

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1  
2 An act relating to social services; creating  
3 the "Local Funding Revenue Maximization Act";  
4 providing legislative intent; defining the term  
5 "agency" for purposes of the act; providing  
6 requirements for state agencies that provide  
7 health services, social services, or human  
8 services; providing requirements for the use of  
9 certain public revenues as local matching funds  
10 and for the uses of federal reimbursements  
11 received as a result of the certification of  
12 local matching funds; providing for agreements  
13 between agencies and local political  
14 subdivisions; requiring agencies and local  
15 political subdivisions to cooperate in  
16 modifying state plans and in seeking and  
17 implementing any necessary federal waivers;  
18 providing for administrative costs; providing  
19 for interest on certain unpaid funds; requiring  
20 agencies to submit annual reports to the  
21 Governor and to legislative leaders; amending  
22 s. 39.202, F.S.; clarifying a right to access  
23 to records for certain attorneys and providing  
24 a right to access for employees and agents of  
25 educational institutions; authorizing the  
26 Department of Children and Family Services and  
27 specified law enforcement agencies to release  
28 certain information when a child is under  
29 investigation or supervision; providing an  
30 exception; providing that persons releasing  
31 such information are not subject to civil or

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1 criminal penalty for the release; providing for  
2 an additional circumstance for release of  
3 otherwise confidential records; amending s.  
4 402.305, F.S.; directing the Department of  
5 Children and Family Services to adopt a rule  
6 related to child care definition; amending s.  
7 402.40, F.S.; removing Tallahassee Community  
8 College as the sole contract provider for child  
9 welfare training academies; providing for  
10 development of core competencies; providing for  
11 advanced training; modifying requirements for  
12 the establishment of training academies;  
13 providing for modification of child welfare  
14 training; creating s. 402.401, F.S.; creating  
15 the Child Welfare Student Loan Forgiveness  
16 Program; providing for eligibility  
17 requirements; providing terms of repayment;  
18 amending s. 409.1451, F.S.; providing duties  
19 for the Independent Living Services Workgroup;  
20 making an exception for personal property of  
21 independent living clients; amending s.  
22 409.1671, F.S.; deleting the requirement for  
23 contracts for legal services in certain  
24 counties; providing for the continuation of  
25 privatization of foster care and related  
26 services; providing for a readiness assessment  
27 and written certification; deleting certain  
28 termination of services notice requirements;  
29 requiring the payment of certain administrative  
30 costs incurred by lead community-based  
31 providers; deleting an obsolete effective date;

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1 providing for independent financial audits;  
2 amending s. 409.16745, F.S.; changing  
3 eligibility requirements for participation in  
4 the community partnership matching grant  
5 program; amending s. 409.175, F.S.; providing  
6 for an assessment by a family services  
7 counselor and approval by a supervisor, rather  
8 than a comprehensive behavioral health  
9 assessment, of children in certain family  
10 foster homes; amending s. 409.953, F.S.;  
11 providing the Department of Children and  
12 Families authority to administer the Refugee  
13 Assistance Program; providing for custody  
14 determination and placement of unaccompanied  
15 refugee minors; amending s. 937.021, F.S.;  
16 providing for the filing of police reports for  
17 missing children in the county or municipality  
18 where the child was last seen; providing for an  
19 evaluation of child welfare legal services by  
20 the Office of Program Policy Analysis and  
21 Government Accountability; providing an  
22 effective date.

23  
24  
25  
26  
27  
28  
29  
30  
31

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

Section 1. Local Funding Revenue Maximization Act;  
legislative intent; revenue maximization program.--

(1) SHORT TITLE.--This section may be cited as the  
"Local Funding Revenue Maximization Act."

(2) LEGISLATIVE INTENT.--

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1           (a) The Legislature recognizes that state funds do not  
2 fully utilize federal funding matching opportunities for  
3 health and human services needs. It is the intent of the  
4 Legislature to authorize the use of certified local funding  
5 for federal matching programs to the fullest extent possible  
6 to maximize federal funding of local preventive services and  
7 local child development programs in this state. To that end,  
8 the Legislature expects that state agencies will take a  
9 proactive approach in implementing this legislative priority.  
10 It is the further intent of the Legislature that this act  
11 shall be revenue-neutral with respect to state funds.

12           (b) It is the intent of the Legislature that revenue  
13 maximization opportunities using certified local funding shall  
14 occur only after available state funds have been utilized to  
15 generate matching federal funding for the state.

16           (c) It is the intent of the Legislature that  
17 participation in revenue maximization is to be voluntary for  
18 local political subdivisions.

19           (d) Except for funds expended pursuant to Title XIX of  
20 the Social Security Act, it is the intent of the Legislature  
21 that certified local funding for federal matching programs not  
22 supplant or replace state funds. Beginning July 1, 2004, any  
23 state funds supplanted or replaced with local tax revenues for  
24 Title XIX funds shall be expressly approved in the General  
25 Appropriations Act or by the Legislative Budget Commission  
26 pursuant to chapter 216, Florida Statutes.

27           (e) It is the intent of the Legislature that revenue  
28 maximization shall not divert existing funds from state  
29 agencies that are currently using local funds to maximize  
30 matching federal and state funds to the greatest extent  
31 possible.

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

- 1           (3) REVENUE MAXIMIZATION PROGRAM.--  
2           (a) For purposes of this section, the term "agency"  
3 means any state agency or department that is involved in  
4 providing health, social, or human services, including, but  
5 not limited to, the Agency for Health Care Administration, the  
6 Agency for Workforce Innovation, the Department of Children  
7 and Family Services, the Department of Elderly Affairs, the  
8 Department of Juvenile Justice, and the Florida Board of  
9 Education.  
10           (b) Each agency shall establish programs and  
11 mechanisms designed to maximize the use of local funding for  
12 federal programs in accordance with this section.  
13           (c) The use of local matching funds under this section  
14 must be limited to public revenue funds of local political  
15 subdivisions, including, but not limited to, counties,  
16 municipalities, and special districts. To the extent permitted  
17 by federal law, funds donated to such local political  
18 subdivisions by private entities, such as, but not limited to,  
19 the United Way, community foundations or other foundations,  
20 and businesses, or by individuals are considered to be public  
21 revenue funds available for matching federal funding.  
22           (d) Subject to paragraph (f), any federal  
23 reimbursement received as a result of the certification of  
24 local matching funds must, unless specifically prohibited by  
25 federal law or state law, including the General Appropriations  
26 Act, and subject to the availability of specific appropriation  
27 and release authority, be returned within 30 days after  
28 receipt by the agency by the most expedient means possible to  
29 the local political subdivision providing such funding, and  
30 the local political subdivision must be provided an annual  
31 accounting of federal reimbursements received by the state or

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1 its agencies as a result of the certification of the local  
2 political subdivision's matching funds. The receipt by a local  
3 political subdivision of such matching funds must not in any  
4 way influence or be used as a factor in developing any  
5 agency's annual operating budget allocation methodology or  
6 formula or any subsequent budget amendment allocations or  
7 formulas. If necessary, agreements must be made between an  
8 agency and the local political subdivision to accomplish that  
9 purpose. Such an agreement may provide that the local  
10 political subdivision must: verify the eligibility of the  
11 local program or programs and the individuals served thereby  
12 to qualify for federal matching funds; shall develop and  
13 maintain the financial records necessary for documenting the  
14 appropriate use of federal funds; shall comply with all  
15 applicable state and federal laws, regulations, and rules that  
16 regulate such federal services; and shall reimburse the cost  
17 of any disallowance of federal funding previously provided to  
18 a local political subdivision resulting from the failure of  
19 that local political subdivision to comply with applicable  
20 state or federal laws, rules, or regulations.

21 (e) Each agency, as applicable, shall work with local  
22 political subdivisions to modify any state plans and to seek  
23 and implement any federal waivers necessary to implement this  
24 section. If such modifications or waivers require the approval  
25 of the Legislature, the agency, as applicable, shall draft  
26 such legislation and present it to the President of the Senate  
27 and the Speaker of the House of Representatives and to the  
28 respective committee chairs of the Senate and the House of  
29 Representatives by January 1, 2004, and, as applicable,  
30 annually thereafter.

31

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1           (f) Each agency, as applicable, before funds generated  
2 under this section are distributed to any local political  
3 subdivision, may deduct the actual administrative cost for  
4 implementing and monitoring the local match program; however,  
5 such administrative costs may not exceed 5 percent of the  
6 total federal reimbursement funding to be provided to the  
7 local political subdivision under paragraph (d). To the extent  
8 that any other provision of state law applies to the  
9 certification of local matching funds for a specific program,  
10 the provisions of that statute which relate to administrative  
11 costs apply in lieu of the provisions of this paragraph. The  
12 failure to remit reimbursement to the local political  
13 subdivision will result in the payment of interest, in  
14 addition to the amount to be reimbursed at a rate pursuant to  
15 section 55.03(1), Florida Statutes, on the unpaid amount from  
16 the expiration of the 30-day period until payment is received.

17           (g) Each agency, respectively, shall annually submit  
18 to the Governor, the President of the Senate, and the Speaker  
19 of the House of Representatives, no later than January 1, a  
20 report that documents the specific activities undertaken  
21 during the previous fiscal year under this section. The report  
22 must include, but is not limited to, a statement of the total  
23 amount of federal matching funds generated by local matching  
24 funds under this section, reported by federal funding source;  
25 the total amount of block grant funds expended during the  
26 previous fiscal year, reported by federal funding source; the  
27 total amount for federal matching fund programs, including,  
28 but not limited to, Temporary Assistance for Needy Families  
29 and Child Care and Development Fund, of unobligated funds and  
30 unliquidated funds, both as of the close of the previous  
31 federal fiscal year; the amount of unliquidated funds that is

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1 in danger of being returned to the Federal Government at the  
2 end of the current federal fiscal year; and a detailed plan  
3 and timeline for spending any unobligated and unliquidated  
4 funds by the end of the current federal fiscal year.

5 Section 2. Subsection (2) of section 39.202, Florida  
6 Statutes, is amended, a new subsection (4) is added to that  
7 section and subsections (5) through (7) are redesignated as  
8 subsections (6) through (8), to read:

9 39.202 Confidentiality of reports and records in cases  
10 of child abuse or neglect.--

11 (2) Except as provided in subsection (4), access to  
12 such records, excluding the name of the reporter which shall  
13 be released only as provided in subsection ~~(5)~~~~(4)~~, shall be  
14 granted only to the following persons, officials, and  
15 agencies:

16 (a) Employees, authorized agents, or contract  
17 providers of the department, the Department of Health, or  
18 county agencies responsible for carrying out:

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

27 5. Services for victims of domestic violence when  
28 provided by certified domestic violence centers working at the  
29 department's request as case consultants or with shared  
30 clients.

31

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1 Also, employees or agents of the Department of Juvenile  
2 Justice responsible for the provision of services to children,  
3 pursuant to chapters 984 and 985.

4 (b) Criminal justice agencies of appropriate  
5 jurisdiction.

6 (c) The state attorney of the judicial circuit in  
7 which the child resides or in which the alleged abuse or  
8 neglect occurred.

9 (d) The parent or legal custodian of any child who is  
10 alleged to have been abused, abandoned, or neglected, and the  
11 child, and their attorneys, including any attorney  
12 representing a child in civil or criminal proceedings. This  
13 access shall be made available no later than 30 days after the  
14 department receives the initial report of abuse, neglect, or  
15 abandonment. However, any information otherwise made  
16 confidential or exempt by law shall not be released pursuant  
17 to this paragraph.

18 (e) Any person alleged in the report as having caused  
19 the abuse, abandonment, or neglect of a child. This access  
20 shall be made available no later than 30 days after the  
21 department receives the initial report of abuse, abandonment,  
22 or neglect and, when the alleged perpetrator is not a parent,  
23 shall be limited to information involving the protective  
24 investigation only and shall not include any information  
25 relating to subsequent dependency proceedings. However, any  
26 information otherwise made confidential or exempt by law shall  
27 not be released pursuant to this paragraph.

28 (f) A court upon its finding that access to such  
29 records may be necessary for the determination of an issue  
30 before the court; however, such access shall be limited to  
31 inspection in camera, unless the court determines that public

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1 disclosure of the information contained therein is necessary  
2 for the resolution of an issue then pending before it.

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

6 (h) Any appropriate official of the department  
7 responsible for:

8 1. Administration or supervision of the department's  
9 program for the prevention, investigation, or treatment of  
10 child abuse, abandonment, or neglect, or abuse, neglect, or  
11 exploitation of a vulnerable adult, when carrying out his or  
12 her official function;

13 2. Taking appropriate administrative action concerning  
14 an employee of the department alleged to have perpetrated  
15 child abuse, abandonment, or neglect, or abuse, neglect, or  
16 exploitation of a vulnerable adult; or

17 3. Employing and continuing employment of personnel of  
18 the department.

19 (i) Any person authorized by the department who is  
20 engaged in the use of such records or information for bona  
21 fide research, statistical, or audit purposes. Such individual  
22 or entity shall enter into a privacy and security agreement  
23 with the department and shall comply with all laws and rules  
24 governing the use of such records and information for research  
25 and statistical purposes. Information identifying the subjects  
26 of such records or information shall be treated as  
27 confidential by the researcher and shall not be released in  
28 any form.

29 (j) The Division of Administrative Hearings for  
30 purposes of any administrative challenge.

31

1 (k) Any appropriate official of a Florida advocacy  
2 council investigating a report of known or suspected child  
3 abuse, abandonment, or neglect; the Auditor General or the  
4 Office of Program Policy Analysis and Government  
5 Accountability for the purpose of conducting audits or  
6 examinations pursuant to law; or the guardian ad litem for the  
7 child.

8 (l) Employees or agents of an agency of another state  
9 that has comparable jurisdiction to the jurisdiction described  
10 in paragraph (a).

11 (m) The Public Employees Relations Commission for the  
12 sole purpose of obtaining evidence for appeals filed pursuant  
13 to s. 447.207. Records may be released only after deletion of  
14 all information which specifically identifies persons other  
15 than the employee.

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

18 (o) Any person in the event of the death of a child  
19 determined to be a result of abuse, abandonment, or neglect.  
20 Information identifying the person reporting abuse,  
21 abandonment, or neglect shall not be released. Any information  
22 otherwise made confidential or exempt by law shall not be  
23 released pursuant to this paragraph.

24 (p) The principal of a public school, private school,  
25 or charter school where the child is a student. Information  
26 contained in the records which the principal determines are  
27 necessary for a school employee to effectively provide a  
28 student with educational services may be released to that  
29 employee.

30 (4) Notwithstanding any other provision of law, when a  
31 child under investigation or supervision of the department or

1 its contracted service providers is determined to be missing,  
2 the following shall apply:

3 (a) The department may release the following  
4 information to the public when it believes the release of the  
5 information is likely to assist efforts in locating the child  
6 or to promote the safety or well-being of the child:

7 1. The name of the child and the child's date of  
8 birth;

9 2. A physical description of the child, including at a  
10 minimum the height, weight, hair color, eye color, gender, and  
11 any identifying physical characteristics of the child; and

12 3. A photograph of the child.

13 (b) With the concurrence of the law enforcement agency  
14 primarily responsible for investigating the incident, the  
15 department may release any additional information it believes  
16 likely to assist efforts in locating the child or to promote  
17 the safety or well-being of the child.

18 (c) The law enforcement agency primarily responsible  
19 for investigating the incident may release any information  
20 received from the department regarding the investigation, if  
21 it believes the release of the information is likely to assist  
22 efforts in locating the child or to promote the safety or  
23 well-being of the child.

24  
25 The good-faith publication or release of this information by  
26 the department, a law enforcement agency, or any recipient of  
27 the information as specifically authorized by this subsection  
28 shall not subject the person, agency or entity releasing the  
29 information to any civil or criminal penalty. This subsection  
30 does not authorize the release of the name of the reporter,  
31 which may be released only as provided in subsection (5).

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1 Section 3. Paragraph (c) of subsection (1) of section  
2 402.305, Florida Statutes, is amended to read:

3 402.305 Licensing standards; child care facilities.--

4 (1) LICENSING STANDARDS.--The department shall  
5 establish licensing standards that each licensed child care  
6 facility must meet regardless of the origin or source of the  
7 fees used to operate the facility or the type of children  
8 served by the facility.

9 (c) The minimum standards for child care facilities  
10 shall be adopted in the rules of the department and shall  
11 address the areas delineated in this section. The department,  
12 in adopting rules to establish minimum standards for child  
13 care facilities, shall recognize that different age groups of  
14 children may require different standards. The department may  
15 adopt different minimum standards for facilities that serve  
16 children in different age groups, including school-age  
17 children. The department shall also adopt by rule a definition  
18 for child care which distinguishes between child care programs  
19 that require child care licensure and after-school programs  
20 that do not require licensure.Notwithstanding any other  
21 provision of law to the contrary, minimum child care licensing  
22 standards shall be developed to provide for reasonable,  
23 affordable, and safe before-school and after-school care.  
24 Standards, at a minimum, shall allow for a credentialed  
25 director to supervise multiple before-school and after-school  
26 sites.

27 Section 4. Section 402.40, Florida Statutes, is  
28 amended to read:

29 402.40 Child welfare training.--

30 (1) LEGISLATIVE INTENT.--In order to enable the state  
31 to provide a systematic approach to staff development and

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1 training for persons providing child welfare services  
2 ~~dependency program staff~~ that will meet the needs of such  
3 staff in their discharge of duties, it is the intent of the  
4 Legislature that the Department of Children and Family  
5 Services establish, maintain, and oversee the operation of  
6 child welfare training academies in the state. The  
7 Legislature further intends that the staff development and  
8 training programs that are established will aid in the  
9 reduction of poor staff morale and of staff turnover, will  
10 positively impact on the quality of decisions made regarding  
11 children and families who require assistance from programs  
12 providing child welfare services ~~dependency programs~~, and will  
13 afford better quality care of children who must be removed  
14 from their families.

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

16 (a) "Child welfare services" ~~"Dependency program"~~  
17 means any intake, protective investigations, preprotective  
18 services, protective services, foster care, shelter and group  
19 care, and adoption and related services program, including  
20 supportive services, supervision, and legal services, provided  
21 to children who are alleged to have been abused, abandoned, or  
22 neglected, or who are at risk of becoming, are alleged to be,  
23 or have been found dependent pursuant to ch. 39 whether  
24 operated by or contracted by the department, providing intake,  
25 counseling, supervision, or custody and care of children who  
26 are alleged to be or who have been found to be dependent  
27 pursuant to chapter 39 or who have been identified as being at  
28 risk of becoming dependent.

29 (b) "Person providing child welfare services"  
30 ~~"Dependency program staff"~~ means person who has a  
31 responsibility for supervisory, legal, and direct care or

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1 support related work in the provision of child welfare  
2 services pursuant to ch. 39 ~~staff of a dependency program as~~  
3 ~~well as support staff who have direct contact with children in~~  
4 ~~a dependency program.~~

5 (3) CHILD WELFARE TRAINING PROGRAM.--The department  
6 shall establish a program for training pursuant to the  
7 provisions of this section, and all persons providing child  
8 welfare services ~~dependency program staff~~ shall be required  
9 to participate in and successfully complete the program of  
10 training pertinent to their areas of responsibility.

11 (4) CHILD WELFARE TRAINING TRUST FUND.--

12 (a) There is created within the State Treasury a Child  
13 Welfare Training Trust Fund to be used by the Department of  
14 Children and Family Services for the purpose of funding a  
15 comprehensive system of child welfare training, including the  
16 securing of consultants to develop the system and the  
17 developing of child welfare training academies that include  
18 the participation of persons providing child welfare services  
19 ~~dependency program staff.~~

20 (b) One dollar from every noncriminal traffic  
21 infraction collected pursuant to s. 318.14(10)(b) or s. 318.18  
22 shall be deposited into the Child Welfare Training Trust Fund.

23 (c) In addition to the funds generated by paragraph  
24 (b), the trust fund shall receive funds generated from an  
25 additional fee on birth certificates and dissolution of  
26 marriage filings, as specified in ss. 382.0255 and 28.101,  
27 respectively, and may receive funds from any other public or  
28 private source.

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

1 (5) CORE COMPETENCIES.--

2 (a) The Department of Children and Family Services  
3 shall establish the core competencies for a single integrated  
4 curriculum that ensures that each person delivering child  
5 welfare services obtains the knowledge, skills and abilities  
6 to competently carry out his or her work responsibilities.  
7 This curriculum may be a compilation of different development  
8 efforts based on specific subsets of core competencies that  
9 are integrated for a comprehensive curriculum required in the  
10 provision of child welfare services in this state.

11 (b) The identification of these core competencies  
12 shall be a collaborative effort to include professionals with  
13 expertise in child welfare services and providers that will be  
14 affected by the curriculum, to include, but not be limited to,  
15 representatives from the community-based care lead agencies,  
16 sheriffs' offices conducting child protection investigations,  
17 and child welfare legal services providers.

18 (c) Notwithstanding s. 287.057(5) and (22), the  
19 department shall competitively solicit and contract for the  
20 development, validation, and periodic evaluation of the  
21 training curricula for the established single integrated  
22 curriculum. No more than one training curriculum may be  
23 developed for each specific subset of the core competencies.

24 (6) ADVANCED TRAINING.--The Department of Children and  
25 Family Services shall annually examine the advanced training  
26 that is needed by persons who deliver child welfare services  
27 in the state. This examination shall address whether the  
28 current advanced training provided should be continued and  
29 shall include the development of plans for incorporating any  
30 revisions to the advanced training determined necessary. This  
31 examination shall be conducted in collaboration with

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1 professionals with expertise in child welfare services and  
2 providers that will be affected by the curriculum, to include,  
3 but not be limited to, representatives from the  
4 community-based care lead agencies, sheriffs' offices  
5 conducting child protection investigations, and child welfare  
6 legal services' providers.

7 (7) CERTIFICATION AND TRAINER QUALIFICATIONS.--The  
8 department shall, in collaboration with the professionals and  
9 providers described in subsection (5), develop minimum  
10 standards for a certification process that ensures that  
11 participants have successfully attained the knowledge, skills,  
12 and abilities necessary to competently carry out their work  
13 responsibilities and shall develop minimum standards for  
14 trainer qualifications which must be required of training  
15 academies in the offering of the training curricula. Any  
16 person providing child welfare services shall be required to  
17 master the components of the curriculum that are particular to  
18 that person's work responsibilities.

19 (8)(5) ESTABLISHMENT OF TRAINING ACADEMIES.--The  
20 department shall establish child welfare training academies as  
21 part of a comprehensive system of child welfare training. In  
22 establishing a program of training, the department may  
23 contract for the operation of one or more training academies  
24 with Tallahassee Community College to perform one or more of  
25 the following: to offer one or more of the training curricula  
26 developed under subsection (5); to administer the  
27 certification process; to develop, validate, and periodically  
28 evaluate additional training curricula determined to be  
29 necessary, including advanced training that is specific to a  
30 region or contractor, or that meets a particular training  
31 need; or to offer the additional training curricula. The

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1 number, location, and timeframe for establishment of  
2 ~~additional~~ training academies shall be approved by the  
3 Secretary of Children and Family Services who shall ensure  
4 that the goals for the core competencies and the single  
5 integrated curriculum, the certification process, the trainer  
6 qualifications, and the additional training needs are  
7 addressed. Notwithstanding s. 287.057(5) and (22), the  
8 department shall competitively solicit all training academy  
9 contracts.

10 (9) MODIFICATION OF CHILD WELFARE TRAINING.--The core  
11 competencies determined pursuant to subsection (5), the  
12 minimum standards for the certification process and the  
13 minimum standards for trainer qualifications established  
14 pursuant to subsection (7), must be submitted to the  
15 appropriate substantive committees of the Senate and the House  
16 of Representatives before competitively soliciting either the  
17 development, validation, or periodic evaluation of the training  
18 curricula or the training academy contracts.

19 (10)(6)ADOPTION OF RULES.--The Department of Children  
20 and Family Services shall adopt rules necessary to carry out  
21 the provisions of this section.

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

24 402.401 Florida Child Welfare Student Loan Forgiveness  
25 Program.--

26 (1) There is created the Florida Child Welfare Student  
27 Loan Forgiveness Program to be administered by the Department  
28 of Education. The program shall provide loan assistance to  
29 eligible students for upper-division undergraduate and  
30 graduate study. The primary purpose of the program is to  
31 attract capable and promising students to the child welfare

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1 profession, increase employment and retention of individuals  
2 who are working towards or who have received either a  
3 bachelor's degree or a master's degree in social work, or any  
4 human services subject area that qualifies the individual for  
5 employment as a family services worker, and provide  
6 opportunities for persons making midcareer decisions to enter  
7 the child welfare profession. The State Board of Education  
8 shall adopt rules necessary to administer the program.

9 (2)(a) To be eligible for a program loan, a candidate  
10 shall:

11 1. Be a full-time student at the upper-division  
12 undergraduate or graduate level in a social work program  
13 approved by the Council on Social Work leading to either a  
14 bachelor's degree or a master's degree in social work or an  
15 accredited human services degree program.

16 2. Have declared an intent to work in child welfare  
17 for at least the number of years for which a forgivable loan  
18 is received at the Department of Children and Family Services  
19 or its successor, or with an eligible lead community-based  
20 provider as defined in s. 409.1671.

21 3. If applying for an undergraduate forgivable loan,  
22 have maintained a minimum cumulative grade point average of at  
23 least a 2.5 on a 4.0 scale for all undergraduate work. Renewal  
24 applicants for undergraduate loans shall have maintained a  
25 minimum cumulative grade point average of at least a 2.5 on a  
26 4.0 scale for all undergraduate work and have earned at least  
27 12 semester credits per term, or the equivalent.

28 4. If applying for a graduate forgivable loan, have  
29 maintained an undergraduate cumulative grade point average of  
30 at least a 3.0 on a 4.0 scale or have attained a Graduate  
31 Record Examination score of at least 1,000. Renewal applicants

1 for graduate loans shall have maintained a minimum cumulative  
2 grade point average of at least a 3.0 on a 4.0 scale for all  
3 graduate work and have earned at least 9 semester credits per  
4 term, or the equivalent.

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

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

11 1. Hold a bachelor's degree from a school or  
12 department of social work at any college or university  
13 accredited by the Council on Social Work Education, or hold a  
14 degree in a human services field from an accredited college or  
15 university.

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

18 (d) The State Board of Education shall adopt by rule  
19 repayment schedules and applicable interest rates under ss.  
20 1009.82 and 1009.95. A forgivable loan must be repaid within  
21 10 years after completion of a program of studies.

22 1. Credit for repayment of an undergraduate or  
23 graduate forgivable loan shall be in an amount not to exceed  
24 \$4,000 in loan principal plus applicable accrued interest for  
25 each full year of eligible service in the child welfare  
26 profession.

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

1           3. Forgiveable loan recipients may receive loan  
2 repayment credit for child welfare service rendered at any  
3 time during the scheduled repayment period. However, such  
4 repayment credit shall be applicable only to the current  
5 principal and accrued interest balance that remains at the  
6 time the repayment credit is earned. No loan recipient shall  
7 be reimbursed for previous cash payments of principal and  
8 interest.

9           (3) This section shall be implemented only as  
10 specifically funded.

11           Section 6. Subsection (7) of section 409.1451, Florida  
12 Statutes, is amended, present subsection (8) of that section  
13 is amended and redesignated as subsection (9), and a new  
14 subsection (8) is added to that section, to read:

15           409.1451 Independent living transition services.--

16           (7) INDEPENDENT LIVING SERVICES ~~INTEGRATION~~  
17 WORKGROUP.--The Secretary of Children and Family Services  
18 shall establish the independent living services ~~integration~~  
19 workgroup, which, at a minimum, shall include representatives  
20 from the Department of Children and Family Services, the  
21 Agency for Workforce Innovation, the Department of Education,  
22 the Agency for Health Care Administration, the State Youth  
23 Advisory Board, Workforce Florida, Inc., and foster parents.  
24 The workgroup shall assess the implementation and operation of  
25 the system of independent living transition services and  
26 advise the department on actions that would improve the  
27 ability of the independent living transition services to meet  
28 the established goals. The workgroup shall keep the department  
29 informed of problems being experienced with the services,  
30 barriers to the effective and efficient integration of  
31 services and support across systems, ~~for the transition of~~

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1 ~~older children in foster care to independent living, and~~  
2 successes that the system of independent living transition  
3 services has achieved. The department shall consider, but is  
4 not required to implement the recommendations of the  
5 workgroup. For the 2002-2003 and 2003-2004 fiscal years, the  
6 workgroup shall report to the appropriate substantive  
7 committees of the Senate and House of Representatives on the  
8 status of the implementation of the system of independent  
9 living transition services; efforts to publicize the  
10 availability of aftercare support services, the  
11 Road-to-Independence Scholarship Program, and transitional  
12 support services; specific barriers to financial aid created  
13 by the scholarship and possible solutions; the success of the  
14 services; problems identified; recommendations for department  
15 or legislative action; and the department's implementation of  
16 the recommendations contained in the Independent Living  
17 Services Integration Workgroup Report submitted to the Senate  
18 and the House substantive committees December 31, 2002. This  
19 workgroup report is to be submitted by December 31, 2003, and  
20 December 31, 2004, and shall be accompanied by a report from  
21 the department which identifies the recommendations of the  
22 workgroup and either describes the department's actions to  
23 implement these recommendations or provides the department's  
24 rationale for not implementing the recommendations. The  
25 ~~workgroup shall recommend methods to overcome these barriers~~  
26 ~~and shall ensure that the state plan for federal funding for~~  
27 ~~the independent living transition services includes these~~  
28 ~~recommendations. The workgroup shall report to appropriate~~  
29 ~~legislative committees of the Senate and the House of~~  
30 ~~Representatives by December 31, 2002. Specific issues and~~  
31 ~~recommendations to be addressed by the workgroup include:~~

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1 ~~(a) Enacting the Medicaid provision of the federal~~  
2 ~~Foster Care Independence Act of 1999, Pub. L. No. 106-169,~~  
3 ~~which allows young adults formerly in foster care to receive~~  
4 ~~medical coverage up to 21 years of age.~~

5 ~~(b) Extending the age of Medicaid coverage from 21 to~~  
6 ~~23 years of age for young adults formerly in foster care in~~  
7 ~~order to enable such youth to complete a postsecondary~~  
8 ~~education degree.~~

9 ~~(c) Encouraging the regional workforce boards to~~  
10 ~~provide priority employment and support for eligible foster~~  
11 ~~care participants receiving independent living transition~~  
12 ~~services.~~

13 ~~(d) Facilitating transfers between schools when~~  
14 ~~changes in foster care placements occur.~~

15 ~~(e) Identifying mechanisms to increase the legal~~  
16 ~~authority of foster parents and staff of the department or its~~  
17 ~~agent to provide for the age-appropriate care of older~~  
18 ~~children in foster care, including enrolling a child in~~  
19 ~~school, signing for a practice driver's license for the child~~  
20 ~~under s. 322.09(4), cosigning loans and insurance for the~~  
21 ~~child, signing for the child's medical treatment, and~~  
22 ~~authorizing other similar activities as appropriate.~~

23 ~~(f) Transferring the allowance of spending money that~~  
24 ~~is provided by the department each month directly to an older~~  
25 ~~child in the program through an electronic benefit transfer~~  
26 ~~program. The purpose of the transfer is to allow these~~  
27 ~~children to access and manage the allowance they receive in~~  
28 ~~order to learn responsibility and participate in~~  
29 ~~age-appropriate life skills activities.~~

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

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1 (8) PERSONAL PROPERTY.--Property acquired on behalf of  
2 clients of this program shall become the personal property of  
3 the clients and is not subject to the requirements of chapter  
4 273 relating to state-owned tangible personal property. Such  
5 property continues to be subject to applicable federal laws.

6 (9)~~(8)~~ RULEMAKING.--The department shall adopt by rule  
7 procedures to administer this section, including provision for  
8 the proportional reduction of scholarship awards when  
9 adequate funds are not available for all applicants. These  
10 rules shall balance the goals of normalcy and safety for the  
11 youth and provide the caregivers with as much flexibility as  
12 possible to enable the youth to participate in normal life  
13 experiences. The department shall engage in appropriate  
14 planning to prevent, to the extent possible, a reduction in  
15 scholarship awards after issuance.

16 Section 7. Paragraphs (a), (b), and (d) of subsection  
17 (1) of section 409.1671, Florida Statutes, are amended, new  
18 paragraphs (c) and (d) are added to subsection (1) and present  
19 paragraphs (c) through (k) of subsection (1) are redesignated  
20 as paragraphs (e) through (m), and subsections (3) and (4) of  
21 that section are amended, to read:

22 409.1671 Foster care and related services;  
23 privatization.--

24 (1)(a) It is the intent of the Legislature that the  
25 Department of Children and Family Services shall privatize the  
26 provision of foster care and related services statewide. It is  
27 further the Legislature's intent to encourage communities and  
28 other stakeholders in the well-being of children to  
29 participate in assuring that children are safe and  
30 well-nurtured. However, while recognizing that some local  
31 governments are presently funding portions of certain foster

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1 care and related services programs and may choose to expand  
2 such funding in the future, the Legislature does not intend by  
3 its privatization of foster care and related services that any  
4 county, municipality, or special district be required to  
5 assist in funding programs that previously have been funded by  
6 the state. Counties that provide children and family services  
7 with at least forty licensed residential group care beds by  
8 July 1, 2003, and provide at least \$2.0 million annually in  
9 county general revenue funds to supplement foster and family  
10 care services shall continue to contract directly with the  
11 state and shall be exempt from the provisions of this section.  
12 Nothing in this paragraph prohibits any county, municipality,  
13 or special district from future voluntary funding  
14 participation in foster care and related services. As used in  
15 this section, the term "privatize" means to contract with  
16 competent, community-based agencies. The department shall  
17 submit a plan to accomplish privatization statewide, through a  
18 competitive process, phased in over a 3-year period beginning  
19 January 1, 2000. This plan must be developed with local  
20 community participation, including, but not limited to, input  
21 from community-based providers that are currently under  
22 contract with the department to furnish community-based foster  
23 care and related services, and must include a methodology for  
24 determining and transferring all available funds, including  
25 federal funds that the provider is eligible for and agrees to  
26 earn and that portion of general revenue funds which is  
27 currently associated with the services that are being  
28 furnished under contract. The methodology must provide for the  
29 transfer of funds appropriated and budgeted for all services  
30 and programs that have been incorporated into the project,  
31 including all management, capital (including current furniture

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1 and equipment), and administrative funds to accomplish the  
2 transfer of these programs. This methodology must address  
3 expected workload and at least the 3 previous years'  
4 experience in expenses and workload. With respect to any  
5 district or portion of a district in which privatization  
6 cannot be accomplished within the 3-year timeframe, the  
7 department must clearly state in its plan the reasons the  
8 timeframe cannot be met and the efforts that should be made to  
9 remediate the obstacles, which may include alternatives to  
10 total privatization, such as public-private partnerships. As  
11 used in this section, the term "related services" includes,  
12 but is not limited to, family preservation, independent  
13 living, emergency shelter, residential group care, foster  
14 care, therapeutic foster care, intensive residential  
15 treatment, foster care supervision, case management,  
16 postplacement supervision, permanent foster care, and family  
17 reunification. Unless otherwise provided for, ~~beginning in~~  
18 ~~fiscal year 1999-2000, either the state attorney or the Office~~  
19 ~~of the Attorney General~~ shall provide child welfare legal  
20 services, pursuant to chapter 39 and other relevant  
21 provisions, in Sarasota, Pinellas, and Pasco, ~~Broward, and~~  
22 ~~Manatee~~ Counties. ~~Such legal services shall commence and be~~  
23 ~~effective, as soon as determined reasonably feasible by the~~  
24 ~~respective state attorney or the Office of the Attorney~~  
25 ~~General, after the privatization of associated programs and~~  
26 ~~child protective investigations has occurred.~~ When a private  
27 nonprofit agency has received case management  
28 responsibilities, transferred from the state under this  
29 section, for a child who is sheltered or found to be dependent  
30 and who is assigned to the care of the privatization project,  
31 the agency may act as the child's guardian for the purpose of

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1 registering the child in school if a parent or guardian of the  
2 child is unavailable and his or her whereabouts cannot  
3 reasonably be ascertained. The private nonprofit agency may  
4 also seek emergency medical attention for such a child, but  
5 only if a parent or guardian of the child is unavailable, his  
6 or her whereabouts cannot reasonably be ascertained, and a  
7 court order for such emergency medical services cannot be  
8 obtained because of the severity of the emergency or because  
9 it is after normal working hours. However, the provider may  
10 not consent to sterilization, abortion, or termination of life  
11 support. If a child's parents' rights have been terminated,  
12 the nonprofit agency shall act as guardian of the child in all  
13 circumstances.

14 (b) It is the intent of the Legislature that the  
15 department will continue to work towards full privatization in  
16 a manner that assures the viability of the community-based  
17 system of care and best provides for the safety of children in  
18 the child protection system. To this end, the department is  
19 directed to continue the process of privatizing services in  
20 those counties in which signed start-up contracts have been  
21 executed. The department may also continue to enter into  
22 start-up contracts with additional counties. However, no  
23 services shall be transferred to a community-based care lead  
24 agency until the department, in consultation with the local  
25 community alliance, has determined and certified in writing to  
26 the Governor and the Legislature that the district is prepared  
27 to transition the provision of services to the lead agency and  
28 that the lead agency is ready to deliver and be accountable  
29 for such service provision. In making this determination the  
30 Department shall conduct a readiness assessment of the  
31 district and the lead agency.

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

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

3 a. A set of uniform criteria, developed in consultation  
4 with currently operating community based care lead agencies  
5 and reflecting national accreditation standards, that evaluate  
6 programmatic, financial, technical assistance, training and  
7 organizational competencies; and

8 b. Local criteria reflective of the local community  
9 based care design and the community alliance priorities.

10 2. The readiness assessment shall be conducted by a  
11 joint team of district and lead agency staff with direct  
12 experience with the startup and operation of a community based  
13 care service program and representatives from the appropriate  
14 community alliance. Within resources available for this  
15 purpose, the department may secure outside audit expertise  
16 when necessary to assist a readiness assessment team.

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

20 4. Within 30 days following the exit conference with  
21 staff of each district and lead agency, the Secretary shall  
22 certify in writing to the Governor and Legislature that both  
23 the district and the lead agency are prepared to begin the  
24 transition of service provision based on the results of the  
25 readiness assessment and the exit conference. The document of  
26 certification must include specific evidence of readiness on  
27 each element of the readiness instrument utilized by the  
28 assessment team as well as a description of each element of  
29 readiness needing improvement and strategies being implemented  
30 to address each one.

31

1           (c) The Auditor General and the Office of Program  
2 Policy Analysis and Government Accountability (OPPAGA), in  
3 consultation with The Child Welfare League of America and the  
4 Louis de la Parte Florida Mental Health Institute, shall  
5 jointly review and assess the department's process for  
6 determining district and lead agency readiness.

7           1. The review must, at a minimum, address the  
8 appropriateness of the readiness criteria and instruments  
9 applied, the appropriateness of the qualifications of  
10 participants on each readiness assessment team, the degree to  
11 which the department accurately determined each district and  
12 lead agency's compliance with the readiness criteria, the  
13 quality of the technical assistance provided by the department  
14 to a lead agency in correcting any weaknesses identified in  
15 the readiness assessment, and the degree to which each lead  
16 agency overcame any identified weaknesses.

17           2. Reports of these reviews must be submitted to the  
18 appropriate substantive and appropriations committees in the  
19 Senate and House of Representatives on March 1 and September 1  
20 of each year until full transition to community-based care has  
21 been accomplished statewide, except that the first report must  
22 be submitted by February 1, 2004, and must address all  
23 readiness activities undertaken through June 30, 2003. The  
24 perspectives of all participants in this review process must  
25 be included in each report.

26           (d) In communities where economic or demographic  
27 constraints make it impossible or not feasible to  
28 competitively contract with a lead agency, the department  
29 shall develop an alternative plan in collaboration with the  
30 local community alliance, which may include establishing  
31 innovative geographical configurations or consortiums of

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1 agencies. The plan must detail how the community will continue  
2 to implement community-based care through competitively  
3 procuring either the specific components of foster care and  
4 related services or comprehensive services for defined  
5 eligible populations of children and families from qualified  
6 licensed agencies as part of its efforts to develop the local  
7 capacity for a community-based system of coordinated care. The  
8 plan must ensure local control over the management and  
9 administration of the service provision in accordance with the  
10 intent of this section and may include recognized best  
11 business practices, including some form of public or private  
12 partnerships.~~by initiating the competitive procurement~~  
13 ~~process in each county by January 1, 2003. In order to provide~~  
14 ~~for an adequate transition period to develop the necessary~~  
15 ~~administrative and service delivery capacity in each~~  
16 ~~community, the full transfer of all foster care and related~~  
17 ~~services must be completed statewide by December 31, 2004.~~

18 ~~(f)(d)1. If attempts to competitively procure services~~  
19 ~~through an eligible lead community-based provider as defined~~  
20 ~~in paragraph (c) do not produce a capable and willing agency,~~  
21 ~~the department shall develop a plan in collaboration with the~~  
22 ~~local community alliance. The plan must detail how the~~  
23 ~~community will continue to implement privatization, to be~~  
24 ~~accomplished by December 31, 2004, through competitively~~  
25 ~~procuring either the specific components of foster care and~~  
26 ~~related services or comprehensive services for defined~~  
27 ~~eligible populations of children and families from qualified~~  
28 ~~licensed agencies as part of its efforts to develop the local~~  
29 ~~capacity for a community-based system of coordinated care. The~~  
30 ~~plan must ensure local control over the management and~~  
31 ~~administration of the service provision in accordance with the~~

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1 ~~intent of this section and may include recognized best~~  
2 ~~business practices, including some form of public or private~~  
3 ~~partnerships. In the absence of a community alliance, the plan~~  
4 ~~must be submitted to the President of the Senate and the~~  
5 ~~Speaker of the House of Representatives for their comments.~~

6 1.2. The Legislature finds that the state has  
7 traditionally provided foster care services to children who  
8 have been the responsibility of the state. As such, foster  
9 children have not had the right to recover for injuries beyond  
10 the limitations specified in s. 768.28. The Legislature has  
11 determined that foster care and related services need to be  
12 privatized pursuant to this section and that the provision of  
13 such services is of paramount importance to the state. The  
14 purpose for such privatization is to increase the level of  
15 safety, security, and stability of children who are or become  
16 the responsibility of the state. One of the components  
17 necessary to secure a safe and stable environment for such  
18 children is that private providers maintain liability  
19 insurance. As such, insurance needs to be available and remain  
20 available to nongovernmental foster care and related services  
21 providers without the resources of such providers being  
22 significantly reduced by the cost of maintaining such  
23 insurance.

24 2.3. The Legislature further finds that, by requiring  
25 the following minimum levels of insurance, children in  
26 privatized foster care and related services will gain  
27 increased protection and rights of recovery in the event of  
28 injury than provided for in s. 768.28.

29 (3)(a) In order to help ensure a seamless child  
30 protection system, the department shall ensure that contracts  
31 entered into with community-based agencies pursuant to this

1 section include provisions for a case-transfer process to  
2 determine the date that the community-based agency will  
3 initiate the appropriate services for a child and family. This  
4 case-transfer process must clearly identify the closure of the  
5 protective investigation and the initiation of service  
6 provision. At the point of case transfer, and at the  
7 conclusion of an investigation, the department must provide a  
8 complete summary of the findings of the investigation to the  
9 community-based agency.

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

18 (c) The contract between the department and  
19 community-based agencies must include provisions that specify  
20 the procedures to be used by the parties to resolve  
21 differences in interpreting the contract or to resolve  
22 disputes as to the adequacy of the parties' compliance with  
23 their respective obligations under the contract.

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

28 (4)(a) The department shall establish a quality  
29 assurance program for privatized services. The quality  
30 assurance program shall be based on standards established by a  
31 national accrediting organization such as the Council on

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1 Accreditation of Services for Families and Children, Inc.  
2 (COA) or CARF--the Rehabilitation Accreditation Commission.  
3 The department may develop a request for proposal for such  
4 oversight. This program must be developed and administered at  
5 a statewide level. The Legislature intends that the department  
6 be permitted to have limited flexibility to use funds for  
7 improving quality assurance. To this end, ~~effective January 1,~~  
8 ~~2000,~~the department may transfer up to 0.125 percent of the  
9 total funds from categories used to pay for these  
10 contractually provided services, but the total amount of such  
11 transferred funds may not exceed \$300,000 in any fiscal year.  
12 When necessary, the department may establish, in accordance  
13 with s. 216.177, additional positions that will be exclusively  
14 devoted to these functions. Any positions required under this  
15 paragraph may be established, notwithstanding ss.  
16 216.262(1)(a) and 216.351. The department, in consultation  
17 with the community-based agencies that are undertaking the  
18 privatized projects, shall establish minimum thresholds for  
19 each component of service, consistent with standards  
20 established by the Legislature and the Federal Government.  
21 Each program operated under contract with a community-based  
22 agency must be evaluated annually by the department. The  
23 department shall, to the extent possible, use independent  
24 financial audits provided by the community-based care agency  
25 to eliminate or reduce the ongoing contract and administrative  
26 reviews conducted by the department. The department may  
27 suggest additional items to be included in such independent  
28 financial audits to meet the department's needs. Should the  
29 department determine that such independent financial audits  
30 are inadequate, then other audits, as necessary, may be  
31 conducted by the department. Nothing herein shall abrogate the

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1 requirements of s. 215.97.The department shall submit an  
2 annual report regarding quality performance, outcome measure  
3 attainment, and cost efficiency to the President of the  
4 Senate, the Speaker of the House of Representatives, the  
5 minority leader of each house of the Legislature, and the  
6 Governor no later than January 31 of each year for each  
7 project in operation during the preceding fiscal year.

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

11 Section 8. Section 409.16745, Florida Statutes, is  
12 amended to read:

13 409.16745 Community partnership matching grant  
14 program.--It is the intent of the Legislature to improve  
15 services and local participation in community-based care  
16 initiatives by fostering community support and providing  
17 enhanced prevention and in-home services, thereby reducing the  
18 risk otherwise faced by lead agencies. There is established a  
19 community partnership matching grant program to be operated by  
20 the Department of Children and Family Services for the purpose  
21 of encouraging local participation in community-based care for  
22 child welfare. Any children's services council or other local  
23 government entity that makes a financial commitment to a  
24 community-based care lead agency is eligible for a grant upon  
25 proof that the children's services council or local government  
26 entity has provided the selected lead agency at least \$250,000  
27 ~~\$825,000 in start up funds,~~from any local resources otherwise  
28 available to it. The total amount of local contribution may be  
29 matched on a two-for-one basis up to a maximum amount of \$2  
30 million per council or local government entity. Awarded  
31 matching grant funds may be used for any prevention or in-home

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1 services provided by the children's services council or other  
2 local government entity that meets  
3 temporary-assistance-for-needy-families' eligibility  
4 requirements and can be reasonably expected to reduce the  
5 number of children entering the child welfare system. To  
6 ensure necessary flexibility for the development, start up,  
7 and ongoing operation of community-based care initiatives, the  
8 notice period required for any budget action authorized by the  
9 provisions of s. 20.19(5)(b), is waived for the family safety  
10 program; however, the Department of Children and Family  
11 Services must provide copies of all such actions to the  
12 Executive Office of the Governor and Legislature within 72  
13 hours of their occurrence. Funding available for the matching  
14 grant program is subject to legislative appropriation of  
15 nonrecurring ~~temporary-assistance-for-needy-families~~ funds  
16 provided for the purpose.

17 Section 9. Subsection (3) of section 409.175, Florida  
18 Statutes, is amended to read:

19 409.175 Licensure of family foster homes, residential  
20 child-caring agencies, and child-placing agencies.--

21 (3)(a) The total number of children placed in each  
22 family foster home shall be based on the recommendation of the  
23 department, or the community-based care lead agency where one  
24 is providing foster care and related services, based on the  
25 needs of each child in care, the ability of the foster family  
26 to meet the individual needs of each child, including any  
27 adoptive or biological children living in the home, the amount  
28 of safe physical plant space, the ratio of active and  
29 appropriate adult supervision, and the background, experience,  
30 and skill of the family foster parents.

31

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1 (b) If the total number of children in a family foster  
2 home will exceed five, including the family's own children, an  
3 ~~a comprehensive behavioral health~~ assessment of each child to  
4 be placed in the home must be completed by a family services  
5 counselor and approved in writing by the counselor's  
6 supervisor prior to placement of any additional children in  
7 the home, except that, if the placement involves a child whose  
8 sibling is already in the home or a child who has been in  
9 placement in the home previously, the assessment must be  
10 completed within 72 hours after placement. The ~~comprehensive~~  
11 ~~behavioral health~~ assessment must ~~comply with Medicaid rules~~  
12 ~~and regulations,~~ assess and document the mental, physical, and  
13 psychosocial needs of the child, and recommend the maximum  
14 number of children in a family foster home that will allow the  
15 child's needs to be met.

16 (c) For any licensed family foster home, the  
17 appropriateness of the number of children in the home must be  
18 reassessed annually as part of the relicensure process. For a  
19 home with more than five children, if it is determined by the  
20 licensure study at the time of relicensure that the total  
21 number of children in the home is appropriate and that there  
22 have been no substantive licensure violations and no  
23 indications of child maltreatment or child-on-child sexual  
24 abuse within the past 12 months, the relicensure of the home  
25 shall not be denied based on the total number of children in  
26 the home.

27 Section 10. Section 409.953, Florida Statutes, is  
28 amended to read:

29 409.953 Rulemaking authority for refugee assistance  
30 program.--

31

ENROLLED

2003 Legislature CS for CS for SB 1454, 2nd Engrossed (ntc)

1           (1) The Department of Children and Family Services has  
2 the authority ~~shall adopt rules~~ to administer the ~~eligibility~~  
3 ~~requirements for the~~ refugee assistance program in accordance  
4 with 45 C.F.R. Part 400 and 401. The Department of Children  
5 and Family Services or a child-placing or child-caring agency  
6 designated by the department may petition in circuit court to  
7 establish custody. Upon making a finding that a child is an  
8 Unaccompanied Refugee Minor as defined in 45 C.F.R. Sec.  
9 400.111, the court may establish custody and placement of the  
10 child in the Unaccompanied Refugee Minor Program.

11           (2) The Department of Children and Family Services  
12 shall adopt any rules necessary for the implementation and  
13 administration of this section.

14           Section 11. Section 937.021, Florida Statutes, is  
15 amended to read:

16           937.021 Missing child reports.--

17           (1) Upon the filing of a police report that a child is  
18 missing by the parent or guardian, the law enforcement agency  
19 receiving the report ~~written notification~~ shall immediately  
20 inform all on-duty law enforcement officers of the existence  
21 of the missing child report, communicate the report to every  
22 other law enforcement agency having jurisdiction in the  
23 county, and transmit the report for inclusion within the  
24 Florida Crime Information Center computer.

25           (2) A police report that a child is missing may be  
26 filed with the law enforcement agency having jurisdiction in  
27 the county or municipality in which the child was last seen  
28 prior to the filing of the report, without regard to whether  
29 the child resides in or has any significant contacts with that  
30 county or municipality. The filing of such a report shall  
31

1 impose the duties specified in subsection (1) upon that law  
2 enforcement agency.

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

23           Section 13. This act shall take effect July 1, 2003.  
24  
25  
26  
27  
28  
29  
30  
31