

By the Committee on Children and Families; and Senator Lynn

300-2282-03

1 A bill to be entitled
2 An act relating to the Department of Children
3 and Family Services; amending s. 393.0661,
4 F.S.; requiring pilot programs to test the
5 redesign of developmental disabilities
6 services; providing for requirements for the
7 pilot programs; requiring a report to the
8 Legislature; deleting the requirement that the
9 redesigned system be fully implemented by July
10 1, 2003; deleting the requirements of the plan
11 pertaining to direct provider enrollment and
12 assessment of all clients; creating ss. 393.506
13 and 400.9685, F.S.; providing for certain
14 unlicensed staff to assist persons with
15 developmental disabilities to administer
16 certain prescription medications; providing the
17 conditions under which staff may assist with
18 medication; amending s. 402.310, F.S.;
19 authorizing the Department of Children and
20 Family Services or a local licensing agency to
21 deny, suspend, or revoke the license of a child
22 care facility, a licensed family day care home,
23 or a large family child care home and to deny,
24 suspend, or revoke the registration of a family
25 day care home following a violation of certain
26 laws or rules; amending s. 402.313, F.S.;
27 repealing the authority of the Department of
28 Children and Family Services or a local
29 licensing agency to impose an administrative
30 fine on a family day care home; requiring the
31 department to establish minimum safety

1 standards for licensed family day care homes;
2 repealing s. 402.3131(1)(a), F.S., relating to
3 the authority of the Department of Children and
4 Family Services or a local licensing agency to
5 impose an administrative fine on a large family
6 childcare home; amending s. 402.40, F.S.;
7 replacing the terms "dependency program" and
8 "dependency program staff" with the terms
9 "child welfare services" and "person who
10 delivers child welfare services," respectively;
11 defining those terms; redefining terms used in
12 the section; requiring the Department of
13 Children and Family Services to establish the
14 core competencies for a training curriculum;
15 requiring collaboration with experts and
16 providers; requiring each person who delivers
17 child welfare services to master particular
18 components of the training curriculum;
19 directing the department to competitively bid
20 the contracts for the training curriculum;
21 requiring the Department of Children and Family
22 Services to annually examine the advance
23 training needs for child welfare services;
24 requiring the department to develop minimum
25 standards for a certification process and
26 minimum standards for trainer qualifications;
27 deleting a requirement that the department
28 contract with Tallahassee Community College for
29 the operation of one or more training
30 academies; providing for the roles of the
31 training academies; directing the department to

1 competitively bid training academy contracts;
2 requiring the core competencies, standards for
3 a certification process, and standards for
4 trainer qualifications to be submitted to
5 legislative committees before entering into the
6 competitive bidding process; amending s.
7 409.1671, F.S.; deleting the requirement for a
8 plan; requiring the Governor's approval of the
9 department's methodology for transferring
10 funds; specifying that the term "related
11 services" includes adoption services; modifying
12 the schedule by which community-based care will
13 be implemented; requiring written certification
14 prior to transferring services; requiring an
15 evaluation and report to the Legislature;
16 deleting dates by which certain community-based
17 care activities must occur; amending s.
18 415.102, F.S.; redefining the terms "abuse,"
19 "neglect," and "vulnerable adult"; creating s.
20 415.1046, F.S.; providing the Department of
21 Children and Family Services with the authority
22 to contract for provision of adult protective
23 investigative services; stipulating the
24 requirements for sheriffs' offices to be
25 eligible to contract for provision of adult
26 protective investigative services; providing
27 for the contracting and funding for adult
28 protective investigative services; requiring
29 sheriff's employees to complete certain
30 training; stipulating minimum requirements for
31 the sheriffs' offices' operation of adult

1 protective investigations; requiring a program
2 performance evaluation; providing for an
3 evaluation by the Office of Program Policy and
4 Government Accountability of child welfare
5 legal services; requiring a report; directing
6 the department to continue its current delivery
7 of child welfare legal services until directed
8 otherwise by the Legislature; providing an
9 effective date.

10

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

12

13 Section 1. Section 393.0661, Florida Statutes, is
14 amended to read:

15 393.0661 Home and community-based services delivery
16 system; comprehensive redesign.--The Legislature finds that
17 the home and community-based services delivery system for
18 persons with developmental disabilities and the availability
19 of appropriated funds are two of the critical elements in
20 making services available. Therefore, it is the intent of the
21 Legislature that the Department of Children and Family
22 Services shall develop and implement a comprehensive redesign
23 of the system.

24 (1) The redesign shall include, at a minimum, all
25 actions necessary to achieve an appropriate rate structure,
26 client choice within a specified service package, appropriate
27 assessment strategies, an efficient billing process that
28 contains reconciliation and monitoring components, a redefined
29 role for support coordinators that avoids potential conflicts
30 of interest and mandates that support coordination be an

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1 optional service, and family/client budgets linked to levels
2 of need.

3 (2)(a) Before statewide implementation, the department
4 shall test the redesign, including all elements described in
5 subsection (1), in a pilot program to be implemented in one
6 small, one medium-sized, and one large district or region for
7 a period of at least 6 months beginning no later than August
8 1, 2003.

9 (b) Based on the Legislature's finding that a new
10 needs assessment tool will be the central component of the
11 redesigned system which will determine the services, supports
12 and funding each individual receives, the department may not
13 implement any other component of the redesign within any pilot
14 district until a new assessment tool has been developed and
15 administered to each individual who will be part of the pilot
16 program.

17 (c) The department shall submit to the Legislature a
18 report on the results of the pilot no later than February 15,
19 2004. The report must include the findings and
20 recommendations of an independent evaluation, secured by the
21 department and conducted by an organization other than the one
22 used to develop the system redesign. The independent
23 evaluation must assess, at a minimum, the impact of each
24 element of the redesign on consumer flexibility and choice,
25 service quality, service costs, consumer access to necessary
26 services, and consumer satisfaction.

27 (d) The department's report to the Legislature must
28 also include a validation of the needs assessment tool. In
29 addition, the department must assess and report on the
30 feasibility of contracting with an external vendor to apply
31 the new assessment tool to all clients receiving services

1 through the Medicaid waiver. In lieu of using an external
2 vendor, the department may recommend the use of support
3 coordinators for the assessments if it can develop sufficient
4 safeguards and training to significantly improve the
5 inter-rater reliability of the support coordinators
6 administering the assessment.

7 (e) The department must include as part of the report
8 to the Legislature a plan for implementing the redesign
9 statewide, including specific timeframes.

10 (f) Additional implementation or expansion of the
11 pilot or other implementation of the redesign may not occur
12 without specific legislative direction.~~Prior to the release~~
13 ~~of funds in the lump-sum appropriation, the department shall~~
14 ~~present a plan to the Executive Office of the Governor, the~~
15 ~~House Fiscal Responsibility Council, and the Senate~~
16 ~~Appropriations Committee. The plan must result in a full~~
17 ~~implementation of the redesigned system no later than July 1,~~
18 ~~2003. At a minimum, the plan must provide that the portions~~
19 ~~related to direct provider enrollment and billing will be~~
20 ~~operational no later than March 31, 2003. The plan must~~
21 ~~further provide that a more effective needs assessment~~
22 ~~instrument will be deployed by January 1, 2003, and that all~~
23 ~~clients will be assessed with this device by June 30, 2003.~~
24 ~~In no event may the department select an assessment instrument~~
25 ~~without appropriate evidence that it will be reliable and~~
26 ~~valid. Once such evidence has been obtained, however, the~~
27 ~~department shall determine the feasibility of contracting with~~
28 ~~an external vendor to apply the new assessment device to all~~
29 ~~clients receiving services through the Medicaid waiver. In~~
30 ~~lieu of using an external vendor, the department may use~~
31 ~~support coordinators for the assessments if it develops~~

1 ~~sufficient safeguards and training to significantly improve~~
2 ~~the inter-rater reliability of the support coordinators~~
3 ~~administering the assessment.~~

4 Section 2. Section 393.506, Florida Statutes, is
5 created to read:

6 393.506 Administration of medication.--

7 (1) Notwithstanding the provisions of part I of
8 chapter 464, the Nurse Practice Act, unlicensed staff
9 providing services to persons with developmental disabilities
10 may administer or assist a person receiving services with the
11 administration of oral, transdermal, inhaled, or topical
12 prescription medications as provided in this section.

13 (a) For noninstitutional community programs, the
14 director of the facility or program shall designate in writing
15 staff who are eligible to be trained to assist with the
16 administration of medication.

17 (b) For intermediate care facilities for the
18 developmentally disabled licensed pursuant to part XI of
19 chapter 400, unlicensed staff designated by the director may
20 provide medication assistance under the general supervision of
21 a registered nurse licensed pursuant to chapter 464.

22 (2) Each facility, institution, or program must
23 include in its policies and procedures a plan for training
24 designated staff to ensure the safe handling, storage, and
25 administration of prescription medication. These policies and
26 procedures must be approved by the department before staff
27 assist with medication.

28 (3) The policies and procedures must include, at a
29 minimum, the following provisions:

30 (a) An expressed and informed consent is required for
31 each client.

1 (b) The director of the facility, program, or provider
2 must maintain a copy of the written prescription, and that
3 prescription must include the name of the medication, the
4 dosage and administration schedule, the reason for the
5 prescription, and the termination date.

6 (c) Each prescribed medication shall be kept in its
7 original container and in a secure location.

8 (4) The training required in this section shall be
9 conducted by a registered nurse, licensed pursuant to chapter
10 464, or a physician, licensed pursuant to chapter 458 or
11 chapter 459.

12 Section 3. Section 400.9685, Florida Statutes, is
13 created to read:

14 400.9685 Administration of medication.--

15 (1) Notwithstanding the provisions of the Nurse
16 Practice Act, part I of chapter 464, unlicensed staff
17 providing services to persons with developmental disabilities
18 may administer or assist the person receiving services with
19 the administration of oral, transdermal, inhaled, or topical
20 prescription medications under the general supervision of a
21 registered nurse as provided in this section.

22 (2) Each facility must include in its policies and
23 procedures a plan for training designated staff to ensure the
24 safe handling, storage, and administration of prescription
25 medication. These policies and procedures must be approved by
26 the department before staff assist with medication.

27 (3) The policies and procedures must include, at a
28 minimum, the following provisions:

29 (a) An expressed and informed consent is required for
30 each client.

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1 (b) The director of the facility, program, or provider
2 must maintain a copy of the written prescription, and that
3 prescription must include the name of the medication, the
4 dosage and administration schedule, the reason for the
5 prescription, and the termination date.

6 (c) Each prescribed medication shall be kept in its
7 original container and in a secure location.

8 (4) The training required in this section shall be
9 conducted by a registered nurse licensed pursuant to chapter
10 464, or a physician licensed pursuant to chapter 458 or
11 chapter 459.

12 Section 4. Section 402.310, Florida Statutes, is
13 amended to read:

14 402.310 Disciplinary actions; hearings upon denial,
15 suspension, or revocation of license; administrative fines.--

16 (1)(a) The department or local licensing agency may
17 deny, suspend, or revoke a license of a child care facility, a
18 licensed family day care home, or a large family child care
19 home or the registration of a family day care home, or may
20 impose an administrative fine not to exceed \$100 per
21 violation, per day, for the violation of any provision of ss.
22 402.301-402.319 or rules adopted thereunder. However, where
23 the violation could or does cause death or serious harm, the
24 department or local licensing agency may impose an
25 administrative fine, not to exceed \$500 per violation per day.

26 (b) In determining the appropriate disciplinary action
27 to be taken for a violation as provided in paragraph (a), the
28 following factors shall be considered:

29 1. The severity of the violation, including the
30 probability that death or serious harm to the health or safety
31 of any person will result or has resulted, the severity of the

1 actual or potential harm, and the extent to which the
2 provisions of ss. 402.301-402.319 have been violated.

3 2. Actions taken by the licensee or registrant to
4 correct the violation or to remedy complaints.

5 3. Any previous violations of the licensee.

6 (2) When the department has reasonable cause to
7 believe that grounds for the denial, suspension, or revocation
8 of a license or registration or imposition of an
9 administrative fine exist, it shall determine the matter in
10 accordance with procedures prescribed in chapter 120. When
11 the local licensing agency has reasonable cause to believe
12 that grounds for the denial, suspension, or revocation of a
13 license or registration or imposition of an administrative
14 fine exist, it shall notify the applicant, registrant, or
15 licensee in writing, stating the grounds upon which the
16 license or registration is being denied, suspended, or revoked
17 or an administrative fine is being imposed. If the applicant,
18 registrant, or licensee makes no written request for a hearing
19 to the local licensing agency within 15 days after ~~from~~
20 receipt of such notice, the license or registration shall be
21 deemed denied, suspended, or revoked or an administrative fine
22 shall be imposed.

23 (3) If a request for a hearing is made to the local
24 licensing agency, a hearing shall be held within 30 days and
25 shall be conducted by an individual designated by the county
26 commission.

27 (4) An applicant, registrant, or licensee shall have
28 the right to appeal a decision of the local licensing agency
29 to a representative of the department. Any required hearing
30 shall be held in the county in which the child care facility
31

1 is being operated or is to be established. The hearing shall
2 be conducted in accordance with the provisions of chapter 120.

3 Section 5. Paragraph (b) of subsection (1) of section
4 402.313, Florida Statutes, is repealed, paragraphs (c) and (d)
5 of that subsection are redesignated as paragraphs (b) and (c),
6 respectively, and subsection (10) of that section is amended,
7 to read:

8 402.313 Family day care homes.--

9 (1) Family day care homes shall be licensed under this
10 act if they are presently being licensed under an existing
11 county licensing ordinance, if they are participating in the
12 subsidized child care program, or if the board of county
13 commissioners passes a resolution that family day care homes
14 be licensed. If no county authority exists for the licensing
15 of a family day care home, the department shall have the
16 authority to license family day care homes under contract for
17 the purchase-of-service system in the subsidized child care
18 program.

19 ~~(b) The department or local licensing agency may~~
20 ~~impose an administrative fine, not to exceed \$100, for failure~~
21 ~~to comply with licensure or registration requirements.~~

22 (b)(c) A family day care home not participating in the
23 subsidized child care program may volunteer to be licensed
24 under the provisions of this act.

25 (c)(d) The department may provide technical assistance
26 to counties and family day care home providers to enable
27 counties and family day care providers to achieve compliance
28 with family day care homes standards.

29 (10) The department shall, by rule, establish minimum
30 standards for family day care homes that are required to be
31 licensed by county licensing ordinance or county licensing

1 resolution or that voluntarily choose to be licensed. The
2 standards should include requirements for staffing, training,
3 maintenance of immunization records, minimum health and safety
4 standards, reduced standards for the regulation of child care
5 during evening hours ~~by municipalities and counties~~, and
6 enforcement of standards.

7 Section 6. Paragraph (a) of subsection (1) of section
8 402.3131, Florida Statutes, is repealed.

9 Section 7. Section 402.40, Florida Statutes, is
10 amended to read:

11 402.40 Child welfare training.--

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

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

29 (a) "Child welfare services" ~~"Dependency program"~~
30 means any intake, protective investigations, preprotective
31 services, protective services, foster care, shelter and group

1 care, and adoption and related services program, including
2 supportive services, supervision, and legal services, provided
3 to children who are alleged to have been maltreated or who are
4 at risk of becoming, are alleged to be, or have been found
5 dependent pursuant to chapter 39 ~~whether operated by or~~
6 ~~contracted by the department, providing intake, counseling,~~
7 ~~supervision, or custody and care of children who are alleged~~
8 ~~to be or who have been found to be dependent pursuant to~~
9 ~~chapter 39 or who have been identified as being at risk of~~
10 ~~becoming dependent.~~

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

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

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

25 (a) There is created within the State Treasury a Child
26 Welfare Training Trust Fund to be used by the Department of
27 Children and Family Services for the purpose of funding a
28 comprehensive system of child welfare training, including the
29 securing of consultants to develop the system and the
30 developing of child welfare training academies that include
31

1 the participation of persons who deliver child welfare
2 services ~~dependency program staff.~~

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

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

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

15 (5) CORE COMPETENCIES.--

16 (a) The Department of Children and Family Services
17 shall establish the core competencies for a single integrated
18 preservice curriculum that ensures that every person who
19 delivers child welfare services possesses the knowledge,
20 skills, and abilities to competently carry out his or her work
21 responsibilities. This identification of core competencies
22 must be developed in collaboration with representatives of
23 professionals who have expertise in child welfare services and
24 providers that will be affected by the curriculum, to include,
25 but not be limited to, representatives from the
26 community-based care lead agencies, sheriffs' offices
27 conducting child protection investigations, and child welfare
28 legal services providers.

29 (b) The single integrated preservice curriculum to be
30 developed based on the core competencies established by the
31 department may be a compilation of different curriculum

1 development efforts based on specific subsets of core
2 competencies which are integrated for a comprehensive
3 preservice curriculum required in delivering child welfare
4 services in this state. Each person who delivers child welfare
5 services shall master the components of the preservice
6 curriculum which are particular to that person's work
7 responsibilities.

8 (c) Notwithstanding s. 287.057(5) and (22), the
9 department shall competitively bid and contract for the
10 development, validation, and periodic evaluation of the
11 training curricula for the established single integrated
12 preservice curriculum. Only one training curriculum may be
13 developed for each specific subset of the core competencies.

14 (6) ADVANCED TRAINING.--The Department of Children and
15 Family Services shall annually examine the advanced training
16 that is needed by persons who deliver child welfare services
17 in the state. This examination must address whether the
18 advanced training that is currently provided should be
19 continued and must include the development of plans for
20 incorporating any revisions to the advanced training which are
21 determined to be necessary. This examination must be
22 conducted in collaboration with representatives of
23 professionals who have expertise in child welfare services and
24 providers that will be affected by the curriculum, to include,
25 but not be limited to, representatives from the
26 community-based care lead agencies, sheriffs' offices
27 conducting child protection investigations, and child welfare
28 legal services providers.

29 (7) CERTIFICATION AND TRAINER QUALIFICATIONS.--The
30 department shall, in collaboration with the representatives of
31 the professionals and providers described in subsection (5),

1 develop minimum standards for a certification process that
2 ensures that participants have successfully attained the
3 knowledge, skills, and abilities necessary to competently
4 carry out their work responsibilities and shall develop
5 minimum standards for trainer qualifications which must be
6 required of training academies in the offering of the training
7 curricula.

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

1 ~~(9)(6)~~ ADOPTION OF RULES.--The Department of Children
2 and Family Services shall adopt rules necessary to carry out
3 the provisions of this section.

4 (10) MODIFICATION OF CHILD WELFARE TRAINING.--The core
5 competencies to be established for the single integrated
6 preservice curriculum as provided for in subsection (5), the
7 minimum standards for a certification process as provided for
8 in subsection (7), and the minimum standards for trainer
9 qualifications as provided for in subsection (7) must be
10 submitted to the appropriate substantive committees of the
11 Senate and the House of Representatives before entering into
12 the competitive bid process for either the development,
13 validation, or periodic evaluation of the training curricula
14 or for the training academy contracts.

15 Section 8. Paragraphs (a) and (b) of subsection (1) of
16 section 409.1671, Florida Statutes, are amended to read:

17 409.1671 Foster care and related services;
18 privatization.--

19 (1)(a) It is the intent of the Legislature that the
20 Department of Children and Family Services shall privatize the
21 provision of foster care and related services statewide. It is
22 further the Legislature's intent to encourage communities and
23 other stakeholders in the well-being of children to
24 participate in assuring that children are safe and
25 well-nurtured. However, while recognizing that some local
26 governments are presently funding portions of certain foster
27 care and related services programs and may choose to expand
28 such funding in the future, the Legislature does not intend by
29 its privatization of foster care and related services that any
30 county, municipality, or special district be required to
31 assist in funding programs that previously have been funded by

1 the state. Nothing in this paragraph prohibits any county,
2 municipality, or special district from future voluntary
3 funding participation in foster care and related services. As
4 used in this section, the term "privatize" means to contract
5 with competent, community-based agencies. The department must
6 develop and the Governor must approve ~~The department shall~~
7 ~~submit a plan to accomplish privatization statewide, through a~~
8 ~~competitive process, phased in over a 3-year period beginning~~
9 ~~January 1, 2000. This plan must be developed with local~~
10 ~~community participation, including, but not limited to, input~~
11 ~~from community-based providers that are currently under~~
12 ~~contract with the department to furnish community-based foster~~
13 ~~care and related services, and must include a methodology for~~
14 determining and transferring all available funds, including
15 federal funds that the provider is eligible for and agrees to
16 earn and that portion of general revenue funds which is
17 currently associated with the services that are being
18 furnished under contract. The methodology must provide for the
19 transfer of funds appropriated and budgeted for all services
20 and programs that have been incorporated into the
21 community-based care project, including all management,
22 capital (including current furniture and equipment), and
23 administrative funds to accomplish the transfer of these
24 programs. This methodology must address expected workload and
25 at least the 3 previous years' experience in expenses and
26 workload. ~~With respect to any district or portion of a~~
27 ~~district in which privatization cannot be accomplished within~~
28 ~~the 3-year timeframe, the department must clearly state in its~~
29 ~~plan the reasons the timeframe cannot be met and the efforts~~
30 ~~that should be made to remediate the obstacles, which may~~
31 ~~include alternatives to total privatization, such as~~

1 ~~public-private partnerships.~~As used in this section, the term
2 "related services" includes, but is not limited to, family
3 preservation, independent living, emergency shelter,
4 residential group care, foster care, therapeutic foster care,
5 intensive residential treatment, foster care supervision, case
6 management, postplacement supervision, permanent foster care,
7 and family reunification, and adoption services. ~~Unless~~
8 ~~otherwise provided for, beginning in fiscal year 1999-2000,~~
9 ~~either the state attorney or the Office of the Attorney~~
10 ~~General shall provide child welfare legal services, pursuant~~
11 ~~to chapter 39 and other relevant provisions, in Sarasota,~~
12 ~~Pinellas, Pasco, Broward, and Manatee Counties. Such legal~~
13 ~~services shall commence and be effective, as soon as~~
14 ~~determined reasonably feasible by the respective state~~
15 ~~attorney or the Office of the Attorney General, after the~~
16 ~~privatization of associated programs and child protective~~
17 ~~investigations has occurred.~~When a private nonprofit agency
18 has received case management responsibilities, transferred
19 from the state under this section, for a child who is
20 sheltered or found to be dependent and who is assigned to the
21 care of the privatization project, the agency may act as the
22 child's guardian for the purpose of registering the child in
23 school if a parent or guardian of the child is unavailable and
24 his or her whereabouts cannot reasonably be ascertained. The
25 private nonprofit agency may also seek emergency medical
26 attention for such a child, but only if a parent or guardian
27 of the child is unavailable, his or her whereabouts cannot
28 reasonably be ascertained, and a court order for such
29 emergency medical services cannot be obtained because of the
30 severity of the emergency or because it is after normal
31 working hours. However, the provider may not consent to

1 sterilization, abortion, or termination of life support. If a
2 child's parents' rights have been terminated, the nonprofit
3 agency shall act as guardian of the child in all
4 circumstances.

5 (b) It is the intent of the Legislature that the
6 department will continue to work towards full privatization in
7 a manner that assures the viability of the community-based
8 system and best provides for the safety of children in the
9 child protection system.

10 1. To that end, the department is directed to continue
11 the process of privatizing services in those counties that
12 have signed startup contracts in place on or before May 1,
13 2003. However, services may not be transferred to a
14 community-based care lead agency until the department and the
15 local community alliance have certified in writing that the
16 lead agency is fully competent programmatically, financially,
17 and otherwise competent and ready to deliver and be
18 accountable for those services.

19 a. To assist them in making this determination of
20 readiness, the department and community alliance jointly shall
21 designate a technical assistance team that includes, but is
22 not limited to, experienced staff from successfully operating
23 lead agencies.

24 b. The elements to be considered in determining
25 readiness must include a set of uniform criteria to be applied
26 in each location, as well as criteria that acknowledge
27 differences between rural and urban counties, and must be
28 incorporated into a plan for assessing and certifying the
29 readiness of community-based care lead agencies to be
30 developed by the department and submitted to the Governor, the
31 President of the Senate, and the Speaker of the House of

1 Representatives no later than October 1, 2003. Each community
2 alliance may add elements that address unique and critical
3 issues within that community to the plan for determining
4 readiness developed by the department.

5 c. Written certification must be provided to the
6 Governor, the President of the Senate, and the Speaker of the
7 House of Representatives before any services may be
8 transferred from the department to the lead agency.

9 2. A startup contract for community-based care may not
10 be entered into with any lead agency after May 1, 2003,
11 without specific statutory direction. In time for the
12 Legislature's consideration during the 2005 session, the
13 Executive Office of the Governor must secure an independent
14 evaluation of the status of community-based care in this
15 state, to include, at a minimum:

16 a. A determination of the specific benefits the
17 initiative has yielded for dependent children and their
18 families and a determination of any weaknesses in the
19 initiative that have not been beneficial;

20 b. An analysis of the cost effectiveness of
21 community-based care;

22 c. An assessment of the programmatic and financial
23 viability of each lead agency;

24 d. A determination of how accessibility of services
25 has been affected by the various community-based care models;
26 and

27 e. An assessment of the relationship between each lead
28 agency and its key community stakeholders such as law
29 enforcement agencies, the courts, the department, other
30 community providers, and the Community Alliance.

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1 A report on the evaluation, including any recommendations for
2 modifying the statutory direction for community-based care; an
3 analysis of those locations where implementing alternatives to
4 the lead agency model, such as public-private partnerships,
5 would be advisable; and specific recommendations for further
6 implementation in the state's remaining counties is to be
7 submitted by the Executive Office of the Governor to the
8 President of the Senate and the Speaker of the House of
9 Representatives by January 31, 2005.~~by initiating the~~
10 ~~competitive procurement process in each county by January 1,~~
11 ~~2003. In order to provide for an adequate transition period to~~
12 ~~develop the necessary administrative and service delivery~~
13 ~~capacity in each community, the full transfer of all foster~~
14 ~~care and related services must be completed statewide by~~
15 ~~December 31, 2004.~~

16 Section 9. Subsections (1), (15), and (26) of section
17 415.102, Florida Statutes, are amended to read:

18 415.102 Definitions of terms used in ss.

19 415.101-415.113.--As used in ss. 415.101-415.113, the term:

20 (1) "Abuse" means any willful act or threatened act by
21 a caregiver that causes or is likely to cause significant
22 impairment to a vulnerable adult's physical, mental, or
23 emotional health. Abuse includes acts and omissions.

24 (15) "Neglect" means the failure or omission on the
25 part of the caregiver or vulnerable adult to provide the care,
26 supervision, and services necessary to maintain the physical
27 and mental health of the vulnerable adult, including, but not
28 limited to, food, clothing, medicine, shelter, supervision,
29 and medical services, that a prudent person would consider
30 essential for the well-being of a vulnerable adult. The term
31 "neglect" also means the failure of a caregiver or vulnerable

1 adult to make a reasonable effort to protect a vulnerable
2 adult from abuse, neglect, or exploitation by others.
3 "Neglect" is repeated conduct or a single incident of
4 carelessness which produces or could reasonably be expected to
5 result in serious physical or psychological injury or a
6 substantial risk of death.

7 (26) "Vulnerable adult" means a person 18 years of age
8 or older whose ability to perform the normal activities of
9 daily living or to provide for his or her own care or
10 protection is impaired due to a mental, emotional, physical,
11 or developmental disability or dysfunctioning, or brain
12 damage, or the infirmities of aging. Vulnerable adult does not
13 include an individual with temporary impairment due to acute
14 illness or injury resulting in or arising out of
15 hospitalization.

16 Section 10. Section 415.1046, Florida Statutes, is
17 created to read:

18 415.1046 Department authorization to contract for the
19 provision of adult protective investigative services;
20 procedures; funding.--

21 (1) As described in this section, the department may
22 contract for the performance of adult protective
23 investigations of alleged acts of exploitation with a
24 sheriff's office that is deemed eligible as stipulated in
25 subsection (2). The department and eligible sheriffs' offices
26 may enter into a contract for the provision of adult
27 protective investigation services of adult exploitation that
28 is alleged to have occurred in the county of the respective
29 sheriff. Such contracts may not include adult abuse and
30 neglect cases.

31

1 (2) A sheriff's office is eligible to contract with
2 the department for the provision of adult protective
3 investigation services if:

4 (a) The sheriff's office has been responsible for the
5 provision of child protective investigation services, pursuant
6 to s. 39.3065, for a minimum of 2 years; and

7 (b) The annual program performance evaluation
8 conducted pursuant to s. 39.3065(3)(d), has determined that
9 the sheriff's office is satisfactorily performing child
10 protective investigations.

11 (3) During the first year in which a sheriff's office
12 contracts with the department for provision of adult
13 protective investigation services, the funding associated with
14 the provision of the services to be furnished, including, but
15 not limited to, funding for appropriate investigative,
16 supervisory, and clerical positions; training; associated
17 equipment; furnishings; and other fixed capital items, must be
18 transferred from the department's budget to the sheriff's
19 office. In subsequent years, funding for providing the adult
20 protective investigative services must be identified for each
21 sheriff's office entering into a contract in the annual
22 appropriation made to the department, and the department shall
23 contract with each respective sheriff's office for the full
24 amount identified. Notwithstanding ss. 216.181(16)(b) and
25 216.351, the department may advance payments to the sheriffs'
26 offices for adult protective investigation services. Funds
27 for the adult protective investigations may not be integrated
28 into the sheriffs' regular budgets. Budgetary data and other
29 data relating to the performance of adult protective
30 investigations must be maintained separately from all other
31

1 records of the sheriffs' offices and reported to the
2 department as specified in the contract.

3 (4) Each employee of the sheriffs' offices who
4 provides these services must complete the training provided to
5 and required of the adult protective investigators employed by
6 the department.

7 (5) The sheriffs' offices under contract with the
8 department shall operate, at a minimum, in accordance with the
9 performance standards and outcome measures established by the
10 Legislature for adult protective investigations conducted by
11 the department.

12 (6) A program performance evaluation shall be
13 conducted of the adult protective investigations performed by
14 each of the sheriffs' offices entering into contract with the
15 department. This program performance evaluation shall be
16 conducted in the same manner as the program performance
17 evaluation for child protective investigations stipulated in
18 s. 39.3065(3)(d), and shall be incorporated into the annual
19 report required pursuant to s. 39.3065(3)(d).

20 Section 11. The Office of Program Policy and
21 Government Accountability shall prepare an evaluation of child
22 welfare legal services to be submitted to the Governor, the
23 President of the Senate, the Speaker of the House of
24 Representatives, and the Chief Justice of the Supreme Court by
25 December 31, 2003. The evaluation must consider the different
26 models of provision of legal services in dependency
27 proceedings on behalf of the state, including representation
28 by other governments, for-profit, or not-for-profit entities,
29 and must include discussion of the organizational placement on
30 the cost and delivery of providing these services; the
31 organizational placement's effect on communication between

1 attorneys and caseworkers; the ability to attract, retain, and
2 provide professional development opportunities for experienced
3 attorneys; and the implications of each model for the
4 attorney's professional responsibilities. After receiving the
5 report of this evaluation and until directed otherwise by the
6 Legislature, the department shall maintain its current
7 delivery system for child welfare legal services.

8 Section 12. This act shall take effect July 1, 2003.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 2568
4

5 Deletes the stipulation that the Department of Children and
6 Families may contract directly or purchase child welfare legal
7 services from public or private legal services entities.
8 Deletes the department's authorization to provide funds to
9 either the Community-Based Care Lead Agencies or the sheriffs'
10 offices for child welfare legal services. Deletes the
11 direction to the department to contract with the State
12 Attorney or Office of Attorney General for provision of legal
13 services in certain counties. Directs the Office of Program
14 Policy and Government Accountability to evaluate the system
15 for providing child welfare legal services with a report to be
16 submitted to the Legislature, Governor, and Chief Justice of
17 the Supreme Court. Directs the department to maintain its
18 current system for providing legal services until directed by
19 the Legislature.

20 Deletes the requirements relative to the implementation of the
21 redesign for the developmental disability home and community
22 based services delivery system and replaces these provisions
23 with a requirement for the Department of Children and Families
24 to test the redesign in three districts. Requires a report on
25 the results of the pilot, an assessment of the impact of the
26 redesign, an examination relative to applying the assessment
27 tool, and a plan for statewide implementation of the redesign
28 by February 15, 2004. Prohibits expansion of the pilots or
29 implementation of the redesign without specific legislative
30 action.

31 Authorizes the Department of Children and Families to deny,
suspend, or revoke the registration of family day care homes.
Deletes conflicting provisions relative to the imposition of
administrative fines. Authorizes the department to develop
safety requirements for licensure of family day care homes.

Modifies direction for the development and provision of
training to child welfare staff.

Deletes the date by which Community-Based Care must be in
place statewide. Directs the department to continue
privatizing services only in certain counties and only upon
certification of the Lead Agency's readiness. Limits execution
of any additional start-up contracts. Directs the Governor to
secure an independent evaluation of Community-Based Care with
a report to the Legislature.

Provides statutory authority for non-licensed staff to
administer or assist with the administration of medications to
persons with developmental disabilities.

Removes from the bill the provision limiting exploitation for
the purposes of adult protective services to acts committed by
caregivers.

Excludes individuals with temporary impairments due to acute
illness or injury resulting in or arising out of

1 hospitalization for the purposes of adult protective services
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