

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Education Committee

BILL: CS/CS/SB 2470

INTRODUCER: Education Committee, Children and Families Committee, and Senator Peaden

SUBJECT: Support Services for Children and Young Adults

DATE: April 21, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sanford</u>	<u>Whiddon</u>	<u>CF</u>	<u>Fav/CS</u>
2.	<u>Harkey</u>	<u>Matthews</u>	<u>ED</u>	<u>Fav/CS</u>
3.	_____	_____	<u>GO</u>	_____
4.	_____	_____	<u>HA</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill establishes a centralized office to examine, oversee, and implement abuse prevention services by creating the Office of Child Abuse Prevention within the Executive Office of the Governor and describing the composition of the office and its powers and duties. It authorizes employees, agents, or contract providers of agencies responsible for carrying out early intervention and prevention services to have access to child abuse records.

The bill expresses the intent of the Legislature that state agencies cooperate with the Florida Statewide Advocacy Councils (SAC) in forming interagency agreements to provide the councils with authorized client records so that the councils may monitor services and investigate claims. It provides that the interagency agreements must define a process for requesting the records and for appeal when disputes arise about access to the records. It amends s. 409.165, F.S., to direct that the Governor shall, when selecting an executive director for SAC, give priority consideration to an individual with professional expertise in research design, statistical analysis, or agency evaluation and analysis. It directs SAC to develop a written protocol for all complaints it generates in order to provide the Governor's office with specified information. It reduces the number of meetings of SAC from six times annually to once annually.

The bill addresses the independent living transition services of the Department of Children and Family Services (DCF or the department) in several ways, including:

- expanding eligibility for these services;
- requiring that education planning, appropriate age activities, and transition planning be addressed in the case plans of older children in foster care;
- requiring the development of a plan for each community-based care (CBC) service area;

- providing for the direct deposit of funds paid to young adults formerly in foster care under most circumstances and describing the circumstances when the funds should not be directly deposited; and
- authorizing CBC lead agencies to purchase housing and other services.

The bill makes alleged abuse, neglect or abandonment of a child by a public school employee subject to the reporting requirements of chapter 39, F.S., and thus requires the initiation of a protective investigation by DCF.

The bill amends s. 409.175, F.S., to require that boarding schools, in order to be licensed, be accredited and lists the acceptable accrediting agencies.

The bill removes the disability of nonage from foster children 17 years of age and older for the sole purpose of executing contracts for the lease of residential property and directs the court at the judicial review immediately following the child's 17th birthday to enter an order separate from the judicial review order for that purpose.

This bill substantially amends, the following sections of the Florida Statutes: 39.001, 39.013, 39.0014, 39.0015, 39.01, 39.202, 39.302, 39.701, 402.164, 402.165, 409.1451, 409.175, 409.903, 1009.25, and creates section 743.045, F.S.

II. Present Situation:

Child Abuse and Prevention

In 1982, the Legislature required the Department of Health and Rehabilitative Services along with other state and local agencies to develop a state plan on the prevention of child abuse and neglect.¹ This act required the plan to be submitted to the Legislature and Governor by January 1, 1983 and to be updated periodically. Twenty-four years later, the Legislature is still seeking to address and identify ways to reduce incidence of abuse and neglect of children in Florida.

In 2002, Florida was among only four states and the District of Columbia in having the highest national child maltreatment rate.² There were over 130,000 confirmed victims of child abuse and neglect in Florida in 2003. The actual incidence of child abuse and neglect is estimated to be three times that number.³ Child deaths are the most tragic consequences of abuse and neglect. Child neglect deaths are more frequent than abuse deaths as 52 percent of child deaths that occur are through neglect.

A Florida child is abused or neglected every four minutes.⁴ Ten thousand Florida children are abused or neglected per month. During 2004, according to the Florida Child Abuse Death Review Team, at least 111 Florida children died from abuse or neglect at the hands of their

¹ Chapter 82-62, L.O.F.).

² U.S. Department of Health and Human Services, 2004. Florida rate was 31.5 per 1,000 children.

³ "Child Welfare Annual Statistics Data Tables Fiscal Year 2004-2005." http://www.fiu.edu/~cat/fl_victims.htm. Author, Dr. Maureen Kenny, is currently an Associate Professor at Florida International University's College of Education.

⁴ "Child Welfare Annual Statistics Data Tables Fiscal Year 2004-2005." http://www.fiu.edu/~cat/fl_victims.htm. Author, Dr. Maureen Kenny, is currently an Associate Professor at Florida International University's College of Education.

parents or caretakers; that is a rate of about two children dying each week. They were smothered, slammed down on asphalt, beaten, shot or they drowned while unsupervised.

The cost of child maltreatment to society is tremendous. National estimates of direct and indirect impacts range from \$67 to \$94 billion each year and many argue that these estimates are likely to understate the true costs due to the difficulty in capturing the full range of indirect costs such as cash and food assistance.⁵ Prevention can save lives and precious resources. Despite the potential long-term benefit of preventing child abuse and neglect, only a small percentage of all resources specifically earmarked for child maltreatment in the State of Florida are actually devoted to prevention.⁶

According to experts, many programs for children and families continue to focus on “fixing” problems rather than preventing them. Quick fixes are preferred, often for budgetary reasons, and prevention efforts typically require more extensive and comprehensive investments.⁷

There are some notable exceptions to this trend. The Florida Legislature created Healthy Families Florida (HFF) in July 1998 in response to the increasing number of child deaths due to child maltreatment and the increasing rates of maltreatment. Healthy Families Florida, Inc., is a nationally credentialed community-based, voluntary home visiting program designed to enable families to raise healthy, safe and nurtured children. Healthy Families Florida participants had 20 percent less child maltreatment than all families in their target service areas, showing that children in families who completed or had long-term, intensive HFF intervention experienced significantly less child maltreatment than did comparison groups with little or no service.⁸

Healthy Families Florida is one example of a program which has had a positive impact on preventing child maltreatment for the population it serves. There are hundreds of prevention programs statewide funded with local, state, or federal dollars; however, due to a lack of data, it is unknown how effective many of these programs are in reducing the incidence of abuse, neglect, abandonment, and death of children.

The fundamental foundation for the delivery of services by the Department of Children and Families (DCF) and the other involved state agencies regarding abuse prevention is fragmented. Programs that focus on primary and secondary prevention of child abuse are offered by the Department of Children and Families (DCF) and at least six other state agencies, including the Department of Education, Department of Health, Department of Juvenile Justice, the Agency for Persons with Disabilities, the Agency for Workforce Innovation, and the Florida Department of Law Enforcement, and thousands of community organizations. This fragmentation results in a maze of services that providers and people trying to access the services must attempt to navigate.

⁵ Fromm, S. (2001). *Total estimated cost of child abuse and neglect in the United States*. Chicago, IL: Prevent Child Abuse America.

⁶ Thomas, D., Leicht, C., Hughes, C., Madigan, A., & Dowell, K. (2003). *Emerging practices in the prevention of child abuse and neglect*. www.dhhs.gov. Washington, D.C.: U.S. Department of Health and Human Services.

⁷ Lind, C. (2004). *Developing and supporting a continuum of child welfare services*, Welfare Information Network, 8 (6). www.financeprojectinfo.org/win/. Washington, D.C.: The Finance Project.

⁸ Five-year Evaluation Results, Healthy Families Florida, March 2005. Sponsored by the Ounce of Prevention Fund of Florida and the State of Florida, Department of Children & Families.

In 1984, the Office of Child Abuse Prevention was created in the Oklahoma Child Abuse Prevention Act. Prior to 1984, the focus of child abuse and neglect was an “after the fact” intervention, preventing the recurrence of child abuse and neglect. The act declared that the prevention of child abuse and neglect was a priority in Oklahoma. In accordance with the Act, the Office of Child Abuse Prevention was created and placed within the Oklahoma State Department of Health to emphasize the focus of prevention. The mission of the office is to promote the health and safety of children and families by reducing family violence and child abuse, including neglect, through public health education, multidisciplinary training of professionals, and funding of community-based family resource and support programs.

Statewide Advocacy Councils

The Florida Statewide Advocacy Council and Local Advocacy Councils were created within the Department of Health and Rehabilitative Services (HRS)⁹ as the Statewide Human Rights Advocacy Committee (SHRAC) and district human rights advocacy committees (HRAC). As the characteristics of HRS changed through reorganizations and divestitures of functions, the persons statutorily protected by the HRAC also changed. New agencies were created to serve clients formerly under the jurisdiction of HRS. The Legislature created the Department of Elderly Affairs in 1991, the Agency for Health Care Administration in 1992, the Department of Juvenile Justice in 1994, the Department of Health in 1996, and the Agency for Persons with Disabilities in 2004. In 1994, the Child Support Enforcement activities of HRS were moved to the Department of Revenue. By 1996, HRS was completely dismantled and the Department of Children and Family Services (DCF) was created.

In 2000, the Legislature amended the statutory provisions relating to SHRAC/HRAC, changing the name of the SHRAC and the HRAC’s to the Statewide Advocacy Council (SAC) and local advocacy councils (LACs).¹⁰ Other changes linked the powers and duties of the advocacy councils to the statutory programs named, rather than limiting that power by specifying that only DCF programs were within the jurisdiction of the advocacy councils. As a result, despite the relocation of certain programs from the former DHRS to other agencies, the advocacy councils retained jurisdiction to monitor such programs.

In 2004, the Legislature moved the SAC out of DCF and into the Executive Office of the Governor (EOG) but authorized the governor to assign the SAC for administrative support to any agency under his control and required that the Governor rather than the SAC members select the council’s Executive Director.¹¹ Membership on the statewide council was enlarged and revised. The council was required to enter into interagency agreements with agencies providing services to persons who were clients to address the coordination of efforts and roles and responsibilities of the councils and the agencies. The legislation required that the agency heads notify their providers of the powers, duties, and responsibilities of the statewide and local councils. The SAC, its staff and funding, the local councils, 10 full-time equivalent staff, and the toll-free complaint line were transferred from DCF to the SAC, and the SAC was made responsible for assigning available staff positions to support the local councils. The SAC is currently located in the EOG but is administratively housed in the Agency for Health Care Administration (AHCA or

⁹ The Department of Health and Rehabilitative Services was the predecessor agency to the Department of Children and Family Services (DCF).

¹⁰ Chapter 2000-263, L.O.F.

¹¹ Chapter 2004-376, L.O.F.

“agency”) and the agency provides budget, accounting, human resources management, and mail services.¹²

The SAC continues to serve as an independent third-party mechanism for protecting the constitutional and human rights of clients served by state agencies, monitoring the delivery and use of services, programs, or facilities operated, funded, or contracted by any state agencies; investigating reports referred to the SAC by local advocacy councils; and reviewing programs in relation to client rights. The SAC is responsible for developing and adopting uniform procedures for investigations and a standardized training program for members of the local advocacy councils, as well as supervising and monitoring the performance of the local councils. The SAC must meet at least six times a year and must report annually on the activities of the SAC and the local councils to the Legislature concerning activities, recommendations, and complaints reviewed or developed during the year.¹³

Section 402.165(8)(a), F.S., authorizes the SAC to “receive, investigate, seek to conciliate, hold hearings on, and act on complaints that allege any abuse or deprivation of constitutional or human rights of persons who receive client services from any state agency.” To facilitate its investigations, the SAC and the local councils are granted access to “all client records, files, and reports from any program, service, or facility that is operated, funded, or contracted by any state agency that provides client services and any records that are material to its investigation and are in the custody of any other agency or department of government.”

Independent Living

When young adults in foster care become 18, they lose many of the supports they received while in care. Without the support of a family, they are often on their own to obtain further education and preparation for employment, as well as health care, mental health care, and housing. These young adults encounter tremendous obstacles that put their emotional, economic, and personal security at risk.

Aftercare is defined as the period of time following discharge from foster care. It is that time when young individuals who have been preparing for self-sufficiency while in care must begin to operationalize the skills they have been working to master. Aftercare services are typically defined as a system of services and resources designed for those youth who are 16-21 years of age, in post placement who are living in an independent living arrangement. Historically, aftercare services have been difficult and challenging to provide, many times because they have been “relegated to an out-of-sight, out-of-mind status.” It is now known that aftercare services should begin while the child is still in care.¹⁴

Federal funds for independent living initiatives were first made available in the United States under the Consolidated Omnibus Budget Reconciliation Act of 1985. This act authorized funds to states to establish independent living initiatives to assist eligible youth 16 years of age and

¹² Florida Statewide Advocacy Council, Annual Report 2004-2005, undated, at: http://www.floridasac.org/sacweb/documents/annual_report05.pdf

¹³ s. 402.165(7), F.S.

¹⁴ See The John H. Chaffee Foster Care Independence Program, Aftercare Services, The University of Oklahoma, National Resource Center for Youth Development, 2003.

older to make the transition from foster care to independent living.¹⁵ A total of 45 million dollars was authorized for the program across the nation, with state shares based on the number of children/youth in foster care. The U.S. Department of Health and Human Services, Administration for Children, Youth and Families, issued the first set of program instructions to the states in early 1987. Each state was able to determine the nature and scope of its Independent Living Program, but guidelines from the federal government provided recommended specific program components. The recommended list included services such as General Educational Development (GED) or vocational training, daily living skills, job readiness and employability skills, and assistance obtaining higher education.

John H. Chaffee Foster Care Independence Program

In a further effort to increase services and strengthen state programs for teens in foster care, Congress passed the Foster Care Independence Act of 1999, which was signed into law as the John H. Chaffee Foster Care Independence Program. The Chaffee Program made substantial changes in federal efforts targeted toward youth and young adults up to age 21 in the foster care component of the child welfare system. The law significantly improved the ability of states to achieve the national goals of safety, permanence and well-being for youth and young adults in the child welfare system.¹⁶ The new federal law doubled the appropriations nationally and increased Florida's allocation substantially.

Florida Law Relating to Older Foster Children and Young Adults Leaving Foster Care

With the passage of the federal law and increased available funding, the 2002 Legislature established a new framework for Florida's independent living transition services to be provided to these older youth. Specifically provided for was a continuum of independent living transition services to enable older children who are 13 to 18 years of age and in foster care and young adults who are 18 to 23 years of age who were formerly in foster care to develop the skills necessary for successful transition to adulthood and self-sufficiency. Service categories established include the following:

- Pre-independent living services which include life skills training, educational field trips and conferences for children in foster care who are 13 to 15 years of age;
- Life skills services which include independent living skills training, educational support, employment training and counseling for children in foster care who are 15 to 18 years of age; and
- Subsidized independent living services which are services provided in living arrangements that allow a child who is 16 to 18 years of age to live independently of adult supervision under certain specified circumstances.

A category of services for young adults formerly in foster care was also created to provide services, based on the availability of funds, which included aftercare support services, the Road to Independence Scholarship Program, and transitional support services. In addition, young adults who are awarded a Road to Independence Scholarship are exempt from the payment of

¹⁵ The Independent Living Program was initially authorized by Public Law 99-272, through the addition of section 477 to Title IV-E of the Social Security Act.

¹⁶ See P.L. 106-169.

tuition and fees for state universities, community colleges, and certain postsecondary career and technical programs, and retain their Medicaid eligibility.¹⁷

The Department of Children and Family Services was directed to form an Independent Living Services Integration Workgroup for the purpose of assessing the barriers to the coordination of services and supporting the youths' transition to independent living with a report to be submitted to the Legislature by December 31, 2002.¹⁸ In 2003, the Independent Living Services Integration Workgroup was replaced with the Independent Living Services Workgroup.¹⁹ The representation on the workgroup remained the same with representatives from state agencies involved in service delivery to older foster children as well as representatives from the State Youth Advisory Board and foster parents. The charge to the workgroup was expanded to include assessing the implementation of the independent living transition services system, keeping the Department of Children and Families informed of the problems surfacing and successes experienced with the independent living transition services, and advising the department on strategies that would improve the ability of the system to meet its goals.

The experiences of the independent living transition services program since its inception have pointed to the importance of effective and early service delivery to meet the goals of building the youths' ability to transition to independence and self-sufficiency. However, questions continue to be raised as to whether there is adequate attention being paid to preparing youth for adulthood and independent living, whether funding is sufficient to support the increasing requests for services, whether services should be more supportive of young adults not pursuing postsecondary education, and whether there is sufficient guidance and oversight being provided to the community-based care agencies that will ensure the effectiveness of the services and ensure that the goals of the program are met. As a result of continuing concerns, the Auditor General was directed to conduct an operational audit of the program and the Office of Program Policy Analysis and Government Accountability (OPPAGA) was directed to develop minimum standards for the program.²⁰ In addition, OPPAGA conducted another evaluation of the program in 2005.²¹

To date, it remains unclear whether any of the deficiencies identified in the reports have been corrected or whether the recommended minimum standards have been implemented.

Mandatory Reporting- Public School Personnel

Florida law requires any person who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare to report such knowledge or suspicion to the Department of Children and Family Services' central abuse hotline as prescribed by law.²²

¹⁷ See s. 409.1451, Florida Statutes.

¹⁸ See Chapter 2002-19, Laws of Florida.

¹⁹ See Chapter 2003-146, Laws of Florida.

²⁰ See Chapter 2004-362, Laws of Florida. Auditor General Report No. 2005-119 and OPPAGA Report No. 04-78, *Independent Living Minimum Standards Recommended for Children in Foster Care*, November 2004.

²¹ OPPAGA Report No. 05-61, *Improvements in Independent Living Services Will Better Assist State's Struggling Youth*, December 2005.

²² See s. 39.201, F.S.

The term “other person responsible for a child’s welfare” is defined as:

“...the child's legal guardian, legal custodian, or foster parent; an employee of a private school, public or private child day care center, residential home, institution, facility, or agency; or any other person legally responsible for the child's welfare in a residential setting; and also includes an adult sitter or relative entrusted with a child's care. For the purpose of departmental investigative jurisdiction, this definition does not include law enforcement officers, or employees of municipal or county detention facilities or the Department of Corrections, while acting in an official capacity.”²³

Florida law provides that a person who is required to report known or suspected child abuse, abandonment, or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, is guilty of a misdemeanor of the first degree, punishable as provided in ss. 775.082 or 775.083, F.S.²⁴

Public school personnel are not currently included in the definition of “other person responsible for a child’s welfare” in s. 39.01(47), F.S. They were removed from the definition in 1993.²⁵ The exclusion of public school personnel from this definition means that persons knowing or having reasonable cause to suspect that a child is being abused by a public school employee are not required to make a report to the central abuse hotline. Likewise, persons who have such knowledge or suspicion that abuse by a public school employee has occurred and do not report it, cannot be prosecuted for failure to report under s. 39.205, F.S.²⁶

Complaints about abuse, neglect, or abandonment of a child by public school personnel are investigated by law enforcement. Under s. 39.201(2)(a), F.S., personnel at the DCF central abuse hot line must determine whether a report meets the statutory definition of child abuse, abandonment, or neglect. According to the Department of Children and Family Services, a complaint to the abuse hotline about conduct by a public school employee that meets the statutory definition of abuse, abandonment, or neglect is transferred directly to local law enforcement.

The Office of Professional Practices Services in the DOE reviews criminal histories and investigates legally sufficient complaints of alleged violations of the Florida Statutes and of the Code of Ethics and Principles of Professional Conduct by educators who are seeking or currently hold a Florida Educator Certificate. Under s. 1012.796, F.S., the Department of Education (DOE) must investigate any complaint filed before it or called to its attention which, if legally sufficient, contains grounds for the revocation or suspension of an educator’s certificate. Complaints of child abuse or neglect or inappropriate conduct, discipline, or comments would have to be investigated. The district school superintendent must file all legally sufficient complaints in writing with the DOE within 30 days of becoming aware of the complaint. Under s. 1001.51(12), F.S., if a district school superintendent failed to submit a report, his or her salary would be withheld until the report was submitted.

²³ See s. 39.01(47), F.S.

²⁴ See s. 39.205, F.S.

²⁵ See Chapter 93-25, L.O.F.

²⁶ *State of Florida vs. Meyers*, 9th Judicial Circuit, 2004, Case No. 03-MM-001038.

Boarding Schools

A “boarding school” is defined as:

“...a school which is registered with the Department of Education as a school. Its program must follow established school schedules, with holiday breaks and summer recesses in accordance with other public and private school programs. The children in residence must customarily return to their family homes or legal guardians during school breaks and must not be in residence year-round, except that this provision does not apply to foreign students. The parents of these children retain custody and planning and financial responsibility.”²⁷

A small military school in Fort Lauderdale, Florida closed during the summer of 2005 as a result of allegations that students were being abused. During the course of the investigation by Broward County law enforcement, it was determined that boarding schools are exempt from regulation by both the Department of Children and Family Services and the Department of Education as a result of the interplay of the two following provisions:

- A person, family foster home, or residential child-caring agency shall not receive a child for continuing full-time care or custody unless such person, home, or agency has first procured a license from the department (DCF) to provide such care. This requirement does not apply to boarding schools, recreation and summer camps, nursing homes, hospitals, or to persons who care for children of friends or neighbors in their homes for periods not to exceed 90 days or to persons who have received a child for adoption from a licensed child-placing agency.²⁸
- It is the intent of the Legislature not to regulate, control, approve, or accredit private educational institutions, but to create a database where current information may be obtained relative to the educational institutions in this state coming within the provisions of this section as a service to the public, to governmental agencies, and to other interested parties. It is not the intent of the Legislature to regulate, control, or monitor, expressly or implicitly, churches, their ministries, or religious instruction, freedoms, or rites. It is the intent of the Legislature that the annual submission of the database survey by a school shall not be used by that school to imply approval or accreditation by the Department of Education.²⁹

III. Effect of Proposed Changes:

The Office of Child Abuse Prevention

The bill creates the Office of Child Abuse prevention within the Executive Office of the Governor and requires the Governor to appoint the director, who will be subject to confirmation by the Senate.

The director must:

- Formulate and recommend rules pertaining to the implementation of child abuse prevention efforts;

²⁷ See s. 409.175, F.S.

²⁸ See s. 409.175, F.S.

²⁹ See s. 1002.42(2)(h), F.S.

- Act as the Governor's liaison with state agencies, other state governments, and the public and private sectors on matters that relate to child abuse prevention;
- Work to secure funding;
- Develop a strategic program and funding initiative;
- Advise the Governor on child abuse trends in the state; and
- Develop child abuse prevention public awareness campaigns;

The office is authorized and directed to:

- Oversee the preparation and the implementation of a state plan and revise and update the plan as necessary;
- Conduct or provide for continuing professional education and training in the prevention of child abuse and neglect;
- Work to secure funding;
- Make recommendations pertaining to agreements or contracts towards child abuse and neglect for the establishment of programs and services, training programs, and multidisciplinary and discipline-specific training programs for professionals; and
- Monitor, evaluate, and review the development and quality of local and statewide services and programs for the prevention of child abuse and neglect and distribute and publish an annual report of its findings before January 1 of each year.

The office is directed to develop a state plan for the prevention of child abuse, abandonment, and neglect of children. Appropriate state and local agencies—including DCF, DOE, Department of Juvenile Justice, the Department of Corrections, Department of Law Enforcement, Agency for Persons with Disabilities, and Agency for Workforce Innovation—and organizations must be provided an opportunity to participate in the development of the state plan.

The office is further directed to establish a Child Abuse Prevention Advisory Council, which will be composed of representatives from each appropriate state agency and appropriate local agencies and organizations. The Advisory Council will replace the Interprogram Task Force that is in current law and will serve as the research arm of the office. Some of its responsibilities include:

- Assisting in developing a plan of action for better coordination and integration of the goals, activities, and funding pertaining to the prevention of child abuse;
- Assisting in providing a basic format to be utilized by districts in the preparation of local plans of action;
- Assisting in examining the local plans; and
- Assisting in the preparing the state plan;

At least biennially, the office shall review the state plan and make necessary revisions based on changing needs and program evaluation results. The office is required to conduct a feasibility study on the establishment of a Children's Cabinet. Several states, including Alaska, Arizona, Louisiana, Maine, New Jersey, New Mexico, Pennsylvania, Rhode Island, Tennessee, and West Virginia have Children's Cabinets. There are several ways they can be established, implemented and funded. According to the National Governors Association, important factors in determining the success of a Children's Cabinet are proper planning, support, and developing a proper mission to meet the needs of the state.

Each district of the Department of Children and Family Services (DCF) is directed to develop a plan for its specific geographical region. The plan must be submitted to the advisory council. In order to accomplish the development of the plan, the office must establish a task force on the prevention of child abuse, abandonment, and neglect. The office must appoint the members of the task force.

The bill directs that, by February 1, 2009, the Legislature must evaluate the office and determine whether it should continue to be housed in the Executive Office of the Governor or transferred to a state agency.

Statewide Advocacy Councils

The bill expresses the intent of the Legislature that state agencies cooperate with the Florida Statewide Advocacy Council (SAC) in forming interagency agreements to provide the councils with authorized client records so that the councils may monitor services and investigate claims. The interagency agreements must define a process for requesting the records and for appeal when disputes arise about access to the records. When selecting an executive director for SAC, the Governor must give priority consideration to an individual with professional expertise in research design, statistical analysis, or agency evaluation and analysis. The SAC must develop a written protocol for all complaints it generates in order to provide the Governor's office with specified information. It reduces the number of meetings of the SAC from six times annually to once annually.

Independent Living

The bill amends s. 409.1451, F.S., related to independent living transition services, to include a number of new provisions. Specifically, the bill:

- Expands eligibility for the Road to Independence services to young adults who were adopted from foster care after reaching 16 years of age or who were placed in a guardianship after the age of 16 after spending six months in foster care;
- Requires that the case plan for older foster children include provisions for age-appropriate activities, a path for career and education development, and a plan for transition to adulthood;
- Requires DCF and community-based care providers to make a good faith effort to explain the contents of documents to children and young adults prior to obtaining their signatures on the documents;
- Requires the development of a plan by each community-based care lead agency addressing the provision of services to young adults formerly in foster care to be submitted to DCF;
- Requires that aftercare support services include financial literacy skills training;
- Provides for the direct deposit of Road to Independence (RTI) funds to the recipient with exceptions;
- Allows part-time students to participate in the RTI program if the young adult has a recognized disability preventing full-time attendance;
- Requires DCF to advertise the program to children and young adults who are in, leaving, or formerly were in foster care; case managers; counselors; principals; guardians ad litem; and foster parents;

- Requires DCF to provide administrative support to the Independent Living Services Advisory Council and authorizes the council to have access to all appropriate non-identifying data from the department, community-based care agencies, and other relevant agencies.
- Authorizes community-based care lead agencies to purchase housing and other services in order to take advantage of economies of scale after approval of a plan to do so by DCF;
- Removes the disability of nonage from foster children after their 17th birthday for the sole purpose of allowing these children to execute leases for residential real estate;
- Makes a young adult who is eligible for the RTI program eligible for mandatory Medicaid payments without regard to income or other categorical eligibility; and
- Requires DCF to report annually to the Legislature the outcome measures and oversight of the RTI program.

Public School Personnel

The bill adds public school employees into the definition of “other person responsible for a child’s welfare.” This makes public school personnel subject to the reporting requirements and provisions for protective investigation of Chapter 39, F.S. According to representatives of the Florida Education Association, public school employees were removed from the definition because many incidents that did not meet the definition of abuse were reported to the Department of Health and Rehabilitative services, using that agencies resources to investigate minor incidents and damaging the reputation of educational personnel s a result.

Boarding Schools

To provide state oversight, he bill requires boarding schools to be accredited by either the Florida Council of Independent Schools or the Southern Association of Colleges and Schools. It also provides that a boarding school currently in existence or opening and seeking accreditation has three years to comply with the provisions of the bill. A boarding school that fails to comply with these requirements for accreditation will be sanctioned as an unlicensed provider of residential group care.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Children and Family Services (DCF) provided the following Fiscal Comments:

Office of Child Abuse Prevention:

The creation of this new office would require new appropriations. Three staff positions are needed to carry out the oversight, monitoring and analysis of the Prevention activities: Administration Director, Senior Management Analyst and an Administrative Assistant II. There will be a recurring budget need of \$228,180 for salaries, expense and human resources; and a non-recurring budget need of \$15,377 for expense and operating capital outlay. The salary numbers reflect a 10 percent above base minimum with a 2.5 percent increase for Fiscal Year 2006-07 and Fiscal Year 2007-08.

Public School Personnel

The Department of Children and Family Services estimates that it will cost the agency \$215,404 in recurring costs for salaries, expense and human resources, and \$20,972 in non-recurring costs for expense and operating capital outlay to implement this provision of the bill.

Independent Living:

- An ad hoc report provided by the department's data staff indicates that 188 youth turned age 18 during FY 2004-05 who were in an unlicensed setting for at least six months and placed at age 16 or after. Approximately 50 percent of the total number of young adults exiting foster care received services from the RTI scholarship services, transitional support services, or aftercare support services.
- If the equivalent percentage of young adults who age out of unlicensed placements, as mentioned above, became eligible for the Road to Independence Program award, there would be additional participants. The maximum amount of funding that each young adult could receive per year through the Road to Independence Program is \$5,000. The 94 additional participants would be potentially eligible for services until their 23rd birthday.
- Estimated costs per year to fund additional participants would be \$2,350,000 per year.
- A reasonable number of casework staff would be required in order to determine eligibility for services, provide outreach, and provide case management. A 1 to 20 caseload ratio would be reasonable to provide these services for young adults. As assumed previously, an additional 94 young adults may be served with young adult services each year until age 23. It would require 23-24 additional staff. Supervisory staff will also be needed at a 6 to 1 ratio for a total of 4 additional supervisors.

- The additional 23-24 staff would cost \$1,046,477 for salaries. There will be a recurring budget need of \$1,206,184 for salaries, expense and human resources; and a non-recurring budget need of \$123,211 for expense and operating capital outlay. The salary number reflects a 10 percent above base minimum with a 2.5 percent increase for Fiscal Year 2006-07 and Fiscal Year 2007-08.
- The additional supervisors would cost \$198,316 for salaries. There will be a recurring budget need of \$225,500 for salaries, expense and human resources; and a non-recurring budget need of \$20,972 for expense and operating capital outlay. The salary number reflects a 10 percent above base minimum with a 2.5 percent increase for Fiscal Year 2006-07 and Fiscal Year 2007-08.
- The department reports that it already provides administrative support to the Independent Living Advisory Council.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The following comments were provided by the Department of Children and Family Services:

- The Florida Legislature, in 1982, in recognition of the importance of reducing maltreatment by addressing conditions that are likely to promote the prevention of abuse, mandated that the Department of Children and Families develop a statewide plan for child abuse prevention. Following the guidelines set forth in Florida statute, the Department of Children and Families established the Florida Interprogram Task Force to work at the state level and with local communities to develop a statewide plan for the prevention of child abuse, neglect and abandonment. Florida's Plan for Prevention of Child Abuse, Abandonment and Neglect: July 2005 - June 2010 was produced. Local communities also developed local prevention of child abuse, neglect and abandonment plans.
- The Interprogram Task Force has provided technical assistance to the local planning coordinators for the development, implementation, and review of the local plans to assure implementation efforts are successful. The Interprogram Task Force provides technical assistance to the local planning coordinators, both as requested and on a monthly conference call with all state local planners.
- The Executive Committee of the Interprogram Task Force has met on a bi-monthly basis since September 2005 to assure compliance with state and local prevention plan implementation. In addition, the Task Force has seven subcommittees that meet at least monthly. The purpose of the subcommittees is to review quarterly progress reports received from the local planning teams, to provide recommendations on best practices to local planners and to assist with the development of the annual progress report to the Legislature due June 30th of each year.

- If this bill passes and creates an Office of Child Abuse Prevention within the Executive Office of the Governor, it would be replicating the responsibilities of the Department of Children and Families. A number of the requirements are already being completed by the Department of Children and Families and community-based contract providers. Examples of these requirements that are already under way include:
 - Annual reporting to the Governor and Legislature;
 - Establishing a Child Abuse Prevention Advisory Board (this is the Interprogram Task Force);
 - Providing statewide coordination or single state agency responsibility for oversight of these programs (the Department of Children and Families is the current agency responsible for coordination of programs);
 - Developing a strategic program and funding initiative that links the separate jurisdictional activities of state agencies (this is planned for the future with the Executive Task Force); and
 - Developing a Child Abuse prevention public awareness campaign; this is done on a yearly basis in April (Child Abuse Prevention Month) under contract with the Ounce of Prevention.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
