

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Appropriations

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**BILL:** CS/CS/SB 1360

**INTRODUCER:** Appropriations Committee (Recommended by Appropriations Subcommittee on Health and Human Services); Children, Families, and Elder Affairs Committee; and Senator Broxson

**SUBJECT:** Child Welfare

**DATE:** February 27, 2018

**REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Preston</u>	<u>Hendon</u>	<u>CF</u>	<b>Fav/CS</b>
2.	<u>Sneed</u>	<u>Williams</u>	<u>AHS</u>	<b>Recommend: Fav/CS</b>
3.	<u>Sneed</u>	<u>Hansen</u>	<u>AP</u>	<b>Fav/CS</b>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 1360 makes a number of changes to the child welfare system related to fingerprinting a member of a household being considered as a prospective placement for a child in out-of-home care and the allocation formula used to distribute additional funding to community-based lead agencies (CBCs).

Specifically, the bill adds two federal Child Care and Development Block Grant Act requirements, not previously addressed in state law, to align background screening requirements for child care personnel. The change will allow the Department of Children and Families (DCF or department) to utilize out-of-state criminal history records results for the past five years. The bill also adds drug offenses to the list of disqualifying offenses in ch. 893, F.S., for child care personnel.

The bill makes changes to the equity allocation model for the community-based care lead agencies (CBCs) that contract with the department, by revising the formula that directs the allocation of new core services funding, to align more closely the model with factors that affect the CBC's performance.

The bill amends the definition of the term "abuse" to include the birth of a new child into a family during the course of an open dependency case for those parents or caregivers who are

determined to lack the protective capacity to safely care for the children in the home, and have not substantially complied with their case plan, or met the conditions for return of the children into the home. The bill requires parents to provide accurate contact information to the department, update the information as necessary, and contact the DCF or the CBC at least every 14 days.

The bill requires child care facilities, family day care homes, and large family child care homes to provide public service information related to distracted adults leaving children in vehicles to parents of enrolled children.

The bill authorizes the Walton County sheriff's office to assume responsibility for child protective investigations. Existing recurring funding is available within the DCF to fund the sheriff's office.

The bill is not expected to have a fiscal impact on state government.

The bill is effective July 1, 2018.

## II. Present Situation:

### Limitations on Placement of a Child

When the Department of Children and Families (DCF or department) considers placement of a child in the child welfare system, the department must conduct a records check through the State Automated Child Welfare Information System (SACWIS) and a local and statewide criminal history records check on all persons under consideration for child placement, including all nonrelative placement decisions, and all members of the household, 12 years of age and older, of the person being considered.<sup>1</sup> This records check may include, but is not limited to, submission of fingerprints to the Department of Law Enforcement for processing and forwarding to the Federal Bureau of Investigation for state and national criminal history information.<sup>2</sup>

Current law prohibits the department from considering out-of-home placements with persons who have been convicted of a felony that falls within any of the following categories:

- Child abuse, abandonment, or neglect;
- Domestic violence;
- Child pornography or other felony in which a child was a victim of the offense; or
- Homicide, sexual battery, or other felony involving violence, other than felony assault or felony battery when an adult was the victim of the assault or battery.

In addition, the DCF may not place a child with a person other than a parent if that person has been convicted of assault, battery, or a drug-related offense within the previous five years.<sup>3</sup>

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<sup>1</sup> Section 39.0138, F.S.

<sup>2</sup> *Id.*

<sup>3</sup> Section 39.0138(3), F.S.

### Community-Based Care Lead Agencies

Section 409.986, Florida Statutes, provides legislative intent for the department to contract with community-based care lead agencies (CBCs) to provide foster care and related services.<sup>4</sup> These services include family support and family preservation, independent living, emergency shelter, facility or family-based foster care, dependency case management, adoptions, services for victims of sexual exploitation, postplacement supervision, and family reunification. CBCs contract with a number of subcontractors for case management and direct care services to children and their families, and must give priority to services that are evidence-based and trauma informed.<sup>5</sup>

There are 19 CBCs statewide, which together serve the state's 20 judicial circuits. Section 409.991, F.S., requires the department to allocate funds to the CBCs based on an equity allocation model. The model is designed to allocate funds among these lead agencies based on the differing needs and services required by the particular population served by each organization.

The model includes "core services funding," which is defined as all funds allocated to CBCs operating under contract with the DCF pursuant to s. 409.987, F.S., except funds appropriated for independent living, maintenance adoption subsidies, protective investigations training, or mental health wrap-around services; designated special projects; or those appropriated from nonrecurring funds.

Since Fiscal Year 2015-2016, recurring core services funding to each CBC has been based on the prior year's recurring base funding.<sup>6</sup> However, additional or new core services funding that becomes available is directed to be distributed based on the equity allocation model, as follows:

- 20 percent is allocated among all CBCs;
- 80 percent is allocated to CBCs that are currently funded below their equitable share. Funds are weighted based on each CBC's proportion of the total amount of funding below the equitable share.<sup>7</sup>

The equity allocation model requires that any additional core services funding be distributed to the CBCs based on the following factors:

- Proportion of the child population;
- Proportion of the child abuse hotline workload; and
- Proportion of children in care, weighted as 60 percent based on children in out-of-home care and 40 percent based on children in in-home care.<sup>8</sup>

These factors are then used by the DCF for funding allocation purposes, with the distribution of core services funds for each CBC calculated as follows:

- Proportion of the child population, weighted as 5 percent of the total;

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<sup>4</sup> *Id.*

<sup>5</sup> Section 409.988, F.S.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

- Proportion of child abuse hotline workload, weighted as 15 percent of the total; and
- Proportion of children in care, weighted as 80 percent of the total.<sup>9</sup>
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### **Child Care Licensure**

The department has responsibility for regulation of child care facilities, family day care homes, and large family child care homes, including those that are also School Readiness providers. Current law requires personnel of these providers to have good moral character based upon screening.<sup>10</sup> Additionally, some entities caring for children are not subject to regulation by the DCF's child care program but their personnel are subject to background screening.<sup>11</sup> Screening must be conducted as provided in ch. 435, F.S., using Level 2 standards.<sup>12</sup>

### **Child Care and Development Block Grant**

The Office of Child Care (OCC) of the United States Department of Health and Human Services supports low-income working families by providing access to affordable, high-quality child care. OCC works with state, territory and tribal governments to provide support for children and their families to promote family economic self-sufficiency and to help children succeed in school and life through affordable, high-quality early care and afterschool programs.<sup>13</sup>

Florida's Office of Early Learning (OEL)<sup>14</sup> provides state-level administration for the School Readiness program. The School Readiness program is a state-federal partnership between OEL and the Office of Child Care of the United States Department of Health and Human Services.<sup>15</sup> The School Readiness program receives funding from a mix of state and federal sources, including the federal Child Care and Development Block Grant (CCDBG), the federal Temporary Assistance for Needy Families (TANF) block grant, general revenue and other state funds. The School Readiness program subsidizes for child care services and early childhood education for low-income families and for children in protective services who are at risk of abuse, neglect, or abandonment, and for children with disabilities.

The program uses a variety of providers, such as licensed and unlicensed child care providers and public and nonpublic schools.<sup>16</sup> The Department of Children and Families (DCF), Office of

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<sup>9</sup> *Id.*

<sup>10</sup> Section 402.305, F.S.

<sup>11</sup> For example, a child care facility that is an integral part of a church or parochial schools meeting certain requirements. Section 402.316, F.S.

<sup>12</sup> *Id.*

<sup>13</sup> U.S. Department of Health and Human Services, Office of Child Care, *What We Do*, (August 19, 2016) <http://www.acf.hhs.gov/programs/occ/about/what-we-do> (last visited February 6, 2018).

<sup>14</sup> In 2013, the Legislature established the Office of Early Learning in the Office of Independent Education and Parental Choice within the Department of Education (DOE). The office is administered by an executive director and is fully accountable to the Commissioner of Education but shall independently exercise all powers, duties, and functions prescribed by law, as well as adopt rules for the establishment and operation of the School Readiness program and the Voluntary Prekindergarten Education Program. Section 1001.213, F.S.

<sup>15</sup> Part VI, ch. 1002, F.S.

<sup>16</sup> Section 1002.88(1)(a), F.S.

Child Care Regulation, as the agency responsible for the state's child care provider licensing program, regulates many, but not all, child care providers that provide early learning programs.<sup>17</sup>

On November 19, 2014, the Child Care and Development Block Grant (CCDBG) Act of 2014 was signed into law. The new law prescribed health and safety requirements that apply to school readiness program providers and required better information to parents and the general public about available child care choices.

Based on the new requirements of the block grant, to continue to receive federal funding, states must require that screening for child care staff include searches of the National Sex Offender Registry, as well as searches of state criminal records, sex offender registry and child abuse and neglect registry of any state in which the child care personnel resided during the preceding five years.<sup>18</sup> Additionally, a state must make ineligible for employment by school readiness providers any person who is registered, or is required to be registered, on a state sex offender registry or the National Sex Offender Registry<sup>19</sup> or has been convicted of:

- Murder;
- Child abuse or neglect;
- A crime against children, including child pornography;
- Spousal abuse;
- A crime involving rape or sexual assault;
- Kidnapping;
- Arson;
- Physical assault or battery;
- A drug-related offense committed during the preceding five years; or
- A violent misdemeanor committed as an adult against a child, including the following crimes: child abuse, child endangerment, sexual assault, or a misdemeanor involving child pornography.<sup>20</sup>

In 2016, the Legislature aligned the state's child care personnel screening standards with the CCDBG Act of 2014 requirements, specifying new screening requirements in ch. 402, F.S., and including these limitations on granting disqualifications in ch. 435, F.S.<sup>21</sup>

### **Parental Responsibilities and Terminations of Parental Rights**

Parents involved in the child welfare system have a number of responsibilities they must carry out in order to be reunified with their children, if permanency is a goal. A primary responsibility is to comply with the case plan. Parental lack of compliance with a case plan constitutes grounds for termination of parental rights. Specifically, noncompliance is shown if a parent fails to substantially comply for 12 months after the child's adjudication of dependency or if a child has been in care for 12 of the last 22 months, or a parent materially breaches the case plan such that noncompliance is likely before the expiration of time to comply. However, generally if

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<sup>17</sup> See ss. 402.301-319, F.S., and part VI, ch. 1002, F.S.

<sup>18</sup> Pub. Law No. 113-186, 128 Stat. 1971, Sec. 658H(b)

<sup>19</sup> 42 U.S.C. s. 9858f(c)(1)(C).

<sup>20</sup> 42 U.S.C. s. 9858f(c)(1).

<sup>21</sup> Chapter 2016-238, Laws of Fla.

noncompliance is due to the parent's lack of financial resources or the department's failure to make reasonable efforts, grounds for termination are not established.<sup>22</sup>

Section 39.6011, F.S., requires the case plan to contain a written notice that a parent's noncompliance with the case plan may lead to the termination of parental rights. This message is also delivered by the judge during the hearing on the child's placement in a shelter<sup>23</sup> and the adjudicatory hearing.<sup>24</sup>

The U.S. Department of Health and Human Services, through the Children's Bureau, conducts periodic Child and Family Services Reviews (CFSR) in each state. As authorized by federal law, these reviews assess state compliance with the federal requirements for child welfare systems in Title IV-B and Title IV-E of the Social Security Act. In particular, the Children's Bureau examines whether desired child outcomes are being achieved and whether the child welfare system is structured appropriately and operates effectively. Reviews are conducted every 4 years.

The report summarizing Florida's most recent results was issued in late 2016. The report indicated the following related to achieving permanency:

- Despite establishing timely and appropriate permanency goals, case review results found that agencies and courts struggle to make concerted efforts to achieve identified permanency goals in a timely manner.
- Delays in achieving reunification and guardianship goals are affected by case plans not being updated timely to reflect the current needs of the family, delays in referral for services, and any failure to engage parents.
- The agency and court do not make concerted efforts to achieve the goal of adoption timely in nearly half of applicable cases.
- Barriers affecting timely adoptions include the lack of concurrent planning when a parent's compliance level is minimal, and providing parents additional time to work on case plan goals.
- In over half of applicable cases, the agency failed to make concerted efforts to provide services, removed children without providing appropriate services, or did not monitor safety plans and engage the family in needed safety-related services.<sup>25</sup>

The report also concluded that there are concerns with gaps in key services, long waiting lists, insurance barriers, and an inability to tailor services to meet the cultural needs of the diverse population. Substance abuse and domestic violence are the main reasons for agency involvement. The review found that substance abuse, in particular, contributes to various safety concerns for children. Stakeholders noted that there are major gaps in services to address both substance abuse and domestic violence in the non-metro areas of the state.<sup>26</sup>

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<sup>22</sup> Section 39.806, F.S.

<sup>23</sup> Section 39.402(18), F.S.

<sup>24</sup> Section 39.507(7)(c), F.S.

<sup>25</sup> U.S. Department Of Health And Human Services, Children's Bureau, Child and Family Services Reviews, Florida Final Report, 2016, available at: <http://centerforchildwelfare.org/qa/CFSRTools/2016%20CFSR%20Final%20Report.pdf>. (last visited February 21, 2018).

<sup>26</sup> *Id.*

This indicates that while lack of case plan compliance by parents causes delays in permanency, inadequacies in the system are also contributing factors.

### **Sheriffs Conducting Child Protective Investigations**

Child protective investigation units are responsible for receiving and responding to reports of child abuse and neglect, which involves whether the report meets the criteria to be accepted for a protective investigation, gathering information, and making a determination of whether child maltreatment occurred or the child is at risk of abuse or neglect.

The DCF has been authorized to enter into contracts with county sheriffs to provide child protective investigations since 1998.<sup>27</sup> Currently, the department is responsible for performing child protective investigations in 61 counties statewide. Sheriff's offices in six counties (Broward, Manatee, Pinellas, Seminole, Hillsborough, and Pasco) are responsible for performing child protective investigations.<sup>28</sup> Child protective investigations in Walton County are conducted by DCF staff.<sup>29</sup> The department currently employs 12 full-time equivalent (FTE) positions to provide these investigative services for the county.

The department is also required to enter into agreements with the jurisdictionally responsible county sheriffs' offices and local police departments that will assume the lead in conducting any potential criminal investigations arising from allegations of child abuse, abandonment, or neglect.<sup>30</sup> The following types of calls to the DCF Child Abuse Hotline are automatically transferred to the appropriate county sheriff's office:

- Reports of known or suspected child abuse by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare, as defined in s. 39.01, F.S.;
- Reports involving juvenile sexual abuse or a child who has exhibited inappropriate sexual behavior; and
- Reports of an instance of known or suspected child abuse involving impregnation of a child under 16 years of age by a person 21 years of age or older solely under s. 827.04(3), F.S.<sup>31</sup>

All child protective investigations, regardless of the entity administering this function, must be done in accordance with state and federal laws, and regulations. The county sheriffs must conduct investigations, at a minimum, in accordance with the performance standards and outcome measures established by the Legislature for protective investigations conducted by the department. Each individual child protective investigator must complete, at a minimum, the training provided to and required of protective investigators employed by the department.<sup>32</sup>

Funds for providing child protective investigations must be identified in the annual appropriation made to the department, which shall award grants to the respective sheriffs' offices. Funds for child protective investigations may not be integrated into the sheriffs' regular budgets. Budgetary data and other data relating to the performance of child protective investigations must be

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<sup>27</sup> Section 39.3065, F.S.

<sup>28</sup> Those county sheriffs are Broward, Hillsborough, Manatee, Pasco, Pinellas and Seminole.

<sup>29</sup> Staff in Walton County include 12 positions that are responsible for child protective investigative functions.

<sup>30</sup> Section 39.306, F.S.

<sup>31</sup> Section 39.201, F.S.

<sup>32</sup> Section 39.3065, F.S.

maintained separately from all other records of the sheriffs' offices and reported to the department as specified in the grant agreement.<sup>33</sup>

The grants funding from the DCF is from several sources, including state general revenue and federal funds from the Welfare Transition Trust Fund (Temporary Assistance for Needy Families Block Grant), Social Services Block Grant Trust Fund, Child Welfare Training Trust Fund, Federal Grants Trust Fund, and Title IV-E funds.

### **Performance and Cost**

The DCF and the sheriff's offices generally use similar investigative processes and procedures, although the higher level of funding for the sheriffs results in their investigators having greater resources than typically available to DCF investigators. Due to their law enforcement affiliation, child abuse investigators working for sheriffs also generally have greater access to training and specialists, as well as enhanced cooperation and community respect not always afforded to DCF investigators.<sup>34</sup> The additional resources available to sheriffs' offices enhance their investigators' ability to perform their job duties and the office's ability to attract and retain experienced investigators. Sheriffs:

- Have slightly lower overall investigator caseloads;
- Tend to have more investigative aides and support staff positions;
- Provide vehicles for investigators;
- Provide investigator uniforms;
- Provide additional equipment to investigators;
- Provide supplies for children awaiting placement, including diapers, formula, food, and clothes;
- Have well-equipped visitation rooms with furniture, rugs, toys, television, games, kitchens, and bathrooms to provide children with a comfortable and safe environment after removal, further enabling investigators to perform their job more easily;
- Provide investigators with office space either in the sheriff's office or collocated with or near community-based care lead agencies, which facilitates communication between supervisors and investigators and enhances accountability; and
- Often provide higher salaries for investigators, which enhances morale and contributes to lower turnover. In addition to higher salaries, sheriffs' child protective investigators are normally awarded merit and cost-of-living raises.<sup>35</sup>

Child protective investigation units administered by sheriffs' offices also have advantages that are not entirely due to their higher state funding. Because sheriff's offices are law enforcement agencies, they can provide protective investigators with access to training and resource specialists, and a higher degree of cooperation with local law enforcement agencies and the community.<sup>36</sup>

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<sup>33</sup> *Id.*

<sup>34</sup> The Florida Legislature, Office of Program Policy Analysis and Government Accountability, Research Memorandum, *Sheriff's Offices Have Advantages for Conducting Child Abuse Investigations, but Quality Cannot be Directly Compared to DCF*, February 26, 2010.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

However, the higher funding and other advantages enjoyed by the sheriff's offices does not appear to result in better outcomes and the cost per investigation is higher.<sup>37</sup>

### **Vehicular Heat Stroke Deaths in Children**

Hyperthermia or vehicular heat stroke deaths have become much more prevalent in children since federal law required that children ride in the backseat due to the danger of front passenger seat airbags.<sup>38</sup> The national average number of these deaths is 39 per year.<sup>39</sup> Thirty-one percent of hyperthermia deaths involve children under the age of one.<sup>40</sup> Between 1998 and 2015, Florida had the second highest number of child deaths from vehicular heat stroke.<sup>41</sup>

### **Licensing Standards for Child Care Facilities and Large Family Child Care Homes Relating to Vehicles**

The department establishes licensing standards that each licensed child care facility in the state must meet.<sup>42</sup> A child care facility is defined in Florida law as “any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit.”<sup>43</sup>

A large family child care home is defined as an occupied residence in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation.<sup>44</sup>

The department currently oversees just over 6,000 licensed child care entities including child care facilities, large family child care homes and family day care homes.<sup>45</sup> In addition, there are homes that are only registered by the agency, facilities that are exempt from licensure due to a

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<sup>37</sup> The Department of Children and Families, Florida Sheriffs Performing Child Protective Investigations, Annual Program Performance Evaluation Report, Fiscal Year 2015-2016, *available at*:

<http://centerforchildwelfare.fmhi.usf.edu/kb/LegislativeMandatedRpts/AnnualSheriffPerfRptFY15-16.pdf>. (last visited February 21, 2018)

<sup>38</sup> See Kids and Cars.org, Fact Sheet, *available at*: <http://www.kidsandcars.org/files/2013/06/National-Stats-Chart-2017.jpg> (last visited February 7, 2018); see also Gene Weingarten, Fatal Distraction: Forgetting a Child in the Backseat of a Car is a Horrifying Mistake. Is it a Crime?, THE WASHINGTON POST, Mar. 8, 2009, *available at*: <http://www.washingtonpost.com/wp-dyn/content/article/2009/02/27/AR2009022701549.html> (last visited February 7, 2018).

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> California Department of Meteorology and Climate Science, *Heatstroke Deaths of Children in Vehicles by State*, *available at*: <http://noheatstroke.org/state.htm> (last visited February 7, 2018).

<sup>42</sup> See s. 402.305, F.S.

<sup>43</sup> See s. 402.302(2), F.S.

<sup>44</sup> See s. 402.302(11), F.S.

<sup>45</sup> Florida Department of Children and Families, DCF Quick Facts, 7 (Quarter 1, Fiscal Year 2017-2018), *available at*: <http://www.dcf.state.fl.us/general-information/quick-facts/cc/> (last visited February 7, 2018).

religious affiliation,<sup>46</sup> and homes currently licensed by five counties in the state.<sup>47</sup> Of these homes, a total 1,490 child care facilities and large family child care homes regulated by the department reported that they transport children.<sup>48</sup>

Statutory licensing standards for child care facilities are extensive and reference transportation and vehicles, including the requirement that minimum standards include accountability for children being transported.<sup>49</sup> The Florida Administrative Code provides requirements for licensed child care facilities and large family child care homes to follow in relation to vehicles that are owned, operated, or regularly used by the facility or home, as well as vehicles that provide transportation through a contract or agreement with an outside entity.<sup>50</sup>

Providers are required to maintain a driver's log for all children being transported. This log must include the child's name, date, time of departure, time of arrival, signature of driver, and signature of second staff member to verify the driver's log and that all children have left the vehicle. Upon arrival at the destination, the driver of the vehicle must mark each child off the log as the child departs the vehicle, conduct a physical inspection and visual sweep of the vehicle, and sign, date, and record the driver's log immediately to verify all children were accounted for and that the sweep was conducted. Upon arrival at the destination, a second staff member must also conduct a physical inspection and visual sweep of the vehicle and sign, date, and record the driver's log to verify all children were accounted for and that the driver's log is complete.<sup>51</sup>

Current standards for child care facilities and large family child care homes do not address providing information to parents related to being distracted and leaving a child in a vehicle.

### III. Effect of Proposed Changes:

**Section 1** amends s. 39.01, relating to definitions, to provide that the definition of the term "abuse" includes birth of a new child into a family during the course of an open dependency case when the parent or caregiver has been determined to lack the protective capacity to safely care for the children in the home and has not substantially complied with the case plan towards successful reunification or met the conditions for return of the children into the home.

**Section 2** amends s. 39.0138, F.S., relating to criminal history and other records checks and the limits on placing a child, to allow the department to grant an exemption from a fingerprinting requirement to a household member with a physical, developmental, or cognitive disability that prevents him or her from being fingerprinted. The department is granted rulemaking authority to administer the provision. The section requires that if a fingerprint exemption is granted, a Level 1 background screening pursuant to s. 435.03, F.S., must be completed on the person who is granted the exemption.

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<sup>46</sup> See s. 402.316, F.S.

<sup>47</sup> See s. 402.306, F.S. Those five counties are Broward, Hillsborough, Palm Beach, Pinellas and Sarasota.

<sup>48</sup> Florida Department of Children and Families, 2018 Agency Legislative Bill Analysis, SB 486. On file with the Senate Committee on Children, Families and Elder Affairs.

<sup>49</sup> See s. 402.305, F.S.

<sup>50</sup> See 65C-22.001(6) and 65C-20.13(8), F.A.C.

<sup>51</sup> *Id.*

The section also clarifies that “resisting arrest with violence” is a disqualifier for placement of a child in the home if the offense occurred within the previous five years rather than if the offense was committed at any time.

**Section 3** amends s. 39.3065, F.S., relating to sheriffs providing child protective investigations, to authorize the Walton County Sheriff to assume responsibility for the investigations beginning with the 2018-2019 fiscal year.

**Section 4** amends s. 39.6012, F.S., relating to case plan tasks and services, to require parents to provide accurate contact information, including updates of contact information, to the department or the contracted case management agency. Parents must also proactively contact the department or the contracted case management agency at least every 14 calendar days to provide information on the status of case plan task completion, barriers to completion, and plans towards reunification.

**Section 5** amends s. 39.6013, F.S., relating to case plan amendments, to require additional considerations by the court before determining whether to amend a case plan.

**Section 6** amends s. 39.621, F.S., relating to permanency determinations by the court, to add as a factor for the court to consider in determining permanency at the permanency hearing, whether the frequency, duration, manner, and level of engagement of the parent or legal guardian meets the case plan requirements.

**Section 7** amends s. 39.701, F.S., relating to judicial review, to provide that the court at the judicial review hearing must make written findings regarding the parent or legal guardian’s compliance with the case plan and demonstrable change in parental capacity to achieve timely reunification.

**Section 8** amends s. 63.092, F.S., relating to the requirements of preliminary home studies of intended adoptive parents, to:

- Require the "records check of the department's Central Abuse Registry" be provided directly to the entity conducting the home study to ensure the integrity of the results and protect the best interest of children being placed for adoption; and
- Allow licensed adoption agencies to use their professional judgement to determine the appropriate counseling and education, dependent upon the type of adoption and the child being adopted. The bill exempts adoptive parents in private adoptions from the training requirements in s. 409.175(14), F.S.

**Section 9** amends s. 402.305, F.S., relating to licensure standards for child care facilities, to add two federal Child Care and Development Block Grant Act requirements not previously addressed in state law, to align background screening requirements for child care personnel with federal requirements. The change allows the department to utilize results from out-of-state employment history checks, criminal history records, sexual predator and sexual offender registries, and child abuse and neglect registry of any state in which the person resided during the past five years, and requires fingerprint submissions for child care personnel to comply with s. 435.12, F.S.

The bill also requires each child care facility to provide parents of enrolled children information relating to the potential hazard of becoming distracted and leaving a child in a vehicle. The department is directed to develop a flyer or brochure and post it on the agency website.

**Section 10** amends s. 402.30501, F.S., relating to modification of introductory child care course for community college credit, to conform references to changes made by the bill.

**Section 11** amends s. 402.313, F.S., relating to family day care homes, to add a requirement that such homes provide parents of enrolled children information relating to the potential hazard of becoming distracted and leaving a child in a vehicle. The department is to develop a flyer or brochure and post in on the agency website.

**Section 12** amends s. 402.3231, F.S., relating to large family child care homes, to add a requirement that such homes provide parents of enrolled children information relating to the potential hazard of becoming distracted and leaving a child in a vehicle. The department is to develop a flyer or brochure and post in on the agency website.

**Section 13** amends s. 409.175, F.S., relating to licensure of family foster homes, residential child-caring agencies, and child-placing agencies, to define the term “severe disability” when determining whether a person should be exempt from being fingerprinted because of a physical, developmental, or cognitive disability. If a person is exempt from being fingerprinted, the department would be able to license the family foster home without fingerprinting all individuals in the home.

**Section 14** amends s. 409.991, F.S., relating to allocation of funds for community-based care lead agencies, to modify the definition of the term “children in care” and revise the formula for the allocation of new core services funding to CBCs. Children in care will now include only new entries of children into out-of-home care over the most recent 24 months, instead of all children in out-of-home over the most recent 12 months. The term will also include children whose families have received family support services over the most recent 12 months. Children receiving in-home services will continue to be included over the most recent 12 months. The bill modifies the weights of children in care as 15 percent for family support services, 55 percent for children in out-of-home care, and 30 percent for children in in-home care.

The bill directs the department to distribute new core services funding to CBCs pursuant to the following amended equity allocation model:

- Proportion of the child population, remaining as 5 percent of the total;
- Proportion of child abuse hotline workload, weighted as 35 percent of the total rather than 15 percent; and
- Proportion of children in care, weighted as 60 percent of the total, rather than 80 percent. The proportion of children in care is calculated based on 55 percent weight for children in out-of-home care (instead of 60 percent), 30 percent weight for children in in-home care (instead of 40 percent), and 15 percent weight based on children in family support services which is a new category.

Lastly, the bill changes the distribution of new core services funding as follows:

- 70 percent is allocated among all CBCs;

- 30 percent is allocated to CBCs that are currently funded below their equitable share. Funds are weighted based on each CBC's proportion of total funding below their equitable share.
- **Section 15** amends s. 435.07, F.S., relating to exemptions from disqualification, to add drug offenses to the list of disqualifying offenses in Ch. 893, F.S., for child care personnel.

**Section 16** amends s. 1002.55, F.S., relating to school-year prekindergarten programs delivered by private providers, to conform references to changes made by the bill.

**Section 17** amends s. 1002.57, F.S., relating to prekindergarten director credentials, to conform references to changes made by the bill.

**Section 18** amends s. 1002.59, F.S., relating to emergent literacy and performance standards, to conform references to changes made by the bill.

**Section 19** directs the Division of Law Revision and Information to prepare a reviser's bill for the 2019 session of the Legislature to capitalize the first letter of each word of the term "child protection team" wherever it occurs in the Florida Statutes.

**Section 20** provides an effective date of July 1, 2018.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

CS/CS/SB 1360 revises the equity allocation model used for distributing funds among the CBCs. The bill will have an indeterminate fiscal impact on the individual CBCs. In the event that new core services funding is made available for the CBCs, it is expected that some will receive more funding than they would have under the previous formula, while others would receive less. The equity allocation model only affects how new core

services funding will be distributed. As an example, if a new appropriation of \$10 million was made for core services funding, the following chart shows the difference between the distribution under current law and under the bill. Conversely, if new core services funding was not appropriated, the distribution of core services funding to the CBCs would remain unchanged from the previous year.

<b>CBC Funding Formula Changes with \$10 million of New Core Services Funding</b>						
		A	B	C	C-B	A+C
		Base Core Services Funding	New Core Services Funding			Total Core Services Funding as Proposed
			Current Allocation Formula	Proposed Formula	Difference Increase/ (Decrease)	
<b>Community Based Care Lead Agencies</b>						
1	Lakeview Center (Families First Network)	34,290,074	105,127	458,847	353,720	34,748,921
2	Big Bend CBC	25,580,295	66,731	261,282	194,551	25,841,577
3	Partnership for Strong Families	22,519,522	434,857	358,068	(76,789)	22,877,590
4	Kids First of Florida	6,469,036	19,266	72,118	52,852	6,541,154
5	Family Support Services of North Florida	35,803,739	111,134	729,823	618,689	36,533,562
6	St Johns Board of County Commissioners (Family Integrity Program)	4,340,311	87,724	111,670	23,946	4,451,981
7	Community Partnership for Children	24,518,476	76,392	541,351	464,959	25,059,827
8	Kids Central	38,069,464	581,653	666,357	84,704	38,735,821
9	CBC of Central Florida	54,790,601	162,962	603,066	440,104	55,393,667
10	Heartland for Children	32,972,143	102,914	342,961	240,047	33,315,104
11	CBC of Brevard (Brevard Family Partnerships)	18,724,431	785,596	893,866	108,270	19,618,297
12	Eckerd (Pasco-Pinellas)	45,099,623	1,681,385	1,005,370	(676,015)	46,104,993
13	Sarasota Family YMCA	21,335,346	1,090,033	684,784	(405,249)	22,020,130
14	Eckerd (Hillsborough)	53,515,735	1,868,890	642,722	(1,226,168)	54,158,457
15	Children's Network of Southwest Florida	32,319,498	2,343,016	987,470	(1,355,546)	33,306,968
16	Devereux CBC	22,167,758	68,521	229,813	161,292	22,397,571
17	Childnet (Palm Beach)	32,340,871	85,128	291,121	205,993	32,631,992
18	ChildNet (Broward)	56,635,267	173,298	602,311	429,013	57,237,578
19	Our Kids of Miami and Monroe	73,469,270	155,373	517,000	361,627	73,986,270
<b>New Core Services Funding Total</b>		<b>634,961,460</b>	<b>10,000,000</b>	<b>10,000,000</b>	<b>-</b>	<b>644,961,460</b>
<b>Equity Formula Factors (weighted):</b>			<b>Current</b>	<b>Proposed</b>		
	Percentage of Hotline Workload		15%	35%		
	Percentage of Children in Care		80%	60%		
	Percentage of population		5%	5%		
	Total		100%	100%		
<b>Allocation of New Funding (weighted):</b>						
	Percentage to All CBCs		20%	70%		
	Percentage to Below Equity		80%	30%		
	Total		100%	100%		
<b>Child in Care (weighted):</b>						
	In-Home		40%	30%		
	Out-of-Home Care (*)		60%	55%		
	Family Support Services		0%	15%		
	Total		100%	100%		
* Out-of-home care weighted formula is changing from the number of children in out-of-home care during the last 12-month period to the number of children who "enter" out-of-home care during the last 24-month period.						

Collectively, CBC lead agencies were appropriated \$878 million for the 2017-2018 fiscal year. Funds are provided for core services as well as for specific programs such as maintenance adoptions subsidies, independent living, and others. The amount of core

services funding for Fiscal Year 2017-2018 is included in the chart below, along with the projected expenditures for the year. Several CBCs are projected to have a funding deficit for the year. The change in the equity allocation model and its impact on the CBCs for Fiscal Year 2018-2019 may assist the CBCs if new core services funding were to be appropriated. At present, Senate Bill 2500, the Senate General Appropriations Bill, does not provide an increase for CBC core services funding.

<b>CBC Funding and Projected Expenditures for Fiscal Year 2017-18:</b>						
	<b>Lead Agency (CBC)</b>	<b>Core Services Funding, as Proposed</b>	<b>Carry Forward Balance at 7/1/2017</b>	<b>Total Available for Core Services</b>	<b>Projected Expenditures</b>	<b>Projected Surplus/ (Deficit)</b>
1	Lakeview Center (Families First)	\$ 34,748,921	\$ (335,809)	\$ 34,413,112	\$ 34,354,262	\$ 58,850
2	Big Bend CBC	25,841,577	475,457	26,317,034	26,948,787	(631,753)
3	Partnership for Strong Families	22,877,590	791,216	23,668,806	23,834,534	(165,728)
4	Kids First of Florida	6,541,154	2,211,230	8,752,384	6,359,075	2,393,309
5	Family Support Services of North Florida	36,533,562	3,245,015	39,778,577	38,607,796	1,170,781
6	St Johns Board of County Commissioners (Family Integrity)	4,451,981	47,667	4,499,648	4,599,449	(99,801)
7	Community Partnership for Children	25,059,827	(120,887)	24,938,940	25,924,237	(985,297)
8	Kids Central	38,735,821	525,144	39,260,965	41,201,380	(1,940,415)
9	CBC of Central Florida	55,393,667	(685,066)	54,708,601	56,331,476	(1,622,875)
10	Heartland for Children	33,315,104	2,621,067	35,936,171	33,985,259	1,950,912
11	CBC of Brevard (Brevard Family Partnerships)	19,618,297	(196,437)	19,421,860	19,662,875	(241,015)
12	Eckerd (Pasco-Pinellas)	46,104,993	(195,642)	45,909,351	49,168,798	(3,259,447)
13	Sarasota Family YMCA	22,020,130	21,398	22,041,528	25,489,660	(3,448,132)
14	Eckerd (Hillsborough)	54,158,457	(419,724)	53,738,733	57,342,155	(3,603,422)
15	Children's Network of Southwest Florida	33,306,968	2,652,269	35,959,237	36,419,221	(459,984)
16	Devereux CBC	22,397,571	974,362	23,371,933	22,234,210	1,137,723
17	Childnet (Palm Beach)	32,631,992	(1,612,908)	31,019,084	31,933,396	(914,312)
18	ChildNet (Broward)	57,237,578	(5,911,972)	51,325,606	58,039,744	(6,714,138)
19	Our Kids of Miami-Dade & Monroe	73,986,270	4,011,050	77,997,320	75,199,724	2,797,596
	<b>Total</b>	<b>\$644,961,460</b>	<b>\$ 8,097,430</b>	<b>\$653,058,890</b>	<b>\$667,636,038</b>	<b>\$ (14,577,148)</b>

Source: FY 2017-18 budget projections provided by CBCs; Analysis by Department of Children and Families.

**C. Government Sector Impact:**

The bill authorizes the Walton County sheriff's office to assume responsibility for child protective investigations. The DCF currently conducts these investigations with 12 full-time equivalent (FTE) positions at a cost of \$893,881 (\$348,127 from the General Revenue Fund and \$545,754 from various trust funds). By eliminating the FTE and the corresponding salary rate of 457,659, and transferring the recurring funding between appropriation categories, DCF has sufficient funding to pay the sheriff's office for the services.

The bill is not expected to have a fiscal impact on state government.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 39.01, 39.0138, 39.3065, 39.6012, 39.6013, 39.621, 39.701, 63.092, 402.305, 402.313, 402.3131, 409.175, 409.991, 435.07, 402.30501, 1002.55, 1002.57 and 1002.59.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS/CS by Appropriations on February 27, 2018:**

The committee substitute:

- Amends the definition of the term “abuse” to include the birth of a new child into a family during the course of an open dependency case when the parent or caregiver has been determined to lack the protective capacity to safely care for the children in the home and has not substantially complied with the case plan towards successful reunification or met the conditions for return of the children into the home;
- Requires parents to provide accurate contact information to the department, update the information as necessary and contact the DCF or the CBC lead agency at least every 14 days;
- Authorizes the Walton County Sheriff to assume responsibility for child protective investigations beginning with the 2018-2019 fiscal year;
- Requires child care facilities, family day care homes and large family child care homes to provide parents of enrolled children information related to distracted adults leaving children in vehicles;
- Requires the "records check of the department's Central Abuse Registry" be provided directly to the entity conducting the home study to ensure the integrity of the results and protect the best interest of children being placed for adoption; and
- Allows licensed adoption agencies to use their professional judgement to determine the appropriate counseling and education, dependent upon the type of adoption and the child being adopted.

**CS by Children, Families, and Elder Affairs on February 6, 2018:**

The CS:

- Clarifies that a Level 1 background screening is required when an exemption is approved for placement of a child;

- Adds two federal Child Care and Development Block Grant Act requirements, not previously addressed in state law, to align background screening requirements for child care personnel. The changes allow the department to use out-of-state criminal history records results for the past five years, and require fingerprint submissions for child care personnel to comply with s. 435.12, F.S.;
- Adds drug offenses to the list of disqualifying offenses in Ch. 893, F.S., for child care personnel; and
- Adjusts the formula for the allocation of funding for the community-based care lead agencies.

B. Amendments:

None.