

FOR CONSIDERATION By the Committee on Children, Families, and Elder Affairs

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

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responsibilities of the institute; providing for the administration of the institute; requiring a report to the Governor and the Legislature by a specified date; amending s. 1009.25, F.S.; exempting tuition and fees for specified child protective investigators and child protective investigation supervisors; repealing s. 402.401, F.S., relating to the Florida Child Welfare Student Loan Forgiveness Program; repealing s. 1004.61, F.S., relating to partnerships to develop child protective investigation workers; amending s. 39.01, F.S.; conforming a cross-reference; providing an effective date.

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

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

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

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

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

(b) The secretary shall appoint a deputy secretary who shall act in the absence of the secretary. The deputy secretary is directly responsible to the secretary, performs such duties

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59 as are assigned by the secretary, and serves at the pleasure of
60 the secretary.

61 (3) ASSISTANT SECRETARIES.—

62 (a) Child Welfare.—

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

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

71 (b) Substance Abuse and Mental Health.—

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

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

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

82 402.40 Child welfare training and certification.—

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

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

104 (2) REQUIREMENTS FOR PERSONS PROVIDING CHILD WELFARE
105 SERVICES; EXCEPTIONS.-

106 (a) 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 (b) Each person who is employed by the department or a
112 sheriff's office as a child protective investigator or a child
113 protective investigation supervisor who has a bachelor's or
114 master's degree in social work from a college or university
115 social work program accredited by the Council on Social Work
116 Education is exempt from the certification requirements of this

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117 section.

118 (3)~~(2)~~ DEFINITIONS.—As used in this section, the term:

119 (a) "Child welfare certification" means a professional
120 credential awarded by a department-approved third-party
121 credentialing entity to individuals demonstrating core
122 competency in any child welfare practice area.

123 (b) "Child welfare services" means any intake, protective
124 investigations, preprotective services, protective services,
125 foster care, shelter and group care, and adoption and related
126 services program, including supportive services and supervision
127 provided to children who are alleged to have been abused,
128 abandoned, or neglected or who are at risk of becoming, are
129 alleged to be, or have been found dependent pursuant to chapter
130 39.

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

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

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

140 (f) "Third-party credentialing entity" means a department-
141 approved nonprofit organization that has met nationally
142 recognized standards for developing and administering
143 professional certification programs.

144 (4)~~(3)~~ THIRD-PARTY CREDENTIALING ENTITIES.—The department
145 shall approve one or more third-party credentialing entities for

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146 the purpose of developing and administering child welfare
147 certification programs for persons who provide child welfare
148 services. A third-party credentialing entity shall request such
149 approval in writing from the department. In order to obtain
150 approval, the third-party credentialing entity must:

151 (a) Establish professional requirements and standards that
152 applicants must achieve in order to obtain a child welfare
153 certification and to maintain such certification.

154 (b) Develop and apply core competencies and examination
155 instruments according to nationally recognized certification and
156 psychometric standards.

157 (c) Maintain a professional code of ethics and a
158 disciplinary process that apply to all persons holding child
159 welfare certification.

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

163 (e) Require annual continuing education for persons holding
164 child welfare certification.

165 (f) Administer a continuing education provider program to
166 ensure that only qualified providers offer continuing education
167 opportunities for certificateholders.

168 (5) ~~(4)~~ CHILD WELFARE TRAINING TRUST FUND.—

169 (a) There is created within the State Treasury a Child
170 Welfare Training Trust Fund to be used by the department ~~of~~
171 ~~Children and Family Services~~ for the purpose of funding the
172 professional development of persons providing child welfare
173 services.

174 (b) One dollar from every noncriminal traffic infraction

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175 collected pursuant to s. 318.14(10) (b) or s. 318.18 shall be
176 deposited into the Child Welfare Training Trust Fund.

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

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

185 (6) ~~(5)~~ CORE COMPETENCIES.—

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

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

200 (c) Community-based care agencies, sheriffs' offices, and
201 the department may contract for the delivery of preservice and
202 any additional training for persons delivering child welfare
203 services if the curriculum satisfies the department-approved

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204 core competencies.

205 (d) Department-approved credentialing entities shall, for a
206 period of at least 12 months after implementation of the third-
207 party child welfare certification programs, grant reciprocity
208 and award a child welfare certification to individuals who hold
209 current department-issued child welfare certification in good
210 standing, at no cost to the department or the certificateholder.

211 ~~(7) (6) ADOPTION OF RULES.—The department of Children and~~
212 ~~Family Services shall adopt rules necessary to administer carry~~
213 ~~out the provisions of this section.~~

214 Section 3. Section 402.402, Florida Statutes, is created to
215 read:

216 402.402 Child protective investigators; child protective
217 investigation supervisors.—

218 (1) CHILD PROTECTIVE INVESTIGATION STAFF REQUIREMENTS.—

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

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

229 (2) REPORT.—By October 1, 2014, and annually thereafter,
230 the secretary of the department shall report to the Governor,
231 the President of the Senate, and the Speaker of the House of
232 Representatives on compliance with the requirements of

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233 subsection (1). A sheriff who provides child protection services
234 shall report to the secretary of the department information
235 regarding the progress of his or her office in meeting the
236 requirements of subsection (1).

237 Section 4. Section 402.403, Florida Statutes, is created to
238 read:

239 402.403 Child Protective Investigator and Supervisor
240 Tuition Exemption Program.—

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

250 (a) Employed as a child protective investigator or child
251 protective investigation supervisor by the department or
252 sheriff's office and who receives personnel evaluations
253 indicating a high level of performance; and

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

258 (2) To the greatest extent possible, the college or
259 university social work program shall consider the training
260 completed and experience of the child protective investigator or
261 child protective investigation supervisor in granting credit

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262 towards the degree.

263 Section 5. Section 402.404, Florida Statutes, is created to
264 read:

265 402.404 Child Protective Investigator and Supervisor
266 Student Loan Forgiveness Program.—

267 (1) There is established within the department the Florida
268 Child Protective Investigator and Supervisor Student Loan
269 Forgiveness Program. The purpose of the program is to increase
270 employment and retention of high-performing individuals who have
271 either a bachelor's degree or a master's degree in social work
272 as child protective investigators or child protective
273 investigation supervisors with the department or sheriff's
274 office by making payments toward loans received by students from
275 federal or state programs or commercial lending institutions for
276 the support of prior postsecondary study in accredited social
277 work programs.

278 (2) In order to be eligible for the program, a candidate
279 must be employed as a child protective investigator or child
280 protective investigation supervisor by the department or a
281 sheriff's office, must receive a personnel evaluation indicating
282 a high level of performance, and must have graduated from an
283 accredited social work program with either a bachelor's degree
284 or a master's degree in social work.

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

287 (4) The department may make loan payments of up to \$3,000
288 each year for up to 4 years on behalf of selected graduates of
289 an accredited social work program from the funds appropriated
290 for this purpose. All payments are contingent upon continued

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291 proof of employment as a child protective investigator or a
292 child protective investigation supervisor with the department or
293 sheriff's office and made directly to the holder of the loan.

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

297 Section 6. Section 827.10, Florida Statutes, is created to
298 read:

299 827.10 Unlawful abandonment of a child.-

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

301 (a) "Abandons" or "abandonment" means to leave a child in a
302 place or with a person other than a relative with the intent not
303 to return to the child and with the intent not to provide for
304 the care of the child.

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

310 (c) "Caregiver" has the same meaning as provided in s.
311 39.01(10).

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

314 (e) "Relative" has the same meaning as provided in s.
315 39.01(64).

316 (2) A caregiver who abandons a child under circumstances in
317 which the caregiver knew or should have known that the
318 abandonment exposes the child to unreasonable risk of harm
319 commits a felony of the third degree, punishable as provided in

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320 s. 775.082, s. 775.083, or s. 775.084.

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

323 (4) This section does not preclude prosecution for a
324 criminal act under any other law, including, but not limited to,
325 prosecution of child abuse or neglect of a child under s.
326 827.03.

327 Section 7. Section 1004.615, Florida Statutes, is created
328 to read:

329 1004.615 Florida Institute for Child Welfare.-

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

339 (2) Using such resources as authorized in the General
340 Appropriations Act, the Department of Children and Families
341 shall contract with the institute for performance of the duties
342 described in subsection (4).

343 (3) The institute shall work with the department, sheriffs,
344 community-based care lead agencies, community-based care
345 provider organizations, and other partners who contribute to and
346 participate in providing child protection and child welfare
347 services.

348 (4) The duties and responsibilities of the institute

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349 include the following:

350 (a) Maintain a program of research that contributes to
351 scientific knowledge and informs both policy and practice
352 related to child safety, permanency, and child and family well-
353 being.

354 (b) Advise the department and other organizations
355 participating in the child protection and child welfare process
356 regarding scientific evidence on policy and practice related to
357 child safety, permanency, and child and family well-being.

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

360 (d) Evaluate the scope and effectiveness of preservice and
361 inservice training for child protection and child welfare
362 workers.

363 (e) Advise and assist the department in efforts to improve
364 preservice and inservice training for child protection and child
365 welfare workers.

366 (f) Assess the readiness of social work graduates to assume
367 job responsibilities in the child protection and child welfare
368 system and identify gaps in education that can be addressed
369 through the modification of curricula or the establishment of
370 industry certifications.

371 (g) Develop and maintain a program of professional support,
372 including training to facilitate internships and transitions to
373 the workforce and training courses and consulting services that
374 assist both individuals and organizations in implementing
375 adaptive and resilient responses to workplace stress.

376 (h) Participate in the department's critical incident
377 response team and assist in the preparation of reports about

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378 such incidents.

379 (i) Identify effective policies and best practices,
380 including innovations in management of human service
381 organizations and communicate these findings to the department
382 and other organizations participating in the child protection
383 and child welfare process.

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

395 (6) By October 1 of each year, the institute shall provide
396 a written report to the Governor, the President of the Senate,
397 and the Speaker of the House of Representatives which outlines
398 its activities in the preceding state fiscal year, reports
399 significant research findings as well as results of other
400 programs, and provides specific recommendations for improving
401 child protection and child welfare services.

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

404 1009.25 Fee exemptions.-

405 (1) The following students are exempt from the payment of
406 tuition and fees, including lab fees, at a school district that

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407 provides workforce education programs, Florida College System
408 institution, or state university:

409 (h) A child protective investigator or a child protective
410 investigation supervisor employed by the Department of Children
411 and Families or a sheriff's office who is enrolled in an
412 accredited bachelor's degree or master's degree in social work
413 program pursuant to s. 402.403.

414 Section 9. Section 402.401, Florida Statutes, is repealed.

415 Section 10. Section 1004.61, Florida Statutes, is repealed.

416 Section 11. Subsection (27) of section 39.01, Florida
417 Statutes, is amended to read:

418 39.01 Definitions.—When used in this chapter, unless the
419 context otherwise requires:

420 (27) "District administrator" means the chief operating
421 officer of each service district of the department as defined in
422 s. 20.19~~(5)~~ and, where appropriate, includes any district
423 administrator whose service district falls within the boundaries
424 of a judicial circuit.

425 Section 12. This act shall take effect July 1, 2014.