

1 A bill to be entitled
2 An act relating to foster care services;
3 amending s. 20.19, F.S.; prohibiting certain
4 members of a community alliance from receiving
5 funds from the Department of Children and
6 Family Services or a community-based lead
7 agency; amending s. 409.1671, F.S.; providing
8 additional requirements for an eligible lead
9 community-based provider to compete for a
10 privatization project; requiring contracts with
11 lead community-based providers to include
12 certain standards; revising requirements for
13 the department's quality assurance program for
14 privatized services; directing the Florida
15 Coalition for Children, Inc., to develop a plan
16 for a statewide risk pool for community-based
17 providers that provide foster care and related
18 services under contract with the department or
19 a lead community-based provider; deleting a
20 requirement that the department develop a
21 proposal; specifying the requirements of the
22 plan; extending a submission deadline; revising
23 the process for plan approval; directing the
24 department to issue a loan upon approval of the
25 plan; modifying the purposes of the risk pool;
26 revising the purposes for which funding may be
27 recommended to the Legislature; deleting
28 provisions requiring the creation of a risk
29 pool within the State Treasury; revising the
30 requirements for operating the risk pool;
31 authorizing the risk pool to invest funds and

1 retain interest; providing for payments upon a
2 determination of insolvency; prohibiting
3 payment of dividends until repayment of the
4 loan by the department and until the risk pool
5 is actuarially sound; deleting a requirement
6 for a performance bond; providing for the risk
7 pool to be managed by the Florida Coalition for
8 Children, Inc., or its designated contractor;
9 specifying the manner by which nonmember
10 entities may be authorized to contract with the
11 department; providing an exemption from state
12 travel policies for community-based providers
13 and subcontractors; creating s. 39.0016, F.S.,
14 relating to the education of abused, neglected,
15 and abandoned children; creating definitions;
16 providing for interpretation of the act;
17 requiring an agreement between the Department
18 of Children and Family Services and the
19 Department of Education; requiring agreements
20 between the Department of Children and Family
21 Services and district school boards or other
22 local educational entities; specifying
23 provisions of such agreements; requiring access
24 to certain information; requiring education
25 training components; amending s. 1002.22, F.S.,
26 relating to access to student records;
27 authorizing the release of records to the
28 Department of Children and Family Services or a
29 community-based care lead agency; providing
30 effective dates.
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Subsection (6) of section 20.19, Florida
4 Statutes, is amended to read:

5 20.19 Department of Children and Family
6 Services.--There is created a Department of Children and
7 Family Services.

8 (6) COMMUNITY ALLIANCES.--

9 (a) The department shall, in consultation with local
10 communities, establish a community alliance of the
11 stakeholders, community leaders, client representatives and
12 funders of human services in each county to provide a focal
13 point for community participation and governance of
14 community-based services. An alliance may cover more than one
15 county when such arrangement is determined to provide for more
16 effective representation. The community alliance shall
17 represent the diversity of the community.

18 (b) The duties of the community alliance shall
19 include, but not necessarily be limited to:

20 1. Joint planning for resource utilization in the
21 community, including resources appropriated to the department
22 and any funds that local funding sources choose to provide.

23 2. Needs assessment and establishment of community
24 priorities for service delivery.

25 3. Determining community outcome goals to supplement
26 state-required outcomes.

27 4. Serving as a catalyst for community resource
28 development.

29 5. Providing for community education and advocacy on
30 issues related to delivery of services.

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1 6. Promoting prevention and early intervention
2 services.

3 (c) The department shall ensure, to the greatest
4 extent possible, that the formation of each community alliance
5 builds on the strengths of the existing community human
6 services infrastructure.

7 (d) The initial membership of the community alliance
8 in a county shall be composed of the following:

- 9 1. The district administrator.
10 2. A representative from county government.
11 3. A representative from the school district.
12 4. A representative from the county United Way.
13 5. A representative from the county sheriff's office.
14 6. A representative from the circuit court
15 corresponding to the county.

16 7. A representative from the county children's board,
17 if one exists.

18 (e) At any time after the initial meeting of the
19 community alliance, the community alliance shall adopt bylaws
20 and may increase the membership of the alliance to include the
21 state attorney for the judicial circuit in which the community
22 alliance is located, or his or her designee, the public
23 defender for the judicial circuit in which the community
24 alliance is located, or his or her designee, and other
25 individuals and organizations who represent funding
26 organizations, are community leaders, have knowledge of
27 community-based service issues, or otherwise represent
28 perspectives that will enable them to accomplish the duties
29 listed in paragraph (b), if, in the judgment of the alliance,
30 such change is necessary to adequately represent the diversity
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1 of the population within the community alliance service
2 districts.

3 (f) A member of the community alliance, other than a
4 member specified in paragraph (d), may not receive payment for
5 contractual services from the department or a community-based
6 care lead agency.

7 (g)(f) Members of the community alliances shall serve
8 without compensation, but are entitled to receive
9 reimbursement for per diem and travel expenses, as provided in
10 s. 112.061. Payment may also be authorized for preapproved
11 child care expenses or lost wages for members who are
12 consumers of the department's services and for preapproved
13 child care expenses for other members who demonstrate
14 hardship.

15 (h)(g) Members of a community alliance are subject to
16 the provisions of part III of chapter 112, the Code of Ethics
17 for Public Officers and Employees.

18 (i)(h) Actions taken by a community alliance must be
19 consistent with department policy and state and federal laws,
20 rules, and regulations.

21 (j)(i) Alliance members shall annually submit a
22 disclosure statement of services interests to the department's
23 inspector general. Any member who has an interest in a matter
24 under consideration by the alliance must abstain from voting
25 on that matter.

26 (k)(j) All alliance meetings are open to the public
27 pursuant to s. 286.011 and the public records provision of s.
28 119.07(1).

29 Section 2. Paragraph (e) of subsection (1) and
30 subsections (4), (7), and (8) of section 409.1671, Florida
31 Statutes, as amended by section 27 of chapter 2003-399, Laws

1 of Florida, are amended, paragraph (e) is added to subsection
2 (3) of that section, and subsection (10) is added to that
3 section, to read:

4 409.1671 Foster care and related services;
5 privatization.--

6 (1)

7 (e) As used in this section, the term "eligible lead
8 community-based provider" means a single agency with which the
9 department shall contract for the provision of child
10 protective services in a community that is no smaller than a
11 county. The secretary of the department may authorize more
12 than one eligible lead community-based provider within a
13 single county when to do so will result in more effective
14 delivery of foster care and related services. To compete for a
15 privatization project, such agency must have:

16 1. The ability to coordinate, integrate, and manage
17 all child protective services in the designated community in
18 cooperation with child protective investigations.

19 2. The ability to ensure continuity of care from entry
20 to exit for all children referred from the protective
21 investigation and court systems.

22 3. The ability to provide directly, or contract for
23 through a local network of providers, all necessary child
24 protective services. Such agencies should directly provide no
25 more than 35 percent of all child protective services
26 provided.

27 4. The willingness to accept accountability for
28 meeting the outcomes and performance standards related to
29 child protective services established by the Legislature and
30 the Federal Government.

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1 5. The capability and the willingness to serve all
2 children referred to it from the protective investigation and
3 court systems, regardless of the level of funding allocated to
4 the community by the state, provided all related funding is
5 transferred.

6 6. The willingness to ensure that each individual who
7 provides child protective services completes the training
8 required of child protective service workers by the Department
9 of Children and Family Services.

10 7. The ability to maintain eligibility to receive all
11 federal child welfare funds, including Title IV-E and IV-A
12 funds, currently being used by the Department of Children and
13 Family Services.

14 8. Written agreements with Healthy Families Florida
15 lead entities in their community, pursuant to s. 409.153, to
16 promote cooperative planning for the provision of prevention
17 and intervention services.

18 9. A board of directors, of which at least 51 percent
19 of the membership is comprised of persons residing in this
20 state. Of the state residents, at least 51 percent must also
21 reside within the service area of the lead community-based
22 provider.

23 (3)

24 (e) Each contract with an eligible lead
25 community-based provider must include all performance outcome
26 measures established by the Legislature and that are under the
27 control of the lead agency. The standards must be adjusted
28 annually by contract amendment to enable the department to
29 meet the legislatively-established statewide standards.

30 (4)(a) The department, in consultation with the
31 community-based agencies that are undertaking the privatized

1 projects, shall establish a quality assurance program for
2 privatized services. The quality assurance program shall be
3 based on standards established by the Adoption and Safe
4 Families Act as well as by a national accrediting organization
5 such as the Council on Accreditation of Services for Families
6 and Children, Inc. (COA) or CARF--the Rehabilitation
7 Accreditation Commission. ~~The department may develop a request~~
8 ~~for proposal for such oversight. This program must be~~
9 ~~developed and administered at a statewide level. The~~
10 ~~Legislature intends that the department be permitted to have~~
11 ~~limited flexibility to use funds for improving quality~~
12 ~~assurance. To this end, the department may transfer up to~~
13 ~~0.125 percent of the total funds from categories used to pay~~
14 ~~for these contractually provided services, but the total~~
15 ~~amount of such transferred funds may not exceed \$300,000 in~~
16 ~~any fiscal year. When necessary, the department may establish,~~
17 ~~in accordance with s. 216.177, additional positions that will~~
18 ~~be exclusively devoted to these functions. Any positions~~
19 ~~required under this paragraph may be established,~~
20 ~~notwithstanding ss. 216.262(1)(a) and 216.351. The department,~~
21 ~~in consultation with the community based agencies that are~~
22 ~~undertaking the privatized projects, shall establish minimum~~
23 ~~thresholds for each component of service, consistent with~~
24 ~~standards established by the Legislature and the Federal~~
25 ~~Government.~~ Each program operated under contract with a
26 community-based agency must be evaluated annually by the
27 department. The department shall, to the extent possible, use
28 independent financial audits provided by the community-based
29 care agency to eliminate or reduce the ongoing contract and
30 administrative reviews conducted by the department. The
31 department may suggest additional items to be included in such

1 independent financial audits to meet the department's needs.
2 Should the department determine that such independent
3 financial audits are inadequate, then other audits, as
4 necessary, may be conducted by the department. Nothing herein
5 shall abrogate the requirements of s. 215.97. The department
6 shall submit an annual report regarding quality performance,
7 outcome measure attainment, and cost efficiency to the
8 President of the Senate, the Speaker of the House of
9 Representatives, the minority leader of each house of the
10 Legislature, and the Governor no later than January 31 of each
11 year for each project in operation during the preceding fiscal
12 year.

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

16 (7) The Florida Coalition for Children, Inc., in
17 consultation with the department, shall develop a plan based
18 on an independent actuarial study regarding the long-term use
19 and structure of a statewide community-based care risk pool
20 for the protection of eligible lead community-based providers,
21 their subcontractors, and providers of other social services
22 who contract directly with the department. The plan must also
23 outline strategies to maximize federal earnings as they relate
24 to the community-based care risk pool. At a minimum, the plan
25 must allow for the use of federal earnings received from child
26 welfare programs to be allocated to the community-based care
27 risk pool by the department, which earnings are determined by
28 the department to be in excess of the amount appropriated in
29 the General Appropriations Act. The plan must specify the
30 necessary steps to ensure the financial integrity and
31 industry-standard risk management practices of the

1 community-based care risk pool and the continued availability
2 of funding from federal, state, and local sources. The plan
3 must also include recommendations that permit the program to
4 be available to entities of the department providing child
5 welfare services until full conversion to community-based care
6 takes place. The final plan shall be submitted to the
7 department and then to the Executive Office of the Governor
8 and the Legislative Budget Commission for formal adoption
9 before January 1, 2005. Upon approval of the plan by all
10 parties, the department shall issue an interest-free loan that
11 is secured by the cumulative contractual revenue of the
12 community-based care risk pool membership, and the amount of
13 the loan shall equal the amount appropriated by the
14 Legislature for this purpose. The plan shall provide for a
15 governance structure that assures the department the ability
16 to oversee the operation of the community-based care risk pool
17 at least until this loan is repaid in full.

18 (a) The purposes for which the community-based care
19 risk pool shall be used include, but are not limited to:

20 1. Significant changes in the number or composition of
21 clients eligible to receive services.

22 2. Significant changes in the services that are
23 eligible for reimbursement.

24 3. Scheduled or unanticipated, but necessary, advances
25 to providers or other cash-flow issues.

26 4. Proposals to participate in optional Medicaid
27 services or other federal grant opportunities.

28 5. Appropriate incentive structures.

29 6. Continuity of care in the event of failure,
30 discontinuance of service, or financial misconduct by a lead
31 agency.

1 7. Payment for time-limited technical assistance and
2 consultation to lead agencies in the event of serious
3 performance or management problems.

4 8. Payment for meeting all traditional and
5 nontraditional insurance needs of eligible members.

6 9. Significant changes in the mix of available funds.

7 (b) After approval of the plan in the 2004-2005 fiscal
8 year and annually thereafter, the department may also request
9 in its annual legislative budget request, and the Governor may
10 recommend, that the funding necessary to carry out paragraph
11 (a) be appropriated to the department. Subsequent funding of
12 the community-based care risk pool shall be supported by
13 premiums assessed to members of the community-based care risk
14 pool on a recurring basis. The community-based care risk pool
15 may invest and retain interest earned on these funds. In
16 addition, the department may transfer funds to the
17 community-based care risk pool as available in order to ensure
18 an adequate funding level if the fund is declared to be
19 insolvent and approval is granted by the Legislative Budget
20 Commission. Such payments for insolvency shall be made only
21 after a determination is made by the department or its actuary
22 that all participants in the community-based care risk pool
23 are current in their payments of premiums and that assessments
24 have been made at an actuarially sound level. Such payments by
25 participants in the community-based care risk pool may not
26 exceed reasonable industry standards, as determined by the
27 actuary. Money from this fund may be used to match available
28 federal dollars. Dividends or other payments, with the
29 exception of legitimate claims, may not be paid to members of
30 the community-based care risk pool until the loan issued by
31 the department is repaid in full. Dividends or other payments,

1 with the exception of legitimate claims and other purposes
2 contained in the approved plan, may not be paid to members of
3 the community-based care risk pool unless, at the time of
4 distribution, the community-based care risk pool is deemed
5 actuarially sound and solvent. Solvency shall be determined by
6 an independent actuary contracted by the department. The plan
7 shall be developed in consultation with the Office of
8 Insurance Regulation.

9 1. Such funds shall constitute partial security for
10 contract performance by lead agencies and shall be used to
11 offset the need for a performance bond. Subject to the
12 approval of the plan, the community-based care risk pool shall
13 be managed by the Florida Coalition for Children, Inc., or the
14 designated contractors of the Florida Coalition for Children,
15 Inc. Nonmembers of the community-based care risk pool may
16 continue to contract with the department, but must provide a
17 letter of credit equal to one-twelfth of the annual contract
18 amount in lieu of membership in the community-based care risk
19 pool.

20 2. The department may separately require a bond to
21 mitigate the financial consequences of potential acts of
22 malfeasance, misfeasance, or criminal violations by the
23 provider.

24 ~~(7) The department, in consultation with existing lead~~
25 ~~agencies, shall develop a proposal regarding the long term use~~
26 ~~and structure of a statewide shared earnings program which~~
27 ~~addresses the financial risk to eligible lead community based~~
28 ~~providers resulting from unanticipated caseload growth or from~~
29 ~~significant changes in client mixes or services eligible for~~
30 ~~federal reimbursement. The recommendations in the statewide~~
31 ~~proposal must also be available to entities of the department~~

1 ~~until the conversion to community based care takes place. At a~~
2 ~~minimum, the proposal must allow for use of federal earnings~~
3 ~~received from child welfare programs, which earnings are~~
4 ~~determined by the department to be in excess of the amount~~
5 ~~appropriated in the General Appropriations Act, to be used for~~
6 ~~specific purposes. These purposes include, but are not limited~~
7 ~~to:~~

8 ~~(a) Significant changes in the number or composition~~
9 ~~of clients eligible to receive services.~~

10 ~~(b) Significant changes in the services that are~~
11 ~~eligible for reimbursement.~~

12 ~~(c) Significant changes in the availability of federal~~
13 ~~funds.~~

14 ~~(d) Shortfalls in state funds available for eligible~~
15 ~~or ineligible services.~~

16 ~~(e) Significant changes in the mix of available funds.~~

17 ~~(f) Scheduled or unanticipated, but necessary,~~
18 ~~advances to providers or other cash flow issues.~~

19 ~~(g) Proposals to participate in optional Medicaid~~
20 ~~services or other federal grant opportunities.~~

21 ~~(h) Appropriate incentive structures.~~

22 ~~(i) Continuity of care in the event of lead agency~~
23 ~~failure, discontinuance of service, or financial misconduct.~~

24
25 ~~The department shall further specify the necessary steps to~~
26 ~~ensure the financial integrity of these dollars and their~~
27 ~~continued availability on an ongoing basis. The final proposal~~
28 ~~shall be submitted to the Legislative Budget Commission for~~
29 ~~formal adoption before December 31, 2002. If the Legislative~~
30 ~~Budget Commission refuses to concur with the adoption of the~~
31 ~~proposal, the department shall present its proposal in the~~

1 ~~form of recommended legislation to the President of the Senate~~
2 ~~and the Speaker of the House of Representatives before the~~
3 ~~commencement of the next legislative session. For fiscal year~~
4 ~~2003-2004 and annually thereafter, the Department of Children~~
5 ~~and Family Services may request in its legislative budget~~
6 ~~request, and the Governor may recommend, the funding necessary~~
7 ~~to carry out paragraph (i) from excess federal earnings. The~~
8 ~~General Appropriations Act shall include any funds~~
9 ~~appropriated for this purpose in a lump sum in the~~
10 ~~Administered Funds Program, which funds constitute partial~~
11 ~~security for lead agency contract performance. The department~~
12 ~~shall use this appropriation to offset the need for a~~
13 ~~performance bond for that year after a comparison of risk to~~
14 ~~the funds available. In no event shall this performance bond~~
15 ~~exceed 2.5 percent of the annual contract value. The~~
16 ~~department may separately require a bond to mitigate the~~
17 ~~financial consequences of potential acts of malfeasance,~~
18 ~~misfeasance, or criminal violations by the provider. Prior to~~
19 ~~the release of any funds in the lump sum, the department shall~~
20 ~~submit a detailed operational plan, which must identify the~~
21 ~~sources of specific trust funds to be used. The release of the~~
22 ~~trust fund shall be subject to the notice and review~~
23 ~~provisions of s. 216.177. However, the release shall not~~
24 ~~require approval of the Legislative Budget Commission.~~

25 (8) Notwithstanding the provisions of s. 215.425, all
26 documented federal funds earned for the current fiscal year by
27 the department and community-based agencies which exceed the
28 amount appropriated by the Legislature shall be distributed to
29 all entities that contributed to the excess earnings based on
30 a schedule and methodology developed by the department and
31 approved by the Executive Office of the Governor. Distribution

1 shall be pro rata based on total earnings and shall be made
2 only to those entities that contributed to excess earnings.
3 Excess earnings of community-based agencies shall be used only
4 in the service district in which they were earned. Additional
5 state funds appropriated by the Legislature for
6 community-based agencies or made available pursuant to the
7 budgetary amendment process described in s. 216.177 shall be
8 transferred to the community-based agencies. The department
9 shall amend a community-based agency's contract to permit
10 expenditure of the funds. ~~The distribution program applies~~
11 ~~only to entities that were under privatization contracts as of~~
12 ~~July 1, 2002.~~

13 (10) The lead community-based providers and their
14 subcontractors shall be exempt from state travel policies as
15 set forth in s. 112.061(3)(a) for their travel expenses
16 incurred in order to comply with the requirements of this
17 section.

18 Section 3. Section 39.0016, Florida Statutes, is
19 created to read:

20 39.0016 Education of abused, neglected, and abandoned
21 children.--

22 (1) As used in this section, the term:

23 (a) "Children known to the department" means children
24 who are found to be dependent or children in shelter care.

25 (b) "Department" means the Department of Children and
26 Family Services or a community-based care lead agency acting
27 on behalf of the Department of Children and Family Services,
28 as appropriate.

29 (2) The provisions of this section establish goals and
30 not rights. This section does not require the delivery of any
31 particular service or level of service in excess of existing

1 appropriations. A person may not maintain a cause of action
2 against the state or any of its subdivisions, agencies,
3 contractors, subcontractors, or agents based upon this section
4 becoming law or failure by the Legislature to provide adequate
5 funding for the achievement of these goals. This section does
6 not require the expenditure of funds to meet the goals
7 established in this section except funds specifically
8 appropriated for such purpose.

9 (3) The department shall enter into an agreement with
10 the Department of Education regarding the education and
11 related care of children known to the department. Such
12 agreement shall be designed to provide educational access to
13 children known to the department for the purpose of
14 facilitating the delivery of services or programs to children
15 known to the department. The agreement shall avoid duplication
16 of services or programs and shall provide for combining
17 resources to maximize the availability or delivery of services
18 or programs.

19 (4) The department shall enter into agreements with
20 district school boards or other local educational entities
21 regarding education and related services for children known to
22 the department who are of school age and children known to the
23 department who are younger than school age but who would
24 otherwise qualify for services from the district school board.
25 Such agreements shall include, but are not limited to:

26 (a) A requirement that the department shall:

27 1. Enroll children known to the department in school.
28 The agreement shall provide for continuing the enrollment of a
29 child known to the department at the same school, if possible,
30 with the goal of avoiding disruption of education.

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1 2. Notify the school and school district in which a
2 child known to the department is enrolled of the name and
3 phone number of the child known to the department caregiver
4 and caseworker for child safety purposes.

5 3. Establish a protocol for the department to share
6 information about a child known to the department with the
7 school district, consistent with the Family Educational Rights
8 and Privacy Act, since the sharing of information will assist
9 each agency in obtaining education and related services for
10 the benefit of the child.

11 4. Notify the school district of the department's case
12 planning for a child known to the department, both at the time
13 of plan development and plan review. Within the plan
14 development or review process, the school district may provide
15 information regarding the child known to the department if the
16 school district deems it desirable and appropriate.

17 (b) A requirement that the district school board
18 shall:

19 1. Provide the department with a general listing of
20 the services and information available from the district
21 school board, including, but not limited to, the current
22 Sunshine State Standards, the Surrogate Parent Training
23 Manual, and other resources accessible through the Department
24 of Education or local school districts to facilitate
25 educational access for a child known to the department.

26 2. Identify all educational and other services
27 provided by the school and school district which the school
28 district believes are reasonably necessary to meet the
29 educational needs of a child known to the department.

30 3. Determine whether transportation is available for a
31 child known to the department when such transportation will

1 avoid a change in school assignment due to a change in
2 residential placement. Recognizing that continued enrollment
3 in the same school throughout the time the child known to the
4 department is in out-of-home care is preferable unless
5 enrollment in the same school would be unsafe or otherwise
6 impractical, the department, the district school board, and
7 the Department of Education shall assess the availability of
8 federal, charitable, or grant funding for such transportation.

9 4. Provide individualized student intervention or an
10 individual educational plan when a determination has been made
11 through legally appropriate criteria that intervention
12 services are required. The intervention or individual
13 educational plan must include strategies to enable the child
14 known to the department to maximize the attainment of
15 educational goals.

16 (c) A requirement that the department and the district
17 school board shall cooperate in accessing the services and
18 supports needed for a child known to the department who has or
19 is suspected of having a disability to receive an appropriate
20 education consistent with the Individuals with Disabilities
21 Education Act and state implementing laws, rules, and
22 assurances. Coordination of services for a child known to the
23 department who has or is suspected of having a disability may
24 include:

25 1. Referral for screening.

26 2. Sharing of evaluations between the school district
27 and the department where appropriate.

28 3. Provision of education and related services
29 appropriate for the needs and abilities of the child known to
30 the department.

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1 4. Coordination of services and plans between the
2 school and the residential setting to avoid duplication or
3 conflicting service plans.

4 5. Appointment of a surrogate parent, consistent with
5 the Individuals with Disabilities Education Act, for
6 educational purposes for a child known to the department who
7 qualifies as soon as the child is determined to be dependent
8 and without a parent to act for the child. The surrogate
9 parent shall be appointed by the school district without
10 regard to where the child known to the department is placed so
11 that one surrogate parent can follow the education of the
12 child known to the department during his or her entire time in
13 state custody.

14 6. For each child known to the department 14 years of
15 age and older, transition planning by the department and all
16 providers, including the department's independent living
17 program staff, to meet the requirements of the local school
18 district for educational purposes.

19 (5) The department shall incorporate an education
20 component into all training programs of the department
21 regarding children known to the department. Such training
22 shall be coordinated with the Department of Education and the
23 local school districts. The department shall offer
24 opportunities for education personnel to participate in such
25 training. Such coordination shall include, but not be limited
26 to, notice of training sessions, opportunities to purchase
27 training materials, proposals to avoid duplication of services
28 by offering joint training, and incorporation of materials
29 available from the Department of Education and local school
30 districts into the department training when appropriate. The
31 department training components shall include:

1 (a) Training for surrogate parents to include how an
2 ability to learn of a child known to the department is
3 affected by abuse, abandonment, neglect, and removal from the
4 home.

5 (b) Training for parents in cases in which
6 reunification is the goal, or for preadoptive parents when
7 adoption is the goal, so that such parents learn how to access
8 the services the child known to the department needs and the
9 importance of their involvement in the education of the child
10 known to the department.

11 (c) Training for caseworkers and foster parents to
12 include information on the right of the child known to the
13 department to an education, the role of an education in the
14 development and adjustment of a child known to the department,
15 the proper ways to access education and related services for
16 the child known to the department, and the importance and
17 strategies for parental involvement in education for the
18 success of the child known to the department.

19 (d) Training of caseworkers regarding the services and
20 information available through the Department of Education and
21 local school districts, including, but not limited to, the
22 current Sunshine State Standards, the Surrogate Parent
23 Training Manual, and other resources accessible through the
24 Department of Education or local school districts to
25 facilitate educational access for a child known to the
26 department.

27 Section 4. Paragraph (d) of subsection (3) of section
28 1002.22, Florida Statutes, is amended to read:

29 1002.22 Student records and reports; rights of parents
30 and students; notification; penalty.--

31

1 (3) RIGHTS OF PARENT OR STUDENT.--The parent of any
2 student who attends or has attended any public school, area
3 technical center, or public postsecondary educational
4 institution shall have the following rights with respect to
5 any records or reports created, maintained, and used by any
6 public educational institution in the state. However,
7 whenever a student has attained 18 years of age, or is
8 attending a postsecondary educational institution, the
9 permission or consent required of, and the rights accorded to,
10 the parents of the student shall thereafter be required of and
11 accorded to the student only, unless the student is a
12 dependent student of such parents as defined in 26 U.S.C. s.
13 152 (s. 152 of the Internal Revenue Code of 1954). The State
14 Board of Education shall adopt rules whereby parents or
15 students may exercise these rights:

16 (d) Right of privacy.--Every student shall have a
17 right of privacy with respect to the educational records kept
18 on him or her. Personally identifiable records or reports of a
19 student, and any personal information contained therein, are
20 confidential and exempt from the provisions of s. 119.07(1).
21 ~~A No~~ state or local educational agency, board, public school,
22 technical center, or public postsecondary educational
23 institution may not ~~shall~~ permit the release of such records,
24 reports, or information without the written consent of the
25 student's parent, or of the student himself or herself if he
26 or she is qualified as provided in this subsection, to any
27 individual, agency, or organization. However, personally
28 identifiable records or reports of a student may be released
29 to the following persons or organizations without the consent
30 of the student or the student's parent:

31

1 1. Officials of schools, school systems, technical
2 centers, or public postsecondary educational institutions in
3 which the student seeks or intends to enroll; and a copy of
4 such records or reports shall be furnished to the parent or
5 student upon request.

6 2. Other school officials, including teachers within
7 the educational institution or agency, who have legitimate
8 educational interests in the information contained in the
9 records.

10 3. The United States Secretary of Education, the
11 Director of the National Institute of Education, the Assistant
12 Secretary for Education, the Comptroller General of the United
13 States, or state or local educational authorities who are
14 authorized to receive such information subject to the
15 conditions set forth in applicable federal statutes and
16 regulations of the United States Department of Education, or
17 in applicable state statutes and rules of the State Board of
18 Education.

19 4. Other school officials, in connection with a
20 student's application for or receipt of financial aid.

21 5. Individuals or organizations conducting studies for
22 or on behalf of an institution or a board of education for the
23 purpose of developing, validating, or administering predictive
24 tests, administering student aid programs, or improving
25 instruction, if such studies are conducted in such a manner as
26 will not permit the personal identification of students and
27 their parents by persons other than representatives of such
28 organizations and if such information will be destroyed when
29 no longer needed for the purpose of conducting such studies.

30 6. Accrediting organizations, in order to carry out
31 their accrediting functions.

1 7. School readiness coalitions and the Florida
2 Partnership for School Readiness in order to carry out their
3 assigned duties.

4 8. For use as evidence in student expulsion hearings
5 conducted by a district school board pursuant to the
6 provisions of chapter 120.

7 9. Appropriate parties in connection with an
8 emergency, if knowledge of the information in the student's
9 educational records is necessary to protect the health or
10 safety of the student or other individuals.

11 10. The Auditor General and the Office of Program
12 Policy Analysis and Government Accountability in connection
13 with their official functions; however, except when the
14 collection of personally identifiable information is
15 specifically authorized by law, any data collected by the
16 Auditor General and the Office of Program Policy Analysis and
17 Government Accountability is confidential and exempt from the
18 provisions of s. 119.07(1) and shall be protected in such a
19 way as will not permit the personal identification of students
20 and their parents by other than the Auditor General, the
21 Office of Program Policy Analysis and Government
22 Accountability, and their staff, and such personally
23 identifiable data shall be destroyed when no longer needed for
24 the Auditor General's and the Office of Program Policy
25 Analysis and Government Accountability's official use.

26 11.a. A court of competent jurisdiction in compliance
27 with an order of that court or the attorney of record pursuant
28 to a lawfully issued subpoena, upon the condition that the
29 student and the student's parent are notified of the order or
30 subpoena in advance of compliance therewith by the educational
31 institution or agency.

1 b. A person or entity pursuant to a court of competent
2 jurisdiction in compliance with an order of that court or the
3 attorney of record pursuant to a lawfully issued subpoena,
4 upon the condition that the student, or his or her parent if
5 the student is either a minor and not attending a
6 postsecondary educational institution or a dependent of such
7 parent as defined in 26 U.S.C. s. 152 (s. 152 of the Internal
8 Revenue Code of 1954), is notified of the order or subpoena in
9 advance of compliance therewith by the educational institution
10 or agency.

11 12. Credit bureaus, in connection with an agreement
12 for financial aid that the student has executed, provided that
13 such information may be disclosed only to the extent necessary
14 to enforce the terms or conditions of the financial aid
15 agreement. Credit bureaus shall not release any information
16 obtained pursuant to this paragraph to any person.

17 13. Parties to an interagency agreement among the
18 Department of Juvenile Justice, school and law enforcement
19 authorities, and other signatory agencies for the purpose of
20 reducing juvenile crime and especially motor vehicle theft by
21 promoting cooperation and collaboration, and the sharing of
22 appropriate information in a joint effort to improve school
23 safety, to reduce truancy and in-school and out-of-school
24 suspensions, and to support alternatives to in-school and
25 out-of-school suspensions and expulsions that provide
26 structured and well-supervised educational programs
27 supplemented by a coordinated overlay of other appropriate
28 services designed to correct behaviors that lead to truancy,
29 suspensions, and expulsions, and that support students in
30 successfully completing their education. Information provided
31 in furtherance of such interagency agreements is intended

1 solely for use in determining the appropriate programs and
2 services for each juvenile or the juvenile's family, or for
3 coordinating the delivery of such programs and services, and
4 as such is inadmissible in any court proceedings prior to a
5 dispositional hearing unless written consent is provided by a
6 parent or other responsible adult on behalf of the juvenile.

7 14. Consistent with the Family Educational Rights and
8 Privacy Act, the Department of Children and Family Services or
9 a community-based care lead agency acting on behalf of the
10 Department of Children and Family Services, as appropriate.

11
12 This paragraph does not prohibit any educational institution
13 from publishing and releasing to the general public directory
14 information relating to a student if the institution elects to
15 do so. However, no educational institution shall release, to
16 any individual, agency, or organization that is not listed in
17 subparagraphs 1.-14. ~~1.-13.~~, directory information relating to
18 the student body in general or a portion thereof unless it is
19 normally published for the purpose of release to the public in
20 general. Any educational institution making directory
21 information public shall give public notice of the categories
22 of information that it has designated as directory information
23 with respect to all students attending the institution and
24 shall allow a reasonable period of time after such notice has
25 been given for a parent or student to inform the institution
26 in writing that any or all of the information designated
27 should not be released.

28 Section 5. This act shall take effect July 1, 2004.
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