



1 A bill to be entitled
2 An act relating to human services; amending s. 39.202,
3 F.S.; clarifying a right to access to records for certain
4 attorneys and providing a right to access for school
5 principals and certain school employees; authorizing the
6 Department of Children and Family Services and specified
7 law enforcement agencies to release certain information
8 when a child is under investigation or supervision;
9 providing an exception; providing that persons releasing
10 such information are not subject to civil or criminal
11 penalty for the release; providing for an additional
12 circumstance for release of otherwise confidential
13 records; amending s. 402.305, F.S.; directing the
14 Department of Children and Family Services to adopt by
15 rule a definition of child care; amending s. 402.40, F.S.;
16 removing Tallahassee Community College as the sole
17 contract provider for child welfare training academies;
18 providing for development of core competencies; providing
19 for advanced training; modifying requirements for the
20 establishment of training academies; providing for
21 modification of child welfare training; creating s.
22 402.401, F.S.; creating the Florida Child Welfare Student
23 Loan Forgiveness Program; providing for eligibility
24 requirements; providing terms of repayment; limits program
25 to amount of funds appropriated; creating s. 409.033,
26 F.S.; providing legislative intent that local government
27 matching funds shall be used to the extent possible to
28 match federal funding where state funding is inadequate to



29 use such federal funding; requiring agencies to create
30 plans to utilize local matching funds; making
31 participation by local governments voluntary; requiring
32 reports; amending s. 409.1451, F.S.; providing duties for
33 the Independent Living Services Workgroup; making an
34 exception for personal property of independent living
35 clients; amending s. 409.1671, F.S.; deleting the
36 requirement that the state attorney or the Attorney
37 General provide legal services in certain counties;
38 exempting certain counties from privatization requirements
39 related to foster care and related services; providing for
40 the continuation of privatization of foster care and
41 related services; providing for a readiness assessment and
42 written certification; deleting certain termination of
43 services notice requirements; requiring the payment of
44 certain administrative costs incurred by lead community-
45 based providers; deleting an obsolete effective date;
46 providing for independent financial audits; correcting
47 references, to conform; amending s. 409.16745, F.S.;
48 changing eligibility requirements for participation in the
49 community partnership matching grant program; amending s.
50 409.175, F.S.; providing for an assessment by a family
51 services counselor and approval by a supervisor, rather
52 than a comprehensive behavioral health assessment, of
53 children in certain family foster homes; amending s.
54 409.953, F.S.; providing for custody determination and
55 placement of unaccompanied refugee minors; amending s.
56 937.021, F.S.; providing for the filing of police reports



57 | for missing children in the county or municipality where
58 | the child was last seen; providing for an evaluation of
59 | child welfare legal services by the Office of Program
60 | Policy Analysis and Government Accountability; providing
61 | an effective date.

62 |
63 | Be It Enacted by the Legislature of the State of Florida:

64 |
65 | Section 1. Section 39.202, Florida Statutes, is amended to
66 | read:

67 | 39.202 Confidentiality of reports and records in cases of
68 | child abuse or neglect.--

69 | (1) In order to protect the rights of the child and the
70 | child's parents or other persons responsible for the child's
71 | welfare, all records held by the department concerning reports
72 | of child abandonment, abuse, or neglect, including reports made
73 | to the central abuse hotline and all records generated as a
74 | result of such reports, shall be confidential and exempt from
75 | the provisions of s. 119.07(1) and shall not be disclosed except
76 | as specifically authorized by this chapter. Such exemption from
77 | s. 119.07(1) applies to information in the possession of those
78 | entities granted access as set forth in this section.

79 | (2) Except as provided in subsection (4), access to such
80 | records, excluding the name of the reporter which shall be
81 | released only as provided in subsection (5) ~~(4)~~, shall be
82 | granted only to the following persons, officials, and agencies:



83 (a) Employees, authorized agents, or contract providers of
84 the department, the Department of Health, or county agencies
85 responsible for carrying out:

- 86 1. Child or adult protective investigations;
- 87 2. Ongoing child or adult protective services;
- 88 3. Healthy Start services; ~~or~~
- 89 4. Licensure or approval of adoptive homes, foster homes,
90 or child care facilities, or family day care homes or informal
91 child care providers who receive subsidized child care funding,
92 or other homes used to provide for the care and welfare of
93 children; or
- 94 5. Services for victims of domestic violence when provided
95 by certified domestic violence centers working at the
96 department's request as case consultants or with shared clients.

97
98 Also, employees or agents of the Department of Juvenile Justice
99 responsible for the provision of services to children, pursuant
100 to chapters 984 and 985.

101 (b) Criminal justice agencies of appropriate jurisdiction.

102 (c) The state attorney of the judicial circuit in which
103 the child resides or in which the alleged abuse or neglect
104 occurred.

105 (d) The parent or legal custodian of any child who is
106 alleged to have been abused, abandoned, or neglected, and the
107 child, and their attorneys, including any attorney representing
108 a child in civil or criminal proceedings. This access shall be
109 made available no later than 30 days after the department
110 receives the initial report of abuse, neglect, or abandonment.



111 However, any information otherwise made confidential or exempt
112 by law shall not be released pursuant to this paragraph.

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

123 (f) A court upon its finding that access to such records
124 may be necessary for the determination of an issue before the
125 court; however, such access shall be limited to inspection in
126 camera, unless the court determines that public disclosure of
127 the information contained therein is necessary for the
128 resolution of an issue then pending before it.

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

132 (h) Any appropriate official of the department responsible
133 for:

134 1. Administration or supervision of the department's
135 program for the prevention, investigation, or treatment of child
136 abuse, abandonment, or neglect, or abuse, neglect, or
137 exploitation of a vulnerable adult, when carrying out his or her
138 official function;



139 2. Taking appropriate administrative action concerning an
 140 employee of the department alleged to have perpetrated child
 141 abuse, abandonment, or neglect, or abuse, neglect, or
 142 exploitation of a vulnerable adult; or

143 3. Employing and continuing employment of personnel of the
 144 department.

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

154 (j) The Division of Administrative Hearings for purposes
 155 of any administrative challenge.

156 (k) Any appropriate official of a Florida advocacy council
 157 investigating a report of known or suspected child abuse,
 158 abandonment, or neglect; the Auditor General or the Office of
 159 Program Policy Analysis and Government Accountability for the
 160 purpose of conducting audits or examinations pursuant to law; or
 161 the guardian ad litem for the child.

162 (l) Employees or agents of an agency of another state that
 163 has comparable jurisdiction to the jurisdiction described in
 164 paragraph (a).

165 (m) The Public Employees Relations Commission for the sole
 166 purpose of obtaining evidence for appeals filed pursuant to s.



167 447.207. Records may be released only after deletion of all
 168 information which specifically identifies persons other than the
 169 employee.

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

172 (o) Any person in the event of the death of a child
 173 determined to be a result of abuse, abandonment, or neglect.
 174 Information identifying the person reporting abuse, abandonment,
 175 or neglect shall not be released. Any information otherwise made
 176 confidential or exempt by law shall not be released pursuant to
 177 this paragraph.

178 (p) The principal of a public school, private school, or
 179 charter school where the child is a student. Information
 180 contained in the records which the principal determines are
 181 necessary for a school employee to effectively provide a student
 182 with educational services may be released to that employee.

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

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

190 (a) The department may release the following information
 191 to the public when it believes the release of the information is
 192 likely to assist efforts in locating the child or to promote the
 193 safety or well-being of the child:

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



195 2. A physical description of the child, including, at a
196 minimum, the height, weight, hair color, eye color, gender, and
197 any identifying physical characteristics of the child.

198 3. A photograph of the child.

199 (b) With the concurrence of the law enforcement agency
200 primarily responsible for investigating the incident, the
201 department may release any additional information it believes
202 likely to assist efforts in locating the child or to promote the
203 safety or well-being of the child.

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

210
211 The good faith publication or release of this information by the
212 department, a law enforcement agency, or any recipient of the
213 information as specifically authorized by this subsection shall
214 not subject the person, agency, or entity releasing the
215 information to any civil or criminal penalty. This subsection
216 does not authorize the release of the name of the reporter,
217 which may be released only as provided in subsection (5).

218 (5)(4) The name of any person reporting child abuse,
219 abandonment, or neglect may not be released to any person other
220 than employees of the department responsible for child
221 protective services, the central abuse hotline, law enforcement,
222 the child protection team, or the appropriate state attorney,



223 without the written consent of the person reporting. This does
224 not prohibit the subpoenaing of a person reporting child abuse,
225 abandonment, or neglect when deemed necessary by the court, the
226 state attorney, or the department, provided the fact that such
227 person made the report is not disclosed. Any person who reports
228 a case of child abuse or neglect may, at the time he or she
229 makes the report, request that the department notify him or her
230 that a child protective investigation occurred as a result of
231 the report. Any person specifically listed in s. 39.201(1) who
232 makes a report in his or her official capacity may also request
233 a written summary of the outcome of the investigation. The
234 department shall mail such a notice to the reporter within 10
235 days after completing the child protective investigation.

236 (6)~~(5)~~ All records and reports of the child protection
237 team of the Department of Health are confidential and exempt
238 from the provisions of ss. 119.07(1) and 456.057, and shall not
239 be disclosed, except, upon request, to the state attorney, law
240 enforcement, the department, and necessary professionals, in
241 furtherance of the treatment or additional evaluative needs of
242 the child, by order of the court, or to health plan payors,
243 limited to that information used for insurance reimbursement
244 purposes.

245 (7)~~(6)~~ The department shall make and keep reports and
246 records of all cases under this chapter relating to child abuse,
247 abandonment, and neglect and shall preserve the records
248 pertaining to a child and family until 7 years after the last
249 entry was made or until the child is 18 years of age, whichever
250 date is first reached, and may then destroy the records.



251 Department records required by this chapter relating to child
252 abuse, abandonment, and neglect may be inspected only upon order
253 of the court or as provided for in this section.

254 ~~(8)(7)~~ A person who knowingly or willfully makes public or
255 discloses to any unauthorized person any confidential
256 information contained in the central abuse hotline is subject to
257 the penalty provisions of s. 39.205. This notice shall be
258 prominently displayed on the first sheet of any documents
259 released pursuant to this section.

260 Section 2. Paragraph (c) of subsection (1) of section
261 402.305, Florida Statutes, is amended to read:

262 402.305 Licensing standards; child care facilities.--

263 (1) LICENSING STANDARDS.--The department shall establish
264 licensing standards that each licensed child care facility must
265 meet regardless of the origin or source of the fees used to
266 operate the facility or the type of children served by the
267 facility.

268 (c) The minimum standards for child care facilities shall
269 be adopted in the rules of the department and shall address the
270 areas delineated in this section. The department, in adopting
271 rules to establish minimum standards for child care facilities,
272 shall recognize that different age groups of children may
273 require different standards. The department may adopt different
274 minimum standards for facilities that serve children in
275 different age groups, including school-age children. The
276 department shall also adopt by rule a definition for child care
277 which distinguishes between child care programs that require
278 child care licensure and after-school programs that do not



279 | require licensure. Notwithstanding any other provision of law to
280 | the contrary, minimum child care licensing standards shall be
281 | developed to provide for reasonable, affordable, and safe
282 | before-school and after-school care. Standards, at a minimum,
283 | shall allow for a credentialed director to supervise multiple
284 | before-school and after-school sites.

285 | Section 3. Section 402.40, Florida Statutes, is amended to
286 | read:

287 | 402.40 Child welfare training.--

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

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

304 | (a) "Child welfare services" "~~Dependency program~~" means
305 | any intake, protective investigation, preprotective services,
306 | protective services, foster care, shelter and group care, and



307 adoption and related services program, including supportive
308 services, supervision, and legal services provided to children
309 who are alleged to have been abused, abandoned, or neglected or
310 who are at risk of becoming, alleged to be, or who have been
311 found dependent, pursuant to chapter 39 ~~whether operated by or~~
312 ~~contracted by the department, providing intake, counseling,~~
313 ~~supervision, or custody and care of children who are alleged to~~
314 ~~be or who have been found to be dependent pursuant to chapter 39~~
315 ~~or who have been identified as being at risk of becoming~~
316 ~~dependent.~~

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

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

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

330 (a) There is created within the State Treasury a Child
331 Welfare Training Trust Fund to be used by the Department of
332 Children and Family Services for the purpose of funding a
333 comprehensive system of child welfare training, including the
334 securing of consultants to develop the system and the developing



335 of child welfare training academies that include the
336 participation of persons providing child welfare services
337 ~~dependency program staff.~~

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

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

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

349 (5) CORE COMPETENCIES.--

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

359 (b) The identification of these core competencies shall be
360 a collaborative effort to include professionals with expertise
361 in child welfare services and providers that will be affected by
362 the curriculum, to include, but not be limited to,



363 representatives from the community-based care lead agencies,
364 sheriffs' offices conducting child protection investigations,
365 and child welfare legal services providers.

366 (c) Notwithstanding the provisions of s. 287.057(5) and
367 (22), the department shall competitively solicit and contract
368 for the development, validation, and periodic evaluation of the
369 training curricula for the established single integrated
370 curriculum. No more than one training curriculum may be
371 developed for each specific subset of the core competencies.

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

385 (7) CERTIFICATION AND TRAINER QUALIFICATIONS.--The
386 department shall, in collaboration with the professionals and
387 providers described in paragraph (5)(b), develop minimum
388 standards for a certification process that ensures participants
389 have successfully attained the knowledge, skills, and abilities
390 necessary to competently carry out their work responsibilities



391 and shall develop minimum standards for trainer qualifications
392 that shall be required of training academies in the offering of
393 the training curricula. Any person providing child welfare
394 services shall be required to master the components of the
395 curriculum that are particular to that person's work
396 responsibilities.

397 (8)(5) ESTABLISHMENT OF TRAINING ACADEMIES.--The
398 department shall establish child welfare training academies as
399 part of a comprehensive system of child welfare training. In
400 establishing a program of training, the department may contract
401 for the operation of one or more training academies to perform
402 one or more of the following: offer one or more of the training
403 curricula developed pursuant to subsection (5); administer the
404 certification process; develop, validate, and periodically
405 evaluate additional training curricula determined necessary,
406 including advanced training, that is specific to a region or
407 contractor or that meets a particular training need; or offer
408 the additional training curricula with Tallahassee Community
409 College. The number, location, and timeframe for establishment
410 of additional training academies shall be approved by the
411 Secretary of Children and Family Services, who shall ensure that
412 the goals for the core competencies and the single integrated
413 curriculum, the certification process, the trainer
414 qualifications, and the additional training needs are addressed.
415 Notwithstanding the provisions of s. 287.057(5) and (22), the
416 department shall competitively solicit all training academy
417 contracts.



418 (9) MODIFICATION OF CHILD WELFARE TRAINING.--The core
419 competencies determined pursuant to subsection (5) and the
420 minimum standards for the certification process and for trainer
421 qualifications established pursuant to subsection (7) must be
422 submitted to the appropriate substantive committees of the
423 Senate and the House of Representatives before competitively
424 soliciting either the development, validation, or periodic
425 evaluation of the training curricula or for the training academy
426 contracts.

427 ~~(10)~~~~(6)~~ ADOPTION OF RULES.--The Department of Children and
428 Family Services shall adopt rules necessary to carry out the
429 provisions of this section.

430 Section 4. Section 402.401, Florida Statutes, is created
431 to read:

432 402.401 Florida Child Welfare Student Loan Forgiveness
433 Program.--

434 (1) There is created the Florida Child Welfare Student
435 Loan Forgiveness Program to be administered by the Department of
436 Education. The program shall provide loan assistance to eligible
437 students for upper-division undergraduate and graduate study.
438 The primary purpose of the program is to attract capable and
439 promising students to the child welfare profession, increase
440 employment and retention of individuals who are working towards
441 or who have received either a bachelor's degree or a master's
442 degree in social work or any human services subject area that
443 qualifies the individual for employment as a family services
444 worker, and provide opportunities for persons making midcareer
445 decisions to enter the child welfare profession. The State Board



446 of Education shall adopt rules necessary to administer the
447 program.

448 (2)(a) To be eligible for a program loan, a candidate
449 shall:

450 1. Be a full-time student at the upper-division
451 undergraduate or graduate level in a social work program
452 approved by the Council on Social Work leading to either a
453 bachelor's degree or a master's degree in social work or an
454 accredited human services degree program.

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

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

467 4. If applying for a graduate forgivable loan, have
468 maintained an undergraduate cumulative grade point average of at
469 least a 3.0 on a 4.0 scale or have attained a Graduate Record
470 Examination score of at least 1,000. Renewal applicants for
471 graduate loans shall have maintained a minimum cumulative grade
472 point average of at least a 3.0 on a 4.0 scale for all graduate



473 work and have earned at least 9 semester credits per term, or
474 the equivalent.

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

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

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

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

487 (d) The State Board of Education shall adopt by rule
488 repayment schedules and applicable interest rates under ss.
489 1009.82 and 1009.95. A forgivable loan must be repaid within 10
490 years after completion of a program of study.

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

495 2. Any forgivable loan recipient who fails to work at the
496 Department of Children and Family Services or its successor, or
497 with an eligible lead community-based provider as defined in s.
498 409.1671, is responsible for repaying the loan plus accrued
499 interest at 8 percent annually.



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

507 (3) This section shall be implemented only as specifically
508 funded.

509 Section 5. Section 409.033, Florida Statutes, is created
510 to read:

511 409.033 Maximization of local matching revenues.--

512 (1) LEGISLATIVE INTENT.--

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

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



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

531 (d) Except for funds expended pursuant to Title XIX, it is
532 the intent of the Legislature that certified local funding for
533 federal matching programs not supplant or replace state funds.
534 Beginning July 1, 2004, any state funds supplanted or replaced
535 with local tax revenues for Title XIX funds shall be expressly
536 approved in the General Appropriations Act or by the Legislative
537 Budget Commission pursuant to the provisions of chapter 216.

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

542 (2) REVENUE MAXIMIZATION PROGRAM.--

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

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

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



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

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

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



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

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

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

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

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



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

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

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

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

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

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

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



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

644 409.1451 Independent living transition services.--

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



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

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



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

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

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

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

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

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

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



723 the clients and is not subject to the requirements of chapter
724 273 relating to state-owned tangible personal property. Such
725 property continues to be subject to applicable federal laws.

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
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
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 and, Pasco, ~~Broward, and~~
798 ~~Manatee~~ Counties. ~~Such legal services shall commence and be~~
799 ~~effective, as soon as determined reasonably feasible by the~~
800 ~~respective state attorney or the Office of the Attorney General,~~
801 ~~after the privatization of associated programs and child~~
802 ~~protective investigations has occurred.~~ When a private nonprofit
803 agency has received case management responsibilities,
804 transferred from the state under this section, for a child who
805 is sheltered or found to be dependent and who is assigned to the
806 care of the privatization project, the agency may act as the



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



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



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.



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.~~



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,



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



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



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.



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.



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



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



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



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



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:



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. Upon making a finding that a child is an
 1289 unaccompanied refugee minor as defined in 45 C.F.R. s. 400.111,
 1290 the court may establish custody and placement of the child in
 1291 the Unaccompanied Refugee Minor Program.

1292 (2) The Department of Children and Family Services shall
 1293 adopt any rules necessary for the implementation and
 1294 administration of this section.

1295 Section 11. Section 937.021, Florida Statutes, is amended
 1296 to read:

1297 937.021 Missing child reports.--

1298 (1) Upon the filing of a police report that a child is
 1299 missing by the parent or guardian, the law enforcement agency
 1300 receiving the report ~~written notification~~ shall immediately
 1301 inform all on-duty law enforcement officers of the existence of
 1302 the missing child report, communicate the report to every other
 1303 law enforcement agency having jurisdiction in the county, and
 1304 transmit the report for inclusion within the Florida Crime
 1305 Information Center computer.

1306 (2) A police report that a child is missing may be filed
 1307 with the law enforcement agency having jurisdiction in the



1308 county or municipality in which the child was last seen prior to
1309 the filing of the report, without regard to whether the child
1310 resides in or has any significant contacts with that county or
1311 municipality. The filing of such a report shall impose the
1312 duties specified in subsection (1) upon that law enforcement
1313 agency.

1314 Section 12. The Office of Program Policy Analysis and
1315 Government Accountability shall prepare an evaluation of child
1316 welfare legal services to be submitted to the President of the
1317 Senate, the Speaker of the House of Representatives, the
1318 Governor, and the Chief Justice of the Supreme Court by December
1319 31, 2003. The evaluation shall consider different models of
1320 provision of legal services in dependency proceedings on behalf
1321 of the state, including representation by other governmental,
1322 for-profit, or not-for-profit entities, and include discussion
1323 of the organizational placement on the cost and delivery of
1324 providing these services; the organizational placement's effect
1325 on communication between attorneys and caseworkers; the ability
1326 to attract, retain, and provide professional development
1327 opportunities for experienced attorneys; and the implications of
1328 each model for the attorney's professional responsibilities.
1329 Following receipt of the report of this evaluation and until
1330 directed otherwise by the Legislature, the department shall
1331 maintain its current delivery system for the provision of child
1332 welfare legal services.

1333 Section 13. This act shall take effect July 1, 2003.