

<b>Tab 2</b>	<b>SB 90</b> by <b>Book</b> ; (Identical to H 00139) Early Childhood Courts					
271306	A	S	RCS	CF, Book	Delete L.75:	01/24 03:22 PM

<b>Tab 3</b>	<b>SB 94</b> by <b>Stewart (CO-INTRODUCERS) Torres</b> ; (Identical to H 00069) Child Care Facilities					
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<b>Tab 4</b>	<b>SB 124</b> by <b>Bean (CO-INTRODUCERS) Montford, Harrell</b> ; (Similar to H 00115) Dependent Children					
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<b>Tab 5</b>	<b>SB 176</b> by <b>Berman</b> ; (Similar to H 00159) Sales Tax Exemption/Items that Assist in Independent Living					
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**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**CHILDREN, FAMILIES, AND ELDER AFFAIRS**  
**Senator Book, Chair**  
**Senator Mayfield, Vice Chair**

**MEETING DATE:** Tuesday, January 22, 2019  
**TIME:** 12:30—2:00 p.m.  
**PLACE:** 301 Senate Building

**MEMBERS:** Senator Book, Chair; Senator Mayfield, Vice Chair; Senators Bean, Harrell, Rader, Torres, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Introduction of Agency Heads  Department of Elder Affairs, Secretary Richard Prudom Agency for Persons with Disabilities, Executive Director Barbara Palmer		Discussed
2	<b>SB 90</b> Book (Identical H 139)	Early Childhood Courts; Authorizing circuit courts to create early childhood court programs; providing requirements and guidelines for the Office of the State Courts Administrator when hiring community coordinators and a statewide training specialist; authorizing the office to provide funding to circuit courts that choose to establish a coordination system in lieu of creating a community coordinator position, etc.  CF      01/22/2019 Fav/CS ACJ AP	Fav/CS Yeas 7 Nays 0
3	<b>SB 94</b> Stewart (Identical H 69)	Child Care Facilities; Citing this act as the "Child Safety Alarm Act"; requiring that, by a specified date, vehicles used by child care facilities and large family child care homes to transport children be equipped with a reliable alarm system that prompts the driver to inspect the vehicle for children before exiting the vehicle; requiring the Department of Children and Families to adopt by rule minimum safety standards and to maintain a list of approved alarm manufacturers and alarm systems, etc.  CF      01/22/2019 Favorable IS RC	Favorable Yeas 7 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Children, Families, and Elder Affairs

Tuesday, January 22, 2019, 12:30—2:00 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 124</b> Bean (Similar H 115)	Dependent Children; Specifying the venue in proceedings for the appointment of a guardian for a child who has been adjudicated dependent; authorizing a court to receive and consider any information provided by the Guardian Ad Litem Program and the child's attorney ad litem if a child is under the jurisdiction of a dependency court, etc.  CF 01/22/2019 Favorable JU RC	Favorable Yeas 7 Nays 0
5	<b>SB 176</b> Berman (Similar H 159)	Sales Tax Exemption/Items that Assist in Independent Living; Exempting from the sales and use tax specified items that enable persons to age in place and live independently in their homes or residences, etc.  CF 01/22/2019 Favorable FT AP	Favorable Yeas 7 Nays 0
6	Other Related Meeting Documents		

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**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 Children, Families, and Elder Affairs

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BILL: SB 90

INTRODUCER: Senator Book

SUBJECT: Early Childhood Courts

DATE: January 28, 2019

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	<b>Fav/CS</b>
2.			ACJ	
3.			AP	

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## I. Summary:

SB 90 creates a new section of the Florida Statutes, to create of an Early Childhood Court (ECC) program that addresses cases involving children typically under the age of three and uses specialized dockets, multidisciplinary teams, and a nonadversarial approach. The bill provides legislative intent and requires:

- Specified core components to be considered an early childhood court. Those components include judicial leadership, community coordination, a court team, and a continuum of mental health services.
- The Office of the State Courts Administrator (OSCA), in coordination with the circuit courts,
- To hire and train a full-time community coordinator at each ECC program site. OSCA may also hire a statewide community coordinator to implement the program.
- OSCA to contract with one or more university based centers with an expertise in infant mental health to hire a statewide clinical director.
- The Florida Institute for Child Welfare (FICW), in consultation with other entities, to evaluate the impact of the ECC program on children in the child welfare system, to include an analysis of data collected by OSCA. The institute is required to submit the results of the evaluation to the Governor, the President of the Senate, and the Speaker of the House by October 1, 2022. Status reports are due by December 1, 2020 and 2021.

The bill has a fiscal impact on state government and has an effective date of July 1, 2019.

## II. Present Situation:

### Problem-Solving Courts

In 1989, Florida started problem-solving court initiatives by creating the first drug court in the United States in Miami-Dade County. Other types of problem-solving court dockets subsequently followed using the drug court model and were implemented to assist individuals

with a range of problems such as drug addiction, mental illness, domestic violence, and child abuse and neglect.<sup>1</sup>

Florida's problem-solving courts address the root causes of an individual's involvement with the justice system through specialized dockets, multidisciplinary teams, and a nonadversarial approach. Offering evidence-based treatment, judicial supervision, and accountability, problem-solving courts provide individualized interventions for participants, thereby reducing recidivism and promoting confidence and satisfaction with the justice system process.<sup>2</sup>

### **Early Childhood Courts in Florida**

Early childhood courts address child welfare cases involving children typically under the age of three. ECC is considered a "problem-solving court" that is coordinated by the Office of the State Courts Administrator with a goal of improving child safety and well-being, healing trauma and repairing the parent-child relationship, expediting permanency, preventing recurrence of maltreatment, and stopping the intergenerational cycle of abuse/neglect/violence.<sup>3</sup>

Using the Miami Child Well-Being Court model and the National ZERO TO THREE organization's Safe Babies Court Teams approach, Florida's Early Childhood Court program began a little more than 4 years ago.<sup>4</sup>

### ***The Miami Child Well-Being Court***

The development of the Miami Child Well-Being Court (CWBC) model began in the early 1990s out of an atypical collaboration that included a judge, a psychologist, and an early interventionist/education expert. The Miami CWBC model evolved over the course of more than a decade and is now widely recognized as one of the country's leading court improvement efforts, with ties to the National Council for Juvenile and Family Court Judges and Office of Juvenile Justice and Delinquency Prevention Model Courts Project.<sup>5</sup>

The Miami CWBC was unique due to the leadership of a judge who insisted that the court process should be informed by the science of early childhood development and who required the court to engage in intensive efforts to heal the child and—if possible—the parent-child relationship. As with the problem-solving approach of drug and mental health courts, such leadership represented a paradigm shift away from the traditional adversarial culture of the court for one in which judges utilize a systems-integration approach to promote healing and recovery from trauma in maltreated young children and to break the

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<sup>1</sup> The most common problem-solving courts in Florida are drug courts, mental health courts, veterans courts and early childhood courts. Florida Courts, Office of Court Improvement, Problem-Solving Courts, available at: <https://www.flcourts.org/Resources-Services/Court-Improvement/Problem-Solving-Courts> (last visited January 14, 2019).

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

<sup>3</sup> Center for Prevention & Early Intervention Policy, Florida State University, Florida's Early Childhood Court Manual, April 2017, available at: <http://cpeip.fsu.edu/babyCourt/resources/Early%20Childhood%20Court%20Manual%204172015.pdf>. (last visited January 14, 2019).

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

<sup>5</sup> The Miami Child Well-Being Court Model, Essential Elements and Implementation Guidance, available at: <http://www.floridaschildrenfirst.org/wp-content/uploads/2013/02/MiamiChild.pdf>. (last visited January 14, 2019).

intergenerational nature of child abuse and neglect.<sup>6,7</sup>

The Miami CWBC galvanized the long-term commitment and shared vision of decision-makers across the judiciary, child welfare, child mental health, and other child- and family-serving systems in Miami-Dade to create meaningful, lasting change for court involved children and their families. The Miami CWBC model is anchored by three essential principles:

- The needs of vulnerable children involved in dependency court will be best served through a problem-solving court approach led by a science informed judge. This approach is realized through a court team that is committed to collaboration in the interest of the child’s safety and emotional well-being. In addition to the judge, the court team includes the attorney representing the parent, the attorney for the state, the guardian ad litem (GAL) or court-appointed special advocate (CASA), child’s attorney, or both; and the child welfare caseworker.
- Young children exposed to maltreatment and other harmful experiences need evidence-based clinical intervention to restore their sense of safety and trust and ameliorate early emotional and behavioral problems. Such intervention must address the child-caregiver relationship and has the potential to catalyze the parent’s insight to address the risks to the child’s safety and well-being. The intervention employed in the Miami CWBC is Child-Parent Psychotherapy applied to the context of court-ordered treatment.
- The judicial decision-making process is improved when ongoing assessment of the child-parent relationship, the parent’s ability to protect and care for the child, and the child’s wellbeing is provided by the treating clinician. This is best accomplished by involving the clinician on the court team to collaborate with the other parties usually involved in court proceedings. This unusual role for the clinician in the court process is actively supported by the judge.<sup>8</sup>

### ***Safe Babies Court Teams***

ZERO TO THREE was founded in 1977 as the National Center for Clinical Infant Programs by internationally recognized professionals in the fields of medicine, mental health, social science research, child development and community leadership interested in advancing the healthy development of infants, toddlers, and families. ZERO TO THREE has a history of turning the science of early development into helpful resources, practical tools and responsive policies for millions of parents, professionals, and policymakers. The organization houses a number of programs including Safe Babies Court Teams.<sup>9</sup>

In 2003, in partnership with the National Council of Juvenile and Family Court Judges, Court Teams for Maltreated Infants and Toddlers were conceptualized and in 2005, the first court

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<sup>6</sup> Harvard Law School, Child Advocacy Program, The Miami Child Well Being Court Model, available at: [http://cap.law.harvard.edu/wp-content/uploads/2015/07/22\\_miami-child-well-being-court-model.pdf](http://cap.law.harvard.edu/wp-content/uploads/2015/07/22_miami-child-well-being-court-model.pdf) (last visited January 14, 2019).

<sup>7</sup> In 1994, Dr. Joy Osofsky began developing a similar court in New Orleans, working through an “infant team” of judges, lawyers, therapists and others to provide interventions for abused and neglected babies. They had two goals: to achieve permanency more quickly, although not necessarily reunification, and to prevent further abuse and neglect.

<sup>8</sup> The Miami Child Well-Being Court Model, Essential Elements and Implementation Guidance, available at: <http://www.floridaschildrenfirst.org/wp-content/uploads/2013/02/MiamiChild.pdf>. (last visited January 14, 2019).

<sup>9</sup> ZERO TO THREE, Our History, available at: <https://www.zerotothree.org/about/our-history> (last visited January 14, 2019).

teams were established in Fort Bend, Texas; Hattiesburg, Mississippi; and Des Moines, Iowa. Currently, the initiative operates in multiple sites around the country.<sup>10</sup>

Based on the Miami Child Well-Being Court and the New Orleans models,<sup>11,12</sup> the Safe Babies Court Teams Project is based on developmental science and aims to:

- Increase awareness among those who work with maltreated infants and toddlers about the negative impact of abuse and neglect on very young children; and,
- Change local systems to improve outcomes and prevent future court involvement in the lives of very young children.<sup>13</sup>

This approach is recognized by the California Evidence-Based Clearinghouse for Child Welfare offsite link as being highly relevant to the child welfare system and demonstrating promising research evidence.<sup>14</sup>

The following numbers are based on data extracted from the Florida Dependency Court Information System (FDCIS) on December 2018, for children who were removed from their parents’ care due to allegations of abandonment, abuse, or neglect. These measures compare groups of children ages 0-3 at the time of removal who were in the Early Childhood Court (ECC) program to children ages 0-3 who were not in the ECC program.<sup>15</sup>

Measure	# For Children not in ECC	# For Children in ECC
Median number of days from removal to reunification closure	736.2	477.1
Median number of days from removal to adoption closure	699	687.3
Median number of days from removal to permanent guardianship	683.3	453.1
Average time to overall permanency in days	695	552.9
Children in ECC had a 40% reduction in recurrence of maltreatment compared to non-ECC children		

Shortening the time children spend in out-of-home care should serve as a potential cost savings for the state due to the reduction in out-of-home care cost.

<sup>10</sup> ZERO TO THREE, The Safe Babies Court Team Approach: Championing Children, Encouraging Parents, Engaging Communities, available at: <https://www.zerotothree.org/resources/528-the-safe-babies-court-team-approach-championingchildren-encouraging-parents-engaging-communities>. (last visited January 14, 2019).

<sup>11</sup> ACES Too High, In Safe Babies Courts, 99% of kids don’t suffer more abuse — but less than 1% of U.S. family courts are Safe Babies Courts. February 23, 2015, available at: <https://aces.toohigh.com/2015/02/23/in-safe-babies-courts-99-of-kids-dont-suffer-more-abuse-but-less-than-1-of-u-s-family-courts-are-safe-babies-courts/>. (last visited January 14, 2019).

<sup>12</sup> *Id.* Safe Babies Courts differ from the other models by providing community coordinators who work with court personnel to keep the process on track.

<sup>13</sup> ZERO TO THREE, Safe Babies Court Teams, available at <https://www.zerotothree.org/our-work/safe-babies-court-team> (last visited January 14, 2019).

<sup>14</sup> The California Evidence-Based Clearinghouse for Child Welfare, available at: <http://www.cebc4cw.org/program/safe-babies-court-teams-project/> (last visited January 14, 2019).

<sup>15</sup> Florida Courts, Office of Court Improvement, Early Childhood Courts, available at: <https://www.flcourts.org/Resources-Services/Court-Improvement/Problem-Solving-Courts/Early-Childhood-Courts> (last visited January 14, 2019).

**Differences Between Early Childhood Courts and Regular Dependency Courts**

<b>Services</b>	<b>Early Childhood Court</b>	<b>“Regular” Dependency Court</b>
<b>Court hearings</b>	Monthly hearings assess progress and solve problems quickly	Only a 6-month judicial review
<b>Community Coordinator</b>	Coordinates monthly parent team meetings to prioritize family services, integrate fast track services to expedite permanency for the child.	No coordinator. Case plans may not address real family needs. Reviewed every 6 months; not fluid to changing family needs that impact permanency. Needed services often delayed or wait listed.
<b>Integrated Multidisciplinary Team approach</b>	Families encouraged and supported by multidisciplinary team including court staff, community-based care case managers, attorneys, GAL staff & volunteers, and clinicians specializing in Child Parent Therapy.	No teams. Piecemeal services. Not integrated. Families struggle to get needed services timely and to complete case plan.
<b>Visitation</b>	Daily contact encouraged (3x week minimum) to strengthen parent child attachment & promote reunification	Only monthly visitation required in statute.
<b>Evidence based Clinical services</b>	Child Parent Therapy offered to all ECC to heal trauma, improve parenting & optimize child/parent relationship. Clinician reports to court to inform decisions toward stable placement.	Therapies and evidence based interventions not usually offered to children younger than 5 and families.
<b>Time to permanency</b>	Spent 112 days less in the system than non-ECC children to reach a permanent stable family (reunification or placed with relative or non-relative) in 2016	Stayed in out-of-home care 112 days longer than ECC children in 2016
<b>Re-entry into child welfare</b>	Only two ECC children re-entered the system in 2016 (3.39% compared to 3.86% for non ECC)	Statewide recurrence is 9.69%

***Florida Institute for Child Welfare***

In 2014, the Legislature established the Florida Institute for Child Welfare (FICW) at the Florida State University College of Social Work. The purpose of the FICW is to advance the well-being of children and families by improving the performance of child protection and child welfare services through research, policy analysis, evaluation, and leadership development.<sup>16</sup> The institute is required to:

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<sup>16</sup> Section 1004.615, F.S.



- Maintain a program of research which contributes to scientific knowledge and informs both policy and practice;
- Advise the department and other organizations participating in the child protection and child welfare system regarding scientific evidence;
- Provide advice regarding management practices and administrative processes used by DCF and other organizations participating in the child protection and child welfare system and recommend improvements; and
- Assess the performance of child protection and child welfare services based on specific outcome measures.<sup>17</sup>

### III. Effect of Proposed Changes:

**Section 1** creates s. 39.01304, F.S., related to the creation of an Early Childhood Court (ECC) program that addresses cases involving children most frequently under the age of three and utilizes specialized dockets, multidisciplinary teams, and a nonadversarial approach. The bill provides legislative findings and intent and core components that are required for a court to be considered an early childhood court, and requires:

- The Office of the State Courts Administrator (OSCA) to hire and train a full-time community coordinator at each ECC program site. OSCA may also hire a statewide community coordinator to implement the program.
- OSCA to contract with one or more university based centers with an expertise in infant mental health to hire a statewide clinical consultant.
- The Florida Institute for Child Welfare (FICW), in consultation with other entities, to evaluate the impact of ECC programs on children in the child welfare system, to include an analysis of data collected by OSCA. The institute is also required to submit interim reports in 2020 and 2021 and the results of the evaluation to the Governor, the President of the Senate, and the Speaker of the House by October 1, 2022.

**Section 2** provides an effective date of July 1, 2019.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

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<sup>17</sup> *Id.*

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill will have a fiscal impact on the state by requiring specialized staff and support services. Each circuit with an early childhood would need a community coordinator. In addition, the bill would require training for judges, magistrates and staff and a contract with a university based center to hire a clinical consultant. The bill calls for an evaluation of early childhood courts by the Florida Institute for Child Welfare. The Legislature appropriated funds for this evaluation in the 2018 session. The Office of State Courts Administrator estimates the additional costs of the bill as follows:

<b>Position</b>	<b>FTE</b>	<b>Annual Cost</b>
Court community coordinators and oversight positions	21	\$1,547,679
Training requirements		\$100,000
University based clinical consultant	1	\$136,120
<b>Total</b>	<b>21</b>	<b>\$1,783,799</b>

Shortening the time children spend in out-of-home care should serve as a potential cost savings for the state due to the reduction in out-of-home care cost.

A cost savings from the use of ECC may also be realized upon the implementation of the Families First Prevention Services Act in 2021. The ECC and its use of some model of parent-child therapy may be eligible for a federal funding match for prevention services.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill creates s. 39.01304 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Children, Families, and Elder Affairs on January 22, 2019:**

- Adds a domestic violence advocate to the multidisciplinary team.

- B. **Amendments:**

None.

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

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271306

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2019	.	
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The Committee on Children, Families, and Elder Affairs (Book) recommended the following:

**Senate Amendment**

Delete line 75  
and insert:  
abuse program providers; primary health care providers;  
domestic violence advocates; and

By Senator Book

32-00069A-19

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1 A bill to be entitled  
 2 An act relating to early childhood courts; creating s.  
 3 39.01304, F.S.; providing legislative intent;  
 4 authorizing circuit courts to create early childhood  
 5 court programs; requiring that early childhood court  
 6 programs have certain components present; providing  
 7 requirements and guidelines for the Office of the  
 8 State Courts Administrator when hiring community  
 9 coordinators and a statewide training specialist;  
 10 authorizing the office to provide funding to circuit  
 11 courts that choose to establish a coordination system  
 12 in lieu of creating a community coordinator position;  
 13 requiring the office to contract with certain  
 14 university-based centers; requiring the university-  
 15 based centers to hire a clinical director; requiring  
 16 the Florida Institute for Child Welfare to submit  
 17 certain status reports to the Governor and the  
 18 Legislature by specified dates; requiring the  
 19 institute, in consultation with the Department of  
 20 Children and Families, the office, and the contracted  
 21 university-based centers, to conduct an evaluation of  
 22 the court programs' impact; requiring the evaluation  
 23 to include the analysis of certain data and  
 24 recommendations; requiring the institute to submit the  
 25 results of its evaluation to the Governor and the  
 26 Legislature by a specified date; providing an  
 27 effective date.  
 28  
 29 Be It Enacted by the Legislature of the State of Florida:

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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30  
 31 Section 1. Section 39.01304, Florida Statutes, is created  
 32 to read:  
 33 39.01304 Early childhood court programs.—  
 34 (1) It is the intent of the Legislature to encourage the  
 35 department, the Department of Health, the Association of Early  
 36 Learning Coalitions, and other such agencies, local governments,  
 37 interested public or private entities, and individuals to  
 38 support the creation and establishment of early childhood court  
 39 programs. The purpose of an early childhood court program is to  
 40 address the root cause of court involvement through specialized  
 41 dockets, multidisciplinary teams, evidence-based treatment, and  
 42 the use of a nonadversarial approach. Such programs depend on  
 43 the leadership of a judge or magistrate who is educated about  
 44 the science of early childhood development and who requires  
 45 rigorous efforts to heal children physically and emotionally in  
 46 the context of a broad collaboration among professionals from  
 47 different systems working directly in the court as a team,  
 48 recognizing that the parent-child relationship is the foundation  
 49 of child well-being.  
 50 (2) A circuit court may create an early childhood court  
 51 program to serve the needs of infants and toddlers in dependency  
 52 court. An early childhood court program must have all of the  
 53 following components present:  
 54 (a) Therapeutic jurisprudence, which must drive every  
 55 aspect of judicial practice. The judge or magistrate must  
 56 support the therapeutic needs of the parent and child in a  
 57 nonadversarial manner. As used in this paragraph, the term  
 58 "therapeutic jurisprudence" means the study of how the law may

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59 be used as a therapeutic agent and focuses on how laws impact  
60 emotional and psychological well-being.

61 (b) A procedure for coordinating services and resources for  
62 families who have a case on the court docket. To meet this  
63 requirement, the court may create and fill at least one  
64 community coordinator position pursuant to paragraph (3) (a) or  
65 the court may use a coordination system that implements a  
66 progression of services.

67 (c) A multidisciplinary team made up of key community  
68 stakeholders who commit to work with the judge or magistrate to  
69 restructure the way the community responds to the needs of  
70 maltreated children. The team may include, but is not limited  
71 to, early intervention specialists; mental health and infant  
72 mental health professionals; attorneys representing children,  
73 parents, and the child welfare system; children's advocates;  
74 early learning coalitions and child care providers; substance  
75 abuse program providers; primary health care providers; and  
76 guardians ad litem. The multidisciplinary team must address the  
77 need for children in an early childhood court program to receive  
78 medical care in a medical home, a screening for developmental  
79 delays conducted by the local agency responsible for complying  
80 with part C of the federal Individuals with Disabilities  
81 Education Act, and quality child care.

82 (d) A continuum of mental health services that include a  
83 focus on the parent-child relationship and that must be  
84 appropriate for each child and family served.

85 (3) Contingent upon an annual appropriation by the  
86 Legislature, and subject to available resources:

87 (a) The Office of the State Courts Administrator shall

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88 coordinate with each participating circuit court to create and  
89 fill at least one community coordinator position for the  
90 circuit's early childhood court program unless the court chooses  
91 to establish a coordination system in lieu of creating a  
92 community coordinator position. Each community coordinator shall  
93 provide direct support to the program by providing coordination  
94 between the multidisciplinary team and the judiciary,  
95 coordinating the responsibilities of the participating agencies  
96 and service providers, and managing the collection of data for  
97 program evaluation and accountability. If a circuit court  
98 establishes a coordination system in lieu of creating a  
99 community coordinator position, the Office of the State Courts  
100 Administrator may provide funding equivalent in value to a  
101 community coordinator position to the court for case  
102 coordination functions.

103 (b) The Office of the State Courts Administrator shall  
104 contract with one or more university-based centers that have  
105 expertise in infant mental health, and such university-based  
106 centers shall hire a clinical director charged with ensuring the  
107 quality, accountability, and fidelity of the program's evidence-  
108 based treatment and ensuring that each center under contract  
109 receives training and technical assistance related to clinical  
110 services, clinical consultation and guidance for difficult  
111 cases, and ongoing clinical training for court teams. In  
112 partnership with each center, the Office of the State Courts  
113 Administrator may hire a statewide training specialist to  
114 provide training to each multidisciplinary team.

115 (c) By December 1 of 2020 and 2021, the Florida Institute  
116 for Child Welfare shall provide a status report on

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117 implementation of the programs to the Governor, the President of  
118 the Senate, and the Speaker of the House of Representatives.

119 (d) In consultation with the department, the Office of the  
120 State Courts Administrator, and each center, the Florida  
121 Institute for Child Welfare shall evaluate the impact of the  
122 early childhood court programs on children and families in the  
123 state's child welfare system. The evaluation must include the  
124 analysis of data collected by the Office of the State Courts  
125 Administrator and measurable outcomes, including, but not  
126 limited to, the impact of the early childhood court program on  
127 the future incidence of maltreatment of children, timely  
128 permanency, reunification of families, and incidents of children  
129 reentering the child welfare system. The evaluation must provide  
130 recommendations as to whether and how the programs should be  
131 expanded, the projected costs of any such expansion, and the  
132 projected savings to the state resulting from the programs.  
133 After providing the status reports pursuant to paragraph (c),  
134 and by October 1, 2022, the institute shall provide a report on  
135 the results of the evaluation to the Governor, the President of  
136 the Senate, and the Speaker of the House of Representatives.

137 Section 2. This act shall take effect July 1, 2019.

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_

90  
Bill Number (if applicable)

Topic SB 90

Amendment Barcode (if applicable) \_\_\_\_\_

Name Dr Mimi Graham

Job Title Professor

Address 3710 Bobbin mill

Phone 510 7770

Street

City

State

Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**



THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/22/19

Meeting Date

SB90

Bill Number (if applicable)

Topic Early Child Care

Name JERRY SHARKEY sharky

Job Title President Capital Alliance Corp

Address 106 E Colby Ave

Street

Rt

City

State

Zip

Phone 224 1660

Email jsharky@capitalalliance.com

Speaking: [X] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against (The Chair will read this information into the record.)

Representing Big Bend Child Advocacy Assoc

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-22-11

Meeting Date

90

Bill Number (if applicable)

Topic Early Childhood Court

Name Matt Guse (Guzi)

Job Title CEO

Address 111 N. Gadsden Street

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850-921-4494 #303

Email mguse@floridacsr.org

Speaking: [X] For [ ] Against [ ] Information

Waive Speaking: [X] In Support [ ] Against (The Chair will read this information into the record.)

Representing Florida Children's Council

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [ ] Yes [X] No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/22/19  
Meeting Date

SB 90  
Bill Number (if applicable)

Topic Early Childhood Courts

Name Heather Davidson

Amendment Barcode (if applicable)

Job Title Director, Public Policy

Address 1300 S. Andrews Ave.  
Street

Phone 954 308 9277

Fort Lauderdale, FL  
City State Zip

Email hdavidson@unitedway  
broward.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing United Way of Broward County

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01.22.2019  
Meeting Date

SB 90  
Bill Number (if applicable)

Topic Early Childhood Courts

Amendment Barcode (if applicable)

Name Amanda Gorski

Job Title Director Public Policy

Address 3250 SW 3rd Ave  
Street

Phone 305-646-7024

Miami, FL 33129  
City State Zip

Email gorskia@unitedwaymiami.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing United Way of Miami-Dade County

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-22-19  
Meeting Date

SB 90  
Bill Number (if applicable)

Topic EARLY CHILDHOOD COURTS

Amendment Barcode (if applicable)

Name TED GRANGER

Job Title PRESIDENT

Address 307 E 7<sup>th</sup> AVE  
Street

Phone 850-488-8276

TALLAHASSEE FL 32303  
City State Zip

Email TGRANGER@UWOF.ORG

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing UNITED WAY OF FLORIDA

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/22/19

*Meeting Date*

SB 90

*Bill Number (if applicable)*

Topic Early Childhood Courts

*Amendment Barcode (if applicable)*

Name Alan Abramowitz

Job Title Executive Director

Address 600 S. Calhoun

Phone 850.241.3232

*Street*

Tallahassee

FL

32399

Email alan.abramowitz@gal.fl.gov

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Statewide Guardian ad Litem Program

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1.22.19

*Meeting Date*

90

*Bill Number (if applicable)*

Topic Early Childhood Courts

*Amendment Barcode (if applicable)*

Name Barney Bishop III

Job Title President & CEO

Address 2215 Thomasville Road

Phone 850-510-9922

*Street*

Tallahassee

FL

32308

Email barney@barneybishop.com

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Florida Smart Justice Alliance

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/22/19 Meeting Date

SB 90 Bill Number (if applicable)

Topic SB 90 Early Childhood Courts

Amendment Barcode (if applicable)

Name Katia Saint Fleur Fleur

Job Title Lobbyist

Address 9314 NW 2nd Ave Street

Phone

City Miami Shores FL State Zip 33050

Email

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [x] In Support [ ] Against (The Chair will read this information into the record.)

Representing League of Women Voters

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [x] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.



# THE FLORIDA SENATE APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/22/19

Meeting Date

513 90

Bill Number (if applicable)

Topic EARLY CHILDHOOD COURT

Amendment Barcode (if applicable)

Name ROY MILLER

Job Title PRESIDENT

Address 487-4 MAGNOLIA

Phone 425-2600

Street

City TRIN

State FL

Zip

Email R.MILLER@KIDSBUS.ORG

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing CHILDREN'S CAMPAIGN

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/22/19 Meeting Date

90 Bill Number (if applicable)

Topic Early Childhood Courts

Amendment Barcode (if applicable)

Name Judge Lee Haworth

Job Title Senior Circuit Judge

Address 2002 Ringling Blvd. Street

Phone 941-861-7800

Sarasota FL 34237 City State Zip

Email

Speaking: [X] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against (The Chair will read this information into the record.)

Representing Steering Committee on Families & Children in the Court

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [ ] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.



**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 Children, Families, and Elder Affairs

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BILL: SB 94

INTRODUCER: Senator Stewart

SUBJECT: Child Care Facilities

DATE: January 21, 2019

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Delia</u>	<u>Hendon</u>	<u>CF</u>	<b>Favorable</b>
2.	_____	_____	<u>IS</u>	_____
3.	_____	_____	<u>RC</u>	_____

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**I. Summary:**

SB 94 creates the “Child Safety Alarm Act” and requires that after January 1, 2020, vehicles used by child care facilities to transport children must be equipped with an approved alarm system that prompts the driver to inspect the vehicle for the presence of children before leaving the area. This change is in response to reported deaths of small children who are left in vehicles.

The bill requires the Department of Children and Families (the Department or DCF) to adopt by rule minimum safety standards for reliable alarm systems and maintain a list of alarm manufacturers and alarm systems that are approved to be installed in vehicles.

The bill is expected to have a significant fiscal impact on private entities and has an effective date of July 1, 2019.

**II. Present Situation:**

Death by hyperthermia or vehicular heat stroke deaths have become more prevalent since federal law required that children ride in the backseat due to the danger of front passenger seat airbags.<sup>1</sup> The national average number of these deaths is 39 per year.<sup>2</sup> Thirty-one percent of hyperthermia deaths involve children under the age of one.<sup>3</sup> Between 1998 and 2015, Florida has the second highest number of child deaths from vehicular heat stroke.<sup>4</sup>

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<sup>1</sup> See Kids and Cars.org, Fact Sheet, available at: <http://www.kidsandcars.org/files/2013/06/National-Stats-Chart-2017.jpg> (last visited January 11, 2019); 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 January 11, 2019).

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

<sup>3</sup> *Id.*

<sup>4</sup> California Department of Meteorology and Climate Science, Heatstroke Deaths of Children in Vehicles

## Technology Based Prevention

### *Automobile Manufacturers*

The auto industry has been aware of the problem for years. General Motors (GM) tried over 10 years ago to find a solution, but found the results were unreliable. At the 2002 New York Auto Show, GM unveiled a system that would be able to detect the heartbeat of a child left in a car and then measure the vehicle's temperature. If it was becoming dangerously hot, it would sound the horn to alert a parent or passersby. GM later reported that the system was abandoned after it was found "not reliable enough to put into production."<sup>5</sup>

Ford was among the other automakers who also expressed interest in developing such a system, but a decade later, the technology isn't available on any automobile as a factory standard feature or option. Auto safety groups have called for manufacturers to do more, but for several reasons including cost, technology, liability and privacy issues, there is still no foolproof way of preventing overheating deaths or warning of the possibility before they happen.<sup>6</sup>

In 2016, GM announced it would introduce a new safety system to remind drivers to check for children in the rear seats, and that it could eventually develop features to detect forgotten children.<sup>7</sup> The National Highway Traffic Safety Administration (NHTSA) said it has no plans to require automakers to add in-vehicle technology that would alert those who leave young children behind in hot cars.<sup>8</sup>

### *Aftermarket Systems*

There are numerous aftermarket warning systems that alert a parent to a child left in a safety seat, shopping cart, or elsewhere, but federal regulators have questioned their efficacy.

A preliminary assessment performed on technology devices aimed at helping to prevent a child from being unintentionally left in a hot car concluded that they are not reliable and limited in their effectiveness, according to a study by NHTSA and the Children's Hospital of Philadelphia.<sup>9</sup>

The study found several limitations in these products after conducting tests, including inconsistencies in arming sensitivity, variations in warning signal distance, potential interference from other electronic devices, children inadvertently disarming the device by slumping over or

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by State, available at: <http://noheatstroke.org/state.htm> (last visited January 11, 2019).

<sup>5</sup> Paul Eisenstein, *Death in Hot Cars: Why Can't the Automakers Prevent the Danger?* July 14, 2014, available at: <http://www.nbcnews.com/storyline/hot-cars-and-kids/death-hot-cars-why-cant-automakers-prevent-danger-n152911> (last visited January 11, 2019).

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

<sup>7</sup> David Shepardson, *GM has a way to help prevent drivers from forgetting children in the back seat*, Business Insider, January 12, 2016, available at: <http://www.businessinsider.com/r-gm-unveils-technology-to-help-avoid-child-heatstrokedeaths-2016-1>. (last visited January 11, 2019).

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

<sup>9</sup> Consumer Reports, *Warning systems to detect children left in hot cars found unreliable, study finds*, available at <https://www.consumerreports.org/cro/news/2012/08/warning-systems-to-detect-children-left-in-hot-cars-found-unreliable-study-finds/index.htm>. (last visited January 11, 2019).

sleeping out of position, and limitations in the products' susceptibility to misuse or other common scenarios, such as a beverage spill. Many of the products tested require extensive setup work by caregivers and parents, potentially giving them a false sense of security. Moreover, since the devices are restraint-based, they wouldn't address the 20 to 40 percent of children who are killed in hot cars when they enter a vehicle without adult permission.<sup>10</sup>

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

The department establishes licensing standards that each licensed child care facility in the state must meet.<sup>11</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>12</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>13</sup>

The department currently oversees 6,066 licensed child care entities including child care facilities, large family child care homes and family day care homes.<sup>14</sup> In addition, there are homes that are only registered by the agency, facilities that are exempt from licensure due to a religious affiliation,<sup>15</sup> and homes currently licensed by five counties in the state.<sup>16</sup> Of these homes, 1,490 child care facilities and large family child care homes regulated by the department reported that they transport children as of 2018.<sup>17</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>18</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>19</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

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<sup>10</sup> Ryan Jaslow, *Gov't study: Devices that alert parents they left a child in a car deemed unreliable*, CBS News, July 31, 2012, available at <https://www.cbsnews.com/news/govt-study-devices-that-alert-parents-they-left-a-child-in-car-deemed-unreliable/> (last visited January 11, 2019).

<sup>11</sup> Section 402.305, F.S.

<sup>12</sup> Section 402.302(2), F.S.

<sup>13</sup> Section 402.302(11), F.S.

<sup>14</sup> Florida Department of Children and Families, *DCF Quick Facts*, 7 (Quarter 3, Fiscal Year 2017-2018), available at: <http://www.dcf.state.fl.us/general-information/quick-facts/cc/> (last visited January 11, 2019).

<sup>15</sup> Section 402.316, F.S.

<sup>16</sup> Section 402.306, F.S. Those five counties are Broward, Hillsborough, Palm Beach, Pinellas and Sarasota.

<sup>17</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>18</sup> Section 402.305, F.S.

<sup>19</sup> See 65C-22.001(6) and 65C-20.13(8), F.A.C.

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>20</sup>

Current standards for child care facilities and large family child care homes do not address alarm systems in vehicles, however, Palm Beach County and Broward County have requirements similar to the one proposed in the bill.<sup>21</sup>

### III. Effect of Proposed Changes:

**Section 1** provides a short title for the bill — the “Child Safety Alarm Act.”

**Section 2** amends s. 402.305, F.S., relating to licensing standards for child care facilities, to require that on or after January 1, 2020, vehicles used by child care facilities and large family child care homes to transport children must have an approved alarm system that prompts the driver to inspect the vehicle for the presence of children before leaving the area.

The bill requires the department to adopt by rule minimum safety standards for reliable alarm systems and maintain a list of alarm manufacturers and alarm systems that are approved to be installed in vehicles. The bill also modifies existing minimum safety standards in statute pertaining to transportation for child care facilities. Under the bill, these standards must include:

- The required use of seat belts in all vehicles used by child care facilities and large family child care homes to transport children;
- Annual inspections for all such vehicles;
- Limitations on the number of children that may be transported within each vehicle;
- Procedures to ensure that children are not inadvertently left in vehicles when transported by the facility; and
- Relevant accountability measures for each facility.

The bill also clarifies that child care facilities and large family child care homes are not responsible for the safe transport of children when they are being transported by a parent or guardian.

**Section 3** provides an effective date of July 1, 2019.

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<sup>20</sup> *Id.*

<sup>21</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.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

None.

## E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

The department reported approximately 1,490 child care providers offering a transportation service in 2018. These programs would be required to purchase, at a minimum, one of the alarm systems required by this bill.

The fiscal impact on individual providers will vary based on unit cost, installation costs, and possible future warranty fees. As of 2018, DCF anticipates the unit and installation costs to vary from \$65 to \$290.<sup>22</sup>

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

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<sup>22</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.



**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 402.305 of the Florida Statutes.

**IX. Additional Information:**

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

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

None.

**B. Amendments:**

None.

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

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By Senator Stewart

13-00174-19

201994\_\_

A bill to be entitled

An act relating to child care facilities; providing a short title; amending s. 402.305, F.S.; requiring that, by a specified date, vehicles used by child care facilities and large family child care homes to transport children be equipped with a reliable alarm system that prompts the driver to inspect the vehicle for children before exiting the vehicle; requiring the Department of Children and Families to adopt by rule minimum safety standards and to maintain a list of approved alarm manufacturers and alarm systems; providing an effective date.

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

Section 1. This act may be cited as the "Child Safety Alarm Act."

Section 2. Subsection (10) of section 402.305, Florida Statutes, is amended to read:

402.305 Licensing standards; child care facilities.—

(10) TRANSPORTATION SAFETY.—

(a) Minimum standards shall include all of the following:

1. Requirements for child restraints or seat belts in vehicles used by child care facilities and large family child care homes to transport children.

2. Requirements for annual inspections of ~~such~~ the vehicles.

3. Limitations on the number of children ~~that may be~~ transported in ~~such~~ the vehicles.

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

13-00174-19

201994\_\_

4. Procedures to ensure that ~~avoid leaving~~ children are not inadvertently left in vehicles when transported by the facility, and that systems are in place to ensure accountability for children transported by such facilities and homes ~~the child care facility.~~

(b) By January 1, 2020, all vehicles used by child care facilities and large family child care homes to transport children must be equipped with a reliable alarm system approved by the department which prompts the driver to inspect the vehicle for children before exiting the vehicle. The department shall adopt by rule minimum safety standards for such systems and shall maintain a list of approved alarm manufacturers and alarm systems that meet or exceed those standards.

(c) A child care facility or large family child care home is not responsible for the safe transport of children when they are being transported by a parent or guardian.

Section 3. This act shall take effect July 1, 2019.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.



**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 Children, Families, and Elder Affairs

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BILL: SB 124

INTRODUCER: Senator Bean

SUBJECT: Dependent Children

DATE: January 21, 2019

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	<b>Favorable</b>
2.			JU	
3.			RC	

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**I. Summary:**

SB 124 amends Florida Statutes related to abused and neglected children who are also involved in additional court proceedings, to improve outcomes for those children due to better information sharing and increased cooperation among stakeholders. Specifically, the bill:

- Provides that a petition to determine incapacity in a guardianship proceeding under chapter 744, F.S., may be filed either where the child is residing or in the county of the child’s dependency case.
- Codifies procedures to strengthen communication between the dependency and juvenile courts in order to better meet the needs of a child involved in both systems. These children are often referred to as “crossover kids.”

The bill has no fiscal impact on state government and has an effective date of upon becoming law.

**II. Present Situation:**

**Guardian ad Litem Program**

The Guardian ad Litem Program is a statewide coalition of community advocates and professional staff who advocate for the child’s best interest on behalf of Florida’s abused and neglected children. In November 2018, the program reported that statewide 90.4% of children under court supervision had been appointed to the program.<sup>1</sup>

Florida Statutes require the appointment of a guardian ad litem at the earliest possible time to represent a child in any child abuse, abandonment, or neglect judicial proceeding.<sup>2</sup> Florida law

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<sup>1</sup> Florida Guardian ad Litem Program, Performance Advocacy Snapshot and Reports, *available at*: <https://guardianadlitem.org/about-us/performance-advocacy-snapshot/> (Last visited: January 15, 2019).

<sup>2</sup> Section 39.822, F.S.

also encourages the Guardian ad Litem Program to provide greater representation to those children who are within 1 year of leaving foster care<sup>3</sup> and contains specific court procedures for children on their 17th birthday to facilitate the transition to adulthood.<sup>4</sup>

### **Children in Dependency and Guardianship Proceedings**

Florida law requires that when incapacity of a dependent child is suspected, proceedings may be initiated within 180 days after the child's 17th birthday for appointment of a guardian pursuant to Chapter 744.<sup>5</sup> Dependent children who are suspected of having a condition that will not allow them to live independently as an adult must be evaluated, and a petition for guardianship may be filed.

Florida Law also provides that the venue for proceedings for the appointment of a guardian for a resident of this state shall be in the county where the incapacitated person resides. This means if the child is residing in a facility outside the circuit where the dependency court is located, the proceeding must be initiated in that circuit, even if it is not the child's home circuit or the circuit where the dependency judge hears the child's case.<sup>6</sup>

This venue requirement in Chapter 744 presents logistical problems for courts and dependency stakeholders who are attempting to secure a guardian for the child when the child turns 18. It can prevent the child's dependency judge from hearing the case, it may prevent some or all of the dependency stakeholders from having input, and may add a financial burden by requiring the hiring an out-of-town attorney to file the action. Additionally, if the child will return to his or her home circuit at the age of 18, it may be difficult to identify a guardian to serve in one county when the action is pending in another.<sup>7</sup>

### **Children in Dependency and Delinquency Proceedings**

In November 2018, Florida has 1,003 children who are served by both the Department of Children and Families (DCF) and the Department of Juvenile Justice (DJJ).<sup>8</sup> These children are typically referred to as "crossover kids." A dependent child who commits a delinquent act may be committed to a facility that is outside of the circuit of his or her family or of the initial dependency court placement. While individuals are currently allowed to provide relevant information to the court in both dependency and delinquency proceedings, there are only a limited number of statutory requirements in either proceeding where one system provides information about the child to the other, and there are many circumstances where exchanging information is vital to effectively serving these children.<sup>9</sup> It can be difficult for judges to get all

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<sup>3</sup> Section 39.013(11), F.S.

<sup>4</sup> Section 39.701(3), F.S.

<sup>5</sup> Section 39.701(3)(b), F.S. See also "The Regis Little Act to Protect Children with Special Needs," Ch. 2015—112, Laws of Florida.

<sup>6</sup> Section 744.1097(2), F.S.

<sup>7</sup> Florida Statewide Guardian ad Litem Office, Bill Analysis, SB 124, January 4, 2019.

<sup>8</sup> Florida Department of Children and Families, Child Welfare Key Indicators Monthly Report, December 2018, *available at*: [http://www.centerforchildwelfare.org/qa/cwkeyindicator/KI\\_Monthly\\_Report\\_DEC\\_2018.pdf](http://www.centerforchildwelfare.org/qa/cwkeyindicator/KI_Monthly_Report_DEC_2018.pdf) (Last visited: January 15, 2019).

<sup>9</sup> See chapters 39 and 985, F.S.

relevant information about a child when he or she is placed out of circuit, which can become more complicated if more than one judge is simultaneously deciding issues for the child.

Guardians ad litem or attorneys ad litem appointed by dependency courts face challenges in monitoring and advocating for the child when the child is out of circuit. The circumstances of the child and the child's family may change during any commitment or new service needs may arise. If dependency or delinquency stakeholders are not sharing current information, children may have to wait for services and other things they need.

When a delinquency case ends and the child returns to his or her family or community, the dependency case may be ongoing and certain issues and needs for services will persist. If the child does not have an advocate toward the end of the delinquency case it can be difficult to identify appropriate placements and services after completion of the commitment. The inability to locate an appropriate placement combined with the lack of an advocate can cause children to stay in a commitment facility for longer than the court's sentence.<sup>10</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 744.1097, F.S., relating to venue for guardianship proceedings, to provide that a petition to determine incapacity may be filed either where the child is residing or in the county of the child's dependency case.

**Section 2** amends s. 985.43, F.S., relating to predisposition reports in delinquency proceedings, to provide that if the child is also under the jurisdiction of a dependency court, the court may consider information provided by the Guardian ad Litem Program and the child's attorney ad litem if either has been appointed.

**Section 3** amends s. 985.441, F.S., relating to commitment in delinquency proceedings, to provide that if a child committed to the custody of DJJ is transferred from his or her commitment facility or to a program of a higher or lower restrictiveness level and the child is also under the jurisdiction of a dependency court, DJJ shall provide notice to the dependency court and DCF, and the Guardian Ad Litem Program and the child's attorney ad litem if either has been appointed.

**Section 4** amends s. 985.455, F.S., relating to dispositional issues in delinquency proceedings, to provide that if the child is also under the jurisdiction of a dependency court, the court may consider information provided by the Guardian ad Litem Program and the child's attorney ad litem if either has been appointed.

**Section 5** amends s. 985.461, F.S., relating to transition to adulthood for delinquent children, to include the Guardian ad Litem Program on community reentry teams that develop activities and responsibilities to be included in the case plan of a child under the custody of DJJ who is being released from residential commitment.

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<sup>10</sup> Florida Statewide Guardian ad Litem Office, Bill Analysis, SB 124, January 4, 2019.

**Section 6** reenacts s. 322.051, F.S., relating to identification cards, for the purpose of incorporating an amendment made by the bill to s. 985.461, F.S.

**Section 7** reenacts s. 322.21, F.S., relating to driver license fees, for the purpose of incorporating an amendment made by the bill to s. 985.461, F.S.

**Section 8** reenacts s. 382.0255, F.S., relating to fees for birth certificates, for the purpose of incorporating an amendment made by the bill to s. 985.461, F.S.

**Section 9** provides an effective date of upon becoming law.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill substantially amends ss. 744.1097, 985.43, 985.441, 985.455, and 985.461 of the Florida Statutes.

The bill reenacts ss. 322.051, 322.21, and 382.0255 of the Florida Statutes.

**IX. Additional Information:**

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

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

None.

**B. Amendments:**

None.



By Senator Bean

4-00312A-19

2019124\_\_

1 A bill to be entitled  
 2 An act relating to dependent children; amending s.  
 3 744.1097, F.S.; specifying the venue in proceedings  
 4 for the appointment of a guardian for a child who has  
 5 been adjudicated dependent; amending s. 985.43, F.S.;  
 6 authorizing a court to receive and consider any  
 7 information provided by the Guardian Ad Litem Program  
 8 and the child's attorney ad litem if a child is under  
 9 the jurisdiction of a dependency court; amending s.  
 10 985.441, F.S.; requiring the Department of Juvenile  
 11 Justice, if a child is under the jurisdiction of a  
 12 dependency court, to provide notice to the dependency  
 13 court and the Department of Children and Families,  
 14 and, if appointed, the Guardian Ad Litem Program and  
 15 the child's attorney ad litem; amending s. 985.455,  
 16 F.S.; authorizing a court to receive and consider any  
 17 information provided by the Guardian Ad Litem Program  
 18 or the child's attorney ad litem if a child is under  
 19 the jurisdiction of a dependency court; amending s.  
 20 985.461, F.S.; adding the Guardian Ad Litem Program as  
 21 an authorized entity of community reentry teams under  
 22 which the Department of Juvenile Justice is authorized  
 23 to provide transition-to-adulthood services to certain  
 24 children; reenacting ss. 322.051(9), 322.21(1)(f), and  
 25 382.0255(3), F.S., relating to identification cards,  
 26 license fees, and fees, respectively, to incorporate  
 27 the amendment made to s. 985.461, F.S., in references  
 28 thereto; providing an effective date.  
 29

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

4-00312A-19

2019124\_\_

30 Be It Enacted by the Legislature of the State of Florida:  
 31  
 32 Section 1. Subsection (2) of section 744.1097, Florida  
 33 Statutes, is amended to read:  
 34 744.1097 Venue.—  
 35 (2) The venue in proceedings for the appointment of a  
 36 guardian shall be:  
 37 (a) If the incapacitated person is a resident of this  
 38 state, in the county where the incapacitated person resides.  
 39 (b) If the incapacitated person is not a resident of this  
 40 state, in any county in this state where property of the  
 41 incapacitated person is located.  
 42 (c) If the incapacitated person is not a resident of this  
 43 state and owns no property in this state, in the county where  
 44 any debtor of the incapacitated person resides.  
 45 (d) If the incapacitated person is a child who has been  
 46 adjudicated dependent pursuant to chapter 39, in the county  
 47 where the child resides or in the county with jurisdiction of  
 48 the dependency case.  
 49 Section 2. Subsection (2) of section 985.43, Florida  
 50 Statutes, is amended to read:  
 51 985.43 Predisposition reports; other evaluations.—  
 52 (2) The court shall consider the child's entire assessment  
 53 and predisposition report and shall review the records of  
 54 earlier judicial proceedings ~~before~~ ~~prior to~~ making a final  
 55 disposition of the case. If the child is under the jurisdiction  
 56 of a dependency court, the court may receive and consider any  
 57 information provided by the Guardian Ad Litem Program and the  
 58 child's attorney ad litem, if appointed. The court may, by

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59 order, require additional evaluations and studies to be  
60 performed by the department; the county school system; or any  
61 social, psychological, or psychiatric agency of the state. The  
62 court shall order the educational needs assessment completed  
63 under s. 985.18(2) to be included in the assessment and  
64 predisposition report.

65 Section 3. Subsection (4) of section 985.441, Florida  
66 Statutes, is amended to read:

67 985.441 Commitment.—

68 (4) The department may transfer a child, when necessary to  
69 appropriately administer the child's commitment, from one  
70 facility or program to another facility or program operated,  
71 contracted, subcontracted, or designated by the department,  
72 including a postcommitment nonresidential conditional release  
73 program, except that the department may not transfer any child  
74 adjudicated solely for a misdemeanor to a residential program  
75 except as provided in subsection (2). The department shall  
76 notify the court that committed the child to the department and  
77 any attorney of record for the child, in writing, of its intent  
78 to transfer the child from a commitment facility or program to  
79 another facility or program of a higher or lower restrictiveness  
80 level. If the child is under the jurisdiction of a dependency  
81 court, the department shall also provide notice to the  
82 dependency court and the Department of Children and Families,  
83 and, if appointed, the Guardian Ad Litem Program and the child's  
84 attorney ad litem. The court that committed the child may agree  
85 to the transfer or may set a hearing to review the transfer. If  
86 the court does not respond within 10 days after receipt of the  
87 notice, the transfer of the child shall be deemed granted.

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88 Section 4. Subsection (3) of section 985.455, Florida  
89 Statutes, is amended to read:

90 985.455 Other dispositional issues.—

91 (3) Any commitment of a delinquent child to the department  
92 must be for an indeterminate period of time, which may include  
93 periods of temporary release; however, the period of time may  
94 not exceed the maximum term of imprisonment that an adult may  
95 serve for the same offense, except that the duration of a  
96 minimum-risk nonresidential commitment for an offense that is a  
97 misdemeanor of the second degree, or is equivalent to a  
98 misdemeanor of the second degree, may be for a period not to  
99 exceed 6 months. The duration of the child's placement in a  
100 commitment program of any restrictiveness level shall be based  
101 on objective performance-based treatment planning. The child's  
102 treatment plan progress and adjustment-related issues shall be  
103 reported to the court quarterly, unless the court requests  
104 monthly reports. If the child is under the jurisdiction of a  
105 dependency court, the court may receive and consider any  
106 information provided by the Guardian Ad Litem Program or the  
107 child's attorney ad litem, if appointed. The child's length of  
108 stay in a commitment program may be extended if the child fails  
109 to comply with or participate in treatment activities. The  
110 child's length of stay in the program shall not be extended for  
111 purposes of sanction or punishment. Any temporary release from  
112 such program must be approved by the court. Any child so  
113 committed may be discharged from institutional confinement or a  
114 program upon the direction of the department with the  
115 concurrence of the court. The child's treatment plan progress  
116 and adjustment-related issues must be communicated to the court

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117 at the time the department requests the court to consider  
 118 releasing the child from the commitment program. The department  
 119 shall give the court that committed the child to the department  
 120 reasonable notice, in writing, of its desire to discharge the  
 121 child from a commitment facility. The court that committed the  
 122 child may thereafter accept or reject the request. If the court  
 123 does not respond within 10 days after receipt of the notice, the  
 124 request of the department shall be deemed granted. This section  
 125 does not limit the department's authority to revoke a child's  
 126 temporary release status and return the child to a commitment  
 127 facility for any violation of the terms and conditions of the  
 128 temporary release.

129 Section 5. Paragraph (b) of subsection (4) of section  
 130 985.461, Florida Statutes, is amended to read:

131 985.461 Transition to adulthood.—

132 (4) As part of the child's treatment plan, the department  
 133 may provide transition-to-adulthood services to children  
 134 released from residential commitment. To support participation  
 135 in transition-to-adulthood services and subject to  
 136 appropriation, the department may:

137 (b) Use community reentry teams to assist in the  
 138 development of a list of age-appropriate activities and  
 139 responsibilities to be incorporated in the child's written case  
 140 plan for any youth who is under the custody or supervision of  
 141 the department. Community reentry teams may include  
 142 representatives from school districts, law enforcement,  
 143 workforce development services, community-based service  
 144 providers, the Guardian Ad Litem Program, and the youth's  
 145 family. Such community reentry teams must be created within

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146 existing resources provided to the department. Activities may  
 147 include, but are not limited to, life skills training, including  
 148 training to develop banking and budgeting skills, interviewing  
 149 and career planning skills, parenting skills, personal health  
 150 management, and time management or organizational skills;  
 151 educational support; employment training; and counseling.

152 Section 6. For the purpose of incorporating the amendment  
 153 made by this act to section 985.461, Florida Statutes, in a  
 154 reference thereto, subsection (9) of section 322.051, Florida  
 155 Statutes, is reenacted to read:

156 322.051 Identification cards.—

157 (9) Notwithstanding any other provision of this section or  
 158 s. 322.21 to the contrary, the department shall issue or renew a  
 159 card at no charge to a person who presents evidence satisfactory  
 160 to the department that he or she is homeless as defined in s.  
 161 414.0252(7), to a juvenile offender who is in the custody or  
 162 under the supervision of the Department of Juvenile Justice and  
 163 receiving services pursuant to s. 985.461, to an inmate  
 164 receiving a card issued pursuant to s. 944.605(7), or, if  
 165 necessary, to an inmate receiving a replacement card if the  
 166 department determines that he or she has a valid state  
 167 identification card. If the replacement state identification  
 168 card is scheduled to expire within 6 months, the department may  
 169 also issue a temporary permit valid for at least 6 months after  
 170 the release date. The department's mobile issuing units shall  
 171 process the identification cards for juvenile offenders and  
 172 inmates at no charge, as provided by s. 944.605 (7) (a) and (b).

173 Section 7. For the purpose of incorporating the amendment  
 174 made by this act to section 985.461, Florida Statutes, in a

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175 reference thereto, paragraph (f) of subsection (1) of section  
 176 322.21, Florida Statutes, is reenacted to read:  
 177 322.21 License fees; procedure for handling and collecting  
 178 fees.—  
 179 (1) Except as otherwise provided herein, the fee for:  
 180 (f) An original, renewal, or replacement identification  
 181 card issued pursuant to s. 322.051 is \$25, except that an  
 182 applicant who presents evidence satisfactory to the department  
 183 that he or she is homeless as defined in s. 414.0252(7); his or  
 184 her annual income is at or below 100 percent of the federal  
 185 poverty level; or he or she is a juvenile offender who is in the  
 186 custody or under the supervision of the Department of Juvenile  
 187 Justice, is receiving services pursuant to s. 985.461, and whose  
 188 identification card is issued by the department's mobile issuing  
 189 units is exempt from such fee. Funds collected from fees for  
 190 original, renewal, or replacement identification cards shall be  
 191 distributed as follows:  
 192 1. For an original identification card issued pursuant to  
 193 s. 322.051, the fee shall be deposited into the General Revenue  
 194 Fund.  
 195 2. For a renewal identification card issued pursuant to s.  
 196 322.051, \$6 shall be deposited into the Highway Safety Operating  
 197 Trust Fund, and \$19 shall be deposited into the General Revenue  
 198 Fund.  
 199 3. For a replacement identification card issued pursuant to  
 200 s. 322.051, \$9 shall be deposited into the Highway Safety  
 201 Operating Trust Fund, and \$16 shall be deposited into the  
 202 General Revenue Fund. Beginning July 1, 2015, or upon completion  
 203 of the transition of the driver license issuance services, if

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204 the replacement identification card is issued by the tax  
 205 collector, the tax collector shall retain the \$9 that would  
 206 otherwise be deposited into the Highway Safety Operating Trust  
 207 Fund and the remaining revenues shall be deposited into the  
 208 General Revenue Fund.  
 209 Section 8. For the purpose of incorporating the amendment  
 210 made by this act to section 985.461, Florida Statutes, in a  
 211 reference thereto, subsection (3) of section 382.0255, Florida  
 212 Statutes, is reenacted to read:  
 213 382.0255 Fees.—  
 214 (3) Fees shall be established by rule. However, until rules  
 215 are adopted, the fees assessed pursuant to this section shall be  
 216 the minimum fees cited. The fees established by rule must be  
 217 sufficient to meet the cost of providing the service. All fees  
 218 shall be paid by the person requesting the record, are due and  
 219 payable at the time services are requested, and are  
 220 nonrefundable, except that, when a search is conducted and no  
 221 vital record is found, any fees paid for additional certified  
 222 copies shall be refunded. The department may waive all or part  
 223 of the fees required under this section for any government  
 224 entity. The department shall waive all fees required under this  
 225 section for a certified copy of a birth certificate issued for  
 226 purposes of an inmate acquiring a state identification card  
 227 before release pursuant to s. 944.605(7) and for a juvenile  
 228 offender who is in the custody or under the supervision of the  
 229 Department of Juvenile Justice and receiving services under s.  
 230 985.461.  
 231 Section 9. This act shall take effect upon becoming a law.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/22/19

Meeting Date

SB 124

Bill Number (if applicable)

Topic SB 124

Amendment Barcode (if applicable)

Name ROY MILLER

Job Title PRESIDENT, CHILDREN'S CAMPAIGN

Address 487-4 MAGNOLIA ISLAND

Phone 504.425.2600

City TRH

State FL

Zip

Email RMILLER@TAMPAFLA.ORG

Speaking: [X] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against (The Chair will read this information into the record.)

Representing CHILDREN'S CAMPAIGN

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [X] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/22/19

*Meeting Date*

SB 124

*Bill Number (if applicable)*

Topic Dependent Children

*Amendment Barcode (if applicable)*

Name Alan Abramowitz

Job Title Executive Director

Address 600 S. Calhoun

Phone 850.241.3232

*Street*

Tallahassee

FL

32399

Email alan.abramowitz@gal.fl.gov

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Statewide Guardian ad Litem Program

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/1

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1.22.19

*Meeting Date*

124

*Bill Number (if applicable)*

Topic Dependent Children

*Amendment Barcode (if applicable)*

Name Barney Bishop III

Job Title President & CEO

Address 2215 Thomasville Road

Phone 850-510-9922

*Street*

Tallahassee

FL

32308

Email barney@barneybishop.com

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Florida Smart Justice Alliance

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/14)





**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 Children, Families, and Elder Affairs

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BILL: SB 176

INTRODUCER: Senator Berman

SUBJECT: Sales Tax Exemption/Items that Assist in Independent Living

DATE: January 22, 2019

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Delia</u>	<u>Hendon</u>	<u>CF</u>	<u>Favorable</u>
2.	_____	_____	<u>FT</u>	_____
3.	_____	_____	<u>AP</u>	_____

---

**I. Summary:**

SB 176 provides an exemption to the sales tax for the purchase of certain items that would assist individuals in living and aging independently in their homes. Specifically, bed transfer handles, handrails, bed rails, grab bars, and shower seats would be covered by the exemption. The bill also provides that the Department of Revenue (the department or DOR) may develop rules to administer the exemption.

The fiscal impact on the state has not been determined, but the bill would reduce sales tax collections deposited in the General Revenue Fund. The bill has an effective date of July 1, 2019.

**II. Present Situation:**

**Florida Sales and Use Tax**

Florida levies a six percent sales and use tax on the sale or rental of most tangible personal property, admissions,<sup>1</sup> transient rentals,<sup>2</sup> rental of commercial real estate,<sup>3</sup> and a limited number of services. Chapter 212, F.S., contains statutory provisions authorizing the levy and collection of Florida's sales and use tax, as well as the exemptions and credits applicable to certain items or uses under specified circumstances. There are currently more than 260 exemptions, exclusions, deductions, and credits from the sales and use tax.<sup>4</sup> Sales tax is added to the price of the taxable good or service and collected from the purchaser at the time of sale.<sup>5</sup>

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<sup>1</sup> Section 212.04, F.S.

<sup>2</sup> Section 212.03, F.S.

<sup>3</sup> Section 212.031, F.S.

<sup>4</sup> See Office of Economic and Demographic Research, The Florida Legislature, *Florida Tax Handbook*, 155-168 (2018), available at <http://edr.state.fl.us/content/revenues/reports/tax-handbook/taxhandbook2018.pdf> (last visited Jan. 11, 2019).

<sup>5</sup> Florida Dept. of Revenue, *Who must pay tax? Partial list of taxable business activities*, available at [http://dor.myflorida.com/dor/taxes/sales\\_tax.html](http://dor.myflorida.com/dor/taxes/sales_tax.html) (last visited Jan. 11, 2019).

In addition to the state tax, s. 212.055, F.S., authorizes counties to impose nine local discretionary sales surtaxes. A surtax applies to “all transactions occurring in the county which transactions are subject to the state tax imposed on sales, use, services, rental, admissions, and other transactions by [ch. 212, F.S.], and on communications services as defined in ch. 202, F.S.”<sup>6</sup> The discretionary sales surtax is based on the tax rate imposed by the county where the taxable goods or services are sold, or are delivered into. Discretionary sales surtax rates currently levied vary by county in a range from 0.5 percent to 1.5.<sup>7</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 212.08, F.S., to add a new exemption from the sales and use tax. The bill would exempt items that enable a person to age in place and live independently in their home. Bed transfer handles, handrails, bed rails, grab bars, and shower seats would be exempt from the state and local sales tax. The bill authorizes the department to adopt rules to administer the exemption.

**Section 2** provides an effective date of July 1, 2019.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

#### D. State Tax or Fee Increases:

None.

#### E. Other Constitutional Issues:

None.

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<sup>6</sup> Section 212.054, F.S.

<sup>7</sup> See Office of Economic and Demographic Research, The Florida Legislature, *Florida Tax Handbook*, 224 (2018), available at <http://edr.state.fl.us/content/revenues/reports/tax-handbook/taxhandbook2018.pdf> (last visited Jan. 11, 2019).

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

The bill would exempt certain items from the sales tax. The estimating conference is planning to review the bill at their next impact conference to estimate the fiscal impact.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 212.08 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.

By Senator Berman

31-00287B-19

2019176\_\_

1                           A bill to be entitled  
2           An act relating to a sales tax exemption; amending s.  
3           212.08, F.S.; exempting from the sales and use tax  
4           specified items that enable persons to age in place  
5           and live independently in their homes or residences;  
6           authorizing the Department of Revenue to adopt rules;  
7           providing an effective date.

8  
9   Be It Enacted by the Legislature of the State of Florida:

10  
11           Section 1. Paragraph (u) is added to subsection (5) of  
12           section 212.08, Florida Statutes, to read:

13           212.08 Sales, rental, use, consumption, distribution, and  
14           storage tax; specified exemptions.—The sale at retail, the  
15           rental, the use, the consumption, the distribution, and the  
16           storage to be used or consumed in this state of the following  
17           are hereby specifically exempt from the tax imposed by this  
18           chapter.

19           (5) EXEMPTIONS; ACCOUNT OF USE.—

20           (u) Items that assist in independent living.—

21           1. The following items enabling a person to age in place  
22           and live independently in his or her home or residence are  
23           exempt from the tax imposed by this chapter:

24           a. Bed transfer handles.

25           b. Handrails, bed rails, or grab bars.

26           c. Shower seats.

27           2. The department may adopt rules to administer the  
28           exemption under this paragraph.

29           Section 2. This act shall take effect July 1, 2019.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/22/19

Meeting Date

SB 176

Bill Number (if applicable)

Topic Tax Exemption - Elder Care Supplies

Name William Stander

Amendment Barcode (if applicable)

Job Title

Address P.O. Box 1042

Street

Phone 850-212-3250

Tallahassee, FL 32302

City

State

Zip

Email william@williamstander.com

Speaking: [X] For [ ] Against [ ] Information

Waive Speaking: [X] In Support [ ] Against (The Chair will read this information into the record.)

Representing FL Life Care Residents Assn.

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/22/2019

*Meeting Date*

SB 176

*Bill Number (if applicable)*

Topic Sales Tax Exemption/Items that Assist in Independent Living

*Amendment Barcode (if applicable)*

Name Zayne Smith

Job Title Associate State Director

Address 200 W. College Ave

Phone 850-228-4243

*Street*

Tallahassee

FL

32301

Email zsmith@aarp.org

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing AARP Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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# CourtSmart Tag Report

Room: SB 301  
Caption: Senate Committee on Children, Families, and Elder Affairs

Type:  
Judge:

Started: 1/22/2019 12:31:25 PM  
Ends: 1/22/2019 1:21:26 PM Length: 00:50:02

12:31:27 PM Chair Book - meeting called to order  
12:31:29 PM Roll Call - Quorum present  
12:31:43 PM Chair - Instructions  
12:32:22 PM Tab 1 - Secretary Richard Prudom, Secretary, Dept. of Elder Affairs, Legislative Affairs, Introduction of Agency Heads  
12:36:49 PM Chair - Questions?  
12:36:54 PM Senator Rader  
12:37:09 PM Secretary Prudom in response  
12:37:29 PM Senator Torres  
12:37:56 PM Secretary Prudom in response  
12:39:10 PM Senator Torres  
12:39:18 PM Chair - Questions? Discussion? None.  
12:39:42 PM Barbara Palmer, Executive Director, Agency for Persons with Disabilities  
12:41:47 PM  
12:46:13 PM  
12:46:45 PM  
12:47:01 PM  
12:47:20 PM  
12:49:39 PM  
12:52:07 PM  
12:53:00 PM  
12:53:02 PM  
12:53:02 PM Chair - Questions? None.  
12:53:23 PM Tab 3 -SB 94 - Child Care Facilities by Senator Stewart  
12:53:24 PM  
12:53:24 PM  
12:55:19 PM Chair - Questions?  
12:56:19 PM Senator Harrell  
12:56:21 PM  
12:58:07 PM Senator Torres  
12:58:15 PM Senator Stewart in response  
12:58:17 PM Chair - questions? No debate  
12:58:30 PM  
12:58:56 PM Senator Stewart in response  
12:59:13 PM Senator Harrell  
12:59:17 PM Senator Stewart in response  
12:59:36 PM Senator Stewart to close on bill  
12:59:59 PM Roll Call on SB 94 - Favorable  
1:00:08 PM Chair  
1:00:15 PM Tab 5 - SB 176 by Senator Berman, Sales Tax Exemption/Items  
1:01:35 PM Chair - Any Questions?  
1:02:02 PM Senator Harrell  
1:02:28 PM Senator Berman in response  
1:02:39 PM Chair - Questions? None.  
1:02:55 PM Chair - Appearance Cards?  
1:02:58 PM Zane Smith, Assoc. State Director, AARP Florida, waives in support  
1:03:08 PM William Stander, Florida Life Care Residents Association, speaking for the bill and waives in support.  
1:03:16 PM Senator Berman waives close  
1:03:26 PM Roll Call on SB 176 - Favorable  
1:03:38 PM  
1:03:50 PM Tab 4 - SB 124 by Senator Bean, Dependent Children  
1:03:59 PM



1:04:28 PM Chair comments on the bill  
1:06:15 PM Chair - Questions? Debate? None.  
1:06:16 PM Senator Harrell  
1:07:16 PM Senator Bean in response  
1:07:35 PM Chair - Appearance Cards?  
1:07:36 PM Alan Abramowitz, Executive Director, Statewide Guardian at Litem Program, speaking in support  
1:08:53 PM Barney Bishop, III, Florida Smart Justice Alliance, waives in support of bill  
1:09:04 PM Roy Miller, President, Children's Campaign, waives in support  
1:09:14 PM Chair- Debate?  
1:09:16 PM Senator Harrell  
1:09:50 PM Senator Bean to close  
1:10:01 PM Roll Call on SB 124 - Favorable  
1:10:23 PM Vice Chair Mayfield in chair  
1:10:36 PM Tab 2- SB 90 - Senator Book, Early Childhood Courts  
1:13:43 PM Chair - Questions? None  
1:13:43 PM Amendment 271306  
1:13:53 PM Senator Book to explain amendment  
1:14:03 PM Chair, Questions? None. Appearance Cards on amendment? None  
1:14:05 PM Chair - Debate on Amendment? None  
1:14:20 PM Senator Book waives close on the amendment  
1:14:27 PM SB 90 Amendment is adopted by voice vote  
1:14:32 PM Questions on bill as amended? None  
1:14:42 PM Judge Lee Haworth, Senior Circuit Judge, Steering Committee on Families and Children of the Court  
1:16:26 PM Roy Miller, President, Children's Campaign, waive in support  
1:16:32 PM Katia Saint Fleur, Lobbyist, League of Women Voters, waives in support  
1:16:56 PM Barney Bishop, III, President & CEO, Florida Smart Justice Alliance, waives in support  
1:17:02 PM Alan Abramowitz, Executive Director, Statewide Guardian at Litem Program, waive in support  
1:17:08 PM Matt Guze, CEO, Florida Children's Council, waives in support  
1:17:22 PM Jeffrey Sharkey, President, Capitol Alliance Group, Big Bend Child Advocacy Association, waives in support  
1:17:25 PM Dr. Mimi Graham, Professor, FSU waives in support  
1:17:35 PM Heather Davidson, Director, Public Policy, United Way of Broward County, waives in support  
1:17:42 PM Amanda Gorski, Director, Public Policy, United Way of Miami, Dade County, waives in support  
1:17:56 PM Ted Granger, President, United Way of Florida, waives in support  
1:17:57 PM Chair - Any debate?  
1:18:04 PM Senator Harrell  
1:19:24 PM Chair - any other debate? None  
1:19:29 PM Senator Wright  
1:19:47 PM Senator Torres  
1:20:19 PM Chair - any other members  
1:20:44 PM Roll Call CS/SB 90 - Favorable  
1:21:05 PM Gavel back to Chair Book  
1:21:11 PM Chair - any other business before the Committee? None  
1:21:16 PM Senator Mayfield, moves to adjourn  
1:21:20 PM Is there objection? Seeing none, show the motion adopted. We are adjourned.