



HB 1923

2003

1 A bill to be entitled

2 An act relating to the Department of Children and Family
3 Services; amending s. 39.202, F.S.; providing access to
4 reports and records in cases of child abuse or neglect to
5 additional persons; authorizing the Department of Children
6 and Family Services and specified law enforcement agencies
7 to release certain information when a child is under
8 investigation or supervision; providing an exception;
9 providing that persons releasing such information are not
10 subject to civil or criminal penalty for the release;
11 providing for an additional circumstance for release of
12 otherwise confidential records; amending s. 402.40, F.S.;
13 removing Tallahassee Community College as the sole
14 contract provider for child welfare training academies;
15 providing for development of core competencies; providing
16 for advanced training; requiring development of a
17 certification process by the department; modifying
18 requirements for the establishment of training academies;
19 providing for modification of child welfare training;
20 amending s. 409.1451, F.S.; redesignating the independent
21 living services integration workgroup as the independent
22 living services workgroup; providing duties for the
23 workgroup; requiring reports; deleting obsolete language;
24 providing that property acquired on behalf of clients
25 under the transition to the independent living program
26 shall become the personal property of the clients and is
27 not subject to the requirements of ch. 273, F.S., relating
28 to state-owned tangible personal property; amending s.
29 409.1671, F.S.; eliminating the timetable for total
30 privatization of foster care and related services;



HB 1923

2003

31 providing for the continuation of privatization in
32 counties with startup contracts; prohibiting the transfer
33 of further services to lead agencies prior to the
34 completion of a readiness assessment; requiring the
35 Auditor General and the Office of Program Policy Analysis
36 and Government Accountability, in consultation with the
37 Child Welfare League of America and the Louis de la Parte
38 Florida Mental Health Institute, shall jointly review and
39 assess the department's process for determining district
40 and lead agency readiness; amending s. 409.953, F.S.;
41 authorizing the Department of Children and Family Services
42 to administer the refugee assistance program; providing
43 for custody determination and placement of unaccompanied
44 refugee minors; amending s. 937.021, F.S.; providing for
45 the filing of police reports for missing children in the
46 county or municipality where the child was last seen;
47 providing for an evaluation of child welfare legal
48 services by the Office of Program Policy Analysis and
49 Government Accountability; providing an effective date.

50

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

52

53 Section 1. Section 39.202, Florida Statutes, is amended to
54 read:

55 39.202 Confidentiality of reports and records in cases of
56 child abuse or neglect.--

57 (1) In order to protect the rights of the child and the
58 child's parents or other persons responsible for the child's
59 welfare, all records held by the department concerning reports
60 of child abandonment, abuse, or neglect, including reports made



HB 1923

2003

61 to the central abuse hotline and all records generated as a
 62 result of such reports, shall be confidential and exempt from
 63 the provisions of s. 119.07(1) and shall not be disclosed except
 64 as specifically authorized by this chapter. Such exemption from
 65 s. 119.07(1) applies to information in the possession of those
 66 entities granted access as set forth in this section.

67 (2) Except as provided in subsection (4), access to such
 68 records, excluding the name of the reporter which shall be
 69 released only as provided in subsection (5) ~~(4)~~, shall be
 70 granted only to the following persons, officials, and agencies:

71 (a) Employees, authorized agents, or contract providers of
 72 the department, the Department of Health, or county agencies
 73 responsible for carrying out:

- 74 1. Child or adult protective investigations;
- 75 2. Ongoing child or adult protective services;
- 76 3. Healthy Start services; ~~or~~
- 77 4. Licensure or approval of adoptive homes, foster homes,
 78 or child care facilities, or family day care homes or informal
 79 child care providers who receive subsidized child care funding,
 80 or other homes used to provide for the care and welfare of
 81 children; or-

82 5. Services for victims of domestic violence when provided
 83 by certified domestic violence centers working at the
 84 department's request as case consultants or with shared clients.

85
 86 Also, employees or agents of the Department of Juvenile Justice
 87 responsible for the provision of services to children, pursuant
 88 to chapters 984 and 985.

89 (b) Criminal justice agencies of appropriate jurisdiction.



HB 1923

2003

90 (c) The state attorney of the judicial circuit in which
91 the child resides or in which the alleged abuse or neglect
92 occurred.

93 (d) The parent or legal custodian of any child who is
94 alleged to have been abused, abandoned, or neglected, and the
95 child, and their attorneys, including any attorney representing
96 a child in civil or criminal proceedings. This access shall be
97 made available no later than 30 days after the department
98 receives the initial report of abuse, neglect, or abandonment.
99 However, any information otherwise made confidential or exempt
100 by law shall not be released pursuant to this paragraph.

101 (e) Any person alleged in the report as having caused the
102 abuse, abandonment, or neglect of a child. This access shall be
103 made available no later than 30 days after the department
104 receives the initial report of abuse, abandonment, or neglect
105 and, when the alleged perpetrator is not a parent, shall be
106 limited to information involving the protective investigation
107 only and shall not include any information relating to
108 subsequent dependency proceedings. However, any information
109 otherwise made confidential or exempt by law shall not be
110 released pursuant to this paragraph.

111 (f) A court upon its finding that access to such records
112 may be necessary for the determination of an issue before the
113 court; however, such access shall be limited to inspection in
114 camera, unless the court determines that public disclosure of
115 the information contained therein is necessary for the
116 resolution of an issue then pending before it.

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



HB 1923

2003

120 (h) Any appropriate official of the department responsible
121 for:

122 1. Administration or supervision of the department's
123 program for the prevention, investigation, or treatment of child
124 abuse, abandonment, or neglect, or abuse, neglect, or
125 exploitation of a vulnerable adult, when carrying out his or her
126 official function;

127 2. Taking appropriate administrative action concerning an
128 employee of the department alleged to have perpetrated child
129 abuse, abandonment, or neglect, or abuse, neglect, or
130 exploitation of a vulnerable adult; or

131 3. Employing and continuing employment of personnel of the
132 department.

133 (i) Any person authorized by the department who is engaged
134 in the use of such records or information for bona fide
135 research, statistical, or audit purposes. Such individual or
136 entity shall enter into a privacy and security agreement with
137 the department and shall comply with all laws and rules
138 governing the use of such records and information for research
139 and statistical purposes. Information identifying the subjects
140 of such records or information shall be treated as confidential
141 by the researcher and shall not be released in any form.

142 (j) The Division of Administrative Hearings for purposes
143 of any administrative challenge.

144 (k) Any appropriate official of a Florida advocacy council
145 investigating a report of known or suspected child abuse,
146 abandonment, or neglect; the Auditor General or the Office of
147 Program Policy Analysis and Government Accountability for the
148 purpose of conducting audits or examinations pursuant to law; or
149 the guardian ad litem for the child.



HB 1923

2003

150 (1) Employees or agents of an agency of another state that
 151 has comparable jurisdiction to the jurisdiction described in
 152 paragraph (a).

153 (m) The Public Employees Relations Commission for the sole
 154 purpose of obtaining evidence for appeals filed pursuant to s.
 155 447.207. Records may be released only after deletion of all
 156 information which specifically identifies persons other than the
 157 employee.

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

160 (o) Any person in the event of the death of a child
 161 determined to be a result of abuse, abandonment, or neglect.
 162 Information identifying the person reporting abuse, abandonment,
 163 or neglect shall not be released. Any information otherwise made
 164 confidential or exempt by law shall not be released pursuant to
 165 this paragraph.

166 (p) Employees or agents of school boards, public schools,
 167 private schools, and charter schools, or other educational
 168 institutions.

169 (3) The department may release to professional persons
 170 such information as is necessary for the diagnosis and treatment
 171 of the child or the person perpetrating the abuse or neglect.

172 (4) Notwithstanding any other provision of law, when a
 173 child under investigation or supervision of the department or
 174 its contracted service providers is determined to be missing,
 175 the following shall apply:

176 (a) The department may release the following information
 177 to the public when it believes the release of the information is
 178 likely to assist efforts in locating the child or to promote the
 179 safety or well-being of the child:



HB 1923

2003

- 180 1. The name of the child and the child's date of birth.
- 181 2. A physical description of the child, including, at a
182 minimum, the height, weight, hair color, eye color, gender, and
183 any identifying physical characteristics of the child.
- 184 3. A photograph of the child.
- 185 (b) With the concurrence of the law enforcement agency
186 primarily responsible for investigating the incident, the
187 department may release any additional information it believes
188 likely to assist efforts in locating the child or to promote the
189 safety or well-being of the child.
- 190 (c) The law enforcement agency primarily responsible for
191 investigating the incident may release any information received
192 from the department regarding the investigation if it believes
193 the release of the information is likely to assist efforts in
194 locating the child or to promote the safety or well-being of the
195 child.
- 196
- 197 The good-faith publication or release of this information by the
198 department, a law enforcement agency, or any recipient of the
199 information as specifically authorized by this subsection shall
200 not subject the person, agency, or entity releasing the
201 information to any civil or criminal penalty. This subsection
202 does not authorize the release of the name of the reporter,
203 which may be released only as provided in subsection (5).
- 204 ~~(5)~~(4) The name of any person reporting child abuse,
205 abandonment, or neglect may not be released to any person other
206 than employees of the department responsible for child
207 protective services, the central abuse hotline, law enforcement,
208 the child protection team, or the appropriate state attorney,
209 without the written consent of the person reporting. This does



HB 1923

2003

210 not prohibit the subpoenaing of a person reporting child abuse,
211 abandonment, or neglect when deemed necessary by the court, the
212 state attorney, or the department, provided the fact that such
213 person made the report is not disclosed. Any person who reports
214 a case of child abuse or neglect may, at the time he or she
215 makes the report, request that the department notify him or her
216 that a child protective investigation occurred as a result of
217 the report. Any person specifically listed in s. 39.201(1) who
218 makes a report in his or her official capacity may also request
219 a written summary of the outcome of the investigation. The
220 department shall mail such a notice to the reporter within 10
221 days after completing the child protective investigation.

222 (6)~~(5)~~ All records and reports of the child protection
223 team of the Department of Health are confidential and exempt
224 from the provisions of ss. 119.07(1) and 456.057, and shall not
225 be disclosed, except, upon request, to the state attorney, law
226 enforcement, the department, and necessary professionals, in
227 furtherance of the treatment or additional evaluative needs of
228 the child, by order of the court, or to health plan payors,
229 limited to that information used for insurance reimbursement
230 purposes.

231 (7)~~(6)~~ The department shall make and keep reports and
232 records of all cases under this chapter relating to child abuse,
233 abandonment, and neglect and shall preserve the records
234 pertaining to a child and family until 7 years after the last
235 entry was made or until the child is 18 years of age, whichever
236 date is first reached, and may then destroy the records.
237 Department records required by this chapter relating to child
238 abuse, abandonment, and neglect may be inspected only upon order
239 of the court or as provided for in this section.



HB 1923

2003

240 ~~(8)~~(7) A person who knowingly or willfully makes public or
 241 discloses to any unauthorized person any confidential
 242 information contained in the central abuse hotline is subject to
 243 the penalty provisions of s. 39.205. This notice shall be
 244 prominently displayed on the first sheet of any documents
 245 released pursuant to this section.

246 Section 2. Section 402.40, Florida Statutes, is amended to
 247 read:

248 402.40 Child welfare training.--

249 (1) LEGISLATIVE INTENT.--In order to enable the state to
 250 provide a systematic approach to staff development and training
 251 for persons providing child welfare services ~~dependency program~~
 252 ~~staff~~ that will meet the needs of such staff in their discharge
 253 of duties, it is the intent of the Legislature that the
 254 Department of Children and Family Services establish, maintain,
 255 and oversee the operation of child welfare training academies in
 256 the state. The Legislature further intends that the staff
 257 development and training programs that are established will aid
 258 in the reduction of poor staff morale and of staff turnover,
 259 will positively impact on the quality of decisions made
 260 regarding children and families who require assistance from
 261 programs providing child welfare services ~~dependency programs~~,
 262 and will afford better quality care of children who must be
 263 removed from their families.

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

265 (a) "Child welfare services" ~~"Dependency program"~~ means
 266 any intake, protective investigation, preprotective services,
 267 protective services, foster care, shelter and group care, and
 268 adoption and related services program, including supportive
 269 services and supervision and legal services provided to children



HB 1923

2003

270 who are alleged to have been abused, abandoned, or neglected, or
 271 who are at risk of becoming, alleged to be, or who have been
 272 found dependent, pursuant to chapter 39 ~~whether operated by or~~
 273 ~~contracted by the department, providing intake, counseling,~~
 274 ~~supervision, or custody and care of children who are alleged to~~
 275 ~~be or who have been found to be dependent pursuant to chapter 39~~
 276 ~~or who have been identified as being at risk of becoming~~
 277 ~~dependent.~~

278 (b) "Person providing child welfare services" ~~"Dependency~~
 279 ~~program staff"~~ means the person with a responsibility for
 280 supervisory, legal, and direct care, or support-related work in
 281 the provision of child welfare services pursuant to chapter 39
 282 ~~staff of a dependency program as well as support staff who have~~
 283 ~~direct contact with children in a dependency program.~~

284 (3) CHILD WELFARE TRAINING PROGRAM.--The department shall
 285 establish a program for training pursuant to the provisions of
 286 this section, and all persons providing child welfare services
 287 ~~dependency program staff~~ shall be required to participate in and
 288 successfully complete the program of training pertinent to their
 289 areas of responsibility.

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

291 (a) There is created within the State Treasury a Child
 292 Welfare Training Trust Fund to be used by the Department of
 293 Children and Family Services for the purpose of funding a
 294 comprehensive system of child welfare training, including the
 295 securing of consultants to develop the system and the developing
 296 of child welfare training academies that include the
 297 participation of persons providing child welfare services
 298 ~~dependency program staff.~~



HB 1923

2003

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

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

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

310 (5) CORE COMPETENCIES.--

311 (a) The Department of Children and Family Services shall
312 establish the core competencies for a single integrated
313 preservice curriculum that ensures that each person delivering
314 child welfare services obtains the knowledge, skills, and
315 abilities to competently carry out his or her work
316 responsibilities. This preservice curriculum may be a
317 compilation of different development efforts based on specific
318 subsets of core competencies that are integrated for a
319 comprehensive preservice curriculum required in the provision of
320 child welfare services in this state.

321 (b) The identification of these core competencies shall be
322 a collaborative effort to include professionals with expertise
323 in child welfare services and providers that will be affected by
324 the curriculum, to include, but not be limited to,
325 representatives from the community-based care lead agencies,
326 sheriffs' offices conducting child protection investigations,
327 and child welfare legal services providers.

328 (c) Notwithstanding the provisions of s. 287.057(5) and



HB 1923

2003

329 (22), the department shall competitively bid and contract for
330 the development, validation, and periodic evaluation of the
331 training curricula for the established single integrated
332 preservice curriculum. No more than one training curriculum may
333 be developed for each specific subset of the core competencies.

334 (6) ADVANCED TRAINING.--The Department of Children and
335 Family Services shall annually examine the advanced training
336 that is needed by persons providing child welfare services in
337 the state. This examination shall address whether the current
338 advanced training provided should be continued and shall include
339 the development of plans for incorporating any revisions to the
340 advanced training determined necessary. This examination shall
341 be conducted in collaboration with professionals with expertise
342 in child welfare services and providers that will be affected by
343 the curriculum, to include, but not be limited to,
344 representatives from the community-based care lead agencies,
345 sheriffs' offices conducting child protection investigations,
346 and child welfare legal services providers.

347 (7) CERTIFICATION AND TRAINER QUALIFICATIONS.--The
348 department shall, in collaboration with the professionals and
349 providers described in paragraph (5)(b), develop minimum
350 standards for a certification process that ensures participants
351 have successfully attained the knowledge, skills, and abilities
352 necessary to competently carry out their work responsibilities
353 and shall develop minimum standards for trainer qualifications
354 that shall be required of training academies in the offering of
355 the training curricula. Any person providing child welfare
356 services shall be required to master the components of the
357 preservice curriculum that are particular to that person's work
358 responsibilities.



HB 1923

2003

359 (8)~~(5)~~ ESTABLISHMENT OF TRAINING ACADEMIES.--The
 360 department shall establish child welfare training academies as
 361 part of a comprehensive system of child welfare training. In
 362 establishing a program of training, the department may contract
 363 for the operation of one or more training academies to perform
 364 one or more of the following: to offer one or more of the
 365 training curricula developed pursuant to subsection (5); to
 366 administer the certification process; to develop, validate, and
 367 periodically evaluate additional training curricula determined
 368 necessary, including advanced training, that is specific to a
 369 region or contractor, or that meets a particular training need;
 370 or to offer the additional training curricula ~~with Tallahassee~~
 371 ~~Community College~~. The number, location, and timeframe for
 372 establishment of ~~additional~~ training academies shall be approved
 373 by the Secretary of Children and Family Services who shall
 374 ensure that the goals for the core competencies and the single
 375 integrated preservice curriculum, the certification process, the
 376 trainer qualifications, and the additional training needs are
 377 addressed. Notwithstanding the provisions of s. 287.057(5) and
 378 (22), the department shall seek competitive bids for all
 379 training academy contracts.

380 (9) MODIFICATION OF CHILD WELFARE TRAINING.--The core
 381 competencies determined pursuant to subsection (5) and the
 382 minimum standards for the certification process and for trainer
 383 qualifications established pursuant to subsection (7) must be
 384 submitted to the appropriate substantive committees of the
 385 Senate and the House of Representatives prior to entering into
 386 the competitive bid process for either the development,
 387 validation, or periodic evaluation of the training curricula or
 388 for the training academy contracts.



HB 1923

2003

389 (10)~~(6)~~ ADOPTION OF RULES.--The Department of Children and
 390 Family Services shall adopt rules necessary to carry out the
 391 provisions of this section.

392 Section 3. Subsection (7) of section 409.1451, Florida
 393 Statutes, is amended, a new subsection (8) is added to said
 394 section, and present subsection (8) is renumbered as subsection
 395 (9) and amended, to read:

396 409.1451 Independent living transition services.--

397 (7) INDEPENDENT LIVING SERVICES ~~INTEGRATION~~
 398 WORKGROUP.--The Secretary of Children and Family Services shall
 399 establish the independent living services ~~integration~~ workgroup,
 400 which, at a minimum, shall include representatives from the
 401 Department of Children and Family Services, the Agency for
 402 Workforce Innovation, the Department of Education, the Agency
 403 for Health Care Administration, the State Youth Advisory Board,
 404 Workforce Florida, Inc., and foster parents. The workgroup shall
 405 assess the implementation and operation of the system of
 406 independent living transition services and advise the department
 407 on actions that would improve the ability of the independent
 408 living transition services to meet the established goals. The
 409 workgroup shall keep the department informed of problems being
 410 experienced with the services, barriers to the effective and
 411 efficient integration of services, and support across systems,
 412 and successes that the system of independent living transition
 413 services has achieved. The department shall consider, but is not
 414 required to implement, the recommendations of the workgroup. For
 415 fiscal year 2002-2003 and 2003-2004, the workgroup shall report
 416 to the appropriate substantive committees of the Senate and the
 417 House of Representatives on the status of the implementation of
 418 the system of independent living transition services; efforts to



HB 1923

2003

419 publicize the availability of aftercare support services, the
420 Road-to-Independence Scholarship Program, and transitional
421 support services; specific barriers to financial aid created by
422 the scholarship and possible solutions; success of the services;
423 problems identified; recommendations for department or
424 legislative action; and the department's implementation of the
425 recommendations contained in the Independent Living Services
426 Integration Workgroup Report submitted to the Senate and the
427 House of Representatives substantive committees December 31,
428 2002. These workgroup reports shall be submitted by December 31,
429 2003, and December 31, 2004, and each shall be accompanied by a
430 report from the department which identifies the recommendations
431 of the workgroup and either describes the department's actions
432 to implement these recommendations or provides the department's
433 rationale for not implementing the recommendations for the
434 transition of older children in foster care to independent
435 living. The workgroup shall recommend methods to overcome these
436 barriers and shall ensure that the state plan for federal
437 funding for the independent living transition services includes
438 these recommendations. The workgroup shall report to appropriate
439 legislative committees of the Senate and the House of
440 Representatives by December 31, 2002. Specific issues and
441 recommendations to be addressed by the workgroup include:
442 (a) ~~Enacting the Medicaid provision of the federal Foster~~
443 ~~Care Independence Act of 1999, Pub. L. No. 106-169, which allows~~
444 ~~young adults formerly in foster care to receive medical coverage~~
445 ~~up to 21 years of age.~~
446 (b) ~~Extending the age of Medicaid coverage from 21 to 23~~
447 ~~years of age for young adults formerly in foster care in order~~



HB 1923

2003

448 ~~to enable such youth to complete a postsecondary education~~
 449 ~~degree.~~

450 ~~(c) Encouraging the regional workforce boards to provide~~
 451 ~~priority employment and support for eligible foster care~~
 452 ~~participants receiving independent living transition services.~~

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

455 ~~(e) Identifying mechanisms to increase the legal authority~~
 456 ~~of foster parents and staff of the department or its agent to~~
 457 ~~provide for the age-appropriate care of older children in foster~~
 458 ~~care, including enrolling a child in school, signing for a~~
 459 ~~practice driver's license for the child under s. 322.09(4),~~
 460 ~~co-signing loans and insurance for the child, signing for the~~
 461 ~~child's medical treatment, and authorizing other similar~~
 462 ~~activities as appropriate.~~

463 ~~(f) Transferring the allowance of spending money that is~~
 464 ~~provided by the department each month directly to an older child~~
 465 ~~in the program through an electronic benefit transfer program.~~
 466 ~~The purpose of the transfer is to allow these children to access~~
 467 ~~and manage the allowance they receive in order to learn~~
 468 ~~responsibility and participate in age-appropriate life skills~~
 469 ~~activities.~~

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

472 (8) PERSONAL PROPERTY.--Property acquired on behalf of
 473 clients under this program shall become the personal property of
 474 the clients and is not subject to the requirements of chapter
 475 273 relating to state-owned tangible personal property.

476 (9)(8) RULEMAKING.--The department shall adopt by rule
 477 procedures to administer this section, including provision for



HB 1923

2003

478 the proportional reduction of scholarship awards when adequate
479 funds are not available for all applicants. These rules shall
480 balance the goals of normalcy and safety for the youth and
481 provide the caregivers with as much flexibility as possible to
482 enable the youth to participate in normal life experiences. The
483 department shall engage in appropriate planning to prevent, to
484 the extent possible, a reduction in scholarship awards after
485 issuance.

486 Section 4. Paragraphs (b), (c), and (d) of subsection (1)
487 of section 409.1671, Florida Statutes, are amended to read:

488 409.1671 Foster care and related services;
489 privatization.--

490 (1)(b) It is the intent of the Legislature that the
491 department will continue to work towards full privatization in a
492 manner that ensures the viability of the community-based system
493 of care and best provides for the safety of children in the
494 child protection system. To this end, the department is directed
495 to continue the process of privatizing services in those
496 counties in which signed startup contracts have been executed.
497 The department may also continue to enter into startup contracts
498 with additional counties. However, no services shall be
499 transferred to a community-based care lead agency until the
500 department, in consultation with the local community alliance,
501 has determined and certified in writing to the Governor and
502 Legislature that the district is prepared to transition the
503 provision of services to the lead agency and that the lead
504 agency is ready to deliver and be accountable for such service
505 provision. In making this determination, the department shall
506 conduct a readiness assessment of the district and the lead
507 agency.



HB 1923

2003

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

510 a. A set of uniform criteria, developed in consultation
511 with currently operating community-based care lead agencies and
512 reflecting national accreditation standards, that evaluate
513 programmatic, financial, technical assistance, training, and
514 organizational competencies.

515 b. Local criteria reflective of the local community-based
516 care design and the community alliance priorities.

517 2. The readiness assessment shall be conducted by a joint
518 team of district and lead agency staff with direct experience
519 with the startup and operation of a community-based care service
520 program and representatives from the appropriate community
521 alliance. Within resources available for this purpose, the
522 department may secure outside audit expertise when necessary to
523 assist a readiness assessment team.

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

527 4. Within 30 days following the exit conference with staff
528 of each district and lead agency, the secretary shall certify in
529 writing to the Governor and Legislature that both the district
530 and the lead agency are prepared to begin the transition of
531 service provision based on the results of the readiness
532 assessment and the exit conference. The document of
533 certification must include specific evidence of readiness on
534 each element of the readiness instrument utilized by the
535 assessment team as well as a description of each element of
536 readiness needing improvement and strategies being implemented
537 to address each one.



HB 1923

2003

538 (c) The Auditor General and the Office of Program Policy
539 Analysis and Government Accountability, in consultation with the
540 Child Welfare League of America and the Louis de la Parte
541 Florida Mental Health Institute, shall jointly review and assess
542 the department's process for determining district and lead
543 agency readiness.

544 1. The review must, at a minimum, address the
545 appropriateness of the readiness criteria and instruments
546 applied, the appropriateness of the qualifications of
547 participants on each readiness assessment team, the degree to
548 which the department accurately determined each district and
549 lead agency's compliance with the readiness criteria, the
550 quality of the technical assistance provided by the department
551 to a lead agency in correcting any weaknesses identified in the
552 readiness assessment, and the degree to which each lead agency
553 overcame any identified weaknesses.

554 2. Reports of these reviews must be submitted to the
555 appropriate substantive and appropriations committees in the
556 Senate and the House of Representatives on March 1 and September
557 1 of each year until full transition to community-based care has
558 been accomplished statewide, except that the first report must
559 be submitted by February 1, 2004, and must address all readiness
560 activities undertaken through June 30, 2003. The perspectives of
561 all participants in this review process must be included in each
562 report.

563 (d) In communities where economic or demographic
564 constraints make it impossible or not feasible to competitively
565 contract with a lead agency, the department shall develop an
566 alternative plan in collaboration with the local community
567 alliance, which may include establishing innovative geographical



HB 1923

2003

568 configurations or consortiums of agencies. The plan must detail
569 how the community will continue to implement community-based
570 care through competitively procuring either the specific
571 components of foster care and related services or comprehensive
572 services for defined eligible populations of children and
573 families from qualified licensed agencies as part of its efforts
574 to develop the local capacity for a community-based system of
575 coordinated care. The plan must ensure local control over the
576 management and administration of the service provision in
577 accordance with the intent of this section and may include
578 recognized best business practices, including some form of
579 public or private partnerships ~~by initiating the competitive~~
580 ~~procurement process in each county by January 1, 2003. In order~~
581 ~~to provide for an adequate transition period to develop the~~
582 ~~necessary administrative and service delivery capacity in each~~
583 ~~community, the full transfer of all foster care and related~~
584 ~~services must be completed statewide by December 31, 2004.~~

585 (e)~~(e)~~ As used in this section, the term "eligible lead
586 community-based provider" means a single agency with which the
587 department shall contract for the provision of child protective
588 services in a community that is no smaller than a county. The
589 secretary of the department may authorize more than one eligible
590 lead community-based provider within a single county when to do
591 so will result in more effective delivery of foster care and
592 related services. To compete for a privatization project, such
593 agency must have:

594 1. The ability to coordinate, integrate, and manage all
595 child protective services in the designated community in
596 cooperation with child protective investigations.

597 2. The ability to ensure continuity of care from entry to



HB 1923

2003

598 exit for all children referred from the protective investigation
599 and court systems.

600 3. The ability to provide directly, or contract for
601 through a local network of providers, all necessary child
602 protective services.

603 4. The willingness to accept accountability for meeting
604 the outcomes and performance standards related to child
605 protective services established by the Legislature and the
606 Federal Government.

607 5. The capability and the willingness to serve all
608 children referred to it from the protective investigation and
609 court systems, regardless of the level of funding allocated to
610 the community by the state, provided all related funding is
611 transferred.

612 6. The willingness to ensure that each individual who
613 provides child protective services completes the training
614 required of child protective service workers by the Department
615 of Children and Family Services.

616 7. The ability to maintain eligibility to receive all
617 federal child welfare funds, including Title IV-E and IV-A
618 funds, currently being used by the Department of Children and
619 Family Services.

620 8. Written agreements with Healthy Families Florida lead
621 entities in their community, pursuant to s. 409.153, to promote
622 cooperative planning for the provision of prevention and
623 intervention services.

624 ~~(f)(d)1. If attempts to competitively procure services~~
625 ~~through an eligible lead community-based provider as defined in~~
626 ~~paragraph (c) do not produce a capable and willing agency, the~~
627 ~~department shall develop a plan in collaboration with the local~~



HB 1923

2003

628 ~~community alliance. The plan must detail how the community will~~
629 ~~continue to implement privatization, to be accomplished by~~
630 ~~December 31, 2004, through competitively procuring either the~~
631 ~~specific components of foster care and related services or~~
632 ~~comprehensive services for defined eligible populations of~~
633 ~~children and families from qualified licensed agencies as part~~
634 ~~of its efforts to develop the local capacity for a community-~~
635 ~~based system of coordinated care. The plan must ensure local~~
636 ~~control over the management and administration of the service~~
637 ~~provision in accordance with the intent of this section and may~~
638 ~~include recognized best business practices, including some form~~
639 ~~of public or private partnerships. In the absence of a community~~
640 ~~alliance, the plan must be submitted to the President of the~~
641 ~~Senate and the Speaker of the House of Representatives for their~~
642 ~~comments.~~

643 1.2. The Legislature finds that the state has
644 traditionally provided foster care services to children who have
645 been the responsibility of the state. As such, foster children
646 have not had the right to recover for injuries beyond the
647 limitations specified in s. 768.28. The Legislature has
648 determined that foster care and related services need to be
649 privatized pursuant to this section and that the provision of
650 such services is of paramount importance to the state. The
651 purpose for such privatization is to increase the level of
652 safety, security, and stability of children who are or become
653 the responsibility of the state. One of the components necessary
654 to secure a safe and stable environment for such children is
655 that private providers maintain liability insurance. As such,
656 insurance needs to be available and remain available to
657 nongovernmental foster care and related services providers



HB 1923

2003

658 without the resources of such providers being significantly
659 reduced by the cost of maintaining such insurance.

660 ~~2.3.~~ The Legislature further finds that, by requiring the
661 following minimum levels of insurance, children in privatized
662 foster care and related services will gain increased protection
663 and rights of recovery in the event of injury than provided for
664 in s. 768.28.

665 Section 5. Section 409.953, Florida Statutes, is amended
666 to read:

667 409.953 ~~Rulemaking authority for~~ Refugee assistance
668 program; rulemaking authority.--

669 (1) The Department of Children and Family Services has the
670 authority shall adopt rules to administer the eligibility
671 requirements for the refugee assistance program in accordance
672 with 45 C.F.R. Part 400 and 401. The Department of Children and
673 Family Services or a child-placing or child-caring agency
674 designated by the department may petition in circuit court to
675 establish custody and placement in the Unaccompanied Refugee
676 Minor Program for each unaccompanied refugee minor defined in 45
677 C.F.R. s. 400.111.

678 (2) The Department of Children and Family Services shall
679 adopt any rules necessary for the implementation and
680 administration of this section.

681 Section 6. Section 937.021, Florida Statutes, is amended
682 to read:

683 937.021 Missing child reports.--

684 (1) Upon the filing of a police report that a child is
685 missing by the parent or guardian, the law enforcement agency
686 receiving the report ~~written notification~~ shall immediately
687 inform all on-duty law enforcement officers of the existence of



HB 1923

2003

688 the missing child report, communicate the report to every other
689 law enforcement agency having jurisdiction in the county, and
690 transmit the report for inclusion within the Florida Crime
691 Information Center computer.

692 (2) A police report that a child is missing may be filed
693 with the law enforcement agency having jurisdiction in the
694 county or municipality in which the child was last seen prior to
695 the filing of the report, without regard to whether the child
696 resides in or has any significant contacts with that county or
697 municipality. The filing of such a report shall impose the
698 duties specified in subsection (1) upon that law enforcement
699 agency.

700 Section 7. The Office of Program Policy Analysis and
701 Government Accountability shall prepare an evaluation of child
702 welfare legal services to be submitted to the President of the
703 Senate, the Speaker of the House of Representatives, the
704 Governor, and the Chief Justice of the Supreme Court by December
705 31, 2003. The evaluation shall consider different models of
706 provision of legal services in dependency proceedings on behalf
707 of the state, including representation by other governmental,
708 for-profit, or not-for-profit entities, and include discussion
709 of the organizational placement on the cost and delivery of
710 providing these services; the organizational placement's effect
711 on communication between attorneys and caseworkers; the ability
712 to attract, retain, and provide professional development
713 opportunities for experienced attorneys; and the implications of
714 each model for the attorney's professional responsibilities.
715 Until directed otherwise by the Legislature, the department
716 shall maintain its current delivery system for the provision of
717 child welfare legal services.



HB 1923

2003

718

Section 8. This act shall take effect upon becoming a law.