

By the Committee on Children, Families, and Elder Affairs; and
Senator Sobel

586-02450-14

20141666__

1 A bill to be entitled
2 An act relating to child abuse and child welfare
3 services; amending s. 20.19, F.S.; requiring the
4 secretary of the Department of Children and Families
5 to appoint an Assistant Secretary for Child Welfare;
6 providing requirements for such position; amending s.
7 402.40, F.S.; providing requirements for persons
8 providing child welfare services; creating s. 402.402,
9 F.S.; providing education requirements for child
10 protective investigators and child protective
11 investigation supervisors; providing for
12 implementation of such requirements; providing for
13 exemptions; requiring a report to the Governor and the
14 Legislature by a specified date; creating s. 402.403,
15 F.S.; establishing a tuition exemption program for
16 child protective investigators and supervisors;
17 providing eligibility requirements; creating s.
18 402.404, F.S.; establishing a student loan forgiveness
19 program for child protective investigators and
20 supervisors; providing eligibility requirements;
21 providing requirements for the program; creating s.
22 827.10, F.S.; defining terms; establishing the
23 criminal offense of unlawful abandonment of a child;
24 providing criminal penalties; providing exceptions;
25 creating s. 1004.615, F.S.; establishing the Florida
26 Institute for Child Welfare; providing the purpose of
27 the institute; requiring the department to contract
28 with the institute for the performance of specified
29 duties; requiring the institute to contract and work

586-02450-14

20141666__

30 with specified entities; providing duties and
31 responsibilities of the institute; providing for the
32 administration of the institute; requiring a report to
33 the Governor and the Legislature by a specified date;
34 amending s. 1009.25, F.S.; exempting tuition and fees
35 for specified child protective investigators and child
36 protective investigation supervisors; repealing s.
37 402.401, F.S., relating to the Florida Child Welfare
38 Student Loan Forgiveness Program; repealing s.
39 1004.61, F.S., relating to partnerships to develop
40 child protective investigation workers; amending s.
41 39.01, F.S.; conforming a cross-reference; providing
42 an effective date.

43
44 Be It Enacted by the Legislature of the State of Florida:

45
46 Section 1. Present subsections (3) through (5) of section
47 20.19, Florida Statutes, are redesignated as subsections (4)
48 through (6), respectively, a new subsection (3) is added to that
49 section, and subsection (2) of that section is amended, to read:

50 20.19 Department of Children and Families.—There is created
51 a Department of Children and Families.

52 (2) SECRETARY OF CHILDREN AND FAMILIES; DEPUTY SECRETARY.—

53 (a) The head of the department is the Secretary of Children
54 and Families. The secretary is appointed by the Governor,
55 subject to confirmation by the Senate. The secretary serves at
56 the pleasure of the Governor.

57 (b) The secretary shall appoint a deputy secretary who
58 shall act in the absence of the secretary. The deputy secretary

586-02450-14

20141666__

59 is directly responsible to the secretary, performs such duties
60 as are assigned by the secretary, and serves at the pleasure of
61 the secretary.

62 (3) ASSISTANT SECRETARIES.-

63 (a) Child Welfare.-

64 1. The secretary shall appoint an Assistant Secretary for
65 Child Welfare to lead the department in carrying out its duties
66 and responsibilities for child protection and child welfare. The
67 individual appointed to this position shall serve at the
68 pleasure of the secretary.

69 2. The assistant secretary must have a degree in social
70 work or at least 7 years of experience working in organizations
71 delivering child protective or child welfare services.

72 (b) Substance Abuse and Mental Health.-

73 ~~(e)~~1. The secretary shall appoint an Assistant Secretary
74 for Substance Abuse and Mental Health. The assistant secretary
75 shall serve at the pleasure of the secretary and must have
76 expertise in both areas of responsibility.

77 2. The secretary shall appoint a Director for Substance
78 Abuse and Mental Health who has the requisite expertise and
79 experience to head the state's Substance Abuse and Mental Health
80 Program Office.

81 Section 2. Section 402.40, Florida Statutes, is amended to
82 read:

83 402.40 Child welfare training and certification.-

84 (1) LEGISLATIVE INTENT.-In order to enable the state to
85 provide a systematic approach to staff development and training
86 for persons providing child welfare services which ~~that~~ will
87 meet the needs of such staff in their discharge of duties, it is

586-02450-14

20141666__

88 the intent of the Legislature that the Department of Children
 89 and Families ~~Family Services~~ work in collaboration with the
 90 child welfare stakeholder community, including department-
 91 approved third-party credentialing entities, to ensure that
 92 staff have the knowledge, skills, and abilities necessary to
 93 competently provide child welfare services. It is the intent of
 94 the Legislature that each person providing child welfare
 95 services in this state earns and maintains a professional
 96 certification from a professional credentialing entity that is
 97 approved by the Department of Children and Families ~~Family~~
 98 ~~Services~~. The Legislature further intends that certification and
 99 training programs will aid in the reduction of poor staff morale
 100 and of staff turnover, will positively impact on the quality of
 101 decisions made regarding children and families who require
 102 assistance from programs providing child welfare services, and
 103 will afford better quality care of children who must be removed
 104 from their families.

105 (2) REQUIREMENTS FOR PERSONS PROVIDING CHILD WELFARE
 106 SERVICES.-Each person providing child welfare services who is
 107 employed by the department, a sheriff's office, or a community-
 108 based care lead agency or subcontractor is required to earn and
 109 maintain a professional certification from a professional
 110 credentialing entity that is approved by the department.

111 (3) ~~(2)~~ DEFINITIONS.-As used in this section, the term:

112 (a) "Child welfare certification" means a professional
 113 credential awarded by a department-approved third-party
 114 credentialing entity to individuals demonstrating core
 115 competency in any child welfare practice area.

116 (b) "Child welfare services" means any intake, protective

586-02450-14

20141666__

117 investigations, preprotective services, protective services,
118 foster care, shelter and group care, and adoption and related
119 services program, including supportive services and supervision
120 provided to children who are alleged to have been abused,
121 abandoned, or neglected or who are at risk of becoming, are
122 alleged to be, or have been found dependent pursuant to chapter
123 39.

124 (c) "Core competency" means the minimum knowledge, skills,
125 and abilities necessary to carry out work responsibilities.

126 (d) "Person providing child welfare services" means a
127 person who has a responsibility for supervisory, direct care, or
128 support-related work in the provision of child welfare services
129 pursuant to chapter 39.

130 (e) "Preservice curriculum" means the minimum statewide
131 training content based upon the core competencies which is made
132 available to all persons providing child welfare services.

133 (f) "Third-party credentialing entity" means a department-
134 approved nonprofit organization that has met nationally
135 recognized standards for developing and administering
136 professional certification programs.

137 (4)~~(3)~~ THIRD-PARTY CREDENTIALING ENTITIES.—The department
138 shall approve one or more third-party credentialing entities for
139 the purpose of developing and administering child welfare
140 certification programs for persons who provide child welfare
141 services. A third-party credentialing entity shall request such
142 approval in writing from the department. In order to obtain
143 approval, the third-party credentialing entity must:

144 (a) Establish professional requirements and standards that
145 applicants must achieve in order to obtain a child welfare

586-02450-14

20141666__

146 certification and to maintain such certification.

147 (b) Develop and apply core competencies and examination
148 instruments according to nationally recognized certification and
149 psychometric standards.

150 (c) Maintain a professional code of ethics and a
151 disciplinary process that apply to all persons holding child
152 welfare certification.

153 (d) Maintain a database, accessible to the public, of all
154 persons holding child welfare certification, including any
155 history of ethical violations.

156 (e) Require annual continuing education for persons holding
157 child welfare certification.

158 (f) Administer a continuing education provider program to
159 ensure that only qualified providers offer continuing education
160 opportunities for certificateholders.

161 (5)~~(4)~~ CHILD WELFARE TRAINING TRUST FUND.—

162 (a) There is created within the State Treasury a Child
163 Welfare Training Trust Fund to be used by the department ~~of~~
164 ~~Children and Family Services~~ for the purpose of funding the
165 professional development of persons providing child welfare
166 services.

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

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

586-02450-14

20141666__

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

178 (6)~~(5)~~ CORE COMPETENCIES.—

179 (a) The department ~~of Children and Family Services~~ shall
180 approve the core competencies and related preservice curricula
181 that ensures that each person delivering child welfare services
182 obtains the knowledge, skills, and abilities to competently
183 carry out his or her work responsibilities.

184 (b) The identification of these core competencies and
185 development of preservice curricula shall be a collaborative
186 effort that includes professionals who have expertise in child
187 welfare services, department-approved third-party credentialing
188 entities, and providers that will be affected by the curriculum,
189 including, but not limited to, representatives from the
190 community-based care lead agencies, sheriffs' offices conducting
191 child protective ~~protection~~ investigations, and child welfare
192 legal services providers.

193 (c) Community-based care agencies, sheriffs' offices, and
194 the department may contract for the delivery of preservice and
195 any additional training for persons delivering child welfare
196 services if the curriculum satisfies the department-approved
197 core competencies.

198 (d) Department-approved credentialing entities shall, for a
199 period of at least 12 months after implementation of the third-
200 party child welfare certification programs, grant reciprocity
201 and award a child welfare certification to individuals who hold
202 current department-issued child welfare certification in good
203 standing, at no cost to the department or the certificateholder.

586-02450-14

20141666__

204 ~~(7)~~~~(6)~~ ADOPTION OF RULES.—The department ~~of Children and~~
205 ~~Family Services~~ shall adopt rules ~~necessary~~ to administer ~~carry~~
206 ~~out the provisions of~~ this section.

207 Section 3. Section 402.402, Florida Statutes, is created to
208 read:

209 402.402 Child protective investigators; child protective
210 investigation supervisors.—

211 (1) CHILD PROTECTIVE INVESTIGATION STAFF REQUIREMENTS.—

212 (a) On an annual and statewide basis, 80 percent of child
213 protective investigators and child protective investigation
214 supervisors hired on or after July 1, 2014, by the department or
215 a sheriff's office must have a bachelor's degree or a master's
216 degree in social work from a college or university social work
217 program accredited by the Council on Social Work Education.

218 (b) Child protective investigators and child protective
219 investigation supervisors employed by the department or a
220 sheriff's office before July 1, 2014, are exempt from the
221 requirements in paragraph (a).

222 (2) REPORT.—By October 1, 2014, and annually thereafter,
223 the secretary of the department shall report to the Governor,
224 the President of the Senate, and the Speaker of the House of
225 Representatives on compliance with the requirements of
226 subsection (1). A sheriff who provides child protection services
227 shall report to the secretary of the department information
228 regarding the progress of his or her office in meeting the
229 requirements of subsection (1).

230 Section 4. Section 402.403, Florida Statutes, is created to
231 read:

232 402.403 Child Protective Investigator and Supervisor

586-02450-14

20141666__

233 Tuition Exemption Program.—

234 (1) There is established within the department the Child
235 Protective Investigator and Supervisor Tuition Exemption Program
236 for the purpose of recruiting and retaining high-performing
237 individuals who are employed as child protective investigators
238 or child protective investigation supervisors with the
239 department or sheriff's office and who do not have a bachelor's
240 degree or master's degree in social work. The department or
241 sheriff's office may exempt tuition and fees to a state
242 university for an employee who is:

243 (a) Employed as a child protective investigator or child
244 protective investigation supervisor by the department or
245 sheriff's office and who receives personnel evaluations
246 indicating a high level of performance; and

247 (b) Accepted in an upper-division undergraduate or graduate
248 level college or university social work program accredited by
249 the Council on Social Work Education which leads to either a
250 bachelor's degree or a master's degree in social work.

251 (2) To the greatest extent possible, the college or
252 university social work program shall consider the training
253 completed and experience of the child protective investigator or
254 child protective investigation supervisor in granting credit
255 towards the degree.

256 Section 5. Section 402.404, Florida Statutes, is created to
257 read:

258 402.404 Child Protective Investigator and Supervisor
259 Student Loan Forgiveness Program.—

260 (1) There is established within the department the Florida
261 Child Protective Investigator and Supervisor Student Loan

586-02450-14

20141666__

262 Forgiveness Program. The purpose of the program is to increase
263 employment and retention of high-performing individuals who have
264 either a bachelor's degree or a master's degree in social work
265 as child protective investigators or child protective
266 investigation supervisors with the department or sheriff's
267 office by making payments toward loans received by students from
268 federal or state programs or commercial lending institutions for
269 the support of prior postsecondary study in accredited social
270 work programs.

271 (2) In order to be eligible for the program, a candidate
272 must be employed as a child protective investigator or child
273 protective investigation supervisor by the department or a
274 sheriff's office, must receive a personnel evaluation indicating
275 a high level of performance, and must have graduated from an
276 accredited social work program with either a bachelor's degree
277 or a master's degree in social work.

278 (3) Only loans to pay the costs of tuition, books, fees,
279 and living expenses shall be covered.

280 (4) The department may make loan payments of up to \$3,000
281 each year for up to 4 years on behalf of selected graduates of
282 an accredited social work program from the funds appropriated
283 for this purpose. All payments are contingent upon continued
284 proof of employment as a child protective investigator or a
285 child protective investigation supervisor with the department or
286 sheriff's office and made directly to the holder of the loan.

287 (5) A student who receives a tuition exemption pursuant to
288 s. 402.403 is not eligible to participate in the Child
289 Protective Investigator Student Loan Forgiveness Program.

290 Section 6. Section 827.10, Florida Statutes, is created to

586-02450-14

20141666__

291 read:

292 827.10 Unlawful abandonment of a child.-

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

294 (a) "Abandons" or "abandonment" means to leave a child in a
295 place or with a person other than a relative with the intent not
296 to return to the child and with the intent not to provide for
297 the care of the child.

298 (b) "Care" means support and services necessary to maintain
299 the child's physical and mental health, including, but not
300 limited to, food, nutrition, clothing, shelter, supervision,
301 medicine, and medical services that a prudent person would
302 consider essential for the well-being of the child.

303 (c) "Caregiver" has the same meaning as provided in s.
304 39.01(10).

305 (d) "Child" means a child for whose care the caregiver is
306 legally responsible.

307 (e) "Relative" has the same meaning as provided in s.
308 39.01(64).

309 (2) A caregiver who abandons a child under circumstances in
310 which the caregiver knew or should have known that the
311 abandonment exposes the child to unreasonable risk of harm
312 commits a felony of the third degree, punishable as provided in
313 s. 775.082, s. 775.083, or s. 775.084.

314 (3) This section does not apply to a person who surrenders
315 a newborn infant in compliance with s. 383.50.

316 (4) This section does not preclude prosecution for a
317 criminal act under any other law, including, but not limited to,
318 prosecution of child abuse or neglect of a child under s.
319 827.03.

586-02450-14

20141666__

320 Section 7. Section 1004.615, Florida Statutes, is created
321 to read:

322 1004.615 Florida Institute for Child Welfare.-

323 (1) There is established the Florida Institute for Child
324 Welfare. The purpose of the institute is to advance the well-
325 being of children and families by improving the performance of
326 child protection and child welfare services through research,
327 policy analysis, evaluation, and leadership development. The
328 institute shall consist of a consortium of public and private
329 universities offering degrees in social work and shall be housed
330 within the College of Social Work of the Florida State
331 University.

332 (2) Using such resources as authorized in the General
333 Appropriations Act, the Department of Children and Families
334 shall contract with the institute for performance of the duties
335 described in subsection (4).

336 (3) The institute shall work with the department, sheriffs,
337 community-based care lead agencies, community-based care
338 provider organizations, and other partners who contribute to and
339 participate in providing child protection and child welfare
340 services.

341 (4) The duties and responsibilities of the institute
342 include the following:

343 (a) Maintain a program of research that contributes to
344 scientific knowledge and informs both policy and practice
345 related to child safety, permanency, and child and family well-
346 being.

347 (b) Advise the department and other organizations
348 participating in the child protection and child welfare process

586-02450-14

20141666__

349 regarding scientific evidence on policy and practice related to
350 child safety, permanency, and child and family well-being.

351 (c) Assess the performance of child protection and child
352 welfare services based on specific outcome measures.

353 (d) Evaluate the scope and effectiveness of preservice and
354 inservice training for child protection and child welfare
355 workers.

356 (e) Advise and assist the department in efforts to improve
357 preservice and inservice training for child protection and child
358 welfare workers.

359 (f) Assess the readiness of social work graduates to assume
360 job responsibilities in the child protection and child welfare
361 system and identify gaps in education that can be addressed
362 through the modification of curricula or the establishment of
363 industry certifications.

364 (g) Develop and maintain a program of professional support,
365 including training to facilitate internships and transitions to
366 the workforce and training courses and consulting services that
367 assist both individuals and organizations in implementing
368 adaptive and resilient responses to workplace stress.

369 (h) Participate in the department's critical incident
370 response team and assist in the preparation of reports about
371 such incidents.

372 (i) Identify effective policies and best practices,
373 including innovations in management of human service
374 organizations and communicate these findings to the department
375 and other organizations participating in the child protection
376 and child welfare process.

377 (5) The institute shall be administered by a director who

586-02450-14

20141666__

378 is appointed by the President of the Florida State University.
379 The director's office shall be located at the Florida State
380 University. Other universities participating in the consortium
381 shall also provide facilities, staff, and other resources to the
382 institute to establish statewide access to institute programs
383 and services. The director must be a child welfare professional
384 and must hold a faculty appointment in the College of Social
385 Work. The director is responsible for overall management of the
386 institute and for developing and executing the work plan
387 consistent with the responsibilities in subsection (4).

388 (6) By October 1 of each year, the institute shall provide
389 a written report to the Governor, the President of the Senate,
390 and the Speaker of the House of Representatives which outlines
391 its activities in the preceding state fiscal year, reports
392 significant research findings as well as results of other
393 programs, and provides specific recommendations for improving
394 child protection and child welfare services.

395 Section 8. Paragraph (h) is added to subsection (1) of
396 section 1009.25, Florida Statutes, to read:

397 1009.25 Fee exemptions.—

398 (1) The following students are exempt from the payment of
399 tuition and fees, including lab fees, at a school district that
400 provides workforce education programs, Florida College System
401 institution, or state university:

402 (h) A child protective investigator or a child protective
403 investigation supervisor employed by the Department of Children
404 and Families or a sheriff's office who is enrolled in an
405 accredited bachelor's degree or master's degree in social work
406 program pursuant to s. 402.403.

586-02450-14

20141666__

407 Section 9. Section 402.401, Florida Statutes, is repealed.
408 Section 10. Section 1004.61, Florida Statutes, is repealed.
409 Section 11. Subsection (27) of section 39.01, Florida
410 Statutes, is amended to read:
411 39.01 Definitions.—When used in this chapter, unless the
412 context otherwise requires:
413 (27) “District administrator” means the chief operating
414 officer of each service district of the department as defined in
415 s. 20.19~~(5)~~ and, where appropriate, includes any district
416 administrator whose service district falls within the boundaries
417 of a judicial circuit.
418 Section 12. This act shall take effect July 1, 2014.