

1 Governor adopt rules; providing for future
2 evaluation of the Office of Child Abuse
3 Prevention by the Legislature; amending s.
4 39.0014, F.S.; requiring state, county, and
5 local agencies to assist the Office of Child
6 Abuse Prevention; amending s. 39.0015, F.S.,
7 relating to child abuse prevention training in
8 the district school system; conforming
9 provisions to changes made by the act; amending
10 s. 39.01, F.S.; redefining the term "other
11 person responsible for a child's welfare" to
12 include any school; amending s. 409.1451, F.S.,
13 relating to independent living transition
14 services; revising legislative intent with
15 respect to children who make the transition to
16 independent living and self-sufficiency;
17 requiring the Department of Children and Family
18 Services or a community-based provider to plan
19 and execute an educational and career path for
20 each child receiving services; requiring a
21 yearly review of the plan; requiring that the
22 plan be delivered to the Independent Living
23 Services Advisory Council for approval;
24 revising requirements for the services to be
25 provided to young adults; providing certain
26 limitations on available assistance;
27 redesignating the Road-to-Independence
28 Scholarship Program as the
29 "Road-to-Independence Program"; revising the
30 components of the program; revising eligibility
31 criteria; providing for payment of educational

1 and training vouchers to a recipient or on
2 behalf of a recipient; requiring that the
3 Department of Children and Family Services
4 evaluate the program by a specified date;
5 revising provisions authorizing transitional
6 support services for young adults; requiring a
7 joint transition agreement; providing
8 requirements for the community-based care lead
9 agency in purchasing housing, transportation,
10 or employment services on behalf of a young
11 adult; requiring that the department perform
12 certain oversight duties and report to the
13 Legislature; providing for an annual
14 appropriation; requiring that the department
15 contract with a nonprofit entity to coordinate
16 and manage all transition services leading to
17 independent living; providing certain
18 limitations on funding; amending s. 409.175,
19 F.S., relating to the licensure of family
20 foster homes, residential child-caring
21 agencies, and child-placing agencies;
22 redefining the term "boarding school" to
23 require that such school meet standards
24 prescribed by the State Board of Education and
25 the district school board; specifying a period
26 within which a school must meet certain
27 requirements; providing an effective date.

28
29 WHEREAS, in 2002, Florida was among only three other
30 states and the District of Columbia in having the highest
31 national rate of child maltreatment, and during that same year

1 142,547 investigations of abuse or neglect involving 254,856
2 children were completed and approximately one-half of the
3 investigations were substantiated or indicated the presence of
4 abuse or neglect, and

5 WHEREAS, a child in this state is abused or neglected
6 every 4 minutes and 10,000 Florida children are abused or
7 neglected per month, and during 2005 at least 111 Florida
8 children died from abuse or neglect at the hands of their
9 parents or caretakers, which is a rate of about two children
10 dying each week, and

11 WHEREAS, according to the Centers for Disease Control,
12 the cost of not preventing child abuse and neglect in 2001
13 equated to \$94 billion nationally, and these direct costs are
14 borne by the health care system, the mental health system, the
15 child welfare system, law enforcement agencies, and the
16 judicial system, while the indirect costs include special
17 education, mental health and health care, juvenile
18 delinquency, lost productivity to society, and adult
19 criminality, and

20 WHEREAS, prevention can save lives and resources, and
21 despite the potential long-term benefit of preventing child
22 abuse and neglect, only a small percentage of all resources
23 specifically earmarked for child maltreatment in this state
24 are actually devoted to prevention, and

25 WHEREAS, the 2005-2006 General Appropriations Act
26 provided a total funding of \$44 million for Child Abuse
27 Prevention and Intervention within the Department of Children
28 and Family Services, which represents less than 5 percent of
29 the department's budget, and

30 WHEREAS, no state agency has as its primary mission the
31 goal of preventing child abuse, abandonment, and neglect,

1 | however, several state agencies have programs that focus on
2 | primary and secondary prevention of child abuse, and

3 | WHEREAS, the current system is fragmented and
4 | inefficient, resulting in a tangled maze of services which is
5 | not only un navigable by the providers, but also by the
6 | recipients of services, NOW, THEREFORE,

7 |
8 | Be It Enacted by the Legislature of the State of Florida:

9 |
10 | Section 1. Section 39.001, Florida Statutes, is
11 | amended to read:

12 | 39.001 Purposes and intent; personnel standards and
13 | screening.--

14 | (1) PURPOSES OF CHAPTER.--The purposes of this chapter
15 | are:

16 | (a) To provide for the care, safety, and protection of
17 | children in an environment that fosters healthy social,
18 | emotional, intellectual, and physical development; to ensure
19 | secure and safe custody; ~~and~~ to promote the health and
20 | well-being of all children under the state's care; and to
21 | prevent child abuse, neglect, maltreatment, and abandonment
22 | from occurring.

23 | (b) To recognize that most families desire to be
24 | competent caregivers and providers for their children and that
25 | children achieve their greatest potential when families are
26 | able to support and nurture the growth and development of
27 | their children. Therefore, the Legislature finds that policies
28 | and procedures that provide for prevention and intervention
29 | through the department's child protection system should be
30 | based on the following principles:

31 |

1 1. The health and safety of the children served shall
2 be of paramount concern.

3 2. The prevention and intervention should engage
4 families in constructive, supportive, and nonadversarial
5 relationships.

6 3. The prevention and intervention should intrude as
7 little as possible into the life of the family, be focused on
8 clearly defined objectives, and take the most parsimonious
9 path to remedy a family's problems.

10 4. The prevention and intervention should be based
11 upon outcome evaluation results that demonstrate success in
12 protecting children and supporting families.

13 (c) To provide a child protection system that reflects
14 a partnership between the department, other agencies, and
15 local communities.

16 (d) To provide a child protection system that is
17 sensitive to the social and cultural diversity of the state.

18 (e) To provide procedures which allow the department
19 to respond to reports of child abuse, abandonment, or neglect
20 in the most efficient and effective manner that ensures the
21 health and safety of children and the integrity of families.

22 (f) To preserve and strengthen the child's family ties
23 whenever possible, removing the child from parental custody
24 only when his or her welfare cannot be adequately safeguarded
25 without such removal.

26 (g) To ensure that the parent or legal custodian from
27 whose custody the child has been taken assists the department
28 to the fullest extent possible in locating relatives suitable
29 to serve as caregivers for the child.

30 (h) To ensure that permanent placement with the
31 biological or adoptive family is achieved as soon as possible

1 for every child in foster care and that no child remains in
2 foster care longer than 1 year.

3 (i) To secure for the child, when removal of the child
4 from his or her own family is necessary, custody, care, and
5 discipline as nearly as possible equivalent to that which
6 should have been given by the parents; and to ensure, in all
7 cases in which a child must be removed from parental custody,
8 that the child is placed in an approved relative home,
9 licensed foster home, adoptive home, or independent living
10 program that provides the most stable and potentially
11 permanent living arrangement for the child, as determined by
12 the court. All placements shall be in a safe environment where
13 drugs and alcohol are not abused.

14 (j) To ensure that, when reunification or adoption is
15 not possible, the child will be prepared for alternative
16 permanency goals or placements, to include, but not be limited
17 to, long-term foster care, independent living, custody to a
18 relative on a permanent basis with or without legal
19 guardianship, or custody to a foster parent or legal custodian
20 on a permanent basis with or without legal guardianship.

21 (k) To make every possible effort, when two or more
22 children who are in the care or under the supervision of the
23 department are siblings, to place the siblings in the same
24 home; and in the event of permanent placement of the siblings,
25 to place them in the same adoptive home or, if the siblings
26 are separated, to keep them in contact with each other.

27 (l) To provide judicial and other procedures to assure
28 due process through which children, parents, and guardians and
29 other interested parties are assured fair hearings by a
30 respectful and respected court or other tribunal and the
31 recognition, protection, and enforcement of their

1 constitutional and other legal rights, while ensuring that
2 public safety interests and the authority and dignity of the
3 courts are adequately protected.

4 (m) To ensure that children under the jurisdiction of
5 the courts are provided equal treatment with respect to goals,
6 objectives, services, and case plans, without regard to the
7 location of their placement. It is the further intent of the
8 Legislature that, when children are removed from their homes,
9 disruption to their education be minimized to the extent
10 possible.

11 (n) To create and maintain an integrated prevention
12 framework in which Floridians collaborate through local
13 communities, key state agencies, and organizations to
14 implement efficient and properly applied evidence-based
15 practices to prevent child abuse.

16 (2) DEPARTMENT CONTRACTS.--The department may contract
17 with the Federal Government, other state departments and
18 agencies, county and municipal governments and agencies,
19 public and private agencies, and private individuals and
20 corporations in carrying out the purposes of, and the
21 responsibilities established in, this chapter.

22 (a) When the department contracts with a provider for
23 any program for children, all personnel, including owners,
24 operators, employees, and volunteers, in the facility must be
25 of good moral character. A volunteer who assists on an
26 intermittent basis for less than 40 hours per month need not
27 be screened if the volunteer is under direct and constant
28 supervision by persons who meet the screening requirements.

29 (b) The department shall require employment screening,
30 and rescreening no less frequently than once every 5 years,
31 pursuant to chapter 435, using the level 2 standards set forth

1 in that chapter for personnel in programs for children or
2 youths.

3 (c) The department may grant exemptions from
4 disqualification from working with children as provided in s.
5 435.07.

6 (d) The department shall require all job applicants,
7 current employees, volunteers, and contract personnel who
8 currently perform or are seeking to perform child protective
9 investigations to be drug tested pursuant to the procedures
10 and requirements of s. 112.0455, the Drug-Free Workplace Act.
11 The department is authorized to adopt rules, policies, and
12 procedures necessary to implement this paragraph.

13 (e) The department shall develop and implement a
14 written and performance-based testing and evaluation program
15 to ensure measurable competencies of all employees assigned to
16 manage or supervise cases of child abuse, abandonment, and
17 neglect.

18 (3) GENERAL PROTECTIONS FOR CHILDREN.--It is a purpose
19 of the Legislature that the children of this state be provided
20 with the following protections:

21 (a) Protection from abuse, abandonment, neglect, and
22 exploitation.

23 (b) A permanent and stable home.

24 (c) A safe and nurturing environment which will
25 preserve a sense of personal dignity and integrity.

26 (d) Adequate nutrition, shelter, and clothing.

27 (e) Effective treatment to address physical, social,
28 and emotional needs, regardless of geographical location.

29 (f) Equal opportunity and access to quality and
30 effective education, which will meet the individual needs of
31

1 each child, and to recreation and other community resources to
2 develop individual abilities.

3 (g) Access to preventive services.

4 (h) An independent, trained advocate, when
5 intervention is necessary and a skilled guardian or caregiver
6 in a safe environment when alternative placement is necessary.

7 (4) SUBSTANCE ABUSE SERVICES.--The Legislature finds
8 that children in the care of the state's dependency system
9 need appropriate health care services, that the impact of
10 substance abuse on health indicates the need for health care
11 services to include substance abuse services to children and
12 parents where appropriate, and that it is in the state's best
13 interest that such children be provided the services they need
14 to enable them to become and remain independent of state care.
15 In order to provide these services, the state's dependency
16 system must have the ability to identify and provide
17 appropriate intervention and treatment for children with
18 personal or family-related substance abuse problems. It is
19 therefore the purpose of the Legislature to provide authority
20 for the state to contract with community substance abuse
21 treatment providers for the development and operation of
22 specialized support and overlay services for the dependency
23 system, which will be fully implemented and utilized as
24 resources permit.

25 (5) PARENTAL, CUSTODIAL, AND GUARDIAN
26 RESPONSIBILITIES.--Parents, custodians, and guardians are
27 deemed by the state to be responsible for providing their
28 children with sufficient support, guidance, and supervision.
29 The state further recognizes that the ability of parents,
30 custodians, and guardians to fulfill those responsibilities
31 can be greatly impaired by economic, social, behavioral,

1 | emotional, and related problems. It is therefore the policy of
2 | the Legislature that it is the state's responsibility to
3 | ensure that factors impeding the ability of caregivers to
4 | fulfill their responsibilities are identified through the
5 | dependency process and that appropriate recommendations and
6 | services to address those problems are considered in any
7 | judicial or nonjudicial proceeding.

8 | (6) LEGISLATIVE INTENT FOR THE PREVENTION OF ABUSE,
9 | ABANDONMENT, AND NEGLECT OF CHILDREN.--The incidence of known
10 | child abuse, abandonment, and neglect has increased rapidly
11 | over the past 5 years. The impact that abuse, abandonment, or
12 | neglect has on the victimized child, siblings, family
13 | structure, and inevitably on all citizens of the state has
14 | caused the Legislature to determine that the prevention of
15 | child abuse, abandonment, and neglect shall be a priority of
16 | this state. To further this end, it is the intent of the
17 | Legislature that an Office of Child Abuse Prevention be
18 | established, a comprehensive approach for the prevention of
19 | abuse, abandonment, and neglect of children be developed for
20 | the state, and that this planned, comprehensive approach be
21 | used as a basis for funding.

22 | (7) OFFICE OF CHILD ABUSE PREVENTION PLAN FOR
23 | COMPREHENSIVE APPROACH.--

24 | (a) For purposes of establishing a comprehensive,
25 | statewide approach to preventing child abuse, abandonment, and
26 | neglect, there is created the Office of Child Abuse Prevention
27 | within the Executive Office of the Governor.

28 | (a) The Office of Child Abuse Prevention shall:

29 | 1. Oversee the preparation and implementation of a
30 | comprehensive state plan for planning and coordinating child
31 | abuse prevention programs and services and for establishing,

1 developing, and funding such programs and services. The office
2 shall periodically revise and update the state plan. The
3 ~~department shall~~

4 2. Develop a state plan for the prevention of abuse,
5 abandonment, and neglect of children and ~~shall~~ submit the plan
6 to the Speaker of the House of Representatives, the President
7 of the Senate, and the Governor no later than December 31,
8 2007 January 1, 1983. The Department of Children and Family
9 Services, the Department of Corrections, the Department of
10 Education, and the Division of Children's Medical Services
11 Prevention and Intervention of the Department of Health, the
12 Department of Juvenile Justice, the Department of Law
13 Enforcement, the Agency for Persons with Disabilities, and the
14 Agency for Workforce Innovation shall participate and fully
15 cooperate in the development of the state plan at both the
16 state and local levels. Furthermore, appropriate local
17 agencies and organizations shall be provided an opportunity to
18 participate in the development of the state plan at the local
19 level. Appropriate local groups and organizations shall
20 include, but not be limited to, community mental health
21 centers; guardian ad litem programs for children under the
22 circuit court; the school boards of the local school
23 districts; the Florida local advocacy councils; private or
24 public organizations or programs with recognized expertise in
25 working with children who are sexually abused, physically
26 abused, emotionally abused, abandoned, or neglected and with
27 expertise in working with the families of such children;
28 private or public programs or organizations with expertise in
29 maternal and infant health care; multidisciplinary child
30 protection teams; child day care centers; law enforcement
31 agencies, and the circuit courts, when guardian ad litem

1 | programs are not available in the local area. The state plan
2 | to be provided to the Legislature and the Governor shall
3 | include, as a minimum, the information required of the various
4 | groups in paragraph (b).

5 | (b) The development of the comprehensive state plan
6 | shall be accomplished in the following manner:

7 | 1. The Office of Child Abuse Prevention ~~department~~
8 | shall establish a Child Abuse Prevention Advisory Council ~~an~~
9 | ~~interprogram task force~~ comprised of the Program Director of of
10 | Healthy Families Florida, Inc., or a designee; a
11 | representative or designee from the Department of Children and
12 | Family Services, the Department of Corrections, the Department
13 | of Education, the Department of Health, the Department of
14 | Juvenile Justice, the Department of Law Enforcement, the
15 | Agency for Persons with Disabilities, and the Agency for
16 | Workforce Innovation; and representatives from community
17 | alliances, community-based care lead agencies, the Miccosukee
18 | Tribe, and Prevent Child Abuse Florida. The advisory council
19 | shall serve as the research arm of the Office of Child Abuse
20 | Prevention and for Family Safety, or a designee, a
21 | ~~representative from the Child Care Services Program Office, a~~
22 | ~~representative from the Family Safety Program Office, a~~
23 | ~~representative from the Mental Health Program Office, a~~
24 | ~~representative from the Substance Abuse Program Office, a~~
25 | ~~representative from the Developmental Disabilities Program~~
26 | ~~Office, and a representative from the Division of Children's~~
27 | ~~Medical Services Prevention and Intervention of the Department~~
28 | ~~of Health. Representatives of the Department of Law~~
29 | ~~Enforcement and of the Department of Education shall serve as~~
30 | ~~ex officio members of the interprogram task force. The~~
31 | ~~interprogram task force~~ shall be responsible for:

1 a. Assisting in developing a plan of action for better
2 coordination and integration of the goals, activities, and
3 funding pertaining to the prevention of child abuse,
4 abandonment, and neglect conducted by the office ~~department~~ in
5 order to maximize staff and resources at the state level. The
6 plan of action shall be included in the state plan.

7 b. Assisting in providing a basic format to be used
8 ~~utilized~~ by the districts in the preparation of local plans of
9 action in order to provide for uniformity in the district
10 plans and to provide for greater ease in compiling information
11 for the state plan.

12 c. Providing the districts with technical assistance
13 in the development of local plans of action, if requested.

14 d. Assisting in examining the local plans to determine
15 if all the requirements of the local plans have been met and,
16 if they have not, informing the districts of the deficiencies
17 and requesting the additional information needed.

18 e. Assisting in preparing the state plan for
19 submission to the Legislature and the Governor. Such
20 preparation shall include the collapsing of information
21 obtained from the local plans, the cooperative plans with the
22 members of the advisory council ~~Department of Education~~, and
23 the plan of action for coordination and integration of
24 departmental activities into one comprehensive plan. The
25 comprehensive plan shall include a section reflecting general
26 conditions and needs, an analysis of variations based on
27 population or geographic areas, identified problems, and
28 recommendations for change. In essence, the plan shall provide
29 an analysis and summary of each element of the local plans to
30 provide a statewide perspective. The plan shall also include
31 each separate local plan of action.

1 f. Conducting a feasibility study concerning the
2 establishment of a Children's Cabinet for the state.

3 ~~g.f.~~ Working with the specified state agency in
4 fulfilling the requirements of subparagraphs 2., 3., 4., and
5 5.

6 2. The Office of Child Abuse Prevention, the
7 Department of Children and Family Services ~~department~~, the
8 Department of Education, and the Department of Health shall
9 work together in developing ways to inform and instruct
10 parents of school children and appropriate district school
11 personnel in all school districts in the detection of child
12 abuse, abandonment, and neglect and in the proper action that
13 should be taken in a suspected case of child abuse,
14 abandonment, or neglect, and in caring for a child's needs
15 after a report is made. The plan for accomplishing this end
16 shall be included in the state plan.

17 3. The Office of Child Abuse Prevention, the
18 Department of Children and Family Services ~~department~~, the
19 Department of Law Enforcement, and the Department of Health
20 shall work together in developing ways to inform and instruct
21 appropriate local law enforcement personnel in the detection
22 of child abuse, abandonment, and neglect and in the proper
23 action that should be taken in a suspected case of child
24 abuse, abandonment, or neglect.

25 4. Within existing appropriations, the Office of Child
26 Abuse Prevention ~~department~~ shall work with other appropriate
27 public and private agencies to emphasize efforts to educate
28 the general public about the problem of and ways to detect
29 child abuse, abandonment, and neglect and in the proper action
30 that should be taken in a suspected case of child abuse,
31

1 abandonment, or neglect. The plan for accomplishing this end
2 shall be included in the state plan.

3 5. The Office of Child Abuse Prevention, the
4 Department of Children and Family Services ~~department~~, the
5 Department of Education, and the Department of Health shall
6 work together on the enhancement or adaptation of curriculum
7 materials to assist instructional personnel in providing
8 instruction through a multidisciplinary approach on the
9 identification, intervention, and prevention of child abuse,
10 abandonment, and neglect. The curriculum materials shall be
11 geared toward a sequential program of instruction at the four
12 progressional levels, K-3, 4-6, 7-9, and 10-12. Strategies for
13 encouraging all school districts to utilize the curriculum are
14 to be included in the comprehensive state plan for the
15 prevention of child abuse, abandonment, and neglect.

16 6. Each district of the Department of Children and
17 Family Services shall develop a plan for its specific
18 geographical area. The plan developed at the district level
19 shall be submitted to the advisory council ~~interprogram task~~
20 ~~force~~ for use ~~utilization~~ in preparing the state plan. The
21 district local plan of action shall be prepared with the
22 involvement and assistance of the local agencies and
23 organizations listed in this paragraph~~(a)~~, as well as
24 representatives from those departmental district offices
25 participating in the treatment and prevention of child abuse,
26 abandonment, and neglect. In order to accomplish this, the
27 Office of Child Abuse Prevention ~~district administrator in~~
28 ~~each district~~ shall establish a task force on the prevention
29 of child abuse, abandonment, and neglect. The Office of Child
30 Abuse Prevention ~~district administrator~~ shall appoint the
31 members of the task force in accordance with the membership

1 requirements of this section. The Office of Child Abuse
2 Prevention ~~In addition, the district administrator shall~~
3 ~~ensure that each subdistrict is represented on the task force;~~
4 ~~and, if the district does not have subdistricts, the district~~
5 ~~administrator~~ shall ensure that both urban and rural areas are
6 represented on the task force. The task force shall develop a
7 written statement clearly identifying its operating
8 procedures, purpose, overall responsibilities, and method of
9 meeting responsibilities. The district plan of action to be
10 prepared by the task force shall include, but shall not be
11 limited to:

12 a. Documentation of the magnitude of the problems of
13 child abuse, including sexual abuse, physical abuse, and
14 emotional abuse, and child abandonment and neglect in its
15 geographical area.

16 b. A description of programs currently serving abused,
17 abandoned, and neglected children and their families and a
18 description of programs for the prevention of child abuse,
19 abandonment, and neglect, including information on the impact,
20 cost-effectiveness, and sources of funding of such programs.

21 c. A continuum of programs and services necessary for
22 a comprehensive approach to the prevention of all types of
23 child abuse, abandonment, and neglect as well as a brief
24 description of such programs and services.

25 d. A description, documentation, and priority ranking
26 of local needs related to child abuse, abandonment, and
27 neglect prevention based upon the continuum of programs and
28 services.

29 e. A plan for steps to be taken in meeting identified
30 needs, including the coordination and integration of services
31 to avoid unnecessary duplication and cost, and for alternative

1 funding strategies for meeting needs through the reallocation
2 of existing resources, utilization of volunteers, contracting
3 with local universities for services, and local government or
4 private agency funding.

5 f. A description of barriers to the accomplishment of
6 a comprehensive approach to the prevention of child abuse,
7 abandonment, and neglect.

8 g. Recommendations for changes that can be
9 accomplished only at the state program level or by legislative
10 action.

11 (c) The Office of Child Abuse Prevention shall conduct
12 or otherwise provide for or make available continuing
13 professional education and training in the area of child abuse
14 prevention and oversee the primary prevention and training
15 program in the performance of its duties.

16 (d) In order to ensure that sufficient funds are
17 available for prevention efforts, the Office of Child Abuse
18 Prevention shall work to secure appropriations, gifts, loans,
19 and grants from the state and Federal Government and from
20 other public and private sources.

21 (e) The Office of Child Abuse Prevention may make
22 recommendations concerning agreements or contracts for the
23 establishment and development of:

24 1. Programs and services for the prevention of child
25 abuse and neglect.

26 2. Training programs for the prevention of child abuse
27 and neglect.

28 3. Multidisciplinary and discipline-specific training
29 programs for professionals having responsibilities affecting
30 children, youth, and families.

31

1 (f) The Governor shall appoint a director for the
2 Office of Child Abuse Prevention who shall be subject to
3 confirmation by the Senate. The director shall:

4 1. Formulate and recommend rules pertaining to the
5 implementation of child abuse prevention efforts.

6 2. Act as the Governor's liaison with state agencies,
7 other state governments, and the public and private sectors
8 concerning matters that relate to child abuse prevention.

9 3. Work to secure funding and other support for the
10 state's child abuse prevention efforts, including, but not
11 limited to, establishing cooperative relationships among state
12 and private agencies.

13 4. Develop a strategic program and funding initiative
14 that link the separate jurisdictional activities of state
15 agencies with respect to child abuse prevention. The office
16 may designate lead and contributing agencies to develop such
17 initiatives.

18 5. Advise the Governor and the Legislature on child
19 abuse trends in this state, the status of current child abuse
20 prevention programs and services, the funding of those
21 programs and services, and the status of the Office of Child
22 Abuse Prevention in developing and implementing the state
23 child abuse prevention strategy.

24 (8) CHILD ABUSE TRAINING AND COORDINATING COUNCIL.--

25 (a) There is created a 21-member Child Abuse Training
26 and Coordinating Council appointed by the director of the
27 Office of Child Abuse Prevention and composed of the following
28 members:

29 1. Three members shall be representatives of the
30 Department of Children and Family Services who specialize in
31

- 1 mental health and substance abuse, domestic violence, child
2 welfare, and community-based care.
- 3 2. One member shall be a representative of the
4 Department of Juvenile Justice.
- 5 3. Two members shall be representatives of the
6 Department of Health having expertise in medical services for
7 children and family health.
- 8 4. Two members shall be representatives of the
9 Department of Education.
- 10 5. One member shall be a representative of the Agency
11 for Persons with Disabilities.
- 12 6. One member shall be a representative of the Agency
13 for Workforce Innovation.
- 14 7. One member shall be a representative of a medical
15 association and shall be a member of the Florida chapter of a
16 national academy of pediatrics.
- 17 8. One member shall be a representative of the
18 judiciary.
- 19 9. One member shall be a representative of an
20 association of osteopathic physicians and shall be a pediatric
21 osteopathic physician.
- 22 10. One member shall be a representative of a
23 statewide coalition on domestic violence and sexual assault.
- 24 11. One member shall be a representative of the
25 Department of Law Enforcement.
- 26 12. One member shall be a representative of the
27 Department of Corrections.
- 28 13. One member shall be a representative of the Family
29 Law Section of The Florida Bar.
- 30 14. One member shall be a representative of a
31 statewide association of psychologists.

1 15. One member shall be a representative of a local
2 chapter of a national association of social workers.

3 16. One member shall be a representative of the Ounce
4 of Prevention Program.

5 17. One member shall be a representative of a child
6 advocacy center that is accredited and recognized as a state
7 chapter by a national children's alliance.

8 (b) The appointed members shall be persons having
9 expertise in the dynamics, identification, and treatment of
10 child abuse and neglect and child sexual abuse.

11 (c) The Child Abuse Training and Coordinating Council
12 shall:

13 1. Establish objective criteria and guidelines for
14 multidisciplinary and, as appropriate for each discipline,
15 discipline-specific training concerning child abuse and
16 neglect for professionals having responsibilities affecting
17 children, youth, and families;

18 2. Review curricula and make recommendations to state
19 agencies and professional organizations and associations
20 regarding available curricula and curricula having high
21 standards of professional merit;

22 3. Review curricula regarding child abuse and neglect
23 used in training law enforcement officers;

24 4. Cooperate with and assist professional
25 organizations and associations in the development and
26 implementation of ongoing training programs and strategies
27 that encourage professionals to participate in such training
28 programs;

29 5. Make reports and recommendations regarding the
30 continued development and improvement of such training
31 programs to the Office of Child Abuse Prevention, the Child

1 Abuse Prevention Advisory Council, and each affected agency,
2 organization, and association; and

3 6. Issue annual reports to the Office of Child Abuse
4 Prevention which must be included in the statewide plan.

5 (9) EVALUATION OF PREVENTION PROGRAMS.--The Office of
6 Child Abuse Prevention shall monitor, evaluate, and review the
7 development and quality of local and statewide services and
8 programs for the prevention of child abuse and neglect and
9 shall publish and distribute an annual report of its findings
10 on or before January 1 of each year to the Governor, the
11 President of the Senate, the Speaker of the House of
12 Representatives, the secretary of each state agency affected
13 by the report, and the committees having jurisdiction in the
14 Legislature. The report must include:

15 (a) The activities of the office.

16 (b) A summary detailing the demographic and geographic
17 characteristics of families served by the prevention programs.

18 (c) Recommendations, by state agency, for the further
19 development and improvement of services and programs for the
20 prevention of child abuse and neglect.

21 (d) Budget and prevention program needs of each
22 agency.

23 (10)(8) FUNDING AND SUBSEQUENT PLANS.--

24 (a) All budget requests submitted by the Office of
25 Child Abuse Prevention, the Department of Children and Family
26 Services ~~department~~, the Department of Health, the Department
27 of Education, the Department of Juvenile Justice, the
28 Department of Corrections, the Agency for Persons with
29 Disabilities, the Agency for Workforce Innovation, or any
30 other agency to the Legislature for funding of efforts for the
31

1 prevention of child abuse, abandonment, and neglect shall be
2 based on the state plan developed pursuant to this section.

3 (b) ~~The Office of Child Abuse Prevention department at~~
4 ~~the state and district levels~~ and the other agencies listed in
5 paragraph(7)(b)(7)(a) shall readdress the plan and make
6 necessary revisions every 5 years, at a minimum. Such
7 revisions shall be submitted to the Speaker of the House of
8 Representatives and the President of the Senate no later than
9 June 30 of each year divisible by 5. At least biennially, the
10 Office of Child Abuse Prevention shall review the state plan
11 and make any necessary revisions based on changing needs and
12 the results of program evaluations. An annual progress report
13 shall be submitted to update the plan in the years between the
14 5-year intervals. In order to avoid duplication of effort,
15 these required plans may be made a part of or merged with
16 other plans required by either the state or Federal
17 Government, so long as the portions of the other state or
18 Federal Government plan that constitute the state plan for the
19 prevention of child abuse, abandonment, and neglect are
20 clearly identified as such and are provided to the Speaker of
21 the House of Representatives and the President of the Senate
22 as required above.

23 ~~(11)(9)~~ LIBERAL CONSTRUCTION.--It is the intent of the
24 Legislature that this chapter be liberally interpreted and
25 construed in conformity with its declared purposes.

26 (12) RULEMAKING.--The Executive Office of the Governor
27 shall adopt rules to administer this section.

28 (13) EVALUATION.--By February 1, 2009, the Legislature
29 shall evaluate the Office of Child Abuse Prevention and
30 determine whether it should continue to be housed in the
31

1 Executive Office of the Governor or transferred to a state
2 agency.

3 Section 2. Section 39.0014, Florida Statutes, is
4 amended to read:

5 39.0014 Responsibilities of public agencies.--All
6 state, county, and local agencies shall cooperate, assist, and
7 provide information to the Office of Child Abuse Prevention
8 ~~department~~ as will enable it to fulfill its responsibilities
9 under this chapter.

10 Section 3. Section 39.0015, Florida Statutes, is
11 amended to read:

12 39.0015 Child abuse prevention training in the
13 district school system.--

14 (1) SHORT TITLE.--This section may be cited as the
15 "Child Abuse Prevention Training Act of 2006 ~~1985~~."

16 (2) LEGISLATIVE INTENT.--It is the intent of the
17 Legislature that primary prevention training for all children
18 in kindergarten through grade 12 be encouraged in the district
19 school system through the training of school teachers,
20 guidance counselors, parents, and children.

21 (3) DEFINITIONS.--As used in this section:

22 (a) "Department" means the Department of Education.

23 (b) "Child abuse" means those acts as defined in ss.
24 39.01(1), (2), (30), (43), (45), (52), and (63), 827.04, and
25 984.03(1), (2), and (37).

26 (c) "Primary prevention and training program" means a
27 training and educational program for children, parents, and
28 teachers which is directed toward preventing the occurrence of
29 child abuse, including sexual abuse, physical abuse, child
30 abandonment, child neglect, and drug and alcohol abuse, and
31 toward reducing the vulnerability of children through training

1 of children and through including coordination with, and
2 training for, parents and school personnel.

3 (d) "Prevention training center" means a center as
4 described in subsection (5).

5 (4) PRIMARY PREVENTION AND TRAINING PROGRAM.--A
6 primary prevention and training program shall include all of
7 the following, as appropriate for the persons being trained:

8 (a) Information provided in a clear and nonthreatening
9 manner, describing the problem of child abuse, sexual abuse,
10 physical abuse, abandonment, neglect, and alcohol and drug
11 abuse, and the possible solutions.

12 (b) Information and training designed to counteract
13 common stereotypes about victims and offenders.

14 (c) Crisis counseling techniques.

15 (d) Available community resources and ways to access
16 those resources.

17 (e) Physical and behavioral indicators of abuse.

18 (f) Rights and responsibilities regarding reporting.

19 (g) School district procedures to facilitate
20 reporting.

21 (h) Caring for a child's needs after a report is made.

22 (i) How to disclose incidents of abuse.

23 (j) Child safety training and age-appropriate
24 self-defense techniques.

25 (k) The right of every child to live free of abuse.

26 (l) The relationship of child abuse to handicaps in
27 young children.

28 (m) Parenting, including communication skills.

29 (n) Normal and abnormal child development.
30
31

1 (o) Information on recognizing and alleviating family
2 stress caused by the demands required in caring for a
3 high-risk or handicapped child.

4 (p) Supports needed by school-age parents in caring
5 for a young child.

6 (5) PREVENTION TRAINING CENTERS; FUNCTIONS; SELECTION
7 PROCESS; MONITORING AND EVALUATION.--

8 (a) Each training center shall perform the following
9 functions:

10 1. Act as a clearinghouse to provide information on
11 prevention curricula which meet the requirements of this
12 section and the requirements of s. 39.001.

13 2. Assist the local school district in selecting a
14 prevention program model which meets the needs of the local
15 community.

16 3. At the request of the local school district, design
17 and administer training sessions to develop or expand local
18 primary prevention and training programs.

19 4. Provide assistance to local school districts,
20 including, but not limited to, all of the following:
21 administration, management, program development, multicultural
22 staffing, and community education, in order to better meet the
23 requirements of this section and of s. 39.001.

24 5. At the request of the department or the local
25 school district, provide ongoing program development and
26 training to achieve all of the following:

27 a. Meet the special needs of children, including, but
28 not limited to, the needs of disabled and high-risk children.

29 b. Conduct an outreach program to inform the
30 surrounding communities of the existence of primary prevention
31 and training programs and of funds to conduct such programs.

1 6. Serve as a resource to the Office of Child Abuse
2 Prevention and the Department of Children and Family Services
3 and its districts.

4 (b) The department, in consultation with the
5 Department of Children and Family Services and the Office of
6 Child Abuse Prevention, shall select and award grants by
7 January 1, 2007 ~~1986~~, for the establishment of three private,
8 nonprofit prevention training centers: one located in and
9 serving South Florida, one located in and serving Central
10 Florida, and one located in and serving North Florida. The
11 department, in consultation with the Department of Children
12 and Family Services and the Office of Child Abuse Prevention,
13 shall select an agency or agencies to establish three training
14 centers which can fulfill the requirements of this section and
15 meet the following requirements:

16 1. Have demonstrated experience in child abuse
17 prevention training.

18 2. Have shown capacity for training primary prevention
19 and training programs as provided for in subsections (3) and
20 (4).

21 3. Have provided training and organizing technical
22 assistance to the greatest number of private prevention and
23 training programs.

24 4. Have employed the greatest number of trainers with
25 experience in private child abuse prevention and training
26 programs.

27 5. Have employed trainers which represent the cultural
28 diversity of the area.

29 6. Have established broad community support.

30 (c) The department shall monitor and evaluate primary
31 prevention and training programs utilized in the local school

1 | districts and shall monitor and evaluate the impact of the
2 | prevention training centers on the implementation of primary
3 | prevention programs and their ability to meet the required
4 | responsibilities of a center as described in this section.

5 | (6) The department shall administer this section and
6 | in so doing is authorized to adopt rules and standards
7 | necessary to implement the specific provisions of this
8 | section.

9 | Section 4. Subsection (47) of section 39.01, Florida
10 | Statutes, is amended to read:

11 | 39.01 Definitions.--When used in this chapter, unless
12 | the context otherwise requires:

13 | (47) "Other person responsible for a child's welfare"
14 | includes the child's legal guardian, legal custodian, or
15 | foster parent; an employee of any ~~a private~~ school, public or
16 | private child day care center, residential home, institution,
17 | facility, or agency; or any other person legally responsible
18 | for the child's welfare in a residential setting; and also
19 | includes an adult sitter or relative entrusted with a child's
20 | care. For the purpose of departmental investigative
21 | jurisdiction, this definition does not include law enforcement
22 | officers, or employees of municipal or county detention
23 | facilities or the Department of Corrections, while acting in
24 | an official capacity.

25 | Section 5. Subsections (3), (4), (5), (6), (7), and
26 | (10) of section 409.1451, Florida Statutes, are amended, and
27 | subsections (11) and (12) are added to that section, to read:

28 | 409.1451 Independent living transition services.--

29 | (3) PREPARATION FOR INDEPENDENT LIVING.--

30 | (a) It is the intent of the Legislature for the
31 | Department of Children and Family Services to assist older

1 children in foster care and young adults who exit foster care
2 at age 18 in making the transition to independent living and
3 self-sufficiency as adults. The department shall provide such
4 children and young adults with opportunities to participate in
5 life skills activities in their foster families and
6 communities which are reasonable and appropriate for their
7 respective ages, as well as special needs and shall provide
8 them with services to build life ~~the~~ skills and increase their
9 ability to live independently and become self-sufficient. To
10 support the provision of opportunities for participation in
11 age-appropriate life skills activities, the department shall:

12 1. Develop a list of age-appropriate activities and
13 responsibilities to be offered to all children involved in
14 independent living transition services and their foster
15 parents.

16 2. Provide training for staff and foster parents to
17 address the issues of older children in foster care in
18 transitioning to adulthood, which shall include information on
19 supporting education and employment and providing
20 opportunities to participate in appropriate daily activities
21 and information concerning high school completion, grant
22 applications, and vocational school opportunities and
23 availability.

24 3. Develop procedures to maximize the authority of
25 foster parents to approve participation in age-appropriate
26 activities of children in their care. The age-appropriate
27 activities and the authority of the foster parent or caregiver
28 shall be developed into a written plan that the foster parent
29 or caregiver, the youth, and the case manager develop
30 together, sign, and follow. This plan must include specific
31

1 goals and objectives and shall be reviewed and updated at
2 least quarterly.

3 4. Provide opportunities for older children in foster
4 care to interact with mentors.

5 5. Develop and implement procedures that are similar
6 to those provided in sub-subparagraph (5)(b)5.1. for older
7 children to directly access and manage the personal allowance
8 they receive from the department in order to learn
9 responsibility and participate in age-appropriate life skills
10 activities to the extent feasible.

11 6. Make a good-faith effort to fully explain, before
12 the execution of a signature, if required, any document,
13 report, form, or other record, whether written or electronic,
14 which is presented to a child or young adult pursuant to this
15 chapter and allow the child or young adult to ask any
16 appropriate questions so that he or she fully understands the
17 document, report, form, or record. It is the responsibility of
18 the person presenting the document to the child or young adult
19 to comply with this subparagraph.

20 (b) It is further the intent of the Legislature that
21 each child in foster care, his or her foster parents, if
22 applicable, and the department or community-based provider set
23 early achievement and career goals for the child's
24 postsecondary educational and work experience. The department
25 and community-based providers shall implement the model set
26 forth in this paragraph to help ensure that children in foster
27 care are ready for postsecondary education and the workplace.

28 1. For children in foster care upon reaching their
29 13th birthday or entering the 9th grade, their foster parents,
30 and the department or community-based provider shall be active
31 participants in planning and executing an educational and

1 ~~career path choosing a post high school goal~~ based upon both
2 the abilities and interests of each child. The path shall be
3 reviewed at least yearly; shall include the review of the
4 child's academic improvement plan pursuant to s. 1008.25, the
5 individual education plan, if applicable, and the report card
6 or student portfolio; and goal shall accommodate the needs of
7 children served in exceptional education programs to the
8 extent appropriate for each individual. Such children may
9 continue to follow the courses outlined in the district school
10 board student progression plan. Children in foster care, with
11 the assistance of their foster parents, and the department or
12 community-based provider shall choose one of the following
13 postsecondary goals:

14 a. Attending a 4-year college or university, a
15 community college plus university, or a military academy;
16 b. Receiving a 2-year postsecondary degree;
17 c. Attaining a postsecondary career and technical
18 certificate or credential; or
19 d. Beginning immediate employment, including an
20 apprenticeship, after completion of a high school diploma or
21 its equivalent, or enlisting in the military.

22 2. In order to assist the child in foster care in
23 achieving his or her chosen goal, the department or
24 community-based provider shall, with the participation of the
25 child and foster parents, identify:

26 a. The core courses in the child's secondary school
27 which are necessary to qualify for a chosen goal.
28 b. Any elective courses which would provide additional
29 help in reaching a chosen goal.
30 c. The grade point requirement and any additional
31 information necessary to achieve a specific goal.

1 d. A teacher, other school staff member, employee of
2 the department or community-based care provider, or community
3 volunteer who would be willing to work with the child as an
4 academic advocate or mentor if foster parent involvement is
5 insufficient or unavailable.

6 3. In order to complement educational goals, the
7 department and community-based providers are encouraged to
8 form partnerships with the business community to support
9 internships, apprenticeships, or other work-related
10 opportunities.

11 4. The department and community-based providers shall
12 ensure that children in foster care and their foster parents
13 are made aware of the postsecondary goals available and shall
14 assist in identifying the coursework necessary to enable the
15 child to reach the chosen goal.

16 (c) All children in foster care and young adults
17 formerly in foster care are encouraged to take part in
18 learning opportunities that result from participation in
19 community service activities.

20 (d) Children in foster care and young adults formerly
21 in foster care shall be provided with the opportunity to
22 change from one postsecondary goal to another, and each
23 postsecondary goal shall allow for changes in each
24 individual's needs and preferences. Any change, particularly a
25 change that will result in additional time required to achieve
26 a goal, shall be made with the guidance and assistance of the
27 department or community-based provider.

28 (4) SERVICES FOR CHILDREN IN FOSTER CARE.--The
29 department shall provide the following transition to
30 independence services to children in foster care who meet
31 prescribed conditions and are determined eligible by the

1 department. The service categories available to children in
2 foster care which facilitate successful transition into
3 adulthood are:

4 (a) Preindependent living services.--

5 1. Preindependent living services include, but are not
6 limited to, life skills training, educational field trips, and
7 conferences. The specific services to be provided to a child
8 shall be determined using a preindependent living assessment.

9 2. A child who has reached 13 years of age but is not
10 yet 15 years of age who is in foster care is eligible for such
11 services.

12 3. The department shall conduct an annual staffing for
13 each child who has reached 13 years of age but is not yet 15
14 years of age to ensure that the preindependent living training
15 and services to be provided as determined by the
16 preindependent living assessment are being received and to
17 evaluate the progress of the child in developing the needed
18 independent living skills.

19 4. At the first annual staffing that occurs following
20 a child's 14th birthday, and at each subsequent staffing, the
21 department, the child and, to the greatest extent possible,
22 his or her foster parent or caregiver, shall review the
23 child's academic improvement plan, individual educational
24 plan, if applicable, and report card or student portfolio, and
25 shall provide to each child detailed and personalized
26 information on services provided by the Road-to-Independence
27 ~~Scholarship~~ Program, including requirements for eligibility;
28 on other grants, scholarships, and waivers that are available
29 and should be sought by the child with assistance from the
30 department, including, but not limited to, the Bright Futures
31 Scholarship Program, as provided in ss. 1009.53-1009.538; on

1 application deadlines; and on grade requirements for such
2 programs.

3 5. Information related to both the preindependent
4 living assessment and all staffings, which shall be reduced to
5 writing and signed by the child participant, shall be included
6 as a part of the written report required to be provided to the
7 court at each judicial review held pursuant to s. 39.701.

8 (b) Life skills services.--

9 1. Life skills services may include, but are not
10 limited to, independent living skills training, including
11 training to develop banking and budgeting skills, interviewing
12 skills, parenting skills, time management or organizational
13 skills, educational support, employment training, and
14 counseling. Children receiving these services should also be
15 provided with information related to social security insurance
16 benefits and public assistance. The specific services to be
17 provided to a child shall be determined using an independent
18 life skills assessment.

19 2. A child who has reached 15 years of age but is not
20 yet 18 years of age who is in foster care is eligible for such
21 services.

22 3. The department shall conduct a staffing at least
23 once every 6 months for each child who has reached 15 years of
24 age but is not yet 18 years of age to ensure that the
25 appropriate independent living training and services as
26 determined by the independent life skills assessment are being
27 received and to evaluate the progress of the child in
28 developing the needed independent living skills.

29 4. The department shall provide to each child in
30 foster care during the calendar month following the child's
31 17th birthday an independent living assessment to determine

1 the child's skills and abilities to live independently and
2 become self-sufficient. Based on the results of the
3 independent living assessment, services and training shall be
4 provided in order for the child to develop the necessary
5 skills and abilities prior to the child's 18th birthday.

6 5. Information related to both the independent life
7 skills assessment and all staffings, which shall be reduced to
8 writing and signed by the child participant, shall be included
9 as a part of the written report required to be provided to the
10 court at each judicial review held pursuant to s. 39.701.

11 (c) Subsidized independent living services.--

12 1. Subsidized independent living services are living
13 arrangements that allow the child to live independently of the
14 daily care and supervision of an adult in a setting that is
15 not required to be licensed under s. 409.175.

16 2. A child who has reached 16 years of age but is not
17 yet 18 years of age is eligible for such services if he or
18 she:

19 a. Is adjudicated dependent under chapter 39; has been
20 placed in licensed out-of-home care for at least 6 months
21 prior to entering subsidized independent living; and has a
22 permanency goal of adoption, independent living, or long-term
23 licensed care; and

24 b. Is able to demonstrate independent living skills,
25 as determined by the department, using established procedures
26 and assessments.

27 3. Independent living arrangements established for a
28 child must be part of an overall plan leading to the total
29 independence of the child from the department's supervision.
30 The plan must include, but need not be limited to, a
31 description of the skills of the child and a plan for learning

1 additional identified skills; the behavior that the child has
2 exhibited which indicates an ability to be responsible and a
3 plan for developing additional responsibilities, as
4 appropriate; a plan for future educational, vocational, and
5 training skills; present financial and budgeting capabilities
6 and a plan for improving resources and ability; a description
7 of the proposed residence; documentation that the child
8 understands the specific consequences of his or her conduct in
9 the independent living program; documentation of proposed
10 services to be provided by the department and other agencies,
11 including the type of service and the nature and frequency of
12 contact; and a plan for maintaining or developing
13 relationships with the family, other adults, friends, and the
14 community, as appropriate.

15 4. Subsidy payments in an amount established by the
16 department may be made directly to a child under the direct
17 supervision of a caseworker or other responsible adult
18 approved by the department.

19 (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER
20 CARE.--It is the intent of the Legislature that assistance be
21 provided so that each young adult who exits foster care at age
22 18 will be able to obtain housing and will have the
23 opportunity to finish high school, attend a postsecondary
24 educational or vocational training program, and obtain the
25 skills necessary to find a job or begin a career as the young
26 adult works through the transition to complete independence.
27 The following services of aftercare, educational and training
28 vouchers, and transitional services are established to
29 accomplish this intent to the fullest degree possible. Based
30 on the availability of funds, the department shall provide or
31 arrange for the following services to young adults formerly in

1 foster care who meet the prescribed conditions and are
2 determined eligible by the department. The department, or the
3 community-based care lead agency if such agency is contracted
4 to perform the services described under this subsection, shall
5 develop a plan to implement the services described in this
6 subsection. A plan must be developed for each community-based
7 care area of the state. Each approved plan shall be delivered
8 to the Independent Living Services Advisory Council within 10
9 business days after its approval. Each plan must include, at a
10 minimum, the number of young adults to be served each month of
11 the fiscal year, adding youth turning 18 years of age and
12 subtracting youth turning 23 years of age or otherwise
13 becoming ineligible; the number of staff and all related costs
14 of administering the services and program; the expenditures to
15 or on behalf of the eligible recipients; the costs of services
16 provided to the young adults through an approved plan for
17 housing, transportation, and employment; a reconciliation of
18 these expenses and any additional related costs with the funds
19 allocated for these services; and an explanation and a plan to
20 resolve any shortages or surpluses in order to end the fiscal
21 year with a balanced budget. The categories of services
22 available to assist a young adult formerly in foster care to
23 achieve independence are:

24 (a) Aftercare support services.--

25 1. Aftercare support services are available to assist
26 young adults who were formerly in foster care in their efforts
27 to continue to develop the skills and abilities necessary for
28 independent living. The aftercare support services available
29 include, but are not limited to, the following:

30 a. Mentoring and tutoring.

31

1 b. Mental health services and substance abuse
2 counseling.

3 c. Life skills classes, including credit management
4 and preventive health activities.

5 d. Parenting classes.

6 e. Job and career skills training.

7 f. Counselor consultations.

8 g. Temporary financial assistance.

9 h. Banking and budgeting skills.

10
11 The specific services to be provided under this subparagraph
12 shall be determined by an aftercare services assessment and
13 may be provided by the department or through referrals in the
14 community. The requirements of sub-subparagraph h. are
15 satisfied if, when the young adult opens a bank account at a
16 financial institution in this state, he or she received
17 instruction on how to maintain that account, including the fee
18 structure of that institution, and has established direct
19 deposit.

20 2. Temporary assistance provided to prevent
21 homelessness shall be provided as expeditiously as possible
22 ~~and within the limitations defined by the department.~~
23 Assistance is limited to funds that are available.

24 ~~3.2.~~ A young adult who has reached 18 years of age but
25 is not yet 23 years of age who leaves foster care at 18 years
26 of age but who requests services prior to reaching 23 years of
27 age is eligible for such services.

28 (b) Road-to-Independence ~~Scholarship~~ Program.--Funds
29 received for educational and training vouchers under the John
30 H. Chaffee Foster Care Independence Program shall be used in
31

1 accordance with the federal regulations found in 42 U.S.C. s.
2 677(i) for young adults formerly in foster care.

3 1. The Road-to-Independence ~~Scholarship~~ Program is
4 intended to help eligible students who are former foster
5 children in this state to receive the educational and
6 vocational training needed to achieve independence. The amount
7 of the award shall be based on the living and educational
8 needs of the young adult ~~and may be up to, but may not exceed,~~
9 ~~the amount of earnings that the student would have been~~
10 ~~eligible to earn working a 40 hour a week federal minimum wage~~
11 ~~job.~~

12 2. A youth in foster care or a young adult who has a
13 high school diploma or its equivalent ~~reached 18 years of age~~
14 but who is not yet 21 years of age is eligible for the initial
15 award, and a young adult participating in the program on the
16 date that he or she attains 21 years of age may remain
17 eligible for renewal awards until he or she attains the age of
18 ~~under 23 years of age is eligible for renewal awards,~~ if he or
19 she:

20 a. Was a dependent child, under chapter 39, and was
21 living in licensed foster care or in subsidized independent
22 living at the time of his or her 18th birthday;

23 b. Spent at least 6 months living in foster care
24 before reaching his or her 18th birthday or before obtaining
25 his or her high school diploma or its equivalent;

26 c. Is a resident of this state as defined in s.
27 1009.40; and

28 ~~d. Meets one of the following qualifications:~~

29 d.(I) Has earned a standard high school diploma or its
30 equivalent as described in s. 1003.43 or s. 1003.435, or has
31 earned a special diploma or special certificate of completion

1 as described in s. 1003.438, and has been admitted for
2 ~~part-time or~~ full-time enrollment in an eligible postsecondary
3 education institution as defined in s. 1009.533.;

4 ~~(II) Is enrolled full time in an accredited high~~
5 ~~school; or~~

6 ~~(III) Is enrolled full time in an accredited adult~~
7 ~~education program designed to provide the student with a high~~
8 ~~school diploma or its equivalent.~~

9 3. A young adult applying for ~~the a~~
10 Road-to-Independence Program Scholarship must apply for any
11 other grants and scholarships for which he or she may qualify.
12 The department shall assist the young adult in the application
13 process ~~and may use the federal financial aid grant process to~~
14 ~~determine the funding needs of the young adult.~~

15 4. ~~The amount of the award, whether it is being used~~
16 ~~by a young adult working toward completion of a high school~~
17 ~~diploma or its equivalent or working toward completion of a~~
18 ~~postsecondary education program, shall be determined based on~~
19 ~~an assessment of the funding needs of the young adult. This~~
20 ~~assessment must consider the young adult's living and~~
21 ~~educational costs and other grants, scholarships, waivers,~~
22 ~~earnings, and other income to be received by the young adult.~~
23 An award shall be available only to a young adult who is
24 considered a full-time student, or its equivalent, by the
25 educational institution, unless that young adult is employed,
26 has a recognized disability that prevents full-time
27 attendance, or practices a vocation. The amount of an award
28 under this subsection may be disregarded for purposes of
29 determining the recipient's eligibility for, or the amount of,
30 any other federal or federally supported assistance. the
31 ~~extent that other grants and scholarships are not sufficient~~

1 ~~to meet the living and educational needs of the young adult,~~
2 ~~but an award may not be less than \$25 in order to maintain~~
3 ~~Medicaid eligibility for the young adult as provided in s.~~
4 ~~409.903.~~

5 5.a. The department must advertise the criteria,
6 application procedures, and availability of the program to:
7 ~~and must ensure that the children and young adults leaving~~
8 ~~foster care, foster parents, or family services counselors are~~
9 ~~informed of the availability of the program and the~~
10 ~~application procedures.~~

11 (I) Children and young adults presently in, leaving,
12 or formerly in foster care;

13 (II) Case managers;

14 (III) Guidance and family services counselors; and

15 (IV) Principals or other relevant school
16 administrators.

17 ~~b. A young adult must apply for the initial award~~
18 ~~during the 6 months immediately preceding his or her 18th~~
19 ~~birthday, and the department shall provide assistance with the~~
20 ~~application process. A young adult who fails to make an~~
21 ~~initial application, but who otherwise meets the criteria for~~
22 ~~an initial award, may make one application for the initial~~
23 ~~award if the application is made before the young adult's 21st~~
24 ~~birthday. If the young adult does not apply for an initial~~
25 ~~award before his or her 18th birthday, the department shall~~
26 ~~inform that young adult of the opportunity to apply before~~
27 ~~turning 21 years of age.~~

28 ~~b.c. If funding for the program is available, The~~
29 ~~department shall issue awards from the scholarship program for~~
30 ~~each young adult who meets all the requirements of the program~~
31 to the extent that funding is available.

1 ~~c.d.~~ An award shall be issued at the time the young
2 adult ~~eligible student~~ reaches 18 years of age or immediately
3 upon a determination that the young adult has achieved a high
4 school diploma or its equivalent and met all of the necessary
5 eligibility criteria.

6 ~~d.e.~~ A young adult who is eligible for the
7 Road-to-Independence Program and the transitional and
8 aftercare services described in this section and who so
9 desires shall be allowed to reside with the licensed foster
10 family or group care provider with whom he or she was residing
11 at the time of attaining his or her 18th birthday or to reside
12 in another licensed foster home or with a group care provider
13 arranged by the department.

14 ~~e.f.~~ If the award recipient transfers from one
15 eligible institution to another and continues to meet
16 eligibility requirements, the award must be transferred with
17 the recipient.

18 ~~f.g. Scholarship~~ Funds awarded to any eligible young
19 adult under this program are in addition to any other services
20 or funds provided to the young adult by the department through
21 the transitional services or aftercare services described in
22 this section ~~its independent living transition services.~~

23 ~~g.h.~~ The department shall provide information
24 concerning young adults receiving the Road-to-Independence
25 Scholarship to the Department of Education for inclusion in
26 the student financial assistance database, as provided in s.
27 1009.94.

28 ~~h.i. Scholarship~~ Funds are intended to help eligible
29 young adults ~~students~~ who are former foster children in this
30 state to receive the educational and vocational training
31 needed to become independent and self-supporting. The funds

1 shall be terminated when the young adult has attained one of
2 four postsecondary goals under subsection (3) or reaches 23
3 years of age, whichever occurs earlier. In order to initiate
4 postsecondary education, to allow for a change in career goal,
5 or to obtain additional skills in the same educational or
6 vocational area, a young adult may earn no more than two
7 diplomas, certificates, or credentials. A young adult
8 attaining an associate of arts or associate of science degree
9 shall be permitted to work toward completion of a bachelor of
10 arts or a bachelor of science degree or an equivalent
11 undergraduate degree. Road-to-Independence ~~Scholarship~~ funds
12 may not be used for education or training after a young adult
13 has attained a bachelor of arts or a bachelor of science
14 degree or an equivalent undergraduate degree.

15 ~~i.j.~~ The department shall evaluate and renew each
16 award annually during the 90-day period before the young
17 adult's birthday. In order to be eligible for a renewal award
18 for the subsequent year, the young adult must:

19 (I) Complete the number of hours, or the equivalent
20 considered part time or full time by the educational
21 institution, in the last academic year in which the young
22 adult earned a scholarship, except for a young adult who meets
23 the requirements of s. 1009.41.

24 (II) Maintain appropriate progress as required by the
25 educational institution, except that, if the young adult's
26 progress is insufficient to renew the scholarship at any time
27 during the eligibility period, the young adult may restore
28 eligibility by improving his or her progress to the required
29 level.

30 ~~i.k.~~ ~~Scholarship~~ Funds may be terminated during the
31 interim between an award and the evaluation for a renewal

1 | award if the department determines that the award recipient is
2 | no longer enrolled in an educational institution as defined in
3 | sub-subparagraph 2.d., or is no longer a state resident. The
4 | department shall notify a recipient ~~student~~ who is terminated
5 | and inform the recipient ~~student~~ of his or her right to
6 | appeal.

7 | ~~k.1.~~ An award recipient who does not qualify for a
8 | renewal award or who chooses not to renew the award may
9 | subsequently apply for reinstatement. An application for
10 | reinstatement must be made before the young adult reaches 21
11 | ~~23~~ years of age, and a student may not apply for reinstatement
12 | more than once. In order to be eligible for reinstatement, the
13 | young adult must meet the eligibility criteria and the
14 | criteria for award renewal for the scholarship program.

15 | 1. After the completion of aftercare support services
16 | that satisfy the requirements of subparagraph h., payment of
17 | educational and training vouchers shall be made by direct
18 | deposit to the recipient, unless the recipient requests in
19 | writing to the community-based care lead agency or the
20 | department that:

21 | (I) Payment be made directly to the recipient by check
22 | or warrant;

23 | (II) Payment or a portion thereof be made directly on
24 | the recipient's behalf to the institution the recipient is
25 | attending to maintain eligibility under this section; or

26 | (III) Payment be made on a two-party check to a
27 | business or landlord for a legitimate expense, whether
28 | reimbursed or not. A legitimate expense for the purposes of
29 | this sub-sub-subparagraph includes auto repair or maintenance,
30 | expenses for education or job training, and costs incurred,
31 | except legal costs, fines, or penalties, when applying for or

1 executing a rental agreement for the purposes of securing a
2 home or residence.

3 m. The department shall evaluate the efficiency and
4 cost-effectiveness of contracting the educational and training
5 voucher program to an independent entity that has expertise in
6 the delivery and management of this service. If the department
7 determines a better service to the eligible young adults can
8 be provided through an independent entity, the department
9 shall contract with such an entity. Cost may not be the sole
10 factor in determining better service for the purposes of this
11 sub-subparagraph, and may not be given extra weight over any
12 other factor. This evaluation shall be completed by December
13 31, 2006.

14 (c) Transitional support services.--

15 1. In addition to any services provided through
16 aftercare support or the Road-to-Independence Program
17 ~~Scholarship~~, a young adult formerly in foster care may receive
18 other appropriate short-term funding and services, which may
19 include financial, housing, counseling, employment, education,
20 mental health, disability, and other services, if the young
21 adult demonstrates that the services are critical to the young
22 adult's own efforts to achieve self-sufficiency and to develop
23 a personal support system. The department or community-based
24 care provider shall work with the young adult in developing a
25 joint transition agreement that is consistent with a needs
26 assessment identifying the specific need for transitional
27 services to support the young adult's own efforts. The young
28 adult must have specific tasks to complete or maintain, as
29 included in the agreement, and be accountable for completing
30 these tasks or making progress towards completion. However, a
31 task may not be forced upon a young adult and, if the young

1 adult and department or community-based care provider cannot
2 come to agreement regarding any part of the plan, the young
3 adult may access a grievance process to its full extent in an
4 effort to resolve the disagreement.

5 2. A young adult formerly in foster care is eligible
6 to apply for transitional support services if he or she has
7 reached 18 years of age but is not yet 23 years of age, was a
8 dependent child pursuant to chapter 39, was living in licensed
9 foster care or in subsidized independent living at the time of
10 his or her 18th birthday, and had spent at least 6 months
11 living in foster care before that date.

12 3. If at any time the services are no longer critical
13 to the young adult's own efforts to achieve self-sufficiency
14 and to develop a personal support system, they shall be
15 terminated.

16 (d) Payment of aftercare, Road-to-Independence Program
17 ~~scholarship~~, or transitional support funds.--Payment of
18 aftercare, Road-to-Independence Program scholarship, or
19 transitional support funds shall be made directly to the
20 recipient unless the recipient requests in writing to the
21 community-based care lead agency, or the department, that the
22 payments or a portion of the payments be made directly on the
23 recipient's behalf in order to secure services such as
24 housing, counseling, education, or employment training as part
25 of the young adult's own efforts to achieve self-sufficiency.
26 The community-based care lead agency may purchase housing,
27 transportation, or employment services to assure the
28 availability and affordability of these specific transitional
29 services and allow the eligible young adults to use these
30 services in lieu of receiving a direct payment. Before
31 purchasing such services, the community-based care lead agency

1 must develop a plan describing the services to be purchased,
2 the rationale for doing so, and a specific range of expenses
3 for each service which is less than the cost of purchasing the
4 service by an individual young adult. The plan must be
5 approved by the department. This plan must include a
6 description of the movement of the young adults using these
7 services into independence and a timeframe for achieving such
8 independence. Eligible young adults who demonstrate an ability
9 to obtain these services independently and who prefer a direct
10 payment shall receive a direct payment. This plan must be
11 reviewed at least annually and evaluated for effectiveness and
12 cost-efficiency in moving young adults to independence,
13 preventing homelessness among the young adults, and assisting
14 young adults in obtaining a livable wage in permanent
15 employment. The young adult who resides with a foster family
16 may not be included as a child in calculating any licensing
17 restriction on the number of children in the foster home.

18 (e) Appeals process.--

19 1. The Department of Children and Family Services
20 shall adopt by rule a procedure by which a young adult may
21 appeal an eligibility determination or the department's
22 failure to provide aftercare, Road-to-Independence Program
23 ~~scholarship~~, or transitional support services, or the
24 termination of such services, if such funds are available.

25 2. The procedure developed by the department must be
26 readily available to young adults, must provide timely
27 decisions, and must provide for an appeal to the Secretary of
28 Children and Family Services. The decision of the secretary
29 constitutes final agency action and is reviewable by the court
30 as provided in s. 120.68.

31

1 (6) ACCOUNTABILITY.--The department shall maintain
2 oversight by developing ~~develop~~ outcome measures ~~for the~~
3 ~~program~~ and other performance measures. The department shall
4 present these measures in an annual report to the legislative
5 committees on children and families. The report must include:

6 (a) An evaluation of the goals and measures developed
7 under this subsection compared to the outcome and performance
8 of the department.

9 (b) A summary of data gathered under sub-subparagraph
10 (5)(b)5.1.

11 (c) Any rules adopted or proposed under the authority
12 or jurisdiction of this section since the last report. For
13 purposes of the first report, any rules adopted or proposed
14 under the authority or jurisdiction of this section must be
15 included.

16 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.--The
17 Secretary of Children and Family Services shall establish the
18 Independent Living Services Advisory Council for the purpose
19 of reviewing and making recommendations concerning the
20 implementation and operation of the independent living
21 transition services. This advisory council shall continue to
22 function as specified in this subsection until the Legislature
23 determines that the advisory council can no longer provide a
24 valuable contribution to the department's efforts to achieve
25 the goals of the independent living transition services.

26 (a) Specifically, the advisory council shall assess
27 the implementation and operation of the system of independent
28 living transition services and advise the department on
29 actions that would improve the ability of the independent
30 living transition services to meet the established goals. The
31 advisory council shall keep the department informed of

1 | problems being experienced with the services, barriers to the
2 | effective and efficient integration of services and support
3 | across systems, and successes that the system of independent
4 | living transition services has achieved. The department shall
5 | consider, but is not required to implement, the
6 | recommendations of the advisory council.

7 | (b) The advisory council shall report to the
8 | appropriate substantive committees of the Senate and the House
9 | of Representatives on the status of the implementation of the
10 | system of independent living transition services; efforts to
11 | publicize the availability of aftercare support services, the
12 | Road-to-Independence ~~Scholarship~~ Program, and transitional
13 | support services; specific barriers to financial aid created
14 | by the scholarship and possible solutions; the success of the
15 | services; problems identified; recommendations for department
16 | or legislative action; and the department's implementation of
17 | the recommendations contained in the Independent Living
18 | Services Integration Workgroup Report submitted to the Senate
19 | and the House substantive committees December 31, 2002. This
20 | advisory council report shall be submitted by December 31 of
21 | each year that the council is in existence and shall be
22 | accompanied by a report from the department which identifies
23 | the recommendations of the advisory council and either
24 | describes the department's actions to implement these
25 | recommendations or provides the department's rationale for not
26 | implementing the recommendations.

27 | (c) Members of the advisory council shall be appointed
28 | by the secretary of the department. The membership of the
29 | advisory council must include, at a minimum, representatives
30 | from the headquarters and district offices of the Department
31 | of Children and Family Services, community-based care lead

1 agencies, the Agency for Workforce Innovation, the Department
2 of Education, the Agency for Health Care Administration, the
3 State Youth Advisory Board, Workforce Florida, Inc., the
4 Statewide Guardian Ad Litem Office, foster parents, recipients
5 of services under the Road-to-Independence Program and
6 advocates for foster children. The secretary shall determine
7 the length of the term to be served by each member appointed
8 to the advisory council, which may not exceed 4 years.

9 (d) The recurring sum of \$200,000 from the General
10 Revenue Fund shall be appropriated to the Department of
11 Children and Family Services specifically to contract with an
12 agency selected by the Independent Living Advisory Council to
13 provide the administrative support to the Independent Living
14 Advisory Council to accomplish the tasks assigned in this
15 subsection. The advisory council shall be afforded access to
16 all appropriate data from the department and the
17 community-based care lead agencies or other relevant agencies
18 in order to accomplish the tasks specified in this subsection.
19 This data may not include any information that would reveal
20 the identity of a specific child or young adult.

21 (10) RULEMAKING.--The department shall adopt by rule
22 procedures to administer this section, including balancing the
23 goals of normalcy and safety for the youth and providing the
24 caregivers with as much flexibility as possible to enable the
25 youth to participate in normal life experiences. The
26 department shall not adopt rules relating to reductions in
27 ~~scholarship~~ awards. The department shall engage in appropriate
28 planning to prevent, to the extent possible, a reduction in
29 scholarship awards after issuance. The department may not
30 establish, by rule or practice, a limit on the amount of
31 aftercare or transitional funding an eligible young adult may

1 receive. This amount shall be determined based on the specific
2 needs of the young adult and the availability of funds.

3 (11) The department shall contract with a qualified
4 nonprofit entity, legally operating within this state, to
5 coordinate and manage all services described in this section
6 and to manage all funds available to address the services
7 described, as well as the case management, administration,
8 related support services, and out-of-home care for youth and
9 young adults who are eligible for these services from age 16
10 until the youth or young adult attains the age of 23 or is
11 otherwise no longer eligible. This contract must include
12 funding for the current positions, associated expenses, and
13 other administrative costs within the department's budget.
14 This entity shall coordinate and manage these services and may
15 not directly provide services unless the selected entity is
16 currently providing these services within a community-based
17 care project. The selected entity may not increase the service
18 area or scope beyond that which is contracted for at the time
19 of selection. The entity shall contract with community-based
20 care lead agencies to provide these services or with local
21 community providers, with the collaboration of the lead
22 agency, which have specific skills and experience with this
23 population.

24 (12) The total amount of the funds awarded under
25 subsection (5) directly to an eligible young adult shall be
26 based on the living and educational needs of the young adult
27 and may be up to, but may not exceed, the amount of earnings
28 that the student would have been eligible to earn working a
29 40-hour-a-week federal minimum wage job, excluding any funds
30 provided for immediate need or emergency services as one-time
31 payments.

1 Section 6. Paragraph (b) of subsection (2) of section
2 409.175, Florida Statutes, is amended to read:

3 409.175 Licensure of family foster homes, residential
4 child-caring agencies, and child-placing agencies; public
5 records exemption.--

6 (2) As used in this section, the term:

7 (b) "Boarding school" means a school ~~that~~ ~~which~~ is
8 accredited by the Florida Council of Independent Schools or
9 the Southern Association of Colleges and Schools and
10 registered with the Department of Education as a school. Its
11 program must follow established school schedules, with holiday
12 breaks and summer recesses in accordance with other public and
13 private school programs. The education programs provided by
14 the boarding schools must meet the standards prescribed by the
15 State Board of Education and the district school board. The
16 children in residence must customarily return to their family
17 homes or legal guardians during school breaks and must not be
18 in residence year-round, except that this provision does not
19 apply to foreign students. The parents of these children
20 retain custody and planning and financial responsibility.
21 Boarding schools currently in existence and boarding schools
22 opening and seeking accreditation must comply with this
23 requirement within 3 years. A boarding school must provide
24 proof of accreditation or documentation of the accreditation
25 process upon request. A boarding school that cannot produce
26 the required documentation or that is not registered with the
27 Department of Education shall be considered as providing
28 residential group care without a license, and the department
29 shall proceed with the provisions set forth in paragraph
30 (11)(a).

31 Section 7. This act shall take effect July 1, 2006

SENATE SUMMARY

Creates the Office of Child Abuse Prevention within the Executive Office of the Governor. Creates a Child Abuse Prevention Advisory Council and a Child Abuse Training and Coordinating Council. Specifies duties of the office and the councils. Revises the services provided to young adults as independent living transition services. Revises the duties of the Department of Children and Family Services and the community-based providers with respect to such services. Renames the Road-to-Independence Scholarship Program as the "Road-to-Independence Program." Requires that the department contract with a nonprofit entity to coordinate and manage all transition services leading to independent living. Requires that certain boarding schools meet standards specified by the State Board of Education and the district school board. (See bill for details.)

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