



HB 0475

2003
CS

CHAMBER ACTION

The Committee on Appropriations recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to human services; amending s. 39.202, F.S.; clarifying a right to access to records for certain attorneys and providing a right to access for employees and agents of educational institutions; authorizing the Department of Children and Family Services and specified law enforcement agencies to release certain information when a child is under investigation or supervision; providing an exception; providing that persons releasing such information are not subject to civil or criminal penalty for the release; providing for an additional circumstance for release of otherwise confidential records; amending s. 402.305, F.S.; directing the Department of Children and Family Services to adopt by rule a definition of child care; amending s. 402.40, F.S.; removing Tallahassee Community College as the sole contract provider for child welfare training academies; providing for development of core competencies; providing for advanced training; modifying requirements for the



HB 0475

2003
CS

29 establishment of training academies; providing for
30 modification of child welfare training; creating s.
31 402.401, F.S.; creating the Florida Child Welfare Student
32 Loan Forgiveness Program; providing for eligibility
33 requirements; providing terms of repayment; limits program
34 to amount of funds appropriated; creating s. 409.033,
35 F.S.; providing legislative intent that local government
36 matching funds shall be used to the extent possible to
37 match federal funding where state funding is inadequate to
38 use such federal funding; requiring agencies to create
39 plans to utilize local matching funds; making
40 participation by local governments voluntary; requiring
41 reports; amending s. 409.1451, F.S.; providing duties for
42 the Independent Living Services Workgroup; making an
43 exception for personal property of independent living
44 clients; amending s. 409.1671, F.S.; deleting the
45 requirement for contracts for legal services in certain
46 counties; providing for the continuation of privatization
47 of foster care and related services; providing for a
48 readiness assessment and written certification; deleting
49 certain termination of services notice requirements;
50 requiring the payment of certain administrative costs
51 incurred by lead community-based providers; deleting an
52 obsolete effective date; providing for independent
53 financial audits; correcting references, to conform;
54 amending s. 409.16745, F.S.; changing eligibility
55 requirements for participation in the community
56 partnership matching grant program; amending s. 409.175,



HB 0475

2003
CS

57 F.S.; providing for an assessment by a family services
58 counselor and approval by a supervisor, rather than a
59 comprehensive behavioral health assessment, of children in
60 certain family foster homes; amending s. 409.953, F.S.;
61 providing for custody determination and placement of
62 unaccompanied refugee minors; amending s. 937.021, F.S.;
63 providing for the filing of police reports for missing
64 children in the county or municipality where the child was
65 last seen; providing for an evaluation of child welfare
66 legal services by the Office of Program Policy Analysis
67 and Government Accountability; providing an effective
68 date.

69

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

71

72 Section 1. Section 39.202, Florida Statutes, is amended to
73 read:

74 39.202 Confidentiality of reports and records in cases of
75 child abuse or neglect.--

76 (1) In order to protect the rights of the child and the
77 child's parents or other persons responsible for the child's
78 welfare, all records held by the department concerning reports
79 of child abandonment, abuse, or neglect, including reports made
80 to the central abuse hotline and all records generated as a
81 result of such reports, shall be confidential and exempt from
82 the provisions of s. 119.07(1) and shall not be disclosed except
83 as specifically authorized by this chapter. Such exemption from



HB 0475

2003
CS

84 s. 119.07(1) applies to information in the possession of those
85 entities granted access as set forth in this section.

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

90 (a) Employees, authorized agents, or contract providers of
91 the department, the Department of Health, or county agencies
92 responsible for carrying out:

93 1. Child or adult protective investigations;

94 2. Ongoing child or adult protective services;

95 3. Healthy Start services; ~~or~~

96 4. Licensure or approval of adoptive homes, foster homes,
97 or child care facilities, or family day care homes or informal
98 child care providers who receive subsidized child care funding,
99 or other homes used to provide for the care and welfare of
100 children; or

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

104

105 Also, employees or agents of the Department of Juvenile Justice
106 responsible for the provision of services to children, pursuant
107 to chapters 984 and 985.

108 (b) Criminal justice agencies of appropriate jurisdiction.

109 (c) The state attorney of the judicial circuit in which
110 the child resides or in which the alleged abuse or neglect
111 occurred.



HB 0475

2003
CS

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

120 (e) Any person alleged in the report as having caused the
121 abuse, abandonment, or neglect of a child. This access shall be
122 made available no later than 30 days after the department
123 receives the initial report of abuse, abandonment, or neglect
124 and, when the alleged perpetrator is not a parent, shall be
125 limited to information involving the protective investigation
126 only and shall not include any information relating to
127 subsequent dependency proceedings. However, any information
128 otherwise made confidential or exempt by law shall not be
129 released pursuant to this paragraph.

130 (f) A court upon its finding that access to such records
131 may be necessary for the determination of an issue before the
132 court; however, such access shall be limited to inspection in
133 camera, unless the court determines that public disclosure of
134 the information contained therein is necessary for the
135 resolution of an issue then pending before it.

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



HB 0475

2003
CS

139 (h) Any appropriate official of the department responsible
140 for:

141 1. Administration or supervision of the department's
142 program for the prevention, investigation, or treatment of child
143 abuse, abandonment, or neglect, or abuse, neglect, or
144 exploitation of a vulnerable adult, when carrying out his or her
145 official function;

146 2. Taking appropriate administrative action concerning an
147 employee of the department alleged to have perpetrated child
148 abuse, abandonment, or neglect, or abuse, neglect, or
149 exploitation of a vulnerable adult; or

150 3. Employing and continuing employment of personnel of the
151 department.

152 (i) Any person authorized by the department who is engaged
153 in the use of such records or information for bona fide
154 research, statistical, or audit purposes. Such individual or
155 entity shall enter into a privacy and security agreement with
156 the department and shall comply with all laws and rules
157 governing the use of such records and information for research
158 and statistical purposes. Information identifying the subjects
159 of such records or information shall be treated as confidential
160 by the researcher and shall not be released in any form.

161 (j) The Division of Administrative Hearings for purposes
162 of any administrative challenge.

163 (k) Any appropriate official of a Florida advocacy council
164 investigating a report of known or suspected child abuse,
165 abandonment, or neglect; the Auditor General or the Office of
166 Program Policy Analysis and Government Accountability for the



HB 0475

2003
CS

167 purpose of conducting audits or examinations pursuant to law; or
168 the guardian ad litem for the child.

169 (l) Employees or agents of an agency of another state that
170 has comparable jurisdiction to the jurisdiction described in
171 paragraph (a).

172 (m) The Public Employees Relations Commission for the sole
173 purpose of obtaining evidence for appeals filed pursuant to s.
174 447.207. Records may be released only after deletion of all
175 information which specifically identifies persons other than the
176 employee.

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

179 (o) Any person in the event of the death of a child
180 determined to be a result of abuse, abandonment, or neglect.
181 Information identifying the person reporting abuse, abandonment,
182 or neglect shall not be released. Any information otherwise made
183 confidential or exempt by law shall not be released pursuant to
184 this paragraph.

185 (p) Employees or agents of school boards, public schools,
186 private schools, and charter schools, or other educational
187 institutions.

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

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



HB 0475

2003
CS

195 (a) The department may release the following information
196 to the public when it believes the release of the information is
197 likely to assist efforts in locating the child or to promote the
198 safety or well-being of the child:

199 1. The name of the child and the child's date of birth.

200 2. A physical description of the child, including, at a
201 minimum, the height, weight, hair color, eye color, gender, and
202 any identifying physical characteristics of the child.

203 3. A photograph of the child.

204 (b) With the concurrence of the law enforcement agency
205 primarily responsible for investigating the incident, the
206 department may release any additional information it believes
207 likely to assist efforts in locating the child or to promote the
208 safety or well-being of the child.

209 (c) The law enforcement agency primarily responsible for
210 investigating the incident may release any information received
211 from the department regarding the investigation if it believes
212 the release of the information is likely to assist efforts in
213 locating the child or to promote the safety or well-being of the
214 child.

215
216 The good faith publication or release of this information by the
217 department, a law enforcement agency, or any recipient of the
218 information as specifically authorized by this subsection shall
219 not subject the person, agency, or entity releasing the
220 information to any civil or criminal penalty. This subsection
221 does not authorize the release of the name of the reporter,
222 which may be released only as provided in subsection (5).



HB 0475

2003
CS

223 (5)~~(4)~~ The name of any person reporting child abuse,
224 abandonment, or neglect may not be released to any person other
225 than employees of the department responsible for child
226 protective services, the central abuse hotline, law enforcement,
227 the child protection team, or the appropriate state attorney,
228 without the written consent of the person reporting. This does
229 not prohibit the subpoenaing of a person reporting child abuse,
230 abandonment, or neglect when deemed necessary by the court, the
231 state attorney, or the department, provided the fact that such
232 person made the report is not disclosed. Any person who reports
233 a case of child abuse or neglect may, at the time he or she
234 makes the report, request that the department notify him or her
235 that a child protective investigation occurred as a result of
236 the report. Any person specifically listed in s. 39.201(1) who
237 makes a report in his or her official capacity may also request
238 a written summary of the outcome of the investigation. The
239 department shall mail such a notice to the reporter within 10
240 days after completing the child protective investigation.

241 (6)~~(5)~~ All records and reports of the child protection
242 team of the Department of Health are confidential and exempt
243 from the provisions of ss. 119.07(1) and 456.057, and shall not
244 be disclosed, except, upon request, to the state attorney, law
245 enforcement, the department, and necessary professionals, in
246 furtherance of the treatment or additional evaluative needs of
247 the child, by order of the court, or to health plan payors,
248 limited to that information used for insurance reimbursement
249 purposes.



HB 0475

2003
CS

250 (7)~~(6)~~ The department shall make and keep reports and
251 records of all cases under this chapter relating to child abuse,
252 abandonment, and neglect and shall preserve the records
253 pertaining to a child and family until 7 years after the last
254 entry was made or until the child is 18 years of age, whichever
255 date is first reached, and may then destroy the records.
256 Department records required by this chapter relating to child
257 abuse, abandonment, and neglect may be inspected only upon order
258 of the court or as provided for in this section.

259 (8)~~(7)~~ A person who knowingly or willfully makes public or
260 discloses to any unauthorized person any confidential
261 information contained in the central abuse hotline is subject to
262 the penalty provisions of s. 39.205. This notice shall be
263 prominently displayed on the first sheet of any documents
264 released pursuant to this section.

265 Section 2. Paragraph (c) of subsection (1) of section
266 402.305, Florida Statutes, is amended to read:

267 402.305 Licensing standards; child care facilities.--

268 (1) LICENSING STANDARDS.--The department shall establish
269 licensing standards that each licensed child care facility must
270 meet regardless of the origin or source of the fees used to
271 operate the facility or the type of children served by the
272 facility.

273 (c) The minimum standards for child care facilities shall
274 be adopted in the rules of the department and shall address the
275 areas delineated in this section. The department, in adopting
276 rules to establish minimum standards for child care facilities,
277 shall recognize that different age groups of children may



HB 0475

2003
CS

278 require different standards. The department may adopt different
279 minimum standards for facilities that serve children in
280 different age groups, including school-age children. The
281 department shall also adopt by rule a definition for child care
282 which distinguishes between child care programs that require
283 child care licensure and after-school programs that do not
284 require licensure. Notwithstanding any other provision of law to
285 the contrary, minimum child care licensing standards shall be
286 developed to provide for reasonable, affordable, and safe
287 before-school and after-school care. Standards, at a minimum,
288 shall allow for a credentialed director to supervise multiple
289 before-school and after-school sites.

290 Section 3. Section 402.40, Florida Statutes, is amended to
291 read:

292 402.40 Child welfare training.--

293 (1) LEGISLATIVE INTENT.--In order to enable the state to
294 provide a systematic approach to staff development and training
295 for persons providing child welfare services ~~dependency program~~
296 ~~staff~~ that will meet the needs of such staff in their discharge
297 of duties, it is the intent of the Legislature that the
298 Department of Children and Family Services establish, maintain,
299 and oversee the operation of child welfare training academies in
300 the state. The Legislature further intends that the staff
301 development and training programs that are established will aid
302 in the reduction of poor staff morale and of staff turnover,
303 will positively impact on the quality of decisions made
304 regarding children and families who require assistance from
305 programs providing child welfare services ~~dependency programs,~~



HB 0475

2003
CS

306 and will afford better quality care of children who must be
307 removed from their families.

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

309 (a) "Child welfare services" ~~"Dependency program"~~ means
310 any intake, protective investigation, preprotective services,
311 protective services, foster care, shelter and group care, and
312 adoption and related services program, including supportive
313 services, supervision, and legal services provided to children
314 who are alleged to have been abused, abandoned, or neglected or
315 who are at risk of becoming, alleged to be, or who have been
316 found dependent, pursuant to chapter 39 ~~whether operated by or~~
317 ~~contracted by the department, providing intake, counseling,~~
318 ~~supervision, or custody and care of children who are alleged to~~
319 ~~be or who have been found to be dependent pursuant to chapter 39~~
320 ~~or who have been identified as being at risk of becoming~~
321 ~~dependent.~~

322 (b) "Person providing child welfare services" ~~"Dependency~~
323 ~~program staff"~~ means a person with responsibility for
324 supervisory, legal, and direct care, or support-related work in
325 the provision of child welfare services pursuant to chapter 39
326 ~~staff of a dependency program as well as support staff who have~~
327 ~~direct contact with children in a dependency program.~~

328 (3) CHILD WELFARE TRAINING PROGRAM.--The department shall
329 establish a program for training pursuant to the provisions of
330 this section, and all persons providing child welfare services
331 ~~dependency program staff~~ shall be required to participate in and
332 successfully complete the program of training pertinent to their
333 areas of responsibility.



HB 0475

2003
CS

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

335 (a) There is created within the State Treasury a Child
336 Welfare Training Trust Fund to be used by the Department of
337 Children and Family Services for the purpose of funding a
338 comprehensive system of child welfare training, including the
339 securing of consultants to develop the system and the developing
340 of child welfare training academies that include the
341 participation of persons providing child welfare services
342 ~~dependency program staff~~.

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

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

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

354 (5) CORE COMPETENCIES.--

355 (a) The Department of Children and Family Services shall
356 establish the core competencies for a single integrated
357 curriculum that ensures that each person delivering child
358 welfare services obtains the knowledge, skills, and abilities to
359 competently carry out his or her work responsibilities. This
360 curriculum may be a compilation of different development efforts
361 based on specific subsets of core competencies that are



HB 0475

2003
CS

362 integrated for a comprehensive curriculum required in the
363 provision of child welfare services in this state.

364 (b) The identification of these core competencies shall be
365 a collaborative effort to include professionals with expertise
366 in child welfare services and providers that will be affected by
367 the curriculum, to include, but not be limited to,
368 representatives from the community-based care lead agencies,
369 sheriffs' offices conducting child protection investigations,
370 and child welfare legal services providers.

371 (c) Notwithstanding the provisions of s. 287.057(5) and
372 (22), the department shall competitively bid and contract for
373 the development, validation, and periodic evaluation of the
374 training curricula for the established single integrated
375 curriculum. No more than one training curriculum may be
376 developed for each specific subset of the core competencies.

377 (6) ADVANCED TRAINING.--The Department of Children and
378 Family Services shall annually examine the advanced training
379 that is needed by persons providing child welfare services in
380 the state. This examination shall address whether the current
381 advanced training provided should be continued and shall include
382 the development of plans for incorporating any revisions to the
383 advanced training determined necessary. This examination shall
384 be conducted in collaboration with professionals with expertise
385 in child welfare services and providers that will be affected by
386 the curriculum, to include, but not be limited to,
387 representatives from the community-based care lead agencies,
388 sheriffs' offices conducting child protection investigations,
389 and child welfare legal services providers.



HB 0475

2003
CS

390 (7) CERTIFICATION AND TRAINER QUALIFICATIONS.--The
391 department shall, in collaboration with the professionals and
392 providers described in paragraph (5)(b), develop minimum
393 standards for a certification process that ensures participants
394 have successfully attained the knowledge, skills, and abilities
395 necessary to competently carry out their work responsibilities
396 and shall develop minimum standards for trainer qualifications
397 that shall be required of training academies in the offering of
398 the training curricula. Any person providing child welfare
399 services shall be required to master the components of the
400 curriculum that are particular to that person's work
401 responsibilities.

402 (8)(5) ESTABLISHMENT OF TRAINING ACADEMIES.--The
403 department shall establish child welfare training academies as
404 part of a comprehensive system of child welfare training. In
405 establishing a program of training, the department may contract
406 for the operation of one or more training academies to perform
407 one or more of the following: offer one or more of the training
408 curricula developed pursuant to subsection (5); administer the
409 certification process; develop, validate, and periodically
410 evaluate additional training curricula determined necessary,
411 including advanced training, that is specific to a region or
412 contractor or that meets a particular training need; or offer
413 the additional training curricula with Tallahassee Community
414 College. The number, location, and timeframe for establishment
415 of additional training academies shall be approved by the
416 Secretary of Children and Family Services, who shall ensure that
417 the goals for the core competencies and the single integrated



HB 0475

2003
CS

418 curriculum, the certification process, the trainer
 419 qualifications, and the additional training needs are addressed.
 420 Notwithstanding the provisions of s. 287.057(5) and (22), the
 421 department shall seek competitive bids for all training academy
 422 contracts.

423 (9) MODIFICATION OF CHILD WELFARE TRAINING.--The core
 424 competencies determined pursuant to subsection (5) and the
 425 minimum standards for the certification process and for trainer
 426 qualifications established pursuant to subsection (7) must be
 427 submitted to the appropriate substantive committees of the
 428 Senate and the House of Representatives prior to entering into
 429 the competitive bid process for either the development,
 430 validation, or periodic evaluation of the training curricula or
 431 for the training academy contracts.

432 (10)(6) ADOPTION OF RULES.--The Department of Children and
 433 Family Services shall adopt rules necessary to carry out the
 434 provisions of this section.

435 Section 4. Section 402.401, Florida Statutes, is created
 436 to read:

437 402.401 Florida Child Welfare Student Loan Forgiveness
 438 Program.--

439 (1) There is created the Florida Child Welfare Student
 440 Loan Forgiveness Program to be administered by the Department of
 441 Education. The program shall provide loan assistance to eligible
 442 students for upper-division undergraduate and graduate study.
 443 The primary purpose of the program is to attract capable and
 444 promising students to the child welfare profession, increase
 445 employment and retention of individuals who are working towards



HB 0475

2003
CS

446 or who have received either a bachelor's degree or a master's
447 degree in social work or any human services subject area that
448 qualifies the individual for employment as a family services
449 worker, and provide opportunities for persons making midcareer
450 decisions to enter the child welfare profession. The State Board
451 of Education shall adopt rules necessary to administer the
452 program.

453 (2)(a) To be eligible for a program loan, a candidate
454 shall:

455 1. Be a full-time student at the upper-division
456 undergraduate or graduate level in a social work program
457 approved by the Council on Social Work leading to either a
458 bachelor's degree or a master's degree in social work or an
459 accredited human services degree program.

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

465 3. If applying for an undergraduate forgivable loan, have
466 maintained a minimum cumulative grade point average of at least
467 a 2.5 on a 4.0 scale for all undergraduate work. Renewal
468 applicants for undergraduate loans shall have maintained a
469 minimum cumulative grade point average of at least a 2.5 on a
470 4.0 scale for all undergraduate work and have earned at least 12
471 semester credits per term, or the equivalent.

472 4. If applying for a graduate forgivable loan, have
473 maintained an undergraduate cumulative grade point average of at



HB 0475

2003
CS

474 least a 3.0 on a 4.0 scale or have attained a Graduate Record
475 Examination score of at least 1,000. Renewal applicants for
476 graduate loans shall have maintained a minimum cumulative grade
477 point average of at least a 3.0 on a 4.0 scale for all graduate
478 work and have earned at least 9 semester credits per term, or
479 the equivalent.

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

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

486 1. Hold a bachelor's degree from a school or department of
487 social work at any college or university accredited by the
488 Council on Social Work Education or hold a degree in a human
489 services field from an accredited college or university.

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

492 (d) The State Board of Education shall adopt by rule
493 repayment schedules and applicable interest rates under ss.
494 1009.82 and 1009.95. A forgivable loan must be repaid within 10
495 years after completion of a program of study.

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

500 2. Any forgivable loan recipient who fails to work at the
501 Department of Children and Family Services or its successor, or



HB 0475

2003
CS

502 with an eligible lead community-based provider as defined in s.
503 409.1671, is responsible for repaying the loan plus accrued
504 interest at 8 percent annually.

505 3. Forgivable loan recipients may receive loan repayment
506 credit for child welfare service rendered at any time during the
507 scheduled repayment period. However, such repayment credit shall
508 be applicable only to the current principal and accrued interest
509 balance that remains at the time the repayment credit is earned.
510 No loan recipient shall be reimbursed for previous cash payments
511 of principal and interest.

512 (3) This section shall be implemented only as specifically
513 funded.

514 Section 5. Section 409.033, Florida Statutes, is created
515 to read:

516 409.033 Maximization of local matching revenues.--

517 (1) LEGISLATIVE INTENT.--

518 (a) The Legislature recognizes that state funds do not
519 fully utilize federal funding matching opportunities for health
520 and human services needs. It is the intent of the Legislature to
521 authorize the use of certified local funding for federal
522 matching programs to the fullest extent possible to maximize
523 federal funding of local preventive services and local child
524 development programs in this state. To that end, the Legislature
525 expects that state agencies will take a proactive approach in
526 implementing this legislative priority. It is the further intent
527 of the Legislature that this section shall be implemented in a
528 revenue-neutral manner with respect to state funds.



HB 0475

2003
CS

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

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

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

539 (e) It is the intent of the Legislature that revenue
540 maximization shall not divert existing funds from state agencies
541 that are currently using local funds to maximize matching
542 federal and state funds to the greatest extent possible.

543 (2) REVENUE MAXIMIZATION PROGRAM.--

544 (a) For purposes of this section, the term "agency" means
545 any state agency or department that is involved in providing
546 health, social, or human services, including, but not limited
547 to, the Agency for Health Care Administration, the Agency for
548 Workforce Innovation, the Department of Children and Family
549 Services, the Department of Elderly Affairs, the Department of
550 Juvenile Justice, and the State Board of Education.

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

554 (c) The use of local matching funds under this section
555 shall be limited to public revenue funds of local political
556 subdivisions, including, but not limited to, counties,



HB 0475

2003
CS

557 municipalities, and special districts. To the extent permitted
558 by federal law, funds donated to such local political
559 subdivisions by private entities, including, but not limited to,
560 the United Way, community foundations or other foundations,
561 businesses, or individuals, are considered to be public revenue
562 funds available for matching federal funding.

563 (d) Subject to the provisions of paragraph (f), any
564 federal reimbursement received as a result of the certification
565 of local matching funds shall, unless specifically prohibited by
566 federal or state law, including the General Appropriations Act,
567 subject to appropriation and release, be returned within 30 days
568 after receipt by the agency by the most expedient means possible
569 to the local political subdivision providing such funding, and
570 the local political subdivision shall be provided an annual
571 accounting of federal reimbursements received by the state or
572 its agencies as a result of the certification of the local
573 political subdivision's matching funds. The receipt by a local
574 political subdivision of such matching funds shall not in any
575 way influence or be used as a factor in developing any agency's
576 annual operating budget allocation methodology or formula or any
577 subsequent budget amendment allocation methodologies or
578 formulas. If necessary, an agreement shall be made between an
579 agency and the local political subdivision to accomplish that
580 purpose. Such an agreement may provide that the local political
581 subdivision shall:

582 1. Verify the eligibility of the local program or programs
583 and the individuals served thereby to qualify for federal
584 matching funds.



HB 0475

2003
CS

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

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

589 4. Reimburse the cost of any disallowance of federal
590 funding previously provided to a local political subdivision
591 resulting from failure of that local political subdivision to
592 comply with applicable state or federal laws, rules, or
593 regulations.

594 (e) Each agency, as applicable, shall work with local
595 political subdivisions to modify any state plans and to seek and
596 implement any federal waivers necessary to implement this
597 section. If such modifications or waivers require the approval
598 of the Legislature, the agency, as applicable, shall draft such
599 legislation and present it to the President of the Senate, the
600 Speaker of the House of Representatives, and the respective
601 committee chairs of the Senate and the House of Representatives
602 by January 1, 2004, and, as applicable, annually thereafter.

603 (f) Each agency may, as applicable, before funds generated
604 under this section are distributed to any local political
605 subdivision, deduct the actual administrative cost for
606 implementing and monitoring the local match program; however,
607 such administrative costs may not exceed 5 percent of the total
608 federal reimbursement funding to be provided to the local
609 political subdivision under paragraph (d). To the extent that
610 any other provision of state law applies to the certification of
611 local matching funds for a specific program, the provisions of
612 that statute which relate to administrative costs shall apply in



HB 0475

2003
CS

613 lieu of the provisions of this paragraph. The failure to remit
614 reimbursement to the local political subdivision shall result in
615 the payment of interest, in addition to the amount to be
616 reimbursed at a rate pursuant to s. 55.03(1), on the unpaid
617 amount from the expiration of the 30-day period until payment is
618 received.

619 (g) Each agency shall annually submit to the Governor, the
620 President of the Senate, and the Speaker of the House of
621 Representatives, no later than January 1, a report that
622 documents the specific activities undertaken during the previous
623 fiscal year under this section. The report shall include, but
624 not be limited to:

625 1. A statement of the total amount of federal matching
626 funds generated by local matching funds under this section,
627 reported by federal funding source.

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

630 3. The total amount for federal matching fund programs,
631 including, but not limited to, the Temporary Assistance for
632 Needy Families program and the Child Care and Development Fund,
633 of unobligated funds and unliquidated funds, both as of the
634 close of the previous federal fiscal year.

635 4. The amount of unliquidated funds that is in danger of
636 being returned to the Federal Government at the end of the
637 current federal fiscal year.

638 5. A detailed plan and timeline for spending any
639 unobligated and unliquidated funds by the end of the current
640 federal fiscal year.



641 Section 6. Subsection (7) of section 409.1451, Florida
 642 Statutes, is amended, a new subsection (8) is added to said
 643 section, and present subsection (8) is renumbered as subsection
 644 (9) and amended, to read:

645 409.1451 Independent living transition services.--

646 (7) INDEPENDENT LIVING SERVICES ~~INTEGRATION~~
 647 WORKGROUP.--The Secretary of Children and Family Services shall
 648 establish the independent living services ~~integration~~ workgroup,
 649 which, at a minimum, shall include representatives from the
 650 Department of Children and Family Services, the Agency for
 651 Workforce Innovation, the Department of Education, the Agency
 652 for Health Care Administration, the State Youth Advisory Board,
 653 Workforce Florida, Inc., and foster parents. The workgroup shall
 654 assess the implementation and operation of the system of
 655 independent living transition services and advise the department
 656 on actions that would improve the ability of the independent
 657 living transition services to meet the established goals. The
 658 workgroup shall keep the department informed of problems being
 659 experienced with the services, barriers to the effective and
 660 efficient integration of services, and support across systems,
 661 and successes that the system of independent living transition
 662 services has achieved. The department shall consider, but is not
 663 required to implement, the recommendations of the workgroup. For
 664 fiscal years 2002-2003 and 2003-2004, the workgroup shall report
 665 to the appropriate substantive committees of the Senate and the
 666 House of Representatives on the status of the implementation of
 667 the system of independent living transition services; efforts to
 668 publicize the availability of aftercare support services, the



HB 0475

2003
CS

669 Road-to-Independence Scholarship Program, and transitional
670 support services; specific barriers to financial aid created by
671 the scholarship and possible solutions; success of the services;
672 problems identified; recommendations for department or
673 legislative action; and the department's implementation of the
674 recommendations contained in the Independent Living Services
675 Integration Workgroup Report submitted to the Senate and the
676 House of Representatives substantive committees on December 31,
677 2002. These workgroup reports shall be submitted by December 31,
678 2003, and December 31, 2004, respectively, and each shall be
679 accompanied by a report from the department which identifies the
680 recommendations of the workgroup and either describes the
681 department's actions to implement these recommendations or
682 provides the department's rationale for not implementing the
683 recommendations for the transition of older children in foster
684 care to independent living. The workgroup shall recommend
685 methods to overcome these barriers and shall ensure that the
686 state plan for federal funding for the independent living
687 transition services includes these recommendations. The
688 workgroup shall report to appropriate legislative committees of
689 the Senate and the House of Representatives by December 31,
690 2002. Specific issues and recommendations to be addressed by the
691 workgroup include:

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



HB 0475

2003
CS

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

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

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

705 ~~(e) Identifying mechanisms to increase the legal authority~~
706 ~~of foster parents and staff of the department or its agent to~~
707 ~~provide for the age-appropriate care of older children in foster~~
708 ~~care, including enrolling a child in school, signing for a~~
709 ~~practice driver's license for the child under s. 322.09(4),~~
710 ~~co-signing loans and insurance for the child, signing for the~~
711 ~~child's medical treatment, and authorizing other similar~~
712 ~~activities as appropriate.~~

713 ~~(f) Transferring the allowance of spending money that is~~
714 ~~provided by the department each month directly to an older child~~
715 ~~in the program through an electronic benefit transfer program.~~
716 ~~The purpose of the transfer is to allow these children to access~~
717 ~~and manage the allowance they receive in order to learn~~
718 ~~responsibility and participate in age-appropriate life skills~~
719 ~~activities.~~

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

722 (8) PERSONAL PROPERTY.--Property acquired on behalf of
723 clients under this program shall become the personal property of



HB 0475

2003
CS

724 the clients and is not subject to the requirements of chapter
725 273 relating to state-owned tangible personal property.

726 (9)(8) RULEMAKING.--The department shall adopt by rule
727 procedures to administer this section, including provision for
728 the proportional reduction of scholarship awards when adequate
729 funds are not available for all applicants. These rules shall
730 balance the goals of normalcy and safety for the youth and
731 provide the caregivers with as much flexibility as possible to
732 enable the youth to participate in normal life experiences. The
733 department shall engage in appropriate planning to prevent, to
734 the extent possible, a reduction in scholarship awards after
735 issuance.

736 Section 7. Subsections (1), (3), and (4) of section
737 409.1671, Florida Statutes, are amended to read:

738 409.1671 Foster care and related services;
739 privatization.--

740 (1)(a) It is the intent of the Legislature that the
741 Department of Children and Family Services shall privatize the
742 provision of foster care and related services statewide. It is
743 further the Legislature's intent to encourage communities and
744 other stakeholders in the well-being of children to participate
745 in assuring that children are safe and well-nurtured. However,
746 while recognizing that some local governments are presently
747 funding portions of certain foster care and related services
748 programs and may choose to expand such funding in the future,
749 the Legislature does not intend by its privatization of foster
750 care and related services that any county, municipality, or
751 special district be required to assist in funding programs that



HB 0475

2003
CS

752 | previously have been funded by the state. Counties that provide
753 | children and family services with at least 40 licensed
754 | residential group care beds by July 1, 2003, and provide at
755 | least \$2 million annually in county general revenue funds to
756 | supplement foster and family care services shall continue to
757 | contract directly with the state and shall be exempt from the
758 | provisions of this section. Nothing in this paragraph prohibits
759 | any county, municipality, or special district from future
760 | voluntary funding participation in foster care and related
761 | services. As used in this section, the term "privatize" means to
762 | contract with competent, community-based agencies. The
763 | department shall submit a plan to accomplish privatization
764 | statewide, through a competitive process, phased in over a 3-
765 | year period beginning January 1, 2000. This plan must be
766 | developed with local community participation, including, but not
767 | limited to, input from community-based providers that are
768 | currently under contract with the department to furnish
769 | community-based foster care and related services, and must
770 | include a methodology for determining and transferring all
771 | available funds, including federal funds that the provider is
772 | eligible for and agrees to earn and that portion of general
773 | revenue funds which is currently associated with the services
774 | that are being furnished under contract. The methodology must
775 | provide for the transfer of funds appropriated and budgeted for
776 | all services and programs that have been incorporated into the
777 | project, including all management, capital (including current
778 | furniture and equipment), and administrative funds to accomplish
779 | the transfer of these programs. This methodology must address



HB 0475

2003
CS

780 expected workload and at least the 3 previous years' experience
781 in expenses and workload. With respect to any district or
782 portion of a district in which privatization cannot be
783 accomplished within the 3-year timeframe, the department must
784 clearly state in its plan the reasons the timeframe cannot be
785 met and the efforts that should be made to remediate the
786 obstacles, which may include alternatives to total
787 privatization, such as public-private partnerships. As used in
788 this section, the term "related services" includes, but is not
789 limited to, family preservation, independent living, emergency
790 shelter, residential group care, foster care, therapeutic foster
791 care, intensive residential treatment, foster care supervision,
792 case management, postplacement supervision, permanent foster
793 care, and family reunification. ~~Unless otherwise provided for,~~
794 ~~beginning in fiscal year 1999-2000, either the state attorney or~~
795 ~~the Office of the Attorney General shall provide child welfare~~
796 ~~legal services, pursuant to chapter 39 and other relevant~~
797 ~~provisions, in Sarasota, Pinellas, Pasco, Broward, and Manatee~~
798 ~~Counties. Such legal services shall commence and be effective,~~
799 ~~as soon as determined reasonably feasible by the respective~~
800 ~~state attorney or the Office of the Attorney General, after the~~
801 ~~privatization of associated programs and child protective~~
802 ~~investigations has occurred.~~ When a private nonprofit agency has
803 received case management responsibilities, transferred from the
804 state under this section, for a child who is sheltered or found
805 to be dependent and who is assigned to the care of the
806 privatization project, the agency may act as the child's
807 guardian for the purpose of registering the child in school if a



HB 0475

2003
CS

808 parent or guardian of the child is unavailable and his or her
809 whereabouts cannot reasonably be ascertained. The private
810 nonprofit agency may also seek emergency medical attention for
811 such a child, but only if a parent or guardian of the child is
812 unavailable, his or her whereabouts cannot reasonably be
813 ascertained, and a court order for such emergency medical
814 services cannot be obtained because of the severity of the
815 emergency or because it is after normal working hours. However,
816 the provider may not consent to sterilization, abortion, or
817 termination of life support. If a child's parents' rights have
818 been terminated, the nonprofit agency shall act as guardian of
819 the child in all circumstances.

820 (b) It is the intent of the Legislature that the
821 department will continue to work towards full privatization in a
822 manner that ensures the viability of the community-based system
823 of care and best provides for the safety of children in the
824 child protection system. To this end, the department is directed
825 to continue the process of privatizing services in those
826 counties in which signed startup contracts have been executed.
827 The department may also continue to enter into startup contracts
828 with additional counties. However, no services shall be
829 transferred to a community-based care lead agency until the
830 department, in consultation with the local community alliance,
831 has determined and certified in writing to the Governor and the
832 Legislature that the district is prepared to transition the
833 provision of services to the lead agency and that the lead
834 agency is ready to deliver and be accountable for such service
835 provision. In making this determination, the department shall



HB 0475

2003
CS

836 conduct a readiness assessment of the district and the lead
837 agency.

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

840 a. A set of uniform criteria, developed in consultation
841 with currently operating community-based care lead agencies and
842 reflecting national accreditation standards, that evaluates
843 programmatic, financial, technical assistance, training, and
844 organizational competencies.

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

847 2. The readiness assessment shall be conducted by a joint
848 team of district and lead agency staff with direct experience
849 with the startup and operation of a community-based care service
850 program and representatives from the appropriate community
851 alliance. Within resources available for this purpose, the
852 department may secure outside audit expertise when necessary to
853 assist a readiness assessment team.

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

857 4. Within 30 days following the exit conference with staff
858 of each district and lead agency, the secretary shall certify in
859 writing to the Governor and the Legislature that both the
860 district and the lead agency are prepared to begin the
861 transition of service provision based on the results of the
862 readiness assessment and the exit conference. The document of
863 certification must include specific evidence of readiness on



HB 0475

2003
CS

864 each element of the readiness instrument utilized by the
865 assessment team as well as a description of each element of
866 readiness needing improvement and strategies being implemented
867 to address each one.

868 (c) The Auditor General and the Office of Program Policy
869 Analysis and Government Accountability, in consultation with the
870 Child Welfare League of America and the Louis de la Parte
871 Florida Mental Health Institute, shall jointly review and assess
872 the department's process for determining district and lead
873 agency readiness.

874 1. The review must, at a minimum, address the
875 appropriateness of the readiness criteria and instruments
876 applied, the appropriateness of the qualifications of
877 participants on each readiness assessment team, the degree to
878 which the department accurately determined each district and
879 lead agency's compliance with the readiness criteria, the
880 quality of the technical assistance provided by the department
881 to a lead agency in correcting any weaknesses identified in the
882 readiness assessment, and the degree to which each lead agency
883 overcame any identified weaknesses.

884 2. Reports of these reviews must be submitted to the
885 appropriate substantive and appropriations committees in the
886 Senate and the House of Representatives on March 1 and September
887 1 of each year until full transition to community-based care has
888 been accomplished statewide, except that the first report must
889 be submitted by February 1, 2004, and must address all readiness
890 activities undertaken through June 30, 2003. The perspectives of



HB 0475

2003
CS

891 all participants in this review process must be included in each
892 report.

893 (d) In communities where economic or demographic
894 constraints make it impossible or not feasible to competitively
895 contract with a lead agency, the department shall develop an
896 alternative plan in collaboration with the local community
897 alliance, which may include establishing innovative geographical
898 configurations or consortiums of agencies. The plan must detail
899 how the community will continue to implement community-based
900 care through competitively procuring either the specific
901 components of foster care and related services or comprehensive
902 services for defined eligible populations of children and
903 families from qualified licensed agencies as part of its efforts
904 to develop the local capacity for a community-based system of
905 coordinated care. The plan must ensure local control over the
906 management and administration of the service provision in
907 accordance with the intent of this section and may include
908 recognized best business practices, including some form of
909 public or private partnerships ~~by initiating the competitive~~
910 ~~procurement process in each county by January 1, 2003. In order~~
911 ~~to provide for an adequate transition period to develop the~~
912 ~~necessary administrative and service delivery capacity in each~~
913 ~~community, the full transfer of all foster care and related~~
914 ~~services must be completed statewide by December 31, 2004.~~

915 (e)-(e) As used in this section, the term "eligible lead
916 community-based provider" means a single agency with which the
917 department shall contract for the provision of child protective
918 services in a community that is no smaller than a county. The



HB 0475

2003
CS

919 secretary of the department may authorize more than one eligible
920 lead community-based provider within a single county when to do
921 so will result in more effective delivery of foster care and
922 related services. To compete for a privatization project, such
923 agency must have:

924 1. The ability to coordinate, integrate, and manage all
925 child protective services in the designated community in
926 cooperation with child protective investigations.

927 2. The ability to ensure continuity of care from entry to
928 exit for all children referred from the protective investigation
929 and court systems.

930 3. The ability to provide directly, or contract for
931 through a local network of providers, all necessary child
932 protective services.

933 4. The willingness to accept accountability for meeting
934 the outcomes and performance standards related to child
935 protective services established by the Legislature and the
936 Federal Government.

937 5. The capability and the willingness to serve all
938 children referred to it from the protective investigation and
939 court systems, regardless of the level of funding allocated to
940 the community by the state, provided all related funding is
941 transferred.

942 6. The willingness to ensure that each individual who
943 provides child protective services completes the training
944 required of child protective service workers by the Department
945 of Children and Family Services.



HB 0475

2003
CS

946 7. The ability to maintain eligibility to receive all
947 federal child welfare funds, including Title IV-E and IV-A
948 funds, currently being used by the Department of Children and
949 Family Services.

950 8. Written agreements with Healthy Families Florida lead
951 entities in their community, pursuant to s. 409.153, to promote
952 cooperative planning for the provision of prevention and
953 intervention services.

954 (f)(d)1. ~~If attempts to competitively procure services~~
955 ~~through an eligible lead community-based provider as defined in~~
956 ~~paragraph (c) do not produce a capable and willing agency, the~~
957 ~~department shall develop a plan in collaboration with the local~~
958 ~~community alliance. The plan must detail how the community will~~
959 ~~continue to implement privatization, to be accomplished by~~
960 ~~December 31, 2004, through competitively procuring either the~~
961 ~~specific components of foster care and related services or~~
962 ~~comprehensive services for defined eligible populations of~~
963 ~~children and families from qualified licensed agencies as part~~
964 ~~of its efforts to develop the local capacity for a community-~~
965 ~~based system of coordinated care. The plan must ensure local~~
966 ~~control over the management and administration of the service~~
967 ~~provision in accordance with the intent of this section and may~~
968 ~~include recognized best business practices, including some form~~
969 ~~of public or private partnerships. In the absence of a community~~
970 ~~alliance, the plan must be submitted to the President of the~~
971 ~~Senate and the Speaker of the House of Representatives for their~~
972 ~~comments.~~



HB 0475

2003
CS

973 ~~1.2-~~ The Legislature finds that the state has
974 traditionally provided foster care services to children who have
975 been the responsibility of the state. As such, foster children
976 have not had the right to recover for injuries beyond the
977 limitations specified in s. 768.28. The Legislature has
978 determined that foster care and related services need to be
979 privatized pursuant to this section and that the provision of
980 such services is of paramount importance to the state. The
981 purpose for such privatization is to increase the level of
982 safety, security, and stability of children who are or become
983 the responsibility of the state. One of the components necessary
984 to secure a safe and stable environment for such children is
985 that private providers maintain liability insurance. As such,
986 insurance needs to be available and remain available to
987 nongovernmental foster care and related services providers
988 without the resources of such providers being significantly
989 reduced by the cost of maintaining such insurance.

990 ~~2.3-~~ The Legislature further finds that, by requiring the
991 following minimum levels of insurance, children in privatized
992 foster care and related services will gain increased protection
993 and rights of recovery in the event of injury than provided for
994 in s. 768.28.

995 (g)~~(e)~~ In any county in which a service contract has not
996 been executed by December 31, 2004, the department shall ensure
997 access to a model comprehensive residential services program as
998 described in s. 409.1677 which, without imposing undue
999 financial, geographic, or other barriers, ensures reasonable and
1000 appropriate participation by the family in the child's program.



1001 1. In order to ensure that the program is operational by
 1002 December 31, 2004, the department must, by December 31, 2003,
 1003 begin the process of establishing access to a program in any
 1004 county in which the department has not either entered into a
 1005 transition contract or approved a community plan, ~~as described~~
 1006 ~~in paragraph (d)~~, which ensures full privatization by the
 1007 statutory deadline.

1008 2. The program must be procured through a competitive
 1009 process.

1010 3. The Legislature does not intend for the provisions of
 1011 this paragraph to substitute for the requirement that full
 1012 conversion to community-based care be accomplished.

1013 (h)~~(f)~~ Other than an entity to which s. 768.28 applies,
 1014 any eligible lead community-based provider, as defined in
 1015 paragraph (e) ~~(e)~~, or its employees or officers, except as
 1016 otherwise provided in paragraph (i) ~~(g)~~, must, as a part of its
 1017 contract, obtain a minimum of \$1 million per claim/\$3 million
 1018 per incident in general liability insurance coverage. The
 1019 eligible lead community-based provider must also require that
 1020 staff who transport client children and families in their
 1021 personal automobiles in order to carry out their job
 1022 responsibilities obtain minimum bodily injury liability
 1023 insurance in the amount of \$100,000 per claim, \$300,000 per
 1024 incident, on their personal automobiles. In any tort action
 1025 brought against such an eligible lead community-based provider
 1026 or employee, net economic damages shall be limited to \$1 million
 1027 per liability claim and \$100,000 per automobile claim,
 1028 including, but not limited to, past and future medical expenses,



HB 0475

2003
CS

1029 wage loss, and loss of earning capacity, offset by any
 1030 collateral source payment paid or payable. In any tort action
 1031 brought against such an eligible lead community-based provider,
 1032 noneconomic damages shall be limited to \$200,000 per claim. A
 1033 claims bill may be brought on behalf of a claimant pursuant to
 1034 s. 768.28 for any amount exceeding the limits specified in this
 1035 paragraph. Any offset of collateral source payments made as of
 1036 the date of the settlement or judgment shall be in accordance
 1037 with s. 768.76. The lead community-based provider shall not be
 1038 liable in tort for the acts or omissions of its subcontractors
 1039 or the officers, agents, or employees of its subcontractors.

1040 (i)~~(g)~~ The liability of an eligible lead community-based
 1041 provider described in this section shall be exclusive and in
 1042 place of all other liability of such provider. The same
 1043 immunities from liability enjoyed by such providers shall extend
 1044 as well to each employee of the provider when such employee is
 1045 acting in furtherance of the provider's business, including the
 1046 transportation of clients served, as described in this
 1047 subsection, in privately owned vehicles. Such immunities shall
 1048 not be applicable to a provider or an employee who acts in a
 1049 culpably negligent manner or with willful and wanton disregard
 1050 or unprovoked physical aggression when such acts result in
 1051 injury or death or such acts proximately cause such injury or
 1052 death; nor shall such immunities be applicable to employees of
 1053 the same provider when each is operating in the furtherance of
 1054 the provider's business, but they are assigned primarily to
 1055 unrelated works within private or public employment. The same
 1056 immunity provisions enjoyed by a provider shall also apply to



HB 0475

2003
CS

1057 any sole proprietor, partner, corporate officer or director,
1058 supervisor, or other person who in the course and scope of his
1059 or her duties acts in a managerial or policymaking capacity and
1060 the conduct that caused the alleged injury arose within the
1061 course and scope of those managerial or policymaking duties.
1062 Culpable negligence is defined as reckless indifference or
1063 grossly careless disregard of human life.

1064 (j)~~(h)~~ Any subcontractor of an eligible lead community-
1065 based provider, as defined in paragraph (e) ~~(e)~~, which is a
1066 direct provider of foster care and related services to children
1067 and families, and its employees or officers, except as otherwise
1068 provided in paragraph (i) ~~(g)~~, must, as a part of its contract,
1069 obtain a minimum of \$1 million per claim/\$3 million per incident
1070 in general liability insurance coverage. The subcontractor of an
1071 eligible lead community-based provider must also require that
1072 staff who transport client children and families in their
1073 personal automobiles in order to carry out their job
1074 responsibilities obtain minimum bodily injury liability
1075 insurance in the amount of \$100,000 per claim, \$300,000 per
1076 incident, on their personal automobiles. In any tort action
1077 brought against such subcontractor or employee, net economic
1078 damages shall be limited to \$1 million per liability claim and
1079 \$100,000 per automobile claim, including, but not limited to,
1080 past and future medical expenses, wage loss, and loss of earning
1081 capacity, offset by any collateral source payment paid or
1082 payable. In any tort action brought against such subcontractor,
1083 noneconomic damages shall be limited to \$200,000 per claim. A
1084 claims bill may be brought on behalf of a claimant pursuant to



HB 0475

2003
CS

1085 s. 768.28 for any amount exceeding the limits specified in this
1086 paragraph. Any offset of collateral source payments made as of
1087 the date of the settlement or judgment shall be in accordance
1088 with s. 768.76.

1089 (k)~~(i)~~ The liability of a subcontractor of an eligible
1090 lead community-based provider that is a direct provider of
1091 foster care and related services as described in this section
1092 shall be exclusive and in place of all other liability of such
1093 provider. The same immunities from liability enjoyed by such
1094 subcontractor provider shall extend as well to each employee of
1095 the subcontractor when such employee is acting in furtherance of
1096 the subcontractor's business, including the transportation of
1097 clients served, as described in this subsection, in privately
1098 owned vehicles. Such immunities shall not be applicable to a
1099 subcontractor or an employee who acts in a culpably negligent
1100 manner or with willful and wanton disregard or unprovoked
1101 physical aggression when such acts result in injury or death or
1102 such acts proximately cause such injury or death; nor shall such
1103 immunities be applicable to employees of the same subcontractor
1104 when each is operating in the furtherance of the subcontractor's
1105 business, but they are assigned primarily to unrelated works
1106 within private or public employment. The same immunity
1107 provisions enjoyed by a subcontractor shall also apply to any
1108 sole proprietor, partner, corporate officer or director,
1109 supervisor, or other person who in the course and scope of his
1110 or her duties acts in a managerial or policymaking capacity and
1111 the conduct that caused the alleged injury arose within the
1112 course and scope of those managerial or policymaking duties.



HB 0475

2003
CS

1113 Culpable negligence is defined as reckless indifference or
1114 grossly careless disregard of human life.

1115 (1)~~(j)~~ The Legislature is cognizant of the increasing
1116 costs of goods and services each year and recognizes that fixing
1117 a set amount of compensation actually has the effect of a
1118 reduction in compensation each year. Accordingly, the
1119 conditional limitations on damages in this section shall be
1120 increased at the rate of 5 percent each year, prorated from the
1121 effective date of this paragraph to the date at which damages
1122 subject to such limitations are awarded by final judgment or
1123 settlement.

1124 (m)~~(k)~~ Notwithstanding the provisions of paragraph (a) and
1125 chapter 287, and for the 2002-2003 fiscal year only, the
1126 Department of Children and Family Services may combine the
1127 current community-based care lead agency contracts for Sarasota,
1128 Manatee, and DeSoto Counties into a single contract. This
1129 paragraph expires July 1, 2003.

1130 (3)(a) In order to help ensure a seamless child protection
1131 system, the department shall ensure that contracts entered into
1132 with community-based agencies pursuant to this section include
1133 provisions for a case-transfer process to determine the date
1134 that the community-based agency will initiate the appropriate
1135 services for a child and family. This case-transfer process must
1136 clearly identify the closure of the protective investigation and
1137 the initiation of service provision. At the point of case
1138 transfer, and at the conclusion of an investigation, the
1139 department must provide a complete summary of the findings of
1140 the investigation to the community-based agency.



HB 0475

2003
CS

1141 (b) The contracts must also ensure that each community-
1142 based agency shall furnish information on its activities in all
1143 cases in client case records. ~~A provider may not discontinue~~
1144 ~~services on any voluntary case without prior written~~
1145 ~~notification to the department 30 days before planned case~~
1146 ~~closure. If the department disagrees with the recommended case~~
1147 ~~closure date, written notification to the provider must be~~
1148 ~~provided before the case closure date.~~

1149 (c) The contract between the department and community-
1150 based agencies must include provisions that specify the
1151 procedures to be used by the parties to resolve differences in
1152 interpreting the contract or to resolve disputes as to the
1153 adequacy of the parties' compliance with their respective
1154 obligations under the contract.

1155 (d) Each contract with an eligible lead community-based
1156 provider shall provide for the payment by the department to the
1157 provider of a reasonable administrative cost in addition to
1158 funding for the provision of services.

1159 (4)(a) The department shall establish a quality assurance
1160 program for privatized services. The quality assurance program
1161 shall be based on standards established by a national
1162 accrediting organization such as the Council on Accreditation of
1163 Services for Families and Children, Inc. (COA) or CARF--the
1164 Rehabilitation Accreditation Commission. The department may
1165 develop a request for proposal for such oversight. This program
1166 must be developed and administered at a statewide level. The
1167 Legislature intends that the department be permitted to have
1168 limited flexibility to use funds for improving quality



HB 0475

2003
CS

1169 assurance. To this end, ~~effective January 1, 2000,~~ the
1170 department may transfer up to 0.125 percent of the total funds
1171 from categories used to pay for these contractually provided
1172 services, but the total amount of such transferred funds may not
1173 exceed \$300,000 in any fiscal year. When necessary, the
1174 department may establish, in accordance with s. 216.177,
1175 additional positions that will be exclusively devoted to these
1176 functions. Any positions required under this paragraph may be
1177 established, notwithstanding ss. 216.262(1)(a) and 216.351. The
1178 department, in consultation with the community-based agencies
1179 that are undertaking the privatized projects, shall establish
1180 minimum thresholds for each component of service, consistent
1181 with standards established by the Legislature and the Federal
1182 Government. Each program operated under contract with a
1183 community-based agency must be evaluated annually by the
1184 department. The department shall, to the extent possible, use
1185 independent financial audits provided by the community-based
1186 care agency to eliminate or reduce the ongoing contract and
1187 administrative reviews conducted by the department. The
1188 department may suggest additional items to be included in such
1189 independent financial audits to meet the department's needs.
1190 Should the department determine that such independent financial
1191 audits are inadequate, other audits may be conducted by the
1192 department, as necessary. Nothing herein shall abrogate the
1193 requirements of s. 215.97. The department shall submit an annual
1194 report based upon the results of such independent audits
1195 regarding quality performance, outcome measure attainment, and
1196 cost efficiency to the President of the Senate, the Speaker of



HB 0475

2003
CS

1197 the House of Representatives, the minority leader of each house
1198 of the Legislature, and the Governor no later than January 31 of
1199 each year for each project in operation during the preceding
1200 fiscal year.

1201 (b) The department shall use these findings in making
1202 recommendations to the Governor and the Legislature for future
1203 program and funding priorities in the child welfare system.

1204 Section 8. Section 409.16745, Florida Statutes, is amended
1205 to read:

1206 409.16745 Community partnership matching grant
1207 program.--It is the intent of the Legislature to improve
1208 services and local participation in community-based care
1209 initiatives by fostering community support and providing
1210 enhanced prevention and in-home services, thereby reducing the
1211 risk otherwise faced by lead agencies. There is established a
1212 community partnership matching grant program to be operated by
1213 the Department of Children and Family Services for the purpose
1214 of encouraging local participation in community-based care for
1215 child welfare. Any children's services council or other local
1216 government entity that makes a financial commitment to a
1217 community-based care lead agency is eligible for a grant upon
1218 proof that the children's services council or local government
1219 entity has provided the selected lead agency at least \$250,000
1220 ~~\$825,000 in start up funds~~, from any local resources otherwise
1221 available to it. The total amount of local contribution may be
1222 matched on a two-for-one basis up to a maximum amount of \$2
1223 million per council or local government entity. Awarded matching
1224 grant funds may be used for any prevention or in-home services



HB 0475

2003
CS

1225 provided by the children's services council or other local
 1226 government entity that meets temporary-assistance-for-needy-
 1227 families' eligibility requirements and can be reasonably
 1228 expected to reduce the number of children entering the child
 1229 welfare system. To ensure necessary flexibility for the
 1230 development, start up, and ongoing operation of community-based
 1231 care initiatives, the notice period required for any budget
 1232 action authorized by the provisions of s. 20.19(5)(b), is waived
 1233 for the family safety program; however, the Department of
 1234 Children and Family Services must provide copies of all such
 1235 actions to the Executive Office of the Governor and Legislature
 1236 within 72 hours of their occurrence. Funding available for the
 1237 matching grant program is subject to legislative appropriation
 1238 of nonrecurring ~~temporary-assistance-for-needy-families~~ funds
 1239 provided for the purpose.

1240 Section 9. Subsection (3) of section 409.175, Florida
 1241 Statutes, is amended to read:

1242 409.175 Licensure of family foster homes, residential
 1243 child-caring agencies, and child-placing agencies.--

1244 (3)(a) The total number of children placed in each family
 1245 foster home shall be based on the recommendation of the
 1246 department, or the community-based care lead agency where one is
 1247 providing foster care and related services, based on the needs
 1248 of each child in care, the ability of the foster family to meet
 1249 the individual needs of each child, including any adoptive or
 1250 biological children living in the home, the amount of safe
 1251 physical plant space, the ratio of active and appropriate adult



HB 0475

2003
CS

1252 supervision, and the background, experience, and skill of the
1253 family foster parents.

1254 (b) If the total number of children in a family foster
1255 home will exceed five, including the family's own children, an a
1256 ~~comprehensive behavioral health~~ assessment of each child to be
1257 placed in the home must be completed by a family services
1258 counselor and approved in writing by the counselor's supervisor
1259 prior to placement of any additional children in the home,
1260 except that, if the placement involves a child whose sibling is
1261 already in the home or a child who has been in placement in the
1262 home previously, the assessment must be completed within 72
1263 hours after placement. The ~~comprehensive behavioral health~~
1264 assessment must ~~comply with Medicaid rules and regulations,~~
1265 assess and document the mental, physical, and psychosocial needs
1266 of the child, and recommend the maximum number of children in a
1267 family foster home that will allow the child's needs to be met.

1268 (c) For any licensed family foster home, the
1269 appropriateness of the number of children in the home must be
1270 reassessed annually as part of the relicensure process. For a
1271 home with more than five children, if it is determined by the
1272 licensure study at the time of relicensure that the total number
1273 of children in the home is appropriate and that there have been
1274 no substantive licensure violations and no indications of child
1275 maltreatment or child-on-child sexual abuse within the past 12
1276 months, the relicensure of the home shall not be denied based on
1277 the total number of children in the home.

1278 Section 10. Section 409.953, Florida Statutes, is amended
1279 to read:



HB 0475

2003
CS

1280 409.953 ~~Rulemaking authority for~~ Refugee assistance
1281 program; rulemaking authority.--

1282 (1) The Department of Children and Family Services has the
1283 authority shall adopt rules to administer the eligibility
1284 requirements for the refugee assistance program in accordance
1285 with 45 C.F.R. parts 400 and 401. The Department of Children and
1286 Family Services or a child-placing or child-caring agency
1287 designated by the department may petition in circuit court to
1288 establish custody and placement in the Unaccompanied Refugee
1289 Minor Program for each unaccompanied refugee minor defined in 45
1290 C.F.R. s. 400.111.

1291 (2) The Department of Children and Family Services shall
1292 adopt any rules necessary for the implementation and
1293 administration of this section.

1294 Section 11. Section 937.021, Florida Statutes, is amended
1295 to read:

1296 937.021 Missing child reports.--

1297 (1) Upon the filing of a police report that a child is
1298 missing by the parent or guardian, the law enforcement agency
1299 receiving the report written notification shall immediately
1300 inform all on-duty law enforcement officers of the existence of
1301 the missing child report, communicate the report to every other
1302 law enforcement agency having jurisdiction in the county, and
1303 transmit the report for inclusion within the Florida Crime
1304 Information Center computer.

1305 (2) A police report that a child is missing may be filed
1306 with the law enforcement agency having jurisdiction in the
1307 county or municipality in which the child was last seen prior to



HB 0475

2003
CS

1308 the filing of the report, without regard to whether the child
1309 resides in or has any significant contacts with that county or
1310 municipality. The filing of such a report shall impose the
1311 duties specified in subsection (1) upon that law enforcement
1312 agency.

1313 Section 12. The Office of Program Policy Analysis and
1314 Government Accountability shall prepare an evaluation of child
1315 welfare legal services to be submitted to the President of the
1316 Senate, the Speaker of the House of Representatives, the
1317 Governor, and the Chief Justice of the Supreme Court by December
1318 31, 2003. The evaluation shall consider different models of
1319 provision of legal services in dependency proceedings on behalf
1320 of the state, including representation by other governmental,
1321 for-profit, or not-for-profit entities, and include discussion
1322 of the organizational placement on the cost and delivery of
1323 providing these services; the organizational placement's effect
1324 on communication between attorneys and caseworkers; the ability
1325 to attract, retain, and provide professional development
1326 opportunities for experienced attorneys; and the implications of
1327 each model for the attorney's professional responsibilities.
1328 Until directed otherwise by the Legislature, the department
1329 shall maintain its current delivery system for the provision of
1330 child welfare legal services.

1331 Section 13. This act shall take effect July 1, 2003.