibilities. This pre-service curriculum may be a
19 compilation of different development efforts based on specific
20 subsets of core competencies that are integrated for a
21 comprehensive pre-service curriculum required in the provision
22 of child welfare services in this state.

23 (b) The identification of these core competencies
24 shall be a collaborative effort to include professionals with
25 expertise in child welfare services and providers that will be
26 affected by the curriculum, to include, but not be limited to,
27 representatives from the community-based care lead agencies,
28 sheriffs' offices conducting child protection investigations,
29 and child welfare legal services providers.

30 (c) Notwithstanding s. 287.057(5) and (22), the
31 department shall competitively solicit and contract for the

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1 development, validation, and periodic evaluation of the
2 training curricula for the established single integrated
3 preservice curriculum. No more than one training curriculum
4 may be developed for each specific subset of the core
5 competencies.

6 (6) ADVANCED TRAINING.--The Department of Children and
7 Family Services shall annually examine the advanced training
8 that is needed by persons who deliver child welfare services
9 in the state. This examination shall address whether the
10 current advanced training provided should be continued and
11 shall include the development of plans for incorporating any
12 revisions to the advanced training determined necessary. This
13 examination shall be conducted in collaboration with
14 professionals with expertise in child welfare services and
15 providers that will be affected by the curriculum, to include,
16 but not be limited to, representatives from the
17 community-based care lead agencies, sheriffs' offices
18 conducting child protection investigations, and child welfare
19 legal services' providers.

20 (7) CERTIFICATION AND TRAINER QUALIFICATIONS.--The
21 department shall, in collaboration with the professionals and
22 providers described in subsection (5), develop minimum
23 standards for a certification process that ensures that
24 participants have successfully attained the knowledge, skills,
25 and abilities necessary to competently carry out their work
26 responsibilities and shall develop minimum standards for
27 trainer qualifications which must be required of training
28 academies in the offering of the training curricula. Any
29 person providing child welfare services shall be required to
30 master the components of the preservice curriculum that are
31 particular to that person's work responsibilities.

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1 ~~(8)(5)~~ ESTABLISHMENT OF TRAINING ACADEMIES.--The
2 department shall establish child welfare training academies as
3 part of a comprehensive system of child welfare training. In
4 establishing a program of training, the department may
5 contract for the operation of one or more training academies
6 ~~with Tallahassee Community College to perform one or more of~~
7 the following: to offer one or more of the training curricula
8 developed under subsection (5); to administer the
9 certification process; to develop, validate, and periodically
10 evaluate additional training curricula determined to be
11 necessary, including advanced training that is specific to a
12 region or contractor, or that meets a particular training
13 need; or to offer the additional training curricula. The
14 number, location, and timeframe for establishment of
15 ~~additional~~ training academies shall be approved by the
16 Secretary of Children and Family Services who shall ensure
17 that the goals for the core competencies and the single
18 integrated preservice curriculum, the certification process,
19 the trainer qualifications, and the additional training needs
20 are addressed. Notwithstanding s. 287.057(5) and (22), the
21 department shall competitively solicit all training academy
22 contracts.

23 (9) MODIFICATION OF CHILD WELFARE TRAINING.--The core
24 competencies determined pursuant to subsection (5), the
25 minimum standards for the certification process and the
26 minimum standards for trainer qualifications established
27 pursuant to subsection (7), must be submitted to the
28 appropriate substantive committees of the Senate and the House
29 of Representatives before competitively soliciting either the
30 development, validation, or periodic evaluation of the training
31 curricula or the training academy contracts.

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1 ~~(10)(6)~~ ADOPTION OF RULES.--The Department of Children
2 and Family Services shall adopt rules necessary to carry out
3 the provisions of this section.

4 Section 5. Section 402.401, Florida Statutes is
5 created to read:

6 402.401 Florida Child Welfare Student Loan Forgiveness
7 Program.

8 (1) There is created the Florida Child Welfare
9 Student Loan Forgiveness Program to be administered by the
10 Department of Education. The program shall provide loan
11 assistance to eligible students for upper-division
12 undergraduate and graduate study. The primary purpose of the
13 program is to attract capable and promising students to the
14 child welfare profession, increase employment and retention of
15 individuals who are working towards or who have received
16 either a bachelor's degree or a master's degree in social
17 work, or any human services subject area that qualifies the
18 individual for employment as a family services worker, and
19 provide opportunities for persons making midcareer decisions
20 to enter the child welfare profession. The State Board of
21 Education shall adopt rules necessary to administer the
22 program.

23 (2)(a) To be eligible for a program loan, a candidate
24 shall:

25 1. Be a full-time student at the upper-division
26 undergraduate or graduate level in a social work program
27 approved by the Council on Social Work leading to either a
28 bachelor's degree or a master's degree in social work or an
29 accredited human services degree program.

30 2. Have declared an intent to work in child welfare
31 for at least the number of years for which a forgivable loan

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1 is received at the Department of Children and Family Services
2 or its successor, or with an eligible lead community-based
3 provider as defined in s. 409.1671.

4 3. If applying for an undergraduate forgivable loan,
5 have maintained a minimum cumulative grade point average of at
6 least a 2.5 on a 4.0 scale for all undergraduate work. Renewal
7 applicants for undergraduate loans shall have maintained a
8 minimum cumulative grade point average of at least a 2.5 on a
9 4.0 scale for all undergraduate work and have earned at least
10 12 semester credits per term, or the equivalent.

11 4. If applying for a graduate forgivable loan, have
12 maintained an undergraduate cumulative grade point average of
13 at least a 3.0 on a 4.0 scale or have attained a Graduate
14 Record Examination score of at least 1,000. Renewal applicants
15 for graduate loans shall have maintained a minimum cumulative
16 grade point average of at least a 3.0 on a 4.0 scale for all
17 graduate work and have earned at least 9 semester credits per
18 term, or the equivalent.

19 (b) An undergraduate forgivable loan may be awarded
20 for 2 undergraduate years, not to exceed \$4,000 per year.

21 (c) A graduate forgivable loan may be awarded for 2
22 graduate years, not to exceed \$8,000 per year. In addition to
23 meeting criteria specified in paragraph (a), a loan recipient
24 at the graduate level shall:

25 1. Hold a bachelor's degree from a school or
26 department of social work at any college or university
27 accredited by the Council on Social Work Education, or hold a
28 degree in a human services field from an accredited college or
29 university.

30 2. Not have received an undergraduate forgivable loan
31 as provided for in paragraph (b).

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1 (d) The State Board of Education shall adopt by rule
2 repayment schedules and applicable interest rates under ss.
3 1009.82 and 1009.95. A forgivable loan must be repaid within
4 10 years after completion of a program of studies.

5 1. Credit for repayment of an undergraduate or
6 graduate forgivable loan shall be in an amount not to exceed
7 \$4,000 in loan principal plus applicable accrued interest for
8 each full year of eligible service in the child welfare
9 profession.

10 2. Any forgivable loan recipient who fails to work at
11 the Department of Children and Family Services or its
12 successor, or with an eligible lead community-based provider
13 as defined in s. 409.1671, is responsible for repaying the
14 loan plus accrued interest at 8 percent annually.

15 3. Forgivable loan recipients may receive loan
16 repayment credit for child welfare service rendered at any
17 time during the scheduled repayment period. However, such
18 repayment credit shall be applicable only to the current
19 principal and accrued interest balance that remains at the
20 time the repayment credit is earned. No loan recipient shall
21 be reimbursed for previous cash payments of principal and
22 interest.

23 (3) This section shall be implemented only as
24 specifically funded.

25 Section 6. Subsection (7) of section 409.1451, Florida
26 Statutes, is amended, present subsection (8) of that section
27 is amended and redesignated as subsection (9) and a new
28 subsection (8) is added to that section, to read:

29 409.1451 Independent living transition services.--

30 (7) INDEPENDENT LIVING SERVICES ~~INTEGRATION~~
31 WORKGROUP.--The Secretary of Children and Family Services

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1 shall establish the independent living services ~~integration~~
2 workgroup, which, at a minimum, shall include representatives
3 from the Department of Children and Family Services, the
4 Agency for Workforce Innovation, the Department of Education,
5 the Agency for Health Care Administration, the State Youth
6 Advisory Board, Workforce Florida, Inc., and foster parents.
7 The workgroup shall assess the implementation and operation of
8 the system of independent living transition services and
9 advise the department on actions that would improve the
10 ability of the independent living transition services to meet
11 the established goals. The workgroup shall keep the department
12 informed of problems being experienced with the services,
13 barriers to the effective and efficient integration of
14 services and support across systems, ~~for the transition of~~
15 older children in foster care to independent living. and
16 successes that the system of independent living transition
17 services has achieved. The department shall consider, but is
18 not required to implement the recommendations of the
19 workgroup. For the 2002-2003 and 2003-2004 fiscal years, the
20 workgroup shall report to the appropriate substantive
21 committees of the Senate and House of Representatives on the
22 status of the implementation of the system of independent
23 living transition services; efforts to publicize the
24 availability of aftercare support services, the
25 Road-to-Independence Scholarship Program, and transitional
26 support services; specific barriers to financial aid created
27 by the scholarship and possible solutions; the success of the
28 services; problems identified; recommendations for department
29 or legislative action; and the department's implementation of
30 the recommendations contained in the Independent Living
31 Services Integration Workgroup Report submitted to the Senate

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1 and the House substantive committees December 31, 2002. This
2 workgroup report is to be submitted by December 31, 2003, and
3 December 31, 2004, and shall be accompanied by a report from
4 the department which identifies the recommendations of the
5 workgroup and either describes the department's actions to
6 implement these recommendations or provides the department's
7 rationale for not implementing the recommendations. The
8 ~~workgroup shall recommend methods to overcome these barriers~~
9 ~~and shall ensure that the state plan for federal funding for~~
10 ~~the independent living transition services includes these~~
11 ~~recommendations. The workgroup shall report to appropriate~~
12 ~~legislative committees of the Senate and the House of~~
13 ~~Representatives by December 31, 2002. Specific issues and~~
14 ~~recommendations to be addressed by the workgroup include:~~
15 ~~(a) Enacting the Medicaid provision of the federal~~
16 ~~Foster Care Independence Act of 1999, Pub. L. No. 106-169,~~
17 ~~which allows young adults formerly in foster care to receive~~
18 ~~medical coverage up to 21 years of age.~~
19 ~~(b) Extending the age of Medicaid coverage from 21 to~~
20 ~~23 years of age for young adults formerly in foster care in~~
21 ~~order to enable such youth to complete a postsecondary~~
22 ~~education degree.~~
23 ~~(c) Encouraging the regional workforce boards to~~
24 ~~provide priority employment and support for eligible foster~~
25 ~~care participants receiving independent living transition~~
26 ~~services.~~
27 ~~(d) Facilitating transfers between schools when~~
28 ~~changes in foster care placements occur.~~
29 ~~(e) Identifying mechanisms to increase the legal~~
30 ~~authority of foster parents and staff of the department or its~~
31 ~~agent to provide for the age-appropriate care of older~~

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1 ~~children in foster care, including enrolling a child in~~
 2 ~~school, signing for a practice driver's license for the child~~
 3 ~~under s. 322.09(4), cosigning loans and insurance for the~~
 4 ~~child, signing for the child's medical treatment, and~~
 5 ~~authorizing other similar activities as appropriate.~~

6 ~~(f) Transferring the allowance of spending money that~~
 7 ~~is provided by the department each month directly to an older~~
 8 ~~child in the program through an electronic benefit transfer~~
 9 ~~program. The purpose of the transfer is to allow these~~
 10 ~~children to access and manage the allowance they receive in~~
 11 ~~order to learn responsibility and participate in~~
 12 ~~age-appropriate life skills activities.~~

13 ~~(g) Identifying other barriers to normalcy for a child~~
 14 ~~in foster care.~~

15 (8) PERSONAL PROPERTY. - Property acquired on behalf
 16 of clients of this program shall become the personal property
 17 of the clients and is not subject to the requirements of
 18 chapter 273 relating to state-owned tangible personal
 19 property. Such property continues to be subject to applicable
 20 federal laws.

21 (9)(8) RULEMAKING.--The department shall adopt by rule
 22 procedures to administer this section, including provision for
 23 the proportional reduction of scholarship awards when
 24 adequate funds are not available for all applicants. These
 25 rules shall balance the goals of normalcy and safety for the
 26 youth and provide the caregivers with as much flexibility as
 27 possible to enable the youth to participate in normal life
 28 experiences. The department shall engage in appropriate
 29 planning to prevent, to the extent possible, a reduction in
 30 scholarship awards after issuance.

31 Section 7. Paragraphs (a), (b), and (d) of subsection

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1 (1) of section 409.1671, Florida Statutes, are amended, new
2 paragraphs (c) and (d) are added to subsection (1) and present
3 paragraphs (c) through (k) of subsection (1) are redesignated
4 as paragraphs (e) through (m), and subsections (3) and (4) of
5 that section are amended, to read:

6 409.1671 Foster care and related services;
7 privatization.--

8 (1)(a) It is the intent of the Legislature that the
9 Department of Children and Family Services shall privatize the
10 provision of foster care and related services statewide. It is
11 further the Legislature's intent to encourage communities and
12 other stakeholders in the well-being of children to
13 participate in assuring that children are safe and
14 well-nurtured. However, while recognizing that some local
15 governments are presently funding portions of certain foster
16 care and related services programs and may choose to expand
17 such funding in the future, the Legislature does not intend by
18 its privatization of foster care and related services that any
19 county, municipality, or special district be required to
20 assist in funding programs that previously have been funded by
21 the state. Counties that provide children and family services
22 with at least forty licensed residential group care beds by
23 July 1, 2003, and provide at least \$2.0 million annually in
24 county general revenue funds to supplement foster and family
25 care services shall continue to contract directly with the
26 state and shall be exempt from the provisions of this section.
27 Nothing in this paragraph prohibits any county, municipality,
28 or special district from future voluntary funding
29 participation in foster care and related services. As used in
30 this section, the term "privatize" means to contract with
31 competent, community-based agencies. The department shall

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1 submit a plan to accomplish privatization statewide, through a
2 competitive process, phased in over a 3-year period beginning
3 January 1, 2000. This plan must be developed with local
4 community participation, including, but not limited to, input
5 from community-based providers that are currently under
6 contract with the department to furnish community-based foster
7 care and related services, and must include a methodology for
8 determining and transferring all available funds, including
9 federal funds that the provider is eligible for and agrees to
10 earn and that portion of general revenue funds which is
11 currently associated with the services that are being
12 furnished under contract. The methodology must provide for the
13 transfer of funds appropriated and budgeted for all services
14 and programs that have been incorporated into the project,
15 including all management, capital (including current furniture
16 and equipment), and administrative funds to accomplish the
17 transfer of these programs. This methodology must address
18 expected workload and at least the 3 previous years'
19 experience in expenses and workload. With respect to any
20 district or portion of a district in which privatization
21 cannot be accomplished within the 3-year timeframe, the
22 department must clearly state in its plan the reasons the
23 timeframe cannot be met and the efforts that should be made to
24 remediate the obstacles, which may include alternatives to
25 total privatization, such as public-private partnerships. As
26 used in this section, the term "related services" includes,
27 but is not limited to, family preservation, independent
28 living, emergency shelter, residential group care, foster
29 care, therapeutic foster care, intensive residential
30 treatment, foster care supervision, case management,
31 postplacement supervision, permanent foster care, and family

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1 reunification. Unless otherwise provided for, ~~beginning in~~
2 ~~fiscal year 1999-2000, either the state attorney or the Office~~
3 ~~of the Attorney General~~ shall provide child welfare legal
4 services, pursuant to chapter 39 and other relevant
5 provisions, in ~~Sarasota, Pinellas, and Pasco, Broward, and~~
6 ~~Manatee~~ Counties. ~~Such legal services shall commence and be~~
7 ~~effective, as soon as determined reasonably feasible by the~~
8 ~~respective state attorney or the Office of the Attorney~~
9 ~~General, after the privatization of associated programs and~~
10 ~~child protective investigations has occurred.~~ When a private
11 nonprofit agency has received case management
12 responsibilities, transferred from the state under this
13 section, for a child who is sheltered or found to be dependent
14 and who is assigned to the care of the privatization project,
15 the agency may act as the child's guardian for the purpose of
16 registering the child in school if a parent or guardian of the
17 child is unavailable and his or her whereabouts cannot
18 reasonably be ascertained. The private nonprofit agency may
19 also seek emergency medical attention for such a child, but
20 only if a parent or guardian of the child is unavailable, his
21 or her whereabouts cannot reasonably be ascertained, and a
22 court order for such emergency medical services cannot be
23 obtained because of the severity of the emergency or because
24 it is after normal working hours. However, the provider may
25 not consent to sterilization, abortion, or termination of life
26 support. If a child's parents' rights have been terminated,
27 the nonprofit agency shall act as guardian of the child in all
28 circumstances.

29 (b) It is the intent of the Legislature that the
30 department will continue to work towards full privatization in
31 a manner that assures the viability of the community-based

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1 system of care and best provides for the safety of children in
2 the child protection system. To this end, the department is
3 directed to continue the process of privatizing services in
4 those counties in which signed start-up contracts have been
5 executed. The department may also continue to enter into
6 start-up contracts with additional counties. However, no
7 services shall be transferred to a community-based care lead
8 agency until the department, in consultation with the local
9 community alliance, has determined and certified in writing to
10 the Governor and the Legislature that the district is prepared
11 to transition the provision of services to the lead agency and
12 that the lead agency is ready to deliver and be accountable
13 for such service provision. In making this determination the
14 Department shall conduct a readiness assessment of the
15 district and the lead agency.

16 1. The assessment shall evaluate the operational
17 readiness of the district and the lead agency based on:

18 a. A set of uniform criteria, developed in consultation
19 with currently operating community based care lead agencies
20 and reflecting national accreditation standards, that evaluate
21 programmatic, financial, technical assistance, training and
22 organizational competencies; and

23 b. Local criteria reflective of the local community
24 based care design and the community alliance priorities.

25 2. The readiness assessment shall be conducted by a
26 joint team of district and lead agency staff with direct
27 experience with the startup and operation of a community based
28 care service program and representatives from the appropriate
29 community alliance. Within resources available for this
30 purpose, the department may secure outside audit expertise
31 when necessary to assist a readiness assessment team.

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1 3. Upon completion of a readiness assessment the
2 assessment team shall conduct an exit conference with the
3 district and lead agency staff responsible for the transition

4 4. Within 30 days following the exit conference with
5 staff of each district and lead agency, the Secretary shall
6 certify in writing to the Governor and Legislature that both
7 the district and the lead agency are prepared to begin the
8 transition of service provision based on the results of the
9 readiness assessment and the exit conference. The document of
10 certification must include specific evidence of readiness on
11 each element of the readiness instrument utilized by the
12 assessment team as well as a description of each element of
13 readiness needing improvement and strategies being implemented
14 to address each one.

15 (c) The Auditor General and the Office of Program
16 Policy Analysis and Government Accountability (OPPAGA), in
17 consultation with The Child Welfare League of America and the
18 Louis de la Parte Florida Mental Health Institute, shall
19 jointly review and assess the department's process for
20 determining district and lead agency readiness.

21 1. The review must, at a minimum, address the
22 appropriateness of the readiness criteria and instruments
23 applied, the appropriateness of the qualifications of
24 participants on each readiness assessment team, the degree to
25 which the department accurately determined each district and
26 lead agency's compliance with the readiness criteria, the
27 quality of the technical assistance provided by the department
28 to a lead agency in correcting any weaknesses identified in
29 the readiness assessment, and the degree to which each lead
30 agency overcame any identified weaknesses.

31 2. Reports of these reviews must be submitted to the

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1 appropriate substantive and appropriations committees in the
2 Senate and House of Representatives on March 1 and September 1
3 of each year until full transition to community-based care has
4 been accomplished statewide, except that the first report must
5 be submitted by February 1, 2004, and must address all
6 readiness activities undertaken through June 30,2003. The
7 perspectives of all participants in this review process must
8 be included in each report.

9 (d) In communities where economic or demographic
10 constraints make it impossible or not feasible to
11 competitively contract with a lead agency, the department
12 shall develop an alternative plan in collaboration with the
13 local community alliance, which may include establishing
14 innovative geographical configurations or consortiums of
15 agencies. The plan must detail how the community will continue
16 to implement community-based care through competitively
17 procuring either the specific components of foster care and
18 related services or comprehensive services for defined
19 elible populations of children and families from qualified
20 licensed agencies as part of its efforts to develop the local
21 capacity for a community-based system of coordinated care. The
22 plan must ensure local control over the management and
23 administration of the service provision in accordance with the
24 intent of this section and may include recognized best
25 business practices, including some form of public or private
26 partnerships. ~~by initiating the competitive procurement~~
27 ~~process in each county by January 1, 2003. In order to provide~~
28 ~~for an adequate transition period to develop the necessary~~
29 ~~administrative and service delivery capacity in each~~
30 ~~community, the full transfer of all foster care and related~~
31 ~~services must be completed statewide by December 31, 2004.~~

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1 ~~(f)(d)1. If attempts to competitively procure services~~
2 ~~through an eligible lead community-based provider as defined~~
3 ~~in paragraph (c) do not produce a capable and willing agency,~~
4 ~~the department shall develop a plan in collaboration with the~~
5 ~~local community alliance. The plan must detail how the~~
6 ~~community will continue to implement privatization, to be~~
7 ~~accomplished by December 31, 2004, through competitively~~
8 ~~procuring either the specific components of foster care and~~
9 ~~related services or comprehensive services for defined~~
10 ~~eligible populations of children and families from qualified~~
11 ~~licensed agencies as part of its efforts to develop the local~~
12 ~~capacity for a community-based system of coordinated care. The~~
13 ~~plan must ensure local control over the management and~~
14 ~~administration of the service provision in accordance with the~~
15 ~~intent of this section and may include recognized best~~
16 ~~business practices, including some form of public or private~~
17 ~~partnerships. In the absence of a community alliance, the plan~~
18 ~~must be submitted to the President of the Senate and the~~
19 ~~Speaker of the House of Representatives for their comments.~~

20 1.2. The Legislature finds that the state has
21 traditionally provided foster care services to children who
22 have been the responsibility of the state. As such, foster
23 children have not had the right to recover for injuries beyond
24 the limitations specified in s. 768.28. The Legislature has
25 determined that foster care and related services need to be
26 privatized pursuant to this section and that the provision of
27 such services is of paramount importance to the state. The
28 purpose for such privatization is to increase the level of
29 safety, security, and stability of children who are or become
30 the responsibility of the state. One of the components
31 necessary to secure a safe and stable environment for such

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1 children is that private providers maintain liability
2 insurance. As such, insurance needs to be available and remain
3 available to nongovernmental foster care and related services
4 providers without the resources of such providers being
5 significantly reduced by the cost of maintaining such
6 insurance.

7 ~~2.3.~~ The Legislature further finds that, by requiring
8 the following minimum levels of insurance, children in
9 privatized foster care and related services will gain
10 increased protection and rights of recovery in the event of
11 injury than provided for in s. 768.28.

12 (3)(a) In order to help ensure a seamless child
13 protection system, the department shall ensure that contracts
14 entered into with community-based agencies pursuant to this
15 section include provisions for a case-transfer process to
16 determine the date that the community-based agency will
17 initiate the appropriate services for a child and family. This
18 case-transfer process must clearly identify the closure of the
19 protective investigation and the initiation of service
20 provision. At the point of case transfer, and at the
21 conclusion of an investigation, the department must provide a
22 complete summary of the findings of the investigation to the
23 community-based agency.

24 (b) The contracts must also ensure that each
25 community-based agency shall furnish information on its
26 activities in all cases in client case records. ~~A provider may
27 not discontinue services on any voluntary case without prior
28 written notification to the department 30 days before planned
29 case closure. If the department disagrees with the recommended
30 case closure date, written notification to the provider must
31 be provided before the case closure date.~~

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1 (c) The contract between the department and
2 community-based agencies must include provisions that specify
3 the procedures to be used by the parties to resolve
4 differences in interpreting the contract or to resolve
5 disputes as to the adequacy of the parties' compliance with
6 their respective obligations under the contract.

7 (d) Each contract with an eligible lead
8 community-based provider shall provide for the payment by the
9 department to the provider of a reasonable administrative cost
10 in addition to funding for the provision of services.

11 (4)(a) The department shall establish a quality
12 assurance program for privatized services. The quality
13 assurance program shall be based on standards established by a
14 national accrediting organization such as the Council on
15 Accreditation of Services for Families and Children, Inc.
16 (COA) or CARF--the Rehabilitation Accreditation Commission.
17 The department may develop a request for proposal for such
18 oversight. This program must be developed and administered at
19 a statewide level. The Legislature intends that the department
20 be permitted to have limited flexibility to use funds for
21 improving quality assurance. To this end, ~~effective January 1,~~
22 ~~2000,~~ the department may transfer up to 0.125 percent of the
23 total funds from categories used to pay for these
24 contractually provided services, but the total amount of such
25 transferred funds may not exceed \$300,000 in any fiscal year.
26 When necessary, the department may establish, in accordance
27 with s. 216.177, additional positions that will be exclusively
28 devoted to these functions. Any positions required under this
29 paragraph may be established, notwithstanding ss.
30 216.262(1)(a) and 216.351. The department, in consultation
31 with the community-based agencies that are undertaking the

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1 privatized projects, shall establish minimum thresholds for
2 each component of service, consistent with standards
3 established by the Legislature and the Federal Government.
4 Each program operated under contract with a community-based
5 agency must be evaluated annually by the department. The
6 department shall, to the extent possible, use independent
7 financial audits provided by the community-based care agency
8 to eliminate or reduce the ongoing contract and administrative
9 reviews conducted by the department. The department may
10 suggest additional items to be included in such independent
11 financial audits to meet the department's needs. Should the
12 department determine that such independent financial audits
13 are inadequate, then other audits, as necessary, may be
14 conducted by the department. Nothing herein shall abrogate the
15 requirements of s. 215.97. The department shall submit an
16 annual report regarding quality performance, outcome measure
17 attainment, and cost efficiency to the President of the
18 Senate, the Speaker of the House of Representatives, the
19 minority leader of each house of the Legislature, and the
20 Governor no later than January 31 of each year for each
21 project in operation during the preceding fiscal year.

22 (b) The department shall use these findings in making
23 recommendations to the Governor and the Legislature for future
24 program and funding priorities in the child welfare system.

25 Section 8. Section 409.16745, Florida Statutes, is
26 amended to read:

27 409.16745 Community partnership matching grant
28 program.--It is the intent of the Legislature to improve
29 services and local participation in community-based care
30 initiatives by fostering community support and providing
31 enhanced prevention and in-home services, thereby reducing the

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1 risk otherwise faced by lead agencies. There is established a
2 community partnership matching grant program to be operated by
3 the Department of Children and Family Services for the purpose
4 of encouraging local participation in community-based care for
5 child welfare. Any children's services council or other local
6 government entity that makes a financial commitment to a
7 community-based care lead agency is eligible for a grant upon
8 proof that the children's services council or local government
9 entity has provided the selected lead agency at least \$250,000
10 ~~\$825,000 in start up funds~~, from any local resources otherwise
11 available to it. The total amount of local contribution may be
12 matched on a two-for-one basis up to a maximum amount of \$2
13 million per council or local government entity. Awarded
14 matching grant funds may be used for any prevention or in-home
15 services provided by the children's services council or other
16 local government entity that meets
17 temporary-assistance-for-needy-families' eligibility
18 requirements and can be reasonably expected to reduce the
19 number of children entering the child welfare system. To
20 ensure necessary flexibility for the development, start up,
21 and ongoing operation of community-based care initiatives, the
22 notice period required for any budget action authorized by the
23 provisions of s. 20.19(5)(b), is waived for the family safety
24 program; however, the Department of Children and Family
25 Services must provide copies of all such actions to the
26 Executive Office of the Governor and Legislature within 72
27 hours of their occurrence. Funding available for the matching
28 grant program is subject to legislative appropriation of
29 nonrecurring ~~temporary-assistance-for-needy-families~~ funds
30 provided for the purpose.

31 Section 9. Subsection (3) of section 409.175, Florida

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1 Statutes, is amended to read:

2 409.175 Licensure of family foster homes, residential
3 child-caring agencies, and child-placing agencies.--

4 (3)(a) The total number of children placed in each
5 family foster home shall be based on the recommendation of the
6 department, or the community-based care lead agency where one
7 is providing foster care and related services, based on the
8 needs of each child in care, the ability of the foster family
9 to meet the individual needs of each child, including any
10 adoptive or biological children living in the home, the amount
11 of safe physical plant space, the ratio of active and
12 appropriate adult supervision, and the background, experience,
13 and skill of the family foster parents.

14 (b) If the total number of children in a family foster
15 home will exceed five, including the family's own children, an
16 ~~a comprehensive behavioral health~~ assessment of each child to
17 be placed in the home must be completed by a family services
18 counselor and approved in writing by the counselor's
19 supervisor prior to placement of any additional children in
20 the home, except that, if the placement involves a child whose
21 sibling is already in the home or a child who has been in
22 placement in the home previously, the assessment must be
23 completed within 72 hours after placement. The ~~comprehensive~~
24 ~~behavioral health~~ assessment must ~~comply with Medicaid rules~~
25 ~~and regulations~~, assess and document the mental, physical, and
26 psychosocial needs of the child, and recommend the maximum
27 number of children in a family foster home that will allow the
28 child's needs to be met.

29 (c) For any licensed family foster home, the
30 appropriateness of the number of children in the home must be
31 reassessed annually as part of the relicensure process. For a

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1 | home with more than five children, if it is determined by the
2 | licensure study at the time of relicensure that the total
3 | number of children in the home is appropriate and that there
4 | have been no substantive licensure violations and no
5 | indications of child maltreatment or child-on-child sexual
6 | abuse within the past 12 months, the relicensure of the home
7 | shall not be denied based on the total number of children in
8 | the home.

9 | Section 10. Section 409.953, Florida Statutes, is
10 | amended to read:

11 | 409.953 Rulemaking authority for refugee assistance
12 | program.--

13 | (1) The Department of Children and Family Services has
14 | the authority shall adopt rules to administer the eligibility
15 | requirements for the refugee assistance program in accordance
16 | with 45 C.F.R. Part 400 and 401. The Department of Children
17 | and Family Services or a child-placing or child-caring agency
18 | designated by the department may petition in circuit court to
19 | establish custody. Upon making a finding that a child is an
20 | Unaccompanied Refugee Minor as defined in 45 C.F.R. Sec.
21 | 400.111, the court may establish custody and placement of the
22 | child in the Unaccompanied Refugee Minor Program.

23 | (2) The Department of Children and Family Services
24 | shall adopt any rules necessary for the implementation and
25 | administration of this section.

26 | Section 11. Section 937.021, Florida Statutes, is
27 | amended to read:

28 | 937.021 Missing child reports.--

29 | (1) Upon the filing of a police report that a child is
30 | missing by the parent or guardian, the law enforcement agency
31 | receiving the report ~~written notification~~ shall immediately

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1 | inform all on-duty law enforcement officers of the existence
2 | of the missing child report, communicate the report to every
3 | other law enforcement agency having jurisdiction in the
4 | county, and transmit the report for inclusion within the
5 | Florida Crime Information Center computer.

6 | 2) A police report that a child is missing may be
7 | filed with the law enforcement agency having jurisdiction in
8 | the county or municipality in which the child was last seen
9 | prior to the filing of the report, without regard to whether
10 | the child resides in or has any significant contacts with that
11 | county or municipality. The filing of such a report shall
12 | impose the duties specified in subsection (1) upon that law
13 | enforcement agency.

14 | Section 12. The Office of Program Policy Analysis and
15 | Government Accountability shall prepare an evaluation of child
16 | welfare legal services to be submitted to the President of the
17 | Senate, the Speaker of the House of Representatives, the
18 | Governor, and the Chief Justice of the Supreme Court, by
19 | December 31, 2003. The evaluation shall consider different
20 | models of provision of legal services in dependency
21 | proceedings on behalf of the state, including representation
22 | by other government, for profit, or not for profit entities,
23 | and include discussion of the organizational placement on the
24 | cost and delivery of providing these services; the
25 | organizational placement's effect on communication between
26 | attorneys and caseworkers; the ability to attract, retain and
27 | provide professional development opportunities for experienced
28 | attorneys; and the implications of each model for the
29 | attorney's professional responsibilities. Following receipt of
30 | the report of this evaluation and until directed otherwise by
31 | the Legislature, the department shall maintain its current

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1 delivery system for the provision of child welfare legal
2 services.

3

4 (Redesignate subsequent sections.)

5

6

7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 On page 1, lines 2 through 23, delete those lines

10

11 and insert:

12 An act relating to Social Services; creating
13 the "Local Funding Revenue Maximization Act";
14 providing legislative intent; defining the term
15 "agency" for purposes of the act; providing
16 requirements for state agencies that provide
17 health services, social services, or human
18 services; providing requirements for the use of
19 certain public revenues as local matching funds
20 and for the uses of federal reimbursements
21 received as a result of the certification of
22 local matching funds; providing for agreements
23 between agencies and local political
24 subdivisions; requiring agencies and local
25 political subdivisions to cooperate in
26 modifying state plans and in seeking and
27 implementing any necessary federal waivers;
28 providing for administrative costs; providing
29 for interest on certain unpaid funds; requiring
30 agencies to submit annual reports to the
31 Governor and to legislative leaders; amending

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1 S. 39.202, F.S.; clarifying a right to access
2 to records for certain attorneys and providing
3 a right to access for employees and agents of
4 educational institutions; authorizing the
5 Department of Children and Family Services and
6 specified law enforcement agencies to release
7 certain information when a child is under
8 investigation or supervision; providing an
9 exception; providing that persons releasing
10 such information are not subject to civil or
11 criminal penalty for the release; providing for
12 an additional circumstance for release of
13 otherwise confidential records; amending s.
14 402.305, F.S.; directing the Department of
15 Children and Family Services to adopt a rule
16 related to child care definition; amending s.
17 402.40, F.S.; removing Tallahassee Community
18 College as the sole contract provider for child
19 welfare training academies; providing for
20 development of core competencies; providing for
21 advanced training; modifying requirements for
22 the establishment of training academies;
23 providing for modification of child welfare
24 training; creating s. 402.401, F.S.; creating
25 the Child Welfare Student Loan Forgiveness
26 Program; providing for eligibility
27 requirements; providing terms of repayment;
28 amending s. 409.1451, F.S.; providing duties
29 for the Independent Living Services Workgroup;
30 making an exception for personal property of
31 independent living clients; amending s.

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1 409.1671, F.S.; deleting the requirement for
2 contracts for legal services in certain
3 counties; providing for the continuation of
4 privatization of foster care and related
5 services; providing for a readiness assessment
6 and written certification; deleting certain
7 termination of services notice requirements;
8 requiring the payment of certain administrative
9 costs incurred by lead community-based
10 providers; deleting an obsolete effective date;
11 providing for independent financial audits;
12 amending s. 409.16745, F.S.; changing
13 eligibility requirements for participation in
14 the community partnership matching grant
15 program; amending s. 409.175, F.S.; providing
16 for an assessment by a family services
17 counselor and approval by a supervisor, rather
18 than a comprehensive behavioral health
19 assessment, of children in certain family
20 foster homes; amending s. 409.953, F.S.;
21 providing the Department of Children and
22 Families authority to administer the Refugee
23 Assistance Program; providing for custody
24 determination and placement of unaccompanied
25 refugee minors; amending s. 937.021, F.S.;
26 providing for the filing of police reports for
27 missing children in the county or municipality
28 where the child was last seen; providing for an
29 evaluation of child welfare legal services by
30 the Office of Program Policy Analysis and
31 Government Accountability; providing an

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effective date.