



HB 0475

2003
CS

CHAMBER ACTION

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6 The Committee on Future of Florida's Families recommends the
7 following:

Committee Substitute

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10 Remove the entire bill and insert:

11 A bill to be entitled

12 An act relating to community-based social services
13 initiatives; creating s. 402.401, F.S.; creating the Child
14 Welfare Student Loan Forgiveness Program; providing for
15 eligibility requirements; providing terms of repayment;
16 creating s. 409.033, F.S.; providing legislative intent
17 that local government matching funds shall be used to the
18 extent possible to match federal funding where state
19 funding is inadequate to use such federal funding;
20 requiring agencies to create plans to utilize local
21 matching funds; making participation by local governments
22 voluntary; requiring reports; amending s. 409.1671, F.S.;
23 providing a definition; authorizing the transfer of funds
24 for child welfare legal services to community-based
25 providers; deleting the requirement for contracts for
26 legal services in certain counties; requiring certain
27 actions by a technical assistance team prior to a lead
28 community-based provider services contract being signed;



HB 0475

2003
CS

29 deleting certain termination of services notice
30 requirements; requiring the payment of certain
31 administrative costs incurred by lead community-based
32 providers; deleting an obsolete effective date; providing
33 for independent financial audits; amending s. 409.16745,
34 F.S.; changing eligibility requirements for participation
35 in the community partnership matching grant program;
36 amending s. 409.175, F.S.; providing for an assessment by
37 a family services counselor and approval by a supervisor,
38 rather than a comprehensive behavioral health assessment,
39 of children in certain family foster homes; providing an
40 effective date.

41

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

43

44 Section 1. Section 402.401, Florida Statutes, is created
45 to read:

46 402.401 Florida Child Welfare Student Loan Forgiveness
47 Program.--

48 (1) There is created the Florida Child Welfare Student
49 Loan Forgiveness Program to be administered by the Department of
50 Education. The program shall provide loan assistance to eligible
51 students for upper-division undergraduate and graduate study.
52 The primary purpose of the program is to attract capable and
53 promising students to the child welfare profession, increase
54 employment and retention of individuals who are working towards
55 or who have received either a bachelor's degree or a master's
56 degree in social work, and provide opportunities for persons



HB 0475

2003
CS

57 making midcareer decisions to enter the child welfare
58 profession. The State Board of Education shall adopt rules
59 necessary to administer the program.

60 (2)(a) To be eligible for a program loan, a candidate
61 shall:

62 1. Be a full-time student at the upper-division
63 undergraduate or graduate level in a social work program
64 approved by the Council on Social Work leading to either a
65 bachelor's degree or a master's degree in social work.

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

71 3. If applying for an undergraduate forgivable loan, have
72 maintained a minimum cumulative grade point average of at least
73 a 2.5 on a 4.0 scale for all undergraduate work. Renewal
74 applicants for undergraduate loans shall have maintained a
75 minimum cumulative grade point average of at least a 2.5 on a
76 4.0 scale for all undergraduate work and have earned at least 12
77 semester credits per term, or the equivalent.

78 4. If applying for a graduate forgivable loan, have
79 maintained an undergraduate cumulative grade point average of at
80 least a 3.0 on a 4.0 scale or have attained a Graduate Record
81 Examination score of at least 1,000. Renewal applicants for
82 graduate loans shall have maintained a minimum cumulative grade
83 point average of at least a 3.0 on a 4.0 scale for all graduate



HB 0475

2003
CS

84 | work and have earned at least 9 semester credits per term, or
85 | the equivalent.

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

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

92 | 1. Hold a bachelor's degree from a school or department of
93 | social work at any college or university accredited by the
94 | Council on Social Work Education.

95 | 2. Not have received an undergraduate forgivable loan as
96 | provided for in paragraph (b).

97 | (d) The State Board of Education shall adopt by rule
98 | repayment schedules and applicable interest rates under ss.
99 | 1009.82 and 1009.95. A forgivable loan must be repaid within 10
100 | years after completion of a program of studies.

101 | 1. Credit for repayment of an undergraduate or graduate
102 | forgivable loan shall be in an amount not to exceed \$4,000 in
103 | loan principal plus applicable accrued interest for each full
104 | year of eligible service in the child welfare profession.

105 | 2. Any forgivable loan recipient who fails to work at the
106 | Department of Children and Family Services or its successor, or
107 | with an eligible lead community-based provider as defined in s.
108 | 409.1671, is responsible for repaying the loan plus accrued
109 | interest at 8 percent annually.

110 | 3. Forgivable loan recipients may receive loan repayment
111 | credit for child welfare service rendered at any time during the



HB 0475

2003
CS

112 scheduled repayment period. However, such repayment credit shall
113 be applicable only to the current principal and accrued interest
114 balance that remains at the time the repayment credit is earned.
115 No loan recipient shall be reimbursed for previous cash payments
116 of principal and interest.

117 (3) This section shall be implemented only as specifically
118 funded.

119 Section 2. Section 409.033, Florida Statutes, is created
120 to read:

121 409.033 Maximization of local matching revenues.--

122 (1) LEGISLATIVE INTENT.--

123 (a) The Legislature recognizes that state funds do not
124 fully utilize federal funding matching opportunities for health
125 and human services needs. It is the intent of the Legislature to
126 authorize the use of certified local funding for federal
127 matching programs to the fullest extent possible to maximize
128 federal funding of local preventive services and local child
129 development programs in this state. To that end, the Legislature
130 expects that state agencies will take a proactive approach in
131 implementing this legislative priority. It is the further intent
132 of the Legislature that this section shall be implemented in a
133 revenue-neutral manner with respect to state funds.

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



HB 0475

2003
CS

138 (c) It is the intent of the Legislature that participation
139 in revenue maximization is to be on a voluntary basis for local
140 political subdivisions.

141 (d) It is the intent of the Legislature that certified
142 local funding for federal matching programs not supplant or
143 replace state funds.

144 (2) REVENUE MAXIMIZATION PROGRAM.--

145 (a) For purposes of this section, the term "agency" means
146 any state agency or department that is involved in providing
147 health, social, or human services, including, but not limited
148 to, the Agency for Health Care Administration, the Agency for
149 Workforce Innovation, the Department of Children and Family
150 Services, the Department of Elderly Affairs, the Department of
151 Juvenile Justice, and the State Board of Education.

152 (b) Each agency is directed to establish programs and
153 mechanisms designed to maximize the use of local funding for
154 federal programs in accordance with this section.

155 (c) The use of local matching funds under this section
156 shall be limited to public revenue funds of local political
157 subdivisions, including, but not limited to, counties,
158 municipalities, and special districts. To the extent permitted
159 by federal law, funds donated to such local political
160 subdivisions by private entities, including, but not limited to,
161 the United Way, community foundations or other foundations,
162 businesses, or by individuals, are considered to be public
163 revenue funds available for matching federal funding.

164 (d) Subject to the provisions of paragraph (f), any
165 federal reimbursement received as a result of the certification



HB 0475

2003
CS

166 of local matching funds shall, unless specifically prohibited by
167 federal or state law, including the General Appropriations Act,
168 be returned within 30 days after receipt by the agency by the
169 most expedient means possible to the local political subdivision
170 providing such funding, and the local political subdivision
171 shall be provided an annual accounting of federal reimbursements
172 received by the state or its agencies as a result of the
173 certification of the local political subdivision's matching
174 funds. The receipt by a local political subdivision of such
175 matching funds shall not in any way influence or be used as a
176 factor in developing any agency's annual operating budget
177 allocation methodology or formula or any subsequent budget
178 amendment allocation methodologies or formulas. If necessary, an
179 agreement shall be made between an agency and the local
180 political subdivision to accomplish that purpose. Such an
181 agreement may provide that the local political subdivision
182 shall:

183 1. Verify the eligibility of the local program or programs
184 and the individuals served thereby to qualify for federal
185 matching funds.

186 2. Develop and maintain the financial records necessary
187 for documenting the appropriate use of federal matching funds.

188 3. Comply with all applicable state and federal laws,
189 regulations, and rules that regulate such federal services.

190 4. Reimburse the cost of any disallowance of federal
191 funding previously provided to a local political subdivision
192 resulting from failure of that local political subdivision to



HB 0475

2003
CS

193 comply with applicable state or federal laws, rules, or
194 regulations.

195 (e) Each agency, as applicable, shall work with local
196 political subdivisions to modify any state plans and to seek and
197 implement any federal waivers necessary to implement this
198 section. If such modifications or waivers require the approval
199 of the Legislature, the agency, as applicable, shall draft such
200 legislation and present it to the President of the Senate, the
201 Speaker of the House of Representatives, and the respective
202 committee chairs of the Senate and the House of Representatives
203 by January 1, 2004, and, as applicable, annually thereafter.

204 (f) Each agency may, as applicable, before funds generated
205 under this section are distributed to any local political
206 subdivision, deduct the actual administrative cost for
207 implementing and monitoring the local match program; however,
208 such administrative costs may not exceed 5 percent of the total
209 federal reimbursement funding to be provided to the local
210 political subdivision under paragraph (d). To the extent that
211 any other provision of state law applies to the certification of
212 local matching funds for a specific program, the provisions of
213 that statute which relate to administrative costs shall apply in
214 lieu of the provisions of this paragraph. The failure to remit
215 reimbursement to the local political subdivision shall result in
216 the payment of interest, in addition to the amount to be
217 reimbursed at a rate pursuant to s. 55.03(1), on the unpaid
218 amount from the expiration of the 30-day period until payment is
219 received.



HB 0475

2003
CS

220 (g) Each agency shall annually submit to the Governor, the
221 President of the Senate, and the Speaker of the House of
222 Representatives, no later than January 1, a report that
223 documents the specific activities undertaken during the previous
224 fiscal year under this section. The report shall include, but
225 not be limited to:

226 1. A statement of the total amount of federal matching
227 funds generated by local matching funds under this section,
228 reported by federal funding source.

229 2. The total amount of block grant funds expended during
230 the previous fiscal year, reported by federal funding source.

231 3. The total amount for federal matching fund programs,
232 including, but not limited to, the Temporary Assistance for
233 Needy Families program and the Child Care and Development Fund,
234 of unobligated funds and unliquidated funds, both as of the
235 close of the previous federal fiscal year.

236 4. The amount of unliquidated funds that is in danger of
237 being returned to the Federal Government at the end of the
238 current federal fiscal year.

239 5. A detailed plan and timeline for spending any
240 unobligated and unliquidated funds by the end of the current
241 federal fiscal year.

242 Section 3. Paragraphs (a) and (b) of subsection (1) and
243 subsections (3) and (4) of section 409.1671, Florida Statutes,
244 are amended to read:

245 409.1671 Foster care and related services;
246 privatization.--



HB 0475

2003
CS

247 (1)(a) It is the intent of the Legislature that the
248 Department of Children and Family Services shall privatize the
249 provision of foster care and related services statewide. It is
250 further the Legislature's intent to encourage communities and
251 other stakeholders in the well-being of children to participate
252 in assuring that children are safe and well-nurtured. However,
253 while recognizing that some local governments are presently
254 funding portions of certain foster care and related services
255 programs and may choose to expand such funding in the future,
256 the Legislature does not intend by its privatization of foster
257 care and related services that any county, municipality, or
258 special district be required to assist in funding programs that
259 previously have been funded by the state. Nothing in this
260 paragraph prohibits any county, municipality, or special
261 district from future voluntary funding participation in foster
262 care and related services. As used in this section, the term
263 "privatize" means to contract with competent, community-based
264 agencies. The department shall submit a plan to accomplish
265 privatization statewide, through a competitive process, phased
266 in over a 3-year period beginning January 1, 2000. This plan
267 must be developed with local community participation, including,
268 but not limited to, input from community-based providers that
269 are currently under contract with the department to furnish
270 community-based foster care and related services, and must
271 include a methodology for determining and transferring all
272 available funds, including federal funds that the provider is
273 eligible for and agrees to earn and that portion of general
274 revenue funds which is currently associated with the services



HB 0475

2003
CS

275 | that are being furnished under contract, and may include
276 | available funds for child welfare legal services, in which case
277 | such legal services may be provided by the community-based
278 | agency or purchased from a public or a private nonprofit legal
279 | services entity. For the purposes of this section, the term
280 | "child welfare legal services" means the legal services and
281 | representation provided by the state for legal actions required
282 | to be performed pursuant to chapter 39. The methodology must
283 | provide for the transfer of funds appropriated and budgeted for
284 | all services and programs that have been incorporated into the
285 | project, including all management, capital (including current
286 | furniture and equipment), and administrative funds to accomplish
287 | the transfer of these programs. This methodology must address
288 | expected workload and at least the 3 previous years' experience
289 | in expenses and workload. With respect to any district or
290 | portion of a district in which privatization cannot be
291 | accomplished within the 3-year timeframe, the department must
292 | clearly state in its plan the reasons the timeframe cannot be
293 | met and the efforts that should be made to remediate the
294 | obstacles, which may include alternatives to total
295 | privatization, such as public-private partnerships. As used in
296 | this section, the term "related services" includes, but is not
297 | limited to, family preservation, independent living, emergency
298 | shelter, residential group care, foster care, therapeutic foster
299 | care, intensive residential treatment, foster care supervision,
300 | case management, postplacement supervision, permanent foster
301 | care, and family reunification. ~~Unless otherwise provided for,~~
302 | ~~beginning in fiscal year 1999-2000, either the state attorney or~~



HB 0475

2003
CS

303 | ~~the Office of the Attorney General shall provide child welfare~~
304 | ~~legal services, pursuant to chapter 39 and other relevant~~
305 | ~~provisions, in Sarasota, Pinellas, Pasco, Broward, and Manatee~~
306 | ~~Counties. Such legal services shall commence and be effective,~~
307 | ~~as soon as determined reasonably feasible by the respective~~
308 | ~~state attorney or the Office of the Attorney General, after the~~
309 | ~~privatization of associated programs and child protective~~
310 | ~~investigations has occurred.~~ When a private nonprofit agency has
311 | received case management responsibilities, transferred from the
312 | state under this section, for a child who is sheltered or found
313 | to be dependent and who is assigned to the care of the
314 | privatization project, the agency may act as the child's
315 | guardian for the purpose of registering the child in school if a
316 | parent or guardian of the child is unavailable and his or her
317 | whereabouts cannot reasonably be ascertained. The private
318 | nonprofit agency may also seek emergency medical attention for
319 | such a child, but only if a parent or guardian of the child is
320 | unavailable, his or her whereabouts cannot reasonably be
321 | ascertained, and a court order for such emergency medical
322 | services cannot be obtained because of the severity of the
323 | emergency or because it is after normal working hours. However,
324 | the provider may not consent to sterilization, abortion, or
325 | termination of life support. If a child's parents' rights have
326 | been terminated, the nonprofit agency shall act as guardian of
327 | the child in all circumstances.

328 | (b) It is the intent of the Legislature that the
329 | department will continue to work towards full privatization by
330 | initiating the competitive procurement process in each county by



HB 0475

2003
CS

331 January 1, 2003. In order to provide for an adequate transition
332 period to develop the necessary administrative and service
333 delivery capacity in each community, the full transfer of all
334 foster care and related services must be completed statewide by
335 December 31, 2004, except that no lead community-based provider
336 services contract may be signed until a technical assistance
337 team has assessed the lead agency's readiness and determined in
338 writing that the lead agency is programmatically, financially,
339 and otherwise fully competent and ready to assume all
340 responsibilities required in the contract. The technical
341 assistance team shall include experienced staff from
342 successfully operating lead agencies and departmental staff.

343 (3)(a) In order to help ensure a seamless child protection
344 system, the department shall ensure that contracts entered into
345 with community-based agencies pursuant to this section include
346 provisions for a case-transfer process to determine the date
347 that the community-based agency will initiate the appropriate
348 services for a child and family. This case-transfer process must
349 clearly identify the closure of the protective investigation and
350 the initiation of service provision. At the point of case
351 transfer, and at the conclusion of an investigation, the
352 department must provide a complete summary of the findings of
353 the investigation to the community-based agency.

354 (b) The contracts must also ensure that each community-
355 based agency shall furnish information on its activities in all
356 cases in client case records. ~~A provider may not discontinue~~
357 ~~services on any voluntary case without prior written~~
358 ~~notification to the department 30 days before planned case~~



HB 0475

2003
CS

359 | ~~closure. If the department disagrees with the recommended case~~
360 | ~~closure date, written notification to the provider must be~~
361 | ~~provided before the case closure date.~~

362 | (c) The contract between the department and community-
363 | based agencies must include provisions that specify the
364 | procedures to be used by the parties to resolve differences in
365 | interpreting the contract or to resolve disputes as to the
366 | adequacy of the parties' compliance with their respective
367 | obligations under the contract.

368 | (d) Each contract with an eligible lead community-based
369 | provider shall provide for the payment by the department to the
370 | provider of a reasonable administrative cost in addition to
371 | funding for the provision of services.

372 | (4)(a) The department shall establish a quality assurance
373 | program for privatized services. The quality assurance program
374 | shall be based on standards established by a national
375 | accrediting organization such as the Council on Accreditation of
376 | Services for Families and Children, Inc. (COA) or CARF--the
377 | Rehabilitation Accreditation Commission. The department may
378 | develop a request for proposal for such oversight. This program
379 | must be developed and administered at a statewide level. The
380 | Legislature intends that the department be permitted to have
381 | limited flexibility to use funds for improving quality
382 | assurance. To this end, ~~effective January 1, 2000,~~ the
383 | department may transfer up to 0.125 percent of the total funds
384 | from categories used to pay for these contractually provided
385 | services, but the total amount of such transferred funds may not
386 | exceed \$300,000 in any fiscal year. When necessary, the



HB 0475

2003
CS

387 department may establish, in accordance with s. 216.177,
388 additional positions that will be exclusively devoted to these
389 functions. Any positions required under this paragraph may be
390 established, notwithstanding ss. 216.262(1)(a) and 216.351. The
391 department, in consultation with the community-based agencies
392 that are undertaking the privatized projects, shall establish
393 minimum thresholds for each component of service, consistent
394 with standards established by the Legislature and the Federal
395 Government. Each program operated under contract with a
396 community-based agency must be evaluated annually by the
397 department. The department shall, to the extent possible, use
398 independent financial audits provided by the community-based
399 care agency to eliminate or reduce the ongoing contract and
400 administrative reviews conducted by the department. The
401 department may suggest additional items to be included in such
402 independent financial audits to meet the department's needs.
403 Should the department determine that such independent financial
404 audits are inadequate, then other audits, as necessary, may be
405 conducted by the department. Nothing herein shall abrogate the
406 requirements of s. 215.97. The department shall submit an annual
407 report based upon the results of such independent audits
408 regarding quality performance, outcome measure attainment, and
409 cost efficiency to the President of the Senate, the Speaker of
410 the House of Representatives, the minority leader of each house
411 of the Legislature, and the Governor no later than January 31 of
412 each year for each project in operation during the preceding
413 fiscal year.



HB 0475

2003
CS

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

417 Section 4. Section 409.16745, Florida Statutes, is amended
418 to read:

419 409.16745 Community partnership matching grant
420 program.--It is the intent of the Legislature to improve
421 services and local participation in community-based care
422 initiatives by fostering community support and providing
423 enhanced prevention and in-home services, thereby reducing the
424 risk otherwise faced by lead agencies. There is established a
425 community partnership matching grant program to be operated by
426 the Department of Children and Family Services for the purpose
427 of encouraging local participation in community-based care for
428 child welfare. Any children's services council or other local
429 government entity that makes a financial commitment to a
430 community-based care lead agency is eligible for a grant upon
431 proof that the children's services council or local government
432 entity has provided the selected lead agency at least \$250,000
433 ~~\$825,000 in start up funds~~, from any local resources otherwise
434 available to it. The total amount of local contribution may be
435 matched on a two-for-one basis up to a maximum amount of \$2
436 million per council or local government entity. Awarded matching
437 grant funds may be used for any prevention or in-home services
438 provided by the children's services council or other local
439 government entity that meets temporary-assistance-for-needy-
440 families' eligibility requirements and can be reasonably
441 expected to reduce the number of children entering the child



HB 0475

2003
CS

442 welfare system. To ensure necessary flexibility for the
443 development, start up, and ongoing operation of community-based
444 care initiatives, the notice period required for any budget
445 action authorized by the provisions of s. 20.19(5)(b), is waived
446 for the family safety program; however, the Department of
447 Children and Family Services must provide copies of all such
448 actions to the Executive Office of the Governor and Legislature
449 within 72 hours of their occurrence. Funding available for the
450 matching grant program is subject to legislative appropriation
451 of nonrecurring ~~temporary assistance for needy families~~ funds
452 provided for the purpose.

453 Section 5. Subsection (3) of section 409.175, Florida
454 Statutes, is amended to read:

455 409.175 Licensure of family foster homes, residential
456 child-caring agencies, and child-placing agencies.--

457 (3)(a) The total number of children placed in each family
458 foster home shall be based on the recommendation of the
459 department, or the community-based care lead agency where one is
460 providing foster care and related services, based on the needs
461 of each child in care, the ability of the foster family to meet
462 the individual needs of each child, including any adoptive or
463 biological children living in the home, the amount of safe
464 physical plant space, the ratio of active and appropriate adult
465 supervision, and the background, experience, and skill of the
466 family foster parents.

467 (b) If the total number of children in a family foster
468 home will exceed five, including the family's own children, an a
469 ~~comprehensive behavioral health~~ assessment of each child to be



HB 0475

2003
CS

470 | placed in the home must be completed by a family services
471 | counselor and approved in writing by the counselor's supervisor
472 | prior to placement of any additional children in the home,
473 | except that, if the placement involves a child whose sibling is
474 | already in the home or a child who has been in placement in the
475 | home previously, the assessment must be completed within 72
476 | hours after placement. The ~~comprehensive behavioral health~~
477 | ~~assessment must comply with Medicaid rules and regulations,~~
478 | assess and document the mental, physical, and psychosocial needs
479 | of the child, and recommend the maximum number of children in a
480 | family foster home that will allow the child's needs to be met.

481 | (c) For any licensed family foster home, the
482 | appropriateness of the number of children in the home must be
483 | reassessed annually as part of the relicensure process. For a
484 | home with more than five children, if it is determined by the
485 | licensure study at the time of relicensure that the total number
486 | of children in the home is appropriate and that there have been
487 | no substantive licensure violations and no indications of child
488 | maltreatment or child-on-child sexual abuse within the past 12
489 | months, the relicensure of the home shall not be denied based on
490 | the total number of children in the home.

491 | Section 6. This act shall take effect July 1, 2003.