Bill No. CS for CS for SB 1454

Amendment No. ____ Barcode 941148

CHAMBER ACTION Senate House WD/2R1 04/25/2003 12:36 PM 2 3 4 5 б 7 8 9 10 Senator Lynn moved the following amendment: 11 12 Senate Amendment (with title amendment) 13 On page 5, between lines 28 and 29, 14 15 insert: 16 Section 2. Subsection (2) of section 39.202, Florida 17 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: 39.202 Confidentiality of reports and records in cases 21 of child abuse or neglect.--22 23 (2) Except as provided in subsection (4), access to 24 such records, excluding the name of the reporter which shall be released only as provided in subsection (5)(4), shall be 25 26 granted only to the following persons, officials, and 27 agencies: 28 (a) Employees, authorized agents, or contract providers of the department, the Department of Health, or 29 county agencies responsible for carrying out: 30 1. Child or adult protective investigations; 31 11:14 AM 04/25/03 s1454.cf07.aa

SENATE AMENDMENT

Bill No. CS for CS for SB 1454 Amendment No. Barcode 941148 2. Ongoing child or adult protective services; 1 2 3. Healthy Start services; or 3 4. Licensure or approval of adoptive homes, foster homes, or child care facilities, or family day care homes or 4 5 informal child care providers who receive subsidized child б 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 provided by certified domestic violence centers working at the 9 department's request as case consultants or with shared 10 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. (c) The state attorney of the judicial circuit in 18 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 alleged to have been abused, abandoned, or neglected, and the 22 child, and their attorneys, including any attorney 23 representing a child in civil or criminal proceedings. This 24 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. (e) Any person alleged in the report as having caused 30 31 the abuse, abandonment, or neglect of a child. This access

2

Amendment No. ____ Barcode 941148

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

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.

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

18 (h) Any appropriate official of the department19 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 of30 the department.

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04/25/03

(i) Any person authorized by the department who is

Amendment No. ____ Barcode 941148

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
б	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	(1) 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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Bill No. CS for CS for SB 1454 Amendment No. Barcode 941148 abandonment, or neglect shall not be released. Any information 1 1 2 otherwise made confidential or exempt by law shall not be 3 released pursuant to this paragraph. (p) The principal of a public school, private school, 4 or charter school where the child is a student. Information 5 contained in the records which the principal determines are б 7 necessary for a school employee to effectively provide a 8 student with educational services may be released to that employee. 9 (4) Notwithstanding any other provision of law, when a 10 child under investigation or supervision of the department or 11 12 its contracted service providers is determined to be missing, 13 the following shall apply: (a) The department may release the following 14 15 information to the public when it believes the release of the 16 information is likely to assist efforts in locating the child or to promote the safety or well-being of the child: 17 1. The name of the child and the child's date of 18 19 birth; 20 2. A physical description of the child, including at a minimum the height, weight, hair color, eye color, gender, and 21 2.2 any identifying physical characteristics of the child; and 23 3. A photograph of the child. (b) With the concurrence of the law enforcement agency 24 primarily responsible for investigating the incident, the 25 department may release any additional information it believes 26 likely to assist efforts in locating the child or to promote 27 28 the safety or well-being of the child. 29 (c) The law enforcement agency primarily responsible for investigating the incident may release any information 30 31 received from the department regarding the investigation, if

Bill No. CS for CS for SB 1454 Amendment No. Barcode 941148 it believes the release of the information is likely to assist 1 efforts in locating the child or to promote the safety or 2 well-being of the child. 3 4 5 The good-faith publication or release of this information by б 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 information to any civil or criminal penalty. This subsection 9 does not authorize the release of the name of the reporter, 10 11 which may be released only as provided in subsection (5). Section 3. Paragraph (c) of subsection (1) of section 12 13 402.305, Florida Statutes, is amended to read: 402.305 Licensing standards; child care facilities.--14 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 2.2 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

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
б	sites.
7	Section 4. Section 402.40, Florida Statutes, is
8	amended to read:
9	402.40 Child welfare training
10	(1) LEGISLATIVE INTENTIn 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) DEFINITIONSAs used in this section, the term:
27	(a) <u>"Child welfare services</u> " "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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Bill No. CS for CS for SB 1454 Amendment No. Barcode 941148 to children who are alleged to have been abused, abandoned, or 1 neglected, or who are at risk of becoming, are alleged to be, 2 3 or have been found dependent pursuant to ch. 39 whether operated by or contracted by the department, providing intake, 4 5 counseling, supervision, or custody and care of children who б 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" "Dependency program staff" means <u>person who has a</u> 10 responsibility for supervisory, legal, and direct care or 11 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 provisions of this section, and all persons providing child 18 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. 2.2 (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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Bill No. CS for CS for SB 1454
    Amendment No. Barcode 941148
 1 | infraction collected pursuant to s. 318.14(10)(b) or s. 318.18
    shall be deposited into the Child Welfare Training Trust Fund.
 2
 3
           (c) In addition to the funds generated by paragraph
    (b), the trust fund shall receive funds generated from an
 4
    additional fee on birth certificates and dissolution of
 5
   marriage filings, as specified in ss. 382.0255 and 28.101,
 б
 7
   respectively, and may receive funds from any other public or
 8
   private source.
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           (d) Funds that are not expended by the end of the
   budget cycle or through a supplemental budget approved by the
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11
    department shall revert to the trust fund.
12
          (5) CORE COMPETENCIES.--
          (a) The Department of Children and Family Services
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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
    abilities to competently carry out his or her work
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   responsibilities. This pre-service curriculum may be a
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   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
2.2
    of child welfare services in this state.
          (b) The identification of these core competencies
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    shall be a collaborative effort to include professionals with
24
    expertise in child welfare services and providers that will be
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   affected by the curriculum, to include, but not be limited to,
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    representatives from the community-based care lead agencies,
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28
    sheriffs' offices conducting child protection investigations,
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    and child welfare legal services providers.
          (c) Notwithstanding s. 287.057(5) and (22), the
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31 department shall competitively solicit and contract for the
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	Bill No. <u>CS for CS for SB 1454</u>
	Amendment No Barcode 941148
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 QUALIFICATIONSThe
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.

Bill No. CS for CS for SB 1454 Amendment No. Barcode 941148 (8)(5) ESTABLISHMENT OF TRAINING ACADEMIES.--The 1 department shall establish child welfare training academies as 2 part of a comprehensive system of child welfare training. In 3 establishing a program of training, the department may 4 5 contract for the operation of one or more training academies with Tallahassee Community College to perform one or more of б 7 the following: to offer one or more of the training curricula 8 developed under subsection (5); to administer the certification process; to develop, validate, and periodically 9 evaluate additional training curricula determined to be 10 11 necessary, including advanced training that is specific to a 12 region or contractor, or that meets a particular training need; or to offer the additional training curricula. The 13 number, location, and timeframe for establishment of 14 15 additional training academies shall be approved by the 16 Secretary of Children and Family Services who shall ensure that the goals for the core competencies and the single 17 integrated preservice curriculum, the certification process, 18 19 the trainer qualifications, and the additional training needs 20 are addressed. Notwithstanding s. 287.057(5) and (22), the department shall competitively solicit all training academy 21 2.2 contracts. 23 (9) MODIFICATION OF CHILD WELFARE TRAINING.--The core competencies determined pursuant to subsection (5), the 24 minimum standards for the certification process and the 25 minimum standards for trainer qualifications established 26 pursuant to subsection (7), must be submitted to the 27 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.

Bill No. CS for CS for SB 1454 Amendment No. Barcode 941148 (10)(6) ADOPTION OF RULES. -- The Department of Children 1 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: 402.401 Florida Child Welfare Student Loan Forgiveness б 7 Program. 8 (1) There is created the Florida Child Welfare Student Loan Forgiveness Program to be administered by the 9 Department of Education. The program shall provide loan 10 11 assistance to eligible students for upper-division 12 undergraduate and graduate study. The primary purpose of the program is to attract capable and promising students to the 13 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 work, or any human services subject area that qualifies the 17 individual for employment as a family services worker, and 18 19 provide opportunities for persons making midcareer decisions to enter the child welfare profession. The State Board of 20 Education shall adopt rules necessary to administer the 21 2.2 program. (2)(a) To be eligible for a program loan, a candidate 23 shall: 24 1. Be a full-time student at the upper-division 25 undergraduate or graduate level in a social work program 26 approved by the Council on Social Work leading to either a 27 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

Bill No. CS for CS for SB 1454 Amendment No. ____ Barcode 941148 is received at the Department of Children and Family Services 1 or its successor, or with an eligible lead community-based 2 provider as defined in s. 409.1671. 3 4 3. If applying for an undergraduate forgivable loan, 5 have maintained a minimum cumulative grade point average of at least a 2.5 on a 4.0 scale for all undergraduate work. Renewal б 7 applicants for undergraduate loans shall have maintained a 8 minimum cumulative grade point average of at least a 2.5 on a 4.0 scale for all undergraduate work and have earned at least 9 12 semester credits per term, or the equivalent. 10 4. If applying for a graduate forgivable loan, have 11 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 graduate work and have earned at least 9 semester credits per 17 term, or the equivalent. 18 19 (b) An undergraduate forgivable loan may be awarded 20 for 2 undergraduate years, not to exceed \$4,000 per year. (c) A graduate forgivable loan may be awarded for 2 21 2.2 graduate years, not to exceed \$8,000 per year. In addition to 23 meeting criteria specified in paragraph (a), a loan recipient at the graduate level shall: 24 1. Hold a bachelor's degree from a school or 25 department of social work at any college or university 26 accredited by the Council on Social Work Education, or hold a 27 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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Bill No. CS for CS for SB 1454
   Amendment No. Barcode 941148
         (d) The State Board of Education shall adopt by rule
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   repayment schedules and applicable interest rates under ss.
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   1009.82 and 1009.95. A forgivable loan must be repaid within
 3
   10 years after completion of a program of studies.
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 5
           1. Credit for repayment of an undergraduate or
   graduate forgivable loan shall be in an amount not to exceed
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   $4,000 in loan principal plus applicable accrued interest for
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   each full year of eligible service in the child welfare
   <u>profess</u>ion.
9
           2. Any forgivable loan recipient who fails to work at
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   the Department of Children and Family Services or its
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   successor, or with an eligible lead community-based provider
   as defined in s. 409.1671, is responsible for repaying the
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   loan plus accrued interest at 8 percent annually.
15
           3. Forgivable loan recipients may receive loan
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   repayment credit for child welfare service rendered at any
   time during the scheduled repayment period. However, such
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   repayment credit shall be applicable only to the current
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19
   principal and accrued interest balance that remains at the
20
   time the repayment credit is earned. No loan recipient shall
   be reimbursed for previous cash payments of principal and
21
2.2
   interest.
23
         (3) This section shall be implemented only as
   specifically funded.
24
           Section 6. Subsection (7) of section 409.1451, Florida
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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.--
           (7) INDEPENDENT LIVING SERVICES INTEGRATION
30
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 Ed ucation,
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. <u>and</u>
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

	Bill No. <u>CS for CS for SB 1454</u>
	Amendment No Barcode 941148
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
б	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

Bill No. CS for CS for SB 1454 Amendment No. Barcode 941148 children in foster care, including enrolling a child in 1 school, signing for a practice driver's license for the child 2 3 under s. 322.09(4), cosigning loans and insurance for the child, signing for the child's medical treatment, and 4 5 authorizing other similar activities as appropriate. б (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 of the clients and is not subject to the requirements of 17 chapter 273 relating to state-owned tangible personal 18 19 property. Such property continues to be subject to applicable 20 federal laws. 21 (9)(8) RULEMAKING. -- The department shall adopt by rule 2.2 procedures to administer this section, including provision for 23 the proportional reduction of scholarship a wards when 24 adequate funds are not available for all applicants. These rules shall balance the goals of normalcy and safety for the 25 youth and provide the caregivers with as much flexibility as 26 possible to enable the youth to participate in normal life 27 28 experiences. The department shall engage in appropriate 29 planning to prevent, to the extent possible, a reduction in 30 scholarship awards after issuance. Section 7. Paragraphs (a), (b), and (d) of subsection 31

Amendment No. ____ Barcode 941148

(1) of section 409.1671, Florida Statutes, are amended, new 1 2 paragraphs (c) and (d) are added to subsection (1) and present 3 paragraphs (c) through (k) of subsection (1) are redesignated as paragraphs (e) through (m), and subsections (3) and (4) of 4 5 that section are amended, to read: 409.1671 Foster care and related services; б 7 privatization.--8 (1)(a) It is the intent of the Legislature that the Department of Children and Family Services shall privatize the 9 provision of foster care and related services statewide. It is 10 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 well-nurtured. However, while recognizing that some local 14 15 governments are presently funding portions of certain foster 16 care and related services programs and may choose to expand such funding in the future, the Legislature does not intend by 17 its privatization of foster care and related services that any 18 19 county, municipality, or special district be required to 20 assist in funding programs that previously have been funded by the state. Counties that provide children and family services 21 2.2 with at least forty licensed residential group care beds by July 1, 2003, and provide at least \$2.0 million annually in 23 county general revenue funds to supplement foster and family 24 care services shall continue to contract directly with the 25 state and shall be exempt from the provisions of this section. 26 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 this section, the term "privatize" means to contract with 30 31 competent, community-based agencies. The department shall

Bill No. CS for CS for SB 1454

Amendment No. Barcode 941148

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 community participation, including, but not limited to, input 4 5 from community-based providers that are currently under б 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 federal funds that the provider is eligible for and agrees to 9 earn and that portion of general revenue funds which is 10 11 currently associated with the services that are being furnished under contract. The methodology must provide for the 12 13 transfer of funds appropriated and budgeted for all services and programs that have been incorporated into the project, 14 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 remediate the obstacles, which may include alternatives to 24 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 living, emergency shelter, residential group care, foster 28 care, therapeutic foster care, intensive residential 29 treatment, foster care supervision, case management, 30 31 postplacement supervision, permanent foster care, and family

Amendment No. ____ Barcode 941148

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 , <u>and</u> 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 <u>in</u>

31 <u>a manner that assures the viability of the community-based</u>

Bill No. CS for CS for SB 1454 Amendment No. Barcode 941148 system of care and best provides for the safety of children in 1 the child protection system. To this end, the department is 2 3 directed to continue the process of privatizing services in those counties in which signed start-up contracts have been 4 5 executed. The department may also continue to enter into start-up contracts with additional counties. However, no б 7 services shall be transferred to a community-based care lead 8 agency until the department, in consultation with the local community alliance, has determined and certified in writing to 9 the Governor and the Legislature that the district is prepared 10 11 to transition the provision of services to the lead agency and 12 that the lead agency is ready to deliver and be accountable for such service provision. In making this determination the 13 14 Department shall conduct a readiness assessment of the 15 district and the lead agency. 16 1. The assessment shall evaluate the operational readiness of the district and the lead agency based on: 17 a. A set of uniform criteria, developed in consultation 18 19 with currently operating community based care lead agencies 20 and reflecting national accreditation standards, that evaluate programmatic, financial, technical assistance, training and 21 2.2 organizational competencies; and 23 b. Local criteria reflective of the local community based care design and the community alliance priorities. 24 25 2. The readiness assessment shall be conducted by a joint team of district and lead agency staff with direct 26 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 purpose, the department may secure outside audit expertise 30 31 when necessary to assist a readiness assessment team.

Bill No. CS for CS for SB 1454 Amendment No. Barcode 941148 3. Upon completion of a readiness assessment the 1 assessment team shall conduct an exit conference with the 2 3 district and lead agency staff responsible for the transition 4 4. Within 30 days following the exit conference with staff of each district and lead agency, the Secretary shall 5 certify in writing to the Governor and Legislature that both б the district and the lead agency are prepared to begin the 7 8 transition of service provision based on the results of the readiness assessment and the exit conference. The document of 9 certification must include specific evidence of readiness on 10 11 each element of the readiness instrument utilized by the 12 assessment team as well as a description of each element of readiness needing improvement and strategies being implemented 13 14 to address each one. 15 (c) The Auditor General and the Office of Program 16 Policy Analysis and Government Accountability (OPPAGA), in consultation with The Child Welfare League of America and the 17 Louis de la Parte Florida Mental Health Institute, shall 18 19 jointly review and assess the department's process for 20 determining district and lead agency readiness. 1. The review must, at a minimum, address the 21 2.2 appropriateness of the readiness criteria and instruments 23 applied, the appropriateness of the qualifications of participants on each readiness assessment team, the degree to 24 25 which the department accurately determined each district and lead agency's compliance with the readiness criteria, the 26 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

	Bill No. <u>CS for CS for SB 1454</u>
	Amendment No Barcode 941148
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
б	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	eligible 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.

Amendment No. Barcode 941148

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, the department shall develop a plan in collaboration with the 4 5 local community alliance. The plan must detail how the б 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 related services or comprehensive services for defined 9 eligible populations of children and families from qualified 10 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 partnerships. In the absence of a community alliance, the plan 17 must be submitted to the President of the Senate and the 18 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 2.2 have been the responsibility of the state. As such, foster children have not had the right to recover for injuries beyond 23 the limitations specified in s. 768.28. The Legislature has 24 determined that foster care and related services need to be 25 privatized pursuant to this section and that the provision of 26 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 the responsibility of the state. One of the components 30 31 necessary to secure a safe and stable environment for such

Amendment No. ____ Barcode 941148

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 <u>2.3.</u> 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 entered into with community-based agencies pursuant to this 14 15 section include provisions for a case-transfer process to 16 determine the date that the community-based agency will initiate the appropriate services for a child and family. This 17 18 case-transfer process must clearly identify the closure of the 19 protective investigation and the initiation of service provision. At the point of case transfer, and at the 20 21 conclusion of an investigation, the department must provide a complete summary of the findings of the investigation to the 22 23 community-based agency.

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

Bill No. CS for CS for SB 1454 Amendment No. Barcode 941148 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 б 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 in addition to funding for the provision of services. 10 11 (4)(a) The department shall establish a quality assurance program for privatized services. The quality 12 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. The department may develop a request for proposal for such 17 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 $\frac{2000}{100}$, the department may transfer up to 0.125 percent of the 23 total funds from categories used to pay for these contractually provided services, but the total amount of such 24 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. 216.262(1)(a) and 216.351. The department, in consultation 30 31 with the community-based agencies that are undertaking the

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	programIt 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
	27

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 <u>or local government entity</u> . 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

Bill No. CS for CS for SB 1454 Amendment No. ____ Barcode 941148 Statutes, is amended to read: 1 409.175 Licensure of family foster homes, residential 2 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 department, or the community-based care lead agency where one б 7 is providing foster care and related services, based on the needs of each child in care, the ability of the foster family 8 to meet the individual needs of each child, including any 9 adoptive or biological children living in the home, the amount 10 11 of safe physical plant space, the ratio of active and appropriate adult supervision, and the background, experience, 12 13 and skill of the family foster parents. (b) If the total number of children in a family foster 14 15 home will exceed five, including the family's own children, an 16 a comprehensive behavioral health assessment of each child to be placed in the home must be completed by a family services 17 counselor and approved in writing by the counselor's 18 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 completed within 72 hours after placement. The comprehensive 23 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

Bill No. CS for CS for SB 1454 Amendment No. Barcode 941148 1 home with more than five children, if it is determined by the licensure study at the time of relicensure that the total 2 3 number of children in the home is appropriate and that there have been no substantive licensure violations and no 4 5 indications of child maltreatment or child-on-child sexual abuse within the past 12 months, the relicensure of the home б 7 shall not be denied based on the total number of children in 8 the home. Section 10. Section 409.953, Florida Statutes, is 9 amended to read: 10 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 and Family Services or a child-placing or child-caring agency 17 designated by the department may petition in circuit court to 18 establish custody. Upon making a finding that a child is an 19 20 Unaccompanied Refugee Minor as defined in 45 C.F.R. Sec. 21 400.111, the court may establish custody and placement of the child in the Unaccompanied Refugee Minor Program. 2.2 (2) The Department of Children and Family Services 23 shall adopt any rules necessary for the implementation and 24 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 missing by the parent or quardian, the law enforcement agency 30 31 receiving the report written notification shall immediately

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.
б	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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Bill No. CS for CS for SB 1454
   Amendment No. ____ Barcode 941148
   delivery system for the provision of child welfare legal
1
   services.
2
3
4
    (Redesignate subsequent sections.)
5
б
   7
   And the title is amended as follows:
8
9
          On page 1, lines 2 through 23, delete those lines
10
11
   and insert:
12
          An act relating to the Department of Children
13
          and Family Services; creating the "Local
14
          Funding Revenue Maximization Act"; providing
15
          legislative intent; defining the term "agency"
16
          for purposes of the act; providing requirements
          for state agencies that provide health
17
          services, social services, or human services;
18
19
          providing requirements for the use of certain
20
          public revenues as local matching funds and for
          the uses of federal reimbursements received as
21
2.2
          a result of the certification of local matching
23
          funds; providing for agreements between
          agencies and local political subdivisions;
24
          requiring agencies and local political
25
26
          subdivisions to cooperate in modifying state
27
          plans and in seeking and implementing any
28
          necessary federal waivers; providing for
29
          administrative costs; providing for interest on
30
          certain unpaid funds; requiring agencies to
31
          submit annual reports to the Governor and to
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1	legislative leaders; amending S. 39.202, F.S.;
2	clarifying a right to access to records for
3	certain attorneys and providing a right to
4	access for employees and agents of educational
5	institutions; authorizing the Department of
6	Children and Family Services and specified law
7	enforcement agencies to release certain
8	information when a child is under investigation
9	or supervision; providing an exception;
10	providing that persons releasing such
11	information are not subject to civil or
12	criminal penalty for the release; providing for
13	an additional circumstance for release of
14	otherwise confidential records; amending s.
15	402.305, F.S.; directing the Department of
16	Children and Family Services to adopt a rule
17	related to child care definition; amending s.
18	402.40, F.S.; removing Tallahassee Community
19	College as the sole contract provider for child
20	welfare training academies; providing for
21	development of core competencies; providing for
22	advanced training; modifying requirements for
23	the establishment of training academies;
24	providing for modification of child welfare
25	training; creating s. 402.401, F.S.; creating
26	the Child Welfare Student Loan Forgiveness
27	Program; providing for eligibility
28	requirements; providing terms of repayment;
29	amending s. 409.1451, F.S.; providing duties
30	for the Independent Living Services Workgroup;
31	making an exception for personal property of

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Bill No. <u>CS for CS for SB 1454</u>
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1	independent living clients; amending s.
2	409.1671, F.S.; deleting the requirement for
3	contracts for legal services in certain
4	counties; providing for the continuation of
5	privatization of foster care and related
6	services; providing for a readiness assessment
7	and written certification; deleting certain
8	termination of services notice requirements;
9	requiring the payment of certain administrative
10	costs incurred by lead community-based
11	providers; deleting an obsolete effective date;
12	providing for independent financial audits;
13	amending s. 409.16745, F.S.; changing
14	eligibility requirements for participation in
15	the community partnership matching grant
16	program; amending s. 409.175, F.S.; providing
17	for an assessment by a family services
18	counselor and approval by a supervisor, rather
19	than a comprehensive behavioral health
20	assessment, of children in certain family
21	foster homes; amending s. 409.953, F.S.;
22	providing the Department of Children and
23	Families authority to administer the Refugee
24	Assistance Program; providing for custody
25	determination and placement of unaccompanied
26	refugee minors; amending s. 937.021, F.S.;
27	providing for the filing of police reports for
28	missing children in the county or municipality
29	where the child was last seen; providing for an
30	evaluation of child welfare legal services by
31	the Office of Program Policy Analysis and