

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CHILDREN, FAMILIES, AND ELDER AFFAIRS
Senator Sobel, Chair
Senator Hays, Vice Chair

MEETING DATE: Tuesday, February 19, 2013
TIME: 1:00 —3:30 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Office Building

MEMBERS: Senator Sobel, Chair; Senator Hays, Vice Chair; Senators Altman, Braynon, Clemens, Dean, Detert, Diaz de la Portilla, Grimsley, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 196 Sobel (Identical H 259)	Families First; Setting forth fees and costs to be applied when petitioning for a dissolution of a domestic partnership or registering a domestic partnership, respectively; requiring that certain fees relating to declarations of domestic partnership and dissolution of domestic partnership filings be deposited in the Displaced Homemaker Trust Fund; requiring two individuals who wish to become partners in a domestic partnership to complete and file a Declaration of Domestic Partnership form with the clerk of the circuit court; providing methods to prove the existence of a registered Declaration Domestic Partnership when the certificate document has been lost or is otherwise unavailable, etc. CF 02/19/2013 Temporarily Postponed JU AHS AP RC	Temporarily Postponed

Consideration of proposed committee bill:

2	SPB 7012	Independent Living; Providing that when the court obtains jurisdiction over a child who has been found to be dependent, the court retains jurisdiction until the child reaches 21 years of age; providing exceptions; providing that a young adult may remain in foster care under certain circumstances after attaining 18 years of age; specifying criteria for extended foster care; providing for the Road-to-Independence program; providing for postsecondary services and supports; specifying aftercare services, etc.	Submitted as Committee Bill
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COMMITTEE MEETING EXPANDED AGENDA

Children, Families, and Elder Affairs

Tuesday, February 19, 2013, 1:00 —3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 56 Hays (Similar CS/H 83)	Infant Death; Revising legislative findings and intent with respect to the sudden unexpected death of an infant under a specified age; defining the term "sudden unexpected infant death"; revising provisions relating to training requirements for first responders; revising requirements relating to autopsies performed by medical examiners; requiring the Medical Examiners Commission to provide for the development and implementation of a protocol for the medicolegal investigation of sudden unexpected infant deaths; deleting references to the SIDS hotline and local SIDS alliances, etc. HP 01/23/2013 Favorable CF 02/19/2013 Not Considered	Not Considered
4	SB 402 Joyner (Similar CS/H 93)	Homelessness; Requiring the motor vehicle registration form and registration renewal form, the driver license application form, and the driver license application form for renewal issuance or renewal extension to include an option to make a voluntary contribution to aid the homeless; providing for such contributions to be deposited into the Grants and Donations Trust Fund of the Department of Children and Families and used by the State Office on Homelessness for certain purposes; establishing a homelessness prevention grant program, etc. CF 02/19/2013 Favorable TR RC	Favorable Yeas 10 Nays 0
5	Other Related Meeting Documents		

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.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 196

INTRODUCER: Senator Sobel

SUBJECT: Families First

DATE: February 13, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peterson	Hendon	CF	Pre-meeting
2.			JU	
3.			AHS	
4.			AP	
5.			RC	
6.				

I. Summary:

SB 196 creates a statewide system for registering and affording recognition to domestic partnerships and giving statewide application to all rights and responsibilities conferred on the partners and their children as provided in the bill. Specifically, the bill would:

- Provide legislative findings related to establishing and defining the rights and responsibilities of domestic partners.
- Create definitions of “department,” “domestic partnership,” and “partner.”
- Require individuals seeking to register a partnership to file a declaration attesting that each is 18 years of age or older; at least one is a Florida resident; and each consents to the jurisdiction of the Florida courts on matters related to the partnership.
- Make filing information in the registration that is intentionally or materially false a first degree misdemeanor.
- Require the Department of Health (DOH) to prepare necessary forms and to maintain records related to domestic partnerships as part of the vital statistics records.
- Require the clerks of the court to maintain a registry of all domestic partnerships entered into within the circuit and transmit all declarations of domestic partnership or records of dissolution to DOH on forms it prescribes.
- Prohibit partnerships between individuals who are already married to another person or in another partnership; who are blood relatives; or who lack capacity to consent; and voids partnerships that a court determines were coerced or fraudulent.
- Establishes the legal rights and responsibilities of individuals who are in a domestic partnership with respect to each other and their children, and the rights of the partners and their children under the tax laws of the state.

- Acknowledge that the Legislature lacks jurisdiction to extend the rights and responsibilities to any federal laws.
- Establish fees collected by the clerk of courts when a party files a petition or judgment for dissolution of domestic partnership or application for domestic partnership.

The bill will have an insignificant fiscal impact on the Department of Health, the clerks of court, and the state courts system and provides an effective date of July 1, 2013.

This bill substantially amends the following sections of the Florida Statutes: 28.101, 28.24, 97.1031, 382.002, 382.003, 382.0085, 382.021, 382.022, 382.023, 382.025, 382.0255, 446.50, and 741.28, Florida Statutes. This bill creates sections 741.501, 741.502, 741.503, 741.504, 741.505, 741.506, 741.507, 741.508, 741.509, 741.510, and 741.511, Florida Statutes. This bill reenacts Sections 921.0024(1)(b) and 943.171(2)(b), Florida Statutes.

II. Present Situation:

Marriage

Couples who wish to marry in Florida must obtain a license issued either by a county court judge or clerk of the court, subject to payment of a series of fees.¹ Before a license can be issued, the parties must submit a written affidavit, signed by both parties, providing their social security numbers, or other sworn identification, that indicates their ages; a statement regarding whether they have completed a premarital preparation course; and a statement indicating whether they have read the Family Law Handbook. Subject to limited exceptions, both parties must be at least 18 years, and one party must be male and the other female.² Couples must also disclose whether they have children together.³ A couple must first obtain a marriage license, then solemnize the marriage, whether by civil or religious ceremony.⁴ Once the license has been issued, it is recorded by the clerk, then transmitted to the DOH for inclusion in the vital statistics records.⁵

A common law marriage is “[a] marriage that takes legal effect, without license or ceremony, when a couple live together as husband wife, intend to be married, and hold themselves out to others as a married couple.”⁶ When recognized in Florida, common law marriages were given the “same dignity and recognition” as was accorded to ceremonial marriages.⁷ In 1968, the Florida Legislature created s. 741.211, F.S., which abrogated common law marriages entered into after 1968. Notwithstanding the statute, Florida courts continue to recognize common law marriages when validly entered into in another state.⁸

In 1997, the Florida Legislature again amended ch.741, F.S., this time to prohibit same-sex marriage. Section 741.212, F.S., states in relevant part:

¹ Sections 28.24(23), 741.01, and 741.02, F.S.

² Section 741.04, F.S.

³ Section 741.01(1), F.S.

⁴ Sections 741.08, 741.041, F.S.;

⁵ Section 382.021, F.S.

⁶ BLACK’S LAW DICTIONARY 439 (2d Pocket ed. 2001).

⁷ *Budd v. J.Y. Gooch Co.*, 157 Fla.716 (1946).

⁸ *Johnson v. Lincoln Square Properties*, 571 So.2d 541 (Fla. 2d DCA 1990) (limiting Section 741.211 to marriages occurring in Florida).

(1) Marriages between persons of the same sex ... or relationships between persons of the same sex which are treated as marriages...are not recognized for any purpose in this state....

(3) For purposes of interpreting any state statute or rule, the term “marriage” means only a legal union between one man and one woman a husband wife, and the term “spouse” applies only to a member of such a union.

The Legislature passed the bill to implement authority granted states in the Defense of Marriage Act (DOMA), which Congress adopted following a court case in Hawaii that legalized gay marriage. Members of Congress believed at the time that individuals would travel to Hawaii to marry, then return to their home state, where their marriages would be recognized under the Full Faith and Credit Clause of the U.S. Constitution. DOMA included language that removed any obligation of states to give effect to same-sex marriages that were legally entered into in other states.⁹ DOMA and Florida’s law were challenged by a same-sex couple who legally married in Massachusetts on the theory that both DOMA and the Florida law violated the Full Faith and Credit, Due Process, Equal Protection, Privileges and Immunities, and Commerce clauses of the U.S. Constitution.¹⁰ In rejecting all claims, the court refused also to elevate the ability to marry someone of the same gender to a fundamental right.¹¹ Thus, Florida’s law was upheld and the strategy envisioned by Congress succeeded.

At the same time s. 741.212, F.S. was being challenged in the courts, Florida voters passed Amendment 2, which added a DOMA provision to Florida’s constitution. The language states:

Inasmuch as marriage is the legal union of only one man and one woman as husband and wife, no other legal union that is treated as marriage or the substantial equivalent thereof shall be valid or recognized.¹²

Thus, the language of the Constitution not only defines marriage as a legal union between a man and a woman, as does s. 741.212, F.S., but it goes further to prohibit any other legal union “that is treated as marriage” or “the substantial equivalent” of marriage. To date, Florida courts have not interpreted those phrases in any case involving the rights or responsibilities of a relationship. However, the Florida Supreme Court has offered an indication of what its analysis might be as part of the Advisory Opinion it provided to the Attorney General on the amendment’s compliance with the single-subject requirement of the Florida Constitution and the statutory requirements for the ballot summary.¹³ In that opinion, the Court rejected the opponent’s claim that the amendment violated the single subject requirement because it impermissibly combined two distinct issues - marriage between a man and a woman and legal unions which provide for the benefits and responsibilities of marriage. Under that reading, voters could cast only one vote

⁹ House Committee on Governmental Operations, *Staff Analysis of CS/HB 147 – Same Sex Marriage* (March 6, 1997) (on file with the Senate Children, Families, and Elder Affairs Committee).

¹⁰ *Wilson v. Ake*, 354 F.Supp.2d 1298, 1302, (M.D. Fla. 2005).

¹¹ *Id.* at 1306.

¹² FLA. CONST. art. I, s. 27.

¹³ *Advisory Opinion To The Attorney General Re Florida Marriage Protection Amendment*, 926 So.2d 1229 (Fla. 2006). For further discussion of article I, section 27 of the Florida Constitution see the Constitutional Issues section of this report.

– for or against – whether or not they had a split opinion about the underlying issues. Proponents argued that the amendment did not have that effect and the Court agreed.

The proposed amendment does not impermissibly force voters to approve a portion of the proposal which they oppose to obtain a change which they support. Rather, the voter is merely being asked to vote on the singular subject of whether the concept of marriage and the rights and obligations traditionally embodied therein should be limited to the union of one man and one woman. The plain language of the proposed amendment is clear that the legal union of a same-sex couple that is *not* the “substantial equivalent” of marriage is not within the ambit of the constitutional provision.¹⁴

Civil Unions & Domestic Partnerships

A civil union is a separate legal status available in some states that provides nearly all of the rights and responsibilities provided to married couples under state law, but does not provide any of the federal benefits of marriage.¹⁵ While defined slightly differently in different locations, “domestic partnership” is commonly defined as two adults who are parties to a valid domestic relationship and who meet the requirements for a valid domestic partnership, which typically include that the parties are at least 18 years of age, not married or in another relationship, not related by blood, willing and able to consent, and willing to be jointly responsible for each other’s basic food and shelter.¹⁶

In general, there are few distinctions between civil unions and domestic partnerships. Civil unions generally require solemnization like a marriage. Domestic partnerships often are made available to both same-sex and opposite-sex couples. Depending on the rights conferred, one status may provide more legal rights than the other, but some of the distinctions may be more symbolic than legal. In either case, it is not always certain whether one state will honor a civil union or domestic partnership that is validly created under legislative authority of another state.¹⁷

Domestic partnerships may be formed under the terms of a legislative enactment, however, state laws and local ordinances vary in the extent of the rights and responsibilities conferred. Some are comprehensive with nearly all of the rights and responsibilities of marriage under state law, and some are more limited covering, for example, health care facility visitation, health care decisions, funeral and burial decisions, notification of family members in situations that provide for mandatory or permissible notification, including emergencies, visitation rights at county correctional and juvenile detention centers, pre-need guardian designation, participation in

¹⁴ *Id.* at 1234.

¹⁵ Nat’l Center for Lesbian Rights, *Marriage, Domestic Partnerships, and Civil Unions: An Overview of Relationship Recognition for Same-Sex Couples Within the United States*, (2012) [hereinafter *Overview*], available at http://www.nclrights.org/site/DocServer/Relationship_Recognition.pdf?docID=881 (last visited Feb. 12, 2013). In 2004, the U.S. General Accounting Office identified 1,138 federal rights and responsibilities that turn on marital status. U.S. GENERAL ACCOUNTING OFFICE, GAO-04-353R, DEFENSE OF MARRIAGE ACT: UPDATE TO PRIOR REPORT 1 (2004), available at <http://www.gao.gov/new.items/d04353r.pdf> (last visited Feb. 11, 2013).

¹⁶ Broward County, Fla., Code of Ordinances, Section 16 1/2-152(a) (Nov. 27, 2012); Miami-Dade County, Fla., Code of Ordinances, Section 11A-72 (March 6, 2012); Palm Beach County, Fla., Code of Ordinances, Section 2-6 (Feb. 2, 2013).

¹⁷ *Overview*, *supra* note 14.

education, and benefits of public employees. Currently, ten states and the District of Columbia have relationship recognition laws that cover civil unions and/or domestic partnerships.¹⁸

In Florida, eighteen jurisdictions formally recognize domestic partnerships, including: Orange, Volusia, Pinellas, Palm Beach, Broward, and Miami-Dade Counties, Gainesville, Coral Gables, Sarasota, Clearwater, St. Petersburg, Gulfport, Tampa, Orlando, Key West, North Miami, Miami Beach, and Tavares.¹⁹ According to Equality Florida, a civil rights organization dedicated to securing full equality for Florida's lesbian, gay, bisexual, and transgender community, 6.7 million Floridians currently live within jurisdictions that grant access to domestic partner benefits and protections either through partnership registries or public employee benefits programs.²⁰ Eleven of the jurisdictions with domestic partnership registry ordinances report a total of 9,741 couples currently registered.²¹

The terms of the Florida domestic partnership ordinances, like the civil union and domestic partnership laws nationwide, vary widely in the extent of the rights conferred. Early ordinances, such as Miami-Dade's, are more limited.²² Later-adopted ordinances, beginning with the 2012 enactment by the City of Orlando which has become a model for many of the more recently adopted ordinances, cover the broader range of rights as described above.²³

In 2000, the Broward County ordinance survived a legal challenge that it encroached upon an area of exclusive state authority in violation of article VII, section 1(g) of the Florida Constitution, which states:

CHARTER GOVERNMENT. Counties operating under county charters shall have all power of local self-government not inconsistent with general law, or with special law approved by the vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law....²⁴

¹⁸ Oregon, California, Nevada, New Jersey, Illinois, Delaware, Hawaii. Rhode Island, Maine, D.C., Wisconsin, Nat'l Conference of State Legislatures, *Civil Unions and Domestic Partnership Statutes.*, (updated Nov. 2012) <http://www.ncsl.org/issues-research/human-services/civil-unions-and-domestic-partnership-statutes.aspx> (last visited Feb. 12, 2013).

¹⁹ Email from Mallory Wells, Public Policy Director, Equality Florida, to the Senate Children, Families, and Elder Affairs Committee staff (Feb. 11, 2013) (on file with the Senate Children, Families, and Elder Affairs Committee).

²⁰ Equality Fla. Institute Inc., *Legal Handbook for LGBT Floridians and Their Families*, 24, (Jan. 4, 2012) [hereinafter *Handbook*], available at <http://eqfl.org/sites/default/files/publications/Legal-Handbook-for-LGBT-Floridians-and-Their-Families.pdf> (last visited Feb. 12, 2013).

²¹ Ordinance in two jurisdictions are not yet in effect. Data from the remaining five jurisdictions were not available in time for this analysis.

²² The Miami-Dade ordinance extends to county employees and their partners all insurance benefits, leave benefits (including family leave), and other benefits as are available to married employees; and extends to all registered partners healthcare facility visitation rights and visitation rights at county correctional and juvenile detention centers. .Miami-Dade County, Fla., Code of Ordinances, Sections 11A-75, 11A-76, and 11A-77 (March 6, 2012).

²³ Some rights conferred by these later-adopted ordinances have the effect of codifying rights that are already available from other sources. For example, health care decisions may be directed pursuant to ch.765, F.S. Likewise, rules issued by the Centers for Medicare & Medicaid Services prohibit Medicare- and Medicaid-participating hospitals from denying visitation privileges on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity, or disability. News Release, U.S. Dept. of Health and Human Services, *Medicare finalizes new rules to require equal visitation rights for all hospital patients* (Nov. 10, 2010) <http://www.hhs.gov/news/press/2010pres/11/20101117a.html> (last visited Feb. 12, 2013).

²⁴ *Lowe v. Broward County*, 766 So.2d 1199, 1203 (Fla. 4th DCA 2000).

While the court agreed that the law of domestic relations is one matter reserved for the state, the court found that the Broward ordinance did not legislate within the zone of domestic issues that would be off limits.

The [ordinance] does not curtail any existing rights incident to a legal marriage, nor does it alter the shape of the marital relationship recognized by Florida law . . . [T]he Act does not address the panoply of statutory rights and obligations exclusive to the traditional marriage relationship . . . The Act does not create a legal relationship that, because of the interest of the state, gives rise to rights and obligations that survive the termination of the relationship. Unlike a traditional marriage, a domestic partnership is purely contractual, based on the mutual agreement of the parties.²⁵

Following the same line of analysis, the court also rejected an argument that the ordinance was preempted by s. 741.212, F.S., which prohibits marriage between individuals of the same sex, or “relationships between persons of the same sex which are treated as marriages in any jurisdiction”²⁶ The court found that the statute is directed at same-sex marriage or its equivalent and that the ordinance neither created a “marriage-like” relationship, nor was it limited to individuals of the same sex.²⁷

A registry provides an administrative system that establishes recognition of a domestic partnership. However, a domestic partnership may also be created by executing a civil contract between two unmarried people codifying how they wish to define their property and support rights both during a relationship and when it ends. A partnership agreement, which is a binding contract, may include provisions related to support, expenses, and finances; division of assets and liabilities on separation or termination; and rights in each other’s estate upon death or disability.²⁸ In the absence of a domestic partnership agreement, separate legal documents, such as a health care proxy or medical power of attorney, durable power of attorney, joint tenancy agreement or co-tenancy agreement, will, burial instructions or declaration as to remains, or cohabitation agreement may also define a relationship with a partner.

Florida courts have affirmed the validity of domestic partnership agreements. The Fifth District Court of Appeal found that an agreement for support between two unmarried people is valid, unless “inseparably based upon illicit consideration of sexual services.” In reaching its holding, the court considered the matter as one of individuals who, in the absence of the recognition of rights that flow naturally from a marital relationship, were exercising their constitutional private property and contract rights, which the court commented would apply to same-sex and opposite-sex unmarried couples alike.²⁹ The opinion was controversial at the time it was rendered and

²⁵ *Id.* at 1205-1206.

²⁶ Section 741.212, F.S.

²⁷ *Lowe*, *supra* note 22, at 1208.

²⁸ *Handbook*, *supra* note 18.

²⁹ *Posik v. Layton*, 695 So.2d 759, 762 (Fla. 5th DCA 1997). *But see Wakeman v. Dixon* 921 So.2d 669 (Fla. 1st DCA 2006, *reh’g denied* Feb. 28, 2006) (finding that an agreement executed between same-sex partners creates no enforceable rights regarding children).

critics contended it ignored the then recently-passed law creating s. 741.211, F.S., which prohibits marriage between same-sex partners.³⁰

Unmarried-Partner Households

The U.S. Census reports that:

Census 2000 enumerated 105 million households in the United States, of which the majority (52 percent) were maintained by married couples (54.5 million. A reflection of changing life styles is mirrored in Census 2000's enumeration of 5.5 million couples who were living together but who were not married, up from 3.2 million in 1990. These unmarried-partner households were selfidentified [sic] on the census form as being maintained by people who were sharing living quarters and who also had a close personal relationship with each other. The majority of these unmarried-partner households had partners of the opposite sex (4.9 million) but about 1 in 9 (594,000) had partners of the same sex.³¹

Of the 6.3 million households in Florida, 56 percent were married couple households. Unmarried-partner households totaled 369,622, or 10.4 percent of all coupled households. The majority of Florida's unmarried-partner households had partners of the opposite sex (328,574, or 9.2 percent of coupled holds), and 41,048 (1.2 percent of coupled households) had partners of the same sex.³²

III. Effect of Proposed Changes:

Sections 1 – 5 and 7 - 13 amend various provisions of the Florida Statutes to add parallel references to “domestic partnership” or “domestic partner” where references to “marriage” or “spouse” currently appear. The effect is to extend the rights or responsibilities of the statute to domestic partnerships; however, the bill does not otherwise change the underlying provision. The new references are added in statutes pertaining to:

- Mandatory and discretionary fees collected by clerks of court for filing petitions and records of dissolution of marriage (s. 28.101, F.S.);
- Service charges collected by clerks of court related to marriage licenses (s. 28.24, F.S.);
- Notice of name change due to marriage provided to the supervisor of elections (s. 97.1031, F.S.);
- The definition of “dissolution of marriage” as used in ch.382, F.S., relating to Vital Statistics (s. 382.002, F.S.);
- The responsibility of DOH to examine marriage certificate reports received from the county and circuit court (s. 382.003, F.S.);
- Reports transmitted to the DOH from the county and circuit court related to marriage licenses (s. 382.021, F.S.);

³⁰ Brett A. Barfield, *Are Same-Sex Prenuptial Agreements Enforceable in Florida? Posik v. Layton*, Law and Policy, 10 ST. THOMAS L. REV. 407, (Winter, 1998).

³¹ U.S. Census Bureau, *Married-Couple and Unmarried-Partner Households: 2000*, Census Special Reports (Feb. 2003), available at <http://www.census.gov/prod/2003pubs/censr-5.pdf> (last visited Feb. 12, 2013).

³² *Id.*

- The use of fees collected on marriage license applications to defray the cost incurred of maintaining marriage records (s. 382.022, F.S.);
- The use of fees collected for filing dissolution of marriage judgments to defray the cost incurred of maintaining dissolution-of-marriage records (s. 382.023, F.S.);
- The duty of DOH to provide certified copies of vital records (s. 382.025, F.S.);
- Fees collected by DOH for commemorative marriage records (s. 382.0255, F.S.);
- The authority of the Displaced Homemaker Trust Fund to receive funds generated by the additional fee on marriage license application and dissolution of marriage filings (s. 446.50, F.S.); and
- The definition of “family or household member” as the term is used in ss. 741.28-741.31, F.S., relating to domestic violence (s. 741.28, F.S.).

Section 6 amends s. 382.0085, F.S., to correct a cross-reference.

Section 14 creates s. 741.501, F.S., to provide legislative findings related to establishing and defining the rights and responsibilities of domestic partners. The bill finds: that a significant number of individuals live together in committed, familial relationships that involve personal, emotional, and economic commitments; these relationships assist the state by providing a network of support for the well-being of the participants; the state has an interest in promoting families and believes that all families should be able to obtain necessary legal protections and status; while there are some institutions that currently recognize domestic partnerships, these generally provide only limited rights and marriage is the primary or exclusive source of numerous other rights and responsibilities; the Legislature does not seek to alter the definition of marriage in article I, section 27 of the Florida Constitution, but finds that recognition of domestic partnerships provides an alternative mechanism for extending certain important rights and responsibilities; the decision to seek a ceremony or blessing over a domestic partnership is an individual choice and not a requirement of the bill; and these relationships provide material and other support to the participants and should be recognized and made uniform by law.

Section 15 creates s. 741.502, F.S., to provide definitions of “department,” “domestic partnership,” and “partner” as the terms are used in ss. 741.501-741.511, F.S. Specifically, “department” means DOH; a “domestic partnership” is a civil contract between two individuals who are at least 18 years of age, at least one of which is a Florida resident; and “partner” is someone joined in a domestic partnership.

Section 16 creates s. 741.503, F.S. to require DOH to prepare “Declaration of Domestic Partnership” and “Certificate of Registered Domestic Partnership” forms for distribution to each clerk of the court and the public.

Section 17 creates s. 741.504, F.S., to give the circuit court jurisdiction over proceedings relating to the rights and obligations of domestic partners. The bill requires the clerk of the court to maintain a registry of all domestic partnerships as a public record and to record all certificates of domestic partnership.

Section 18 creates s. 741.505, F.S., to establish the requirements of a domestic partnership that is recognized by the state. Specifically, the individuals must file a declaration that contains a statement attesting that each is 18 years of age or older, subject to reasonable proof of age by the

clerk, which may include proof by affidavit of a third party; a statement attesting that at least one person is a resident of the state; each person's mailing address; a statement consenting to the jurisdiction of the circuit courts in proceedings relating to the partnership; notarized signatures of both individuals; and a statement attesting to the truth of information set forth on the form. An individual who provides intentionally and materially false information commits a misdemeanor of the first degree. A clerk must register all partnerships that meet the legal requirements and issue the partners a certificate of registration that contains the clerk's seal.

Section 19 creates s. 741.507, F.S., to authorize a person who enters into a domestic partnership to retain or change his or her surname or, if changed, to return to the original surname during the partnership.

Section 20 creates s. 741.507, F.S., to establish the rights and responsibilities of individuals who are or were in a domestic partnership. The bill provides that any privilege, immunity, right, or benefit granted or any responsibility imposed by law, rule, or policy on an individual by marriage as an in-law is granted on equivalent terms to an individual who is or was in a domestic partnership or who is an in-law of a person who is in a domestic partnership. Any privilege, immunity, right, or benefit granted or any responsibility imposed by law, rule, or policy on a spouse, or on a former or surviving spouse, with respect to a child of either spouse is likewise granted or imposed on equivalent terms to an individual in a domestic partnership, or to a former or surviving partner, with respect to a child of either of the partners. The bill confers the same privileges, immunities, rights, benefits, and responsibilities that are granted under the tax laws of the state to spouses in a marriage, surviving spouses, and their children to partners or surviving partners of a domestic partnership, and their children. The bill acknowledges that the Legislature lacks jurisdiction to affect the control or implementation of federal laws. The bill does not require or permit the extension of any benefit under a retirement, deferred compensation, or other employee benefit plan, if the plan administrator reasonably believes doing so would affect the tax qualification or other favorable tax treatment of the plan under the Internal Revenue Service Code, and does not require the extension of a benefit under a plan that is regulated under the Employee Retirement Income Security Act of 1974.

Section 21 creates s. 741.508, F.S., to set forth circumstances under which a domestic partnership is prohibited or void. These include: when either partner currently has a different partner, wife, or husband who is alive; when the parties are related by lineal consanguinity or are siblings, or one is the niece or nephew of the other; or when either party lacks capacity to make or consent to a civil contract for want of legal age or sufficient understanding. A partnership is void if consent is coerced by force or fraud. A person may not file a new declaration of partnership or become married to someone other than the person with whom the partnership is registered, unless the previous domestic partnership has ended by judgment of dissolution or annulment or one partner has died.

Section 22 creates s. 741.509, F.S. to authorize the clerk of the court to collect the following fees: \$2 for receiving a declaration of domestic partnership; \$25 to be deposited in the Domestic Violence Trust Fund; \$7.50 for deposit in the Displaced Homemaker Trust Fund; \$25 for deposit into the General Revenue Fund; \$4 for distribution to DOH, pursuant to s. 382.022, F.S., to defray the cost of maintaining the vital statistics records. The bill allows an applicant who cannot afford a lump sum payment to pay the fees in three installments over a 90-day period.

Section 23 creates s. 741.510, F.S., to allow a domestic partnership to be proved by affidavit if the declaration has not been received or registered, as required by s. 741.505, F.S.; a certificate has been lost; or the certificate cannot be obtained by reason of death or other cause. The affidavit must be made by two witnesses who saw the declaration be executed and before an officer authorized to administer oaths. The affidavit may be filed and recorded with the clerk of the court with the same force and effect as if a certificate had been recorded.

Section 24 creates s. 741.511, F.S., to set forth procedures for terminating a domestic partnership. A state-registered partnership may be terminated by filing notice with DOH and paying a filing fee. The notice must be signed by one or both parties and notarized. If not signed by both parties, the notice must be accompanied by an affidavit stating that the party whose signature is missing has been served in writing, in the manner prescribed for civil summons; that a notice of termination is being filed; or that the party seeking termination has been unable to locate the party after reasonable effort and that noticed has been made by publication. Notice by publication may be made as provided in ch. 50, F.S., relating to Legal and Official Advertisements, in the county where the domestic partners most recently resided. Termination of the partnership occurs 90 days after the notice of termination is filed and the fee paid. The bill requires DOH to register the notice of termination and issue a certificate of termination to each party. A partnership will also terminate if one or both parties marries either each other or someone else. The bill authorizes DOH to collect a fee, set by rule in an amount not to exceed \$50, to defray the cost of filing.

Section 25 reenacts s. 921.0024(1)(b), F.S., relating to the worksheet form for the Criminal Punishment Code, to incorporate the amendments made to s. 741.28, F.S., in a reference thereto.

Section 26 reenacts s. 943.171(2)(b), F.S., relating to the basic skills training for domestic violence cases, to incorporate the amendments made to s. 741.28, F.S., in a reference thereto.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill confers on partners, surviving partners, and their children all rights and responsibilities they would have if the partners are or were married. Thus, the bill will require local governments to extend benefits to their employees consistent with the requirements applicable to private sector employees which are described in the Private Sector Impact of this analysis. Whether that cost meets the threshold of Article VII, Section 18, relating to mandates, is difficult to estimate because of the uncertainty in projecting how many individuals would receive coverage and estimating the per capita cost to each local government of extending the benefit.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Whether the bill creates “a legal union that is treated as marriage or the substantial equivalent thereof” in violation of article I, section 27 of the Florida Constitution would be a matter of first impression in the courts. However, *Advisory Opinion To The Attorney General Re Florida Marriage Protection Amendment*, 926 So.2d 1229 (Fla. 2006) discussed above, suggests that a domestic partnership is not per se “the substantial equivalent” of marriage.

The plain meaning of these words, according to dictionary definition, is clear that the chief purpose of the amendment is to ensure that unions between same-sex couples that are treated *virtually identically* to marriage will not be recognized in Florida.³³

Stated differently, the case indicates that all non-traditional unions are not prohibited by the constitution, only those that exceed some as yet legally untested threshold on the continuum of relationships approaching marriage. A recent Wisconsin case sets forth an analytical framework that a Florida court might use in making the determination. Similar to the Florida Constitution, the Wisconsin Constitution recognizes only marriage between a man and a woman and prohibits a “legal status identical or substantially similar to that of marriage” for unmarried partners. To determine whether its domestic partnership law created a status that was substantially similar to marriage, a Wisconsin Court of Appeals compared the requirements for eligibility, formation, rights and obligations, and termination that applied to marriage and domestic partnership.³⁴ The case is not binding precedent in Florida; it serves only as a model Florida could adopt.

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

The bill imposes 14 fees or other charges on actions required to create, terminate, or obtain records related to a domestic partnership. With one exception, these same fees apply today in actions required to create, dissolve, or obtain records related to a marriage. Thus, subject to the one exception, the fees are not newly-created. They do, however, impose on citizens who choose to avail themselves of the law a financial obligation they do not have today.

The fiscal impact on revenues to the State Courts Revenue Trust Fund and the Court Education Trust Fund from civil filing fees cannot be accurately determined due to the unavailability of data needed to establish the increase resulting in the addition of dissolutions of domestic partnerships.

³³ *Advisory Opinion* at 1237 (emphasis supplied).

³⁴ *Apling v. Doyle*, Appeal No. 2011AP1572, Wisconsin Court of Appeals, 4th Dist. (Dec. 20, 2012).

B. Private Sector Impact:

The fiscal impact on the private sector is indeterminate. The bill confers on partners, surviving partners, and their children all rights and responsibilities they would have if the partners are or were married. At a minimum, this would require employers who offer health or other insurance benefits, such as disability or life, that include spouse or family coverage to extend coverage to a new group of beneficiaries, unless the employer has already made the coverage available voluntarily. The same would be true of retirement benefits unless one of the exceptions in the bill applied. Currently, there is a distinction in the federal tax code that results in a higher tax obligation on both employees who elect coverage for same-sex partners and their employers. The cost of coverage cannot be paid with pretax dollars, thus the estimated value of the employer's financial contribution towards health insurance coverage for non-dependent same-sex partners must be reported as taxable wages. The coverage is not taxable, however, if the partner qualifies as a dependent of the employee.

C. Government Sector Impact:

The Department of Health indicates the bill will require the Bureau of Vital Statistics to create a new computerized registration module in order to register and key-enter domestic partnership and dissolution of domestic partnerships into the official records database. The module will need to contain accounting and certification functions allowing for acceptance of payment and issuance of certified copies from authorized applicants. The bill also requires the DOH to create and print new forms; to design a new commemorative certificate; and to distribute forms and certificates, as necessary.

The primary fiscal impact will be the cost of the registration module, forms, and staff time to manage the increased workload. The DOH was not able to obtain data from other states' experience to estimate these costs, so it used an estimate of 10 percent of its marriage file, or 14,000 forms for each format. Estimated costs are:

Fiscal Impact	Fiscal Year 2013-14
Personnel: 1 FTE	\$22,765
Expenses	\$55,406
TOTAL	\$78,171

The DOH will receive a filing fee for each domestic partnership and dissolution of domestic partnership filed by the clerk of court and a certified copy fee for each record issued to authorized applicants.³⁵ Relying on the DOH's number of 14,000 records, fees authorized in the bill - \$4/application; \$5.97/dissolution, plus an additional fee of up to \$50, as determined by rule - will more than offset these costs.

³⁵ Dep't of Health, *Bill Analysis SB 196* (Jan. 31, 2013) (on file with the Senate Committee on Children, Families, and Elder Affairs).

The fiscal impact on expenditures of the State Courts System cannot be accurately determined due to the unavailability of data needed to quantify the increase in judicial workload.

The fiscal impact on the State Group Health Insurance is indeterminate. Factors affecting costs include the number of beneficiaries who enroll as a result of the bill, as well as their health status. If the new beneficiaries are healthy, the overall impact would be positive. If they are unhealthy, it would be negative. Paid claims in the first year will have a direct impact on the state in all plan options that are currently self-funded, and will have an impact in the second year, when providers adjust rates based on claims experience, for all other plans. The tax impact described in the Private Sector Impact of this analysis would be the same for the State of Florida. There will also be workload costs associated with the expanded coverage.

The fiscal impact on the Florida Retirement System is also indeterminate. Individuals who are retired as of the date the bill takes effect would not be eligible for the extended benefit because of provisions of law that prohibit changes in benefit choices once finalized. The impact resulting from the extension of benefits to current and future employees would need to be determined by an actuarial study, but could be significant. There would also be an expense associated with reprinting retirement brochures and related materials.

VI. Technical Deficiencies:

In section 8, a reference needs to be inserted s. 741.509(1)(d), F.S., which creates the authority for the clerk of court to collect the \$4 fee on applications for registration of a domestic partnership that is distributed to DOH pursuant to s. 382.022, F.S.

In section 17, language should be added that sets out the responsibility of the clerk to transmit all declarations of domestic partnership and judgments of dissolution to DOH. This parallels language in ss. 382.022 and. 382.023, F.S., related to vital statistics.

On line 522, the language “Notwithstanding s. 61.021,F.S.,” should be struck because it refers to a provision in the statutes relating to dissolution of marriage that has no bearing on domestic partnerships.

Lines 554 and 562 confer the rights and responsibilities that result because someone is related “by marriage as an in-law” on individuals in a domestic partnership; however, it is not clear what the term is intended to include.

On lines 583 – 584, the use of the term “of partners in a domestic partnership” could be construed to limit the rights under the tax laws to children of an intact partnership, only.

Line 658, the word “appropriate” should be deleted and the words “provided in subsection (1)” added to specify more clearly how fees collected by clerks of courts for registering domestic partnerships are distributed.

Section 24, which creates a process for terminating domestic partnerships pursuant to an administrative action of DOH, is inconsistent with other provision in the bill which require the clerk of court to maintain the registry.

VII. Related Issues:

None.

VIII. Additional Information:

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

None.

B. Amendments:

None.

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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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Children, Families, and Elder Affairs (Sobel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (23) of section 28.24, Florida Statutes, is amended to read:

28.24 Service charges by clerk of the circuit court.—The clerk of the circuit court shall charge for services rendered by the clerk's office in recording documents and instruments and in performing the duties enumerated in amounts not to exceed those specified in this section. Notwithstanding any other provision of this section, the clerk of the circuit court shall provide



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13 without charge to the state attorney, public defender, guardian
14 ad litem, public guardian, attorney ad litem, criminal conflict
15 and civil regional counsel, and private court-appointed counsel
16 paid by the state, and to the authorized staff acting on behalf
17 of each, access to and a copy of any public record, if the
18 requesting party is entitled by law to view the exempt or
19 confidential record, as maintained by and in the custody of the
20 clerk of the circuit court as provided in general law and the
21 Florida Rules of Judicial Administration. The clerk of the
22 circuit court may provide the requested public record in an
23 electronic format in lieu of a paper format when capable of
24 being accessed by the requesting entity.

25
26 Charges

27
28 (23) Upon receipt of an application for a marriage license
29 or a declaration of domestic partnership, for preparing and
30 administering of oath; issuing, sealing, and recording of the
31 marriage license or registering the domestic partnership; and
32 providing a certified copy.....30.00

33 Section 2. Subsection (2) of section 97.1031, Florida
34 Statutes, is amended to read:

35 97.1031 Notice of change of residence, change of name, or
36 change of party affiliation.—

37 (2) When an elector seeks to change party affiliation, the
38 elector shall notify his or her supervisor of elections or other
39 voter registration official by using a signed written notice
40 that contains the elector's date of birth or voter registration
41 number. When an elector changes his or her name by marriage,



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42 domestic partnership, or other legal process, the elector shall
43 notify his or her supervisor of elections or other voter
44 registration official by using a signed written notice that
45 contains the elector's date of birth or voter's registration
46 number.

47 Section 3. Subsection (16) of section 382.002, Florida
48 Statutes, is amended to read:

49 382.002 Definitions.—As used in this chapter, the term:

50 (16) "Vital records" or "records" means certificates or
51 reports of birth, death, fetal death, marriage, domestic
52 partnership, dissolution of marriage, or notice of termination
53 of domestic partnership, name change filed pursuant to s. 68.07,
54 and data related thereto.

55 Section 4. Subsection (7) of section 382.003, Florida
56 Statutes, is amended to read:

57 382.003 Powers and duties of the department.—The department
58 shall:

59 (7) Approve all forms used in registering, recording,
60 certifying, and preserving vital records, or in otherwise
61 carrying out the purposes of this chapter, and ~~no~~ other forms
62 may not shall be used other than those approved by the
63 department. The department is responsible for the careful
64 examination of the certificates received monthly from the local
65 registrars and marriage certificates, certificates of domestic
66 partnership, ~~and~~ dissolution of marriage, and notice of
67 termination of domestic partnership reports received from the
68 circuit and county courts. A certificate that is complete and
69 satisfactory shall be accepted and given a state file number and
70 considered a state-filed record. If any such certificates are



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71 incomplete or unsatisfactory, the department shall require
72 further information to be supplied as ~~may be~~ necessary to make
73 the record complete and satisfactory. All physicians, midwives,
74 informants, or funeral directors, and all other persons having
75 knowledge of the facts, are required to supply, upon a form
76 approved by the department or upon the original certificate,
77 such information as they may possess regarding any vital record.

78 Section 5. Section 382.021, Florida Statutes, is amended to
79 read:

80 382.021 Department to receive marriage licenses and
81 declarations of domestic partnership.—On or before the 5th day
82 of each month, the county court judge or clerk of the circuit
83 court shall transmit to the department all original marriage
84 licenses, with endorsements, and all declarations of domestic
85 partnership received during the preceding calendar month, ~~to the~~
86 ~~department~~. Any marriage licenses or declarations of domestic
87 partnership issued and not returned, or any marriage licenses
88 returned but not recorded, shall be reported by the issuing
89 county court judge or clerk of the circuit court to the
90 department at the time of transmitting the recorded licenses or
91 declarations on the forms to be prescribed and furnished by the
92 department. If during any month no marriage licenses or
93 declarations of domestic partnership are issued or returned, the
94 county court judge or clerk of the circuit court shall report
95 such fact to the department upon forms prescribed and furnished
96 by the department.

97 Section 6. Section 382.022, Florida Statutes, is amended to
98 read:

99 382.022 Marriage application; registration of domestic



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100 partnership; fees.—Upon the receipt of each application for the
101 issuance of a marriage license or registering a domestic
102 partnership, the county court judge or clerk of the circuit
103 court shall, pursuant to s. 741.02, or s. 741.509(1)(d), collect
104 and receive a fee of \$4 which shall be remitted to the
105 Department of Revenue for deposit to the Department of Health to
106 defray part of the cost of maintaining marriage and domestic
107 partnership records.

108 Section 7. Section 382.023, Florida Statutes, is amended to
109 read:

110 382.023 Department to receive dissolution-of-marriage and
111 notice of termination-of-domestic partnership records; fees. —
112 ~~Clerks of the circuit courts shall collect for their services~~ At
113 the time of the filing of a final judgment of dissolution of
114 marriage or notice of termination of domestic partnership, the
115 clerk of the circuit court shall collect a fee of up to \$10.50,
116 of which 43 percent shall be retained by the clerk ~~of the~~
117 ~~circuit court~~ as a part of the cost in the cause in which the
118 judgment is granted or the cost of maintaining the domestic
119 partnership registry required by s. 741.504(2). The remaining 57
120 percent shall be remitted to the Department of Revenue for
121 deposit to the Department of Health to defray part of the cost
122 of maintaining the dissolution-of-marriage and termination-of-
123 domestic-partnership records. A record of each and every
124 judgment of dissolution of marriage granted by the court during
125 the preceding calendar month and a record of each and every
126 notice of termination-of-domestic-partnership filed with the
127 clerk of the circuit court, giving names of parties and such
128 other data as required by forms prescribed by the department,



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129 shall be transmitted to the department, on or before the 10th
130 day of each month, along with an accounting of the funds
131 remitted to the Department of Revenue pursuant to this section.

132 Section 8. Paragraph (a) of subsection (1) and paragraphs
133 (a) and (c) of subsection (2) of section 382.025, Florida
134 Statutes, are amended to read:

135 382.025 Certified copies of vital records; confidentiality;
136 research.—

137 (1) BIRTH RECORDS.—Except for birth records over 100 years
138 old which are not under seal pursuant to court order, all birth
139 records of this state shall be confidential and are exempt from
140 the provisions of s. 119.07(1).

141 (a) Certified copies of the original birth certificate or a
142 new or amended certificate, or affidavits thereof, are
143 confidential and exempt from the provisions of s. 119.07(1) and,
144 upon receipt of a request and payment of the fee prescribed in
145 s. 382.0255, shall be issued only as authorized by the
146 department and in the form prescribed by the department, and
147 only:

148 1. To the registrant, if the registrant is of legal age, is
149 a certified homeless youth, or is a minor who has had the
150 disabilities of nonage removed under s. 743.01 or s. 743.015;

151 2. To the registrant's parent or guardian or other legal
152 representative;

153 3. Upon receipt of the registrant's death certificate, to
154 the registrant's spouse or domestic partner or to the
155 registrant's child, grandchild, or sibling, if of legal age, or
156 to the legal representative of any of such persons;

157 4. To any person if the birth record is over 100 years old



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158 and not under seal pursuant to court order;
159 5. To a law enforcement agency for official purposes;
160 6. To any agency of the state or the United States for
161 official purposes upon approval of the department; or
162 7. Upon order of any court of competent jurisdiction.
163 (2) OTHER RECORDS.—
164 (a) The department shall authorize the issuance of a
165 certified copy of all or part of any marriage, domestic
166 partnership, dissolution of marriage, notice of termination of
167 domestic partnership, or death or fetal death certificate,
168 excluding that portion which is confidential and exempt from ~~the~~
169 ~~provisions of~~ s. 119.07(1) as provided under s. 382.008, to any
170 person requesting it upon receipt of a request and payment of
171 the fee prescribed by this section. A certification of the death
172 or fetal death certificate which includes the confidential
173 portions shall be issued only:
174 1. To the registrant's spouse, domestic partner, or parent,
175 or to the registrant's child, grandchild, or sibling, if of
176 legal age, or to any person who provides a will that has been
177 executed pursuant to s. 732.502, insurance policy, or other
178 document that demonstrates his or her interest in the estate of
179 the registrant, or to any person who provides documentation that
180 he or she is acting on behalf of any of them;
181 2. To any agency of the state or local government or the
182 United States for official purposes upon approval of the
183 department; or
184 3. Upon order of any court of competent jurisdiction.
185 (c) The department shall issue, upon request and upon
186 payment of an additional fee prescribed by this section, a



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187 commemorative marriage license or certificate of domestic
188 partnership representing that the marriage or domestic
189 partnership of the persons named thereon is recorded in the
190 office of the registrar. The certificate issued under this
191 paragraph must ~~shall~~ be in a form consistent with the need to
192 protect the integrity of vital records but must ~~shall~~ be
193 suitable for display. It may bear the seal of the state printed
194 thereon and may be signed by the Governor.

195 Section 9. Paragraph (i) of subsection (1) of section
196 382.0255, Florida Statutes, is amended to read:

197 382.0255 Fees.—

198 (1) The department is entitled to fees, as follows:

199 (i) Twenty-five dollars for a commemorative certificate of
200 birth, ~~or~~ marriage, or domestic partnership. Fees collected
201 pursuant to this paragraph in excess of expenses shall be used
202 ~~available for use~~ by the Regional Perinatal Intensive Care
203 Centers (RPICC) Program to prevent child abuse and neglect.
204 Funds derived from the issuance of commemorative marriage
205 certificates shall be used ~~available for use~~ by the Improved
206 Pregnancy Outcome Program.

207 Section 10. Paragraph (b) of subsection (5) of section
208 446.50, Florida Statutes, is amended to read:

209 446.50 Displaced homemakers; multiservice programs; report
210 to the Legislature; Displaced Homemaker Trust Fund created.—

211 (5) DISPLACED HOMEMAKER TRUST FUND.—

212 (b) The trust fund shall receive funds generated from an
213 additional fee on marriage license applications, declarations of
214 domestic partnerships, and dissolution of marriage filings as
215 specified in ss. 741.01(3), 741.509, and 28.101, respectively,



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216 and may receive funds from any other public or private source.

217 Section 11. Subsection (3) of section 741.28, Florida
218 Statutes, is amended to read:

219 741.28 Domestic violence; definitions.—As used in ss.
220 741.28–741.31:

221 (3) “Family or household member” means spouses;; former
222 spouses;; persons related by blood, ~~or~~ marriage, or domestic
223 partnership; persons who are presently residing together as if a
224 family or who have resided together in the past as if a family;;
225 and persons who are parents of a child in common regardless of
226 whether they have been married. With the exception of persons
227 who have a child in common, the family or household members must
228 be currently residing or have in the past resided together in
229 the same single dwelling unit.

230 Section 12. Section 741.501, Florida Statutes, is created
231 to read:

232 741.501 Legislative findings.—The Legislature finds that:

233 (1) There are a significant number of individuals in this
234 state who live together in important, personal, emotional, and
235 economically committed relationships. Together, these
236 individuals live, serve, and participate in the community, and
237 often rear children and care for family members.

238 (2) These familial relationships, often referred to as
239 domestic partnerships, assist the state by providing a private
240 network of support for the financial, physical, and emotional
241 health of their participants.

242 (3) The state has a strong interest in promoting stable and
243 lasting families, and believes that all families should be
244 provided with the opportunity to obtain necessary legal



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245 protections and status and the ability to achieve their fullest
246 potential.

247 (4) While some public and private institutions recognize
248 domestic partnerships for limited purposes such as health
249 benefits, hospital visitation, and medical decisionmaking for an
250 incapacitated family member, many do not. Historically, legal
251 recognition of marriage by the state is the primary and, in a
252 number of instances, the exclusive source of numerous rights,
253 benefits, and responsibilities available to families under the
254 laws of this state.

255 (5) The status of marriage in this state is limited by Art.
256 I of the State Constitution to the union of one man and one
257 woman and the Legislature does not seek to alter the definition
258 of marriage in any way. The Legislature also finds, however,
259 that recognition of domestic partnerships can provide an
260 alternative mechanism for extending certain important rights and
261 responsibilities to individuals who choose to form long-term,
262 mutually supportive relationships. Such recognition will provide
263 support to these familial relationships without affecting the
264 definition of marriage, without creating or recognizing a legal
265 relationship that is the substantial equivalent of marriage, and
266 without affecting restrictions contained in federal law.

267 (6) The decision to offer or seek a ceremony or blessing
268 over the domestic partnership should be left to the dictates of
269 each religious faith and to the preferences of the persons
270 entering into the partnership. Sections 741.501-741.511 do not
271 require performance of any solemnization ceremony to enter into
272 a binding domestic partnership agreement and do not interfere
273 with the right of each religious faith to choose freely to whom



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274 to grant the religious status, sacrament, or blessing of
275 marriage under the rules and practices of that faith.

276 (7) Because of the material and other support that these
277 familial relationships provide to their participants, these
278 relationships should be formally recognized and made uniform by
279 law. Therefore, the Legislature declares that it is the policy
280 of this state to establish and define the rights and
281 responsibilities of domestic partners.

282 Section 13. Section 741.502, Florida Statutes, is created
283 to read:

284 741.502 Definitions.—As used in ss. 741.501-741.511, the
285 term:

286 (1) "Department" means the Department of Health.

287 (2) "Domestic partnership" means a civil contract entered
288 into between two individuals who are 18 years of age or older
289 and otherwise capable, of which at least one of whom is a
290 resident of this state.

291 (3) "Partner" means an individual joined in a domestic
292 partnership.

293 Section 14. Section 741.503, Florida Statutes, is created
294 to read:

295 741.503 Forms.—

296 (1) Pursuant to s. 382.003(7), the department shall prepare
297 forms entitled:

298 (a) "Declaration of Domestic Partnership" which meet the
299 requirements of s. 741.505.

300 (b) "Certificate of Registered Domestic Partnership."

301 (2) The department shall distribute the Declaration of
302 Domestic Partnership and Certificate of Registered Domestic



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303 Partnership forms to each clerk of the circuit court. The
304 department and each clerk shall make the Declaration of Domestic
305 Partnership form available to the public.

306 Section 15. Section 741.504, Florida Statutes, is created
307 to read:

308 741.504 Court jurisdiction and duties; registry.-

309 (1) The circuit court has jurisdiction over any proceeding
310 relating to the domestic partners' rights and obligations.

311 (2) Each clerk of the circuit court shall maintain a
312 registry of all domestic partnerships entered into in that
313 county and a record of all certificates of domestic partnership
314 issued, which includes the names of the partners and the date of
315 issuance, and a record of all notices of termination of domestic
316 partnership filed, which includes the name of the party filing
317 and the date of filing.

318 (3) The clerk of the circuit court shall transmit to the
319 department all original declarations of domestic partnership in
320 accordance with s. 382.021 and all notices of termination of
321 domestic partnership in accordance with s. 382.023.

322 (4) Notwithstanding s. 382.025 or any other law, the
323 registry of domestic partnerships maintained by a clerk of the
324 circuit court is a public record and subject to full disclosure.

325 Section 16. Section 741.505, Florida Statutes, is created
326 to read:

327 741.505 Domestic partnership requirements.-

328 (1) Two individuals wishing to become partners in a
329 domestic partnership recognized by this state must complete and
330 file a Declaration of Domestic Partnership form with a clerk of
331 the circuit court. The declaration must include:



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332 (a) A statement attesting that each individual is 18 years
333 of age or older and is otherwise capable of entering into a
334 domestic partnership. The clerk may accept any reasonable proof
335 of an individual's age which is satisfactory to the clerk. The
336 clerk may also require proof of age by affidavit of some
337 individual other than the parties seeking to file the form if
338 the clerk deems it necessary.

339 (b) A statement attesting that at least one of the
340 individuals is a resident of this state.

341 (c) Each individual's mailing address.

342 (d) A statement attesting that each individual consents to
343 the jurisdiction of the circuit courts of this state for any
344 proceeding relating to the partners' rights and obligations,
345 even if one or both partners cease to reside or maintain a
346 domicile in this state.

347 (e) The notarized signature of each individual, along with
348 a declaration that the representations made on the form are
349 true, correct, and contain no material omissions of fact to the
350 best knowledge and belief of each individual.

351 (2) Each person signing a Declaration of Domestic
352 Partnership form consents to the jurisdiction of the circuit
353 courts of this state for any proceeding related to the partners'
354 rights and obligations, even if one or both partners cease to
355 reside or maintain a domicile in this state.

356 (3) A person who provides intentionally and materially
357 false information on a Declaration of Domestic Partnership form
358 with the clerk of court commits a misdemeanor of the first
359 degree, punishable as provided in s. 775.082 or s. 775.083.

360 (4) If all legal requirements have been satisfied and there



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361 appears to be no impediment to the domestic partnership, the
362 clerk of the circuit court shall:

363 (a) Return a copy of the registered form to the partners;

364 (b) Register the Declaration of Domestic Partnership in a
365 domestic partnership registry; and

366 (c) Issue a Certificate of Registered Domestic Partnership
367 under his or her hand and seal to the partners in person or at
368 the mailing address provided by the partners.

369 Section 17. Section 741.506, Florida Statutes, is created
370 to read:

371 741.506 Domestic partnership; name change.—Upon entering
372 into a domestic partnership, a partner may retain his or her
373 previous surname, or, if changed, may resume the previous legal
374 name during the domestic partnership.

375 Section 18. Section 741.507, Florida Statutes, is created
376 to read:

377 741.507 Domestic partnership; rights and responsibilities;
378 relationship to federal law.—

379 (1) Any privilege, immunity, right, or benefit granted by
380 statute, administrative or court rule, policy, common law, or
381 any other law to an individual because the individual is or was
382 married, or because the individual is or was an in-law in a
383 specified way to another individual, is granted on equivalent
384 terms, substantive and procedural, to an individual because the
385 individual is or was in a domestic partnership or because the
386 individual is or was, based on a domestic partnership, related
387 in a specified way to another individual.

388 (2) Any responsibility imposed by statute, administrative
389 or court rule, policy, common law, or any other law on an



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390 individual because the individual is or was married, or because
391 the individual is or was an in-law in a specified way to another
392 individual, is imposed on equivalent terms, substantive and
393 procedural, on an individual because the individual is or was in
394 a domestic partnership or because the individual is or was,
395 based on a domestic partnership, related in a specified way to
396 another individual.

397 (3) Any privilege, immunity, right, benefit, or
398 responsibility granted to or imposed by statute, administrative
399 or court rule, policy, common law, or any other law on a spouse
400 with respect to a child of either of the spouses is granted to
401 or imposed on equivalent terms, substantive and procedural, on
402 an individual in a domestic partnership with respect to a child
403 of either of the partners.

404 (4) Any privilege, immunity, right, benefit, or
405 responsibility granted or imposed by statute, administrative or
406 court rule, policy, common law, or any other law to or on a
407 former or surviving spouse with respect to a child of either of
408 the spouses is granted to or imposed on equivalent terms,
409 substantive and procedural, on a former or surviving partner
410 with respect to a child of either of the partners.

411 (5) For purposes of administering the tax laws of this
412 state, partners in a domestic partnership, surviving partners of
413 a domestic partnership, and their children have the same
414 privileges, immunities, rights, benefits, and responsibilities
415 as are granted to or imposed on spouses in a marriage, surviving
416 spouses, and their children.

417 (6) Many of the laws of this state are intertwined with
418 federal law, and the Legislature recognizes that it does not



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419 have the jurisdiction to control or implement federal laws or
420 the privileges, immunities, rights, benefits, and
421 responsibilities related to federal laws.

422 (7) Sections 741.502-741.511 do not require or permit the
423 extension of any benefit under any retirement, deferred
424 compensation, or other employee benefit plan, if the plan
425 administrator reasonably concludes that the extension of
426 benefits would conflict with a condition for the tax
427 qualification of the plan, or a condition for other favorable
428 tax treatment of the plan, under the Internal Revenue Code or
429 adopted regulations.

430 (8) Sections 741.502-741.511 do not require the extension
431 of any benefit under any employee benefit plan that is subject
432 to federal regulation under the Employee Retirement Income
433 Security Act of 1974.

434 Section 19. Section 741.508, Florida Statutes, is created
435 to read:

436 741.508 Domestic partnerships prohibited and void.-

437 (1) The following domestic partnerships are prohibited and
438 void if:

439 (a) Either party to the domestic partnership currently has
440 a different partner, or a wife or husband recognized by this
441 state, living at the time of entering into the domestic
442 partnership.

443 (b) The parties to the domestic partnership are related by
444 lineal consanguinity or are siblings, or if one party is the
445 niece or nephew of the other party.

446 (c) Either party to a domestic partnership is incapable of
447 making the civil contract or consenting to the contract for want



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448 of legal age or sufficient understanding.

449 (2) If the consent of either party is obtained by force or
450 fraud, the domestic partnership is void from the time it is so
451 declared by a judgment of a court having jurisdiction of the
452 domestic partnership.

453 (3) An individual who has filed a Declaration of Domestic
454 Partnership form may not file a new Declaration of Domestic
455 Partnership form or enter a marriage recognized in this state
456 with someone other than the individual's registered partner
457 unless a notice of termination of the most recent domestic
458 partnership has been entered. This prohibition does not apply if
459 the previous domestic partnership ended because one of the
460 partners died.

461 Section 20. Section 741.509, Florida Statutes, is created
462 to read:

463 741.509 Fees.—

464 (1) The clerk of the circuit court shall collect and
465 receive a fee of \$2 for receiving a Declaration of Domestic
466 Partnership form completed in accordance with s. 741.505. In
467 addition:

468 (a) A fee of \$25 shall be collected and deposited in the
469 Domestic Violence Trust Fund for the purposes provided in s.
470 741.01(2).

471 (b) A fee of \$7.50 shall be collected for deposit in the
472 Displaced Homemaker Trust Fund created in s. 446.50.

473 (c) A fee of \$25 shall be collected and remitted to the
474 Department of Revenue for deposit, monthly, into the General
475 Revenue Fund.

476 (d) A fee of \$4 shall be collected and distributed as



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477 provided in s. 382.022.

478 (2) An applicant for a Certificate of Registered Domestic
479 Partnership who is unable to pay the fees required under
480 subsection (1) in a lump sum may make payment in not more than
481 three installments over a period of 90 days. The clerk shall
482 accept installment payments upon receipt of an affidavit that
483 the applicant is unable to pay the fees in a lump-sum payment.
484 Upon receipt of the third or final installment payment, the
485 Declaration of Domestic Partnership shall be deemed filed, and
486 the clerk shall issue the Certificate of Registered Domestic
487 Partnership and distribute the fees as provided in subsection
488 (1). If the fee is paid in installments, the clerk shall retain
489 \$1 from the additional fee imposed pursuant to paragraph (1) (c)
490 as a processing fee.

491 Section 21. Section 741.510, Florida Statutes, is created
492 to read:

493 741.510 Proof domestic partnership where certificate is not
494 available.—If a Declaration of Domestic Partnership has been
495 received in accordance with s. 741.505 and the clerk has not
496 registered such declaration as required by that section, if a
497 Certificate of Registered Domestic Partnership has been lost, or
498 if by reason of death or other cause the certificate cannot be
499 obtained, the domestic partnership may be proved by affidavit
500 before any officer authorized to administer oaths made by two
501 competent witnesses who were present and saw the Declaration of
502 Domestic Partnership executed under s. 741.505, which affidavit
503 may be filed and recorded in the office of clerk of the circuit
504 in which the Declaration of Domestic Partnership was registered,
505 with the same force and effect as if the proper certificate has



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506 been made, returned, and recorded.

507 Section 22. Section 741.511, Florida Statutes, is created
508 to read:

509 741.511 Termination of partnership.-

510 (1) (a) A party to a state-registered domestic partnership
511 may terminate the relationship by filing a notice of termination
512 of the domestic partnership with the clerk of the circuit court
513 and paying the filing fee established under s. 382.023. The
514 notice must be signed by one or both parties and notarized. If
515 the notice is not signed by both parties, the party seeking
516 termination must also file with the clerk an affidavit stating
517 either that the other party has been served in writing in the
518 manner prescribed for the service of summons in a civil action,
519 that a notice of termination is being filed, or that the party
520 seeking termination has not been able to find the other party
521 after reasonable effort and that notice has been made by
522 publication pursuant to paragraph (b).

523 (b) When the other party cannot be found after reasonable
524 effort, the party seeking termination may provide notice by
525 publication as provided in chapter 50 in the county in which the
526 residence most recently shared by the domestic partners is
527 located. Notice must be published at least once.

528 (2) The domestic partnership shall be terminated effective
529 90 days after the date of filing the notice of termination and
530 payment of the filing fee.

531 (3) Upon receipt of a signed, notarized notice of
532 termination, affidavit, if required, and the filing fee, the
533 clerk of the circuit court shall file the notice of termination
534 and provide a certificate of termination of the domestic



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535 partnership to each party named on the notice. The clerk shall
536 maintain a record of each notice of termination filed and each
537 certificate of termination issued in the registry required by s.
538 741.504(2).

539 (4) A domestic partnership is automatically terminated if,
540 subsequent to the registration of the domestic partnership,
541 either party or both parties enter into a marriage that is
542 recognized as valid in this state, either with each other or
543 with another person.

544 Section 23. For the purpose of incorporating the amendment
545 made by this act to section 741.28, Florida Statutes, in a
546 reference thereto, paragraph (b) of subsection (1) of section
547 921.0024, Florida Statutes, is reenacted to read:

548 921.0024 Criminal Punishment Code; worksheet computations;
549 scoresheets.—

550 (1)

551 (b) WORKSHEET KEY:

552
553 Legal status points are assessed when any form of legal status
554 existed at the time the offender committed an offense before the
555 court for sentencing. Four (4) sentence points are assessed for
556 an offender's legal status.

557
558 Community sanction violation points are assessed when a
559 community sanction violation is before the court for sentencing.
560 Six (6) sentence points are assessed for each community sanction
561 violation and each successive community sanction violation,
562 unless any of the following apply:

563 1. If the community sanction violation includes a new



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564 felony conviction before the sentencing court, twelve (12)
565 community sanction violation points are assessed for the
566 violation, and for each successive community sanction violation
567 involving a new felony conviction.

568 2. If the community sanction violation is committed by a
569 violent felony offender of special concern as defined in s.
570 948.06:

571 a. Twelve (12) community sanction violation points are
572 assessed for the violation and for each successive violation of
573 felony probation or community control where:

574 (I) The violation does not include a new felony conviction;
575 and

576 (II) The community sanction violation is not based solely
577 on the probationer or offender's failure to pay costs or fines
578 or make restitution payments.

579 b. Twenty-four (24) community sanction violation points are
580 assessed for the violation and for each successive violation of
581 felony probation or community control where the violation
582 includes a new felony conviction.

583
584 Multiple counts of community sanction violations before the
585 sentencing court shall not be a basis for multiplying the
586 assessment of community sanction violation points.

587
588 Prior serious felony points: If the offender has a primary
589 offense or any additional offense ranked in level 8, level 9, or
590 level 10, and one or more prior serious felonies, a single
591 assessment of thirty (30) points shall be added. For purposes of
592 this section, a prior serious felony is an offense in the



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593 offender's prior record that is ranked in level 8, level 9, or
594 level 10 under s. 921.0022 or s. 921.0023 and for which the
595 offender is serving a sentence of confinement, supervision, or
596 other sanction or for which the offender's date of release from
597 confinement, supervision, or other sanction, whichever is later,
598 is within 3 years before the date the primary offense or any
599 additional offense was committed.

600
601 Prior capital felony points: If the offender has one or more
602 prior capital felonies in the offender's criminal record, points
603 shall be added to the subtotal sentence points of the offender
604 equal to twice the number of points the offender receives for
605 the primary offense and any additional offense. A prior capital
606 felony in the offender's criminal record is a previous capital
607 felony offense for which the offender has entered a plea of nolo
608 contendere or guilty or has been found guilty; or a felony in
609 another jurisdiction which is a capital felony in that
610 jurisdiction, or would be a capital felony if the offense were
611 committed in this state.

612
613 Possession of a firearm, semiautomatic firearm, or machine gun:
614 If the offender is convicted of committing or attempting to
615 commit any felony other than those enumerated in s. 775.087(2)
616 while having in his or her possession: a firearm as defined in
617 s. 790.001(6), an additional eighteen (18) sentence points are
618 assessed; or if the offender is convicted of committing or
619 attempting to commit any felony other than those enumerated in
620 s. 775.087(3) while having in his or her possession a
621 semiautomatic firearm as defined in s. 775.087(3) or a machine



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622 gun as defined in s. 790.001(9), an additional twenty-five (25)
623 sentence points are assessed.

624

625 Sentencing multipliers:

626

627 Drug trafficking: If the primary offense is drug trafficking
628 under s. 893.135, the subtotal sentence points are multiplied,
629 at the discretion of the court, for a level 7 or level 8
630 offense, by 1.5. The state attorney may move the sentencing
631 court to reduce or suspend the sentence of a person convicted of
632 a level 7 or level 8 offense, if the offender provides
633 substantial assistance as described in s. 893.135(4).

634

635 Law enforcement protection: If the primary offense is a
636 violation of the Law Enforcement Protection Act under s.
637 775.0823(2), (3), or (4), the subtotal sentence points are
638 multiplied by 2.5. If the primary offense is a violation of s.
639 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
640 are multiplied by 2.0. If the primary offense is a violation of
641 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
642 Protection Act under s. 775.0823(10) or (11), the subtotal
643 sentence points are multiplied by 1.5.

644

645 Grand theft of a motor vehicle: If the primary offense is grand
646 theft of the third degree involving a motor vehicle and in the
647 offender's prior record, there are three or more grand thefts of
648 the third degree involving a motor vehicle, the subtotal
649 sentence points are multiplied by 1.5.

650



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651 Offense related to a criminal gang: If the offender is convicted
652 of the primary offense and committed that offense for the
653 purpose of benefiting, promoting, or furthering the interests of
654 a criminal gang as prohibited under s. 874.04, the subtotal
655 sentence points are multiplied by 1.5.

656
657 Domestic violence in the presence of a child: If the offender is
658 convicted of the primary offense and the primary offense is a
659 crime of domestic violence, as defined in s. 741.28, which was
660 committed in the presence of a child under 16 years of age who
661 is a family or household member as defined in s. 741.28(3) with
662 the victim or perpetrator, the subtotal sentence points are
663 multiplied by 1.5.

664 Section 24. For the purpose of incorporating the amendment
665 made by this act to section 741.28, Florida Statutes, in a
666 reference thereto, paragraph (b) of subsection (2) of section
667 943.171, Florida Statutes, is reenacted to read:

668 943.171 Basic skills training in handling domestic violence
669 cases.-

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

671 (b) "Household member" has the meaning set forth in s.
672 741.28(3).

673 Section 25. This act shall take effect July 1, 2013.

674
675 ===== T I T L E A M E N D M E N T =====

676 And the title is amended as follows:

677 Delete everything before the enacting clause
678 and insert:

679 A bill to be entitled



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680 An act relating to families first; amending s. 28.24,
681 F.S.; setting forth fees and costs to be applied when
682 registering a domestic partnership; amending s.
683 97.1031, F.S.; providing notice to the supervisor of
684 elections concerning a change of name due to
685 participation in a domestic partnership; amending s.
686 382.002, F.S.; including domestic partnerships and
687 terminations of domestic partnership as vital records
688 in this state; amending s. 382.003, F.S.; requiring
689 the Department of Health to examine all certificates
690 of domestic partnership forms and notices of
691 termination of domestic partnership reports sent from
692 the courts; amending s. 382.021, F.S.; requiring the
693 clerk of the circuit court to transmit all original
694 declarations of domestic partnership to the Department
695 of Health by a specified date each month; amending s.
696 382.022, F.S.; requiring the clerk of the circuit
697 court to collect a fee after registering a domestic
698 partnership; amending s. 382.023, F.S.; requiring the
699 clerk of the circuit court to collect a fee upon
700 filing a notice of termination of a domestic
701 partnership; requiring the clerk of the circuit court
702 to transmit records of terminations of domestic
703 partnerships to the Department of Health by a
704 specified date each month; amending s. 382.025, F.S.;
705 authorizing the Department of Health to issue a
706 certified copy of certain vital records to a domestic
707 partner; amending s. 382.0255, F.S.; providing that
708 the Department of Health is entitled to a specified



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709 fee for the issuance of a commemorative certificate of
710 domestic partnership; amending s. 446.50, F.S.;

711 requiring that certain fees relating to declarations
712 of domestic partnership be deposited in the Displaced
713 Homemaker Trust Fund; amending s. 741.28, F.S.;

714 redefining the term "family or household member" in
715 the context of domestic violence to include a domestic
716 partnership; creating s. 741.501, F.S.; providing
717 legislative findings; creating s. 741.502, F.S.;

718 defining terms; creating s. 741.503, F.S.; requiring
719 the Department of Health to create and distribute the
720 Declaration of Domestic Partnership and Certificate of
721 Registered Domestic Partnership forms to each clerk of
722 the circuit court; requiring the department and each
723 clerk of the circuit court to make the Declaration of
724 Domestic Partnership form available to the public;

725 creating s. 741.504, F.S.; providing that the circuit
726 court has jurisdiction over domestic partnership
727 proceedings; requiring the clerk of the circuit court
728 to maintain a domestic partnership registry; requiring
729 the clerk of the circuit court to transmit records
730 related to domestic partnerships to the Department of
731 Health as required by law; providing that the registry
732 is a public record; creating s. 741.505, F.S.;

733 requiring two individuals who wish to become partners
734 in a domestic partnership to complete and file a
735 Declaration of Domestic Partnership form with the
736 clerk of the circuit court; specifying the required
737 contents of the completed form; providing that each



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738 partner who signs the form consents to the
739 jurisdiction of the circuit court for certain
740 purposes; providing that if a person files an
741 intentionally and materially false form, he or she
742 commits a misdemeanor of the first degree; providing
743 criminal penalties; requiring the clerk of the circuit
744 court to register the Declaration of Domestic
745 Partnership in a domestic partnership registry and
746 issue a Certificate of Registered Domestic
747 Partnership; creating s. 741.506, F.S.; authorizing
748 the domestic partners to retain surnames; creating s.
749 741.507, F.S.; providing that any privilege or
750 responsibility granted or imposed by statute,
751 administrative or court rule, policy, common law, or
752 any other law to an individual because the individual
753 is or was related to another by marriage, is or was an
754 in-law, or is a child of either of the spouses, is
755 granted on equivalent terms to domestic partners or
756 individuals similarly related to domestic partners;
757 providing that the act does not require or authorize
758 the extension of any benefit under a retirement,
759 deferred compensation, or other employee benefit plan,
760 if the plan administrator reasonably concludes that
761 the extension of benefits to partners would conflict
762 with a condition for tax qualification of the plan, or
763 a condition for other favorable tax treatment of the
764 plan, under the Internal Revenue Code; creating s.
765 741.508, F.S.; specifying prohibited or void domestic
766 partnerships; creating s. 741.509, F.S.; requiring



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767 that the clerk of the circuit court collect certain
768 fees for receiving a Declaration of Domestic
769 Partnership; authorizing the clerk of the circuit
770 court to accept installment payments from individuals
771 who are unable to pay the fees in a lump sum; creating
772 s. 741.510, F.S.; providing methods to prove the
773 existence of a registered Declaration Domestic
774 Partnership when the certificate document has been
775 lost or is otherwise unavailable; creating s. 741.511,
776 F.S.; providing for termination of a domestic
777 partnership; providing for notice; providing for the
778 effective date of the termination; providing for
779 registration of the termination; requiring records of
780 certain terminations to be maintained; providing for
781 automatic termination of partnership if either party
782 enters into a valid marriage; reenacting ss.
783 921.0024(1)(b) and 943.171(2)(b), F.S., relating to
784 the worksheet form for the Criminal Punishment Code
785 and the basic skills training for domestic violence
786 cases, respectively, to incorporate the amendments
787 made to s. 741.28, F.S., in references thereto;
788 providing an effective date.

By Senator Sobel

33-00421-13

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1 A bill to be entitled
 2 An act relating to families first; amending ss. 28.101
 3 and 28.24, F.S.; setting forth fees and costs to be
 4 applied when petitioning for a dissolution of a
 5 domestic partnership or registering a domestic
 6 partnership, respectively; amending s. 97.1031, F.S.;
 7 providing notice to the supervisor of elections
 8 concerning a change of name due to participation in a
 9 domestic partnership; amending s. 382.002, F.S.;
 10 defining the term "dissolution of a domestic
 11 partnership" for purposes of vital records; including
 12 domestic partnerships and dissolution of domestic
 13 partnership as vital records in this state; conforming
 14 cross-references; amending s. 382.003, F.S.; requiring
 15 the Department of Health to examine all certificates
 16 of domestic partnership forms and dissolution of
 17 domestic partnership reports sent from the courts;
 18 amending s. 382.0085, F.S.; conforming a cross-
 19 reference; amending s. 382.021, F.S.; requiring the
 20 clerk of the circuit court to transmit all original
 21 declarations of domestic partnership to the Department
 22 of Health by a specified date each month; amending s.
 23 382.022, F.S.; requiring the clerk of the circuit
 24 court to collect a fee after registering a domestic
 25 partnership; amending s. 382.023, F.S.; requiring the
 26 clerk of the circuit court to collect a fee upon
 27 filing a final judgment for a dissolution of domestic
 28 partnership; amending s. 382.025, F.S.; authorizing
 29 the Department of Health to issue a certified copy of

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30 certain vital records to a domestic partner; amending
 31 s. 382.0255, F.S.; providing that the Department of
 32 Health is entitled to a specified fee for the issuance
 33 of a commemorative certificate of domestic
 34 partnership; amending s. 446.50, F.S.; requiring that
 35 certain fees relating to declarations of domestic
 36 partnership and dissolution of domestic partnership
 37 filings be deposited in the Displaced Homemaker Trust
 38 Fund; amending s. 741.28, F.S.; redefining the term
 39 "family or household member" in the context of
 40 domestic violence to include a domestic partnership;
 41 creating s. 741.501, F.S.; providing legislative
 42 findings; creating s. 741.502, F.S.; defining terms;
 43 creating s. 741.503, F.S.; requiring the Department of
 44 Health to create and distribute the Declaration of
 45 Domestic Partnership and Certificate of Registered
 46 Domestic Partnership forms to each clerk of the
 47 circuit court; requiring the department and each clerk
 48 of the circuit court to make the Declaration of
 49 Domestic Partnership form available to the public;
 50 creating s. 741.504, F.S.; providing that the circuit
 51 court has jurisdiction over domestic partnership
 52 proceedings; requiring the clerk of the circuit court
 53 to maintain a domestic partnership registry; providing
 54 that the registry is a public record; creating s.
 55 741.505, F.S.; requiring two individuals who wish to
 56 become partners in a domestic partnership to complete
 57 and file a Declaration of Domestic Partnership form
 58 with the clerk of the circuit court; specifying the

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59 required contents of the completed form; providing
 60 that each partner who signs the form consents to the
 61 jurisdiction of the circuit court for certain
 62 purposes; providing that if a person files an
 63 intentionally and materially false form, he or she
 64 commits a misdemeanor of the first degree; providing
 65 criminal penalties; requiring the clerk of the circuit
 66 court to register the Declaration of Domestic
 67 Partnership in a domestic partnership registry and
 68 issue a Certificate of Registered Domestic
 69 Partnership; creating s. 741.506, F.S.; authorizing
 70 the domestic partners to retain surnames; creating s.
 71 741.507, F.S.; providing that any privilege or
 72 responsibility granted or imposed by statute,
 73 administrative or court rule, policy, common law, or
 74 any other law to an individual because the individual
 75 is or was related to another by marriage, or is a
 76 child of either of the spouses, is granted on
 77 equivalent terms to domestic partners or individuals
 78 similarly related to domestic partners; providing that
 79 the act does not require or permit the extension of
 80 any benefit under a retirement, deferred compensation,
 81 or other employee benefit plan, if the plan
 82 administrator reasonably concludes that the extension
 83 of benefits to partners would conflict with a
 84 condition for tax qualification of the plan, or a
 85 condition for other favorable tax treatment of the
 86 plan, under the Internal Revenue Code; creating s.
 87 741.508, F.S.; specifying prohibited or void domestic

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88 partnerships; creating s. 741.509, F.S.; requiring
 89 that the clerk of the circuit court collect certain
 90 fees for receiving a Declaration of Domestic
 91 Partnership; authorizing the clerk of the circuit
 92 court to accept installment payments from individuals
 93 who are unable to pay the fees in a lump sum; creating
 94 s. 741.510, F.S.; providing methods to prove the
 95 existence of a registered Declaration Domestic
 96 Partnership when the certificate document has been
 97 lost or is otherwise unavailable; creating s. 741.511,
 98 F.S.; providing for termination of a domestic
 99 partnership; providing for notice; providing for the
 100 effective date of the termination; providing for
 101 registration of the termination; requiring records of
 102 certain terminations to be maintained; providing for
 103 automatic termination of partnership if either party
 104 enters into a valid marriage; providing for a
 105 reasonable fee for termination; reenacting ss.
 106 921.0024(1)(b) and 943.171(2)(b), F.S., relating to
 107 the worksheet form for the Criminal Punishment Code
 108 and the basic skills training for domestic violence
 109 cases, respectively, to incorporate the amendments
 110 made to s. 741.28, F.S., in references thereto;
 111 providing an effective date.

112
 113 Be It Enacted by the Legislature of the State of Florida:

114
 115 Section 1. Section 28.101, Florida Statutes, is amended to
 116 read:

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117 28.101 Petitions and records of dissolution of marriage and
118 domestic partnership; additional charges.-

119 (1) When a party petitions for a dissolution of marriage or
120 dissolution of domestic partnership, in addition to the filing
121 charges in s. 28.241, the clerk shall collect and receive:

122 (a) A charge of \$5. On a monthly basis, the clerk shall
123 transfer the moneys collected pursuant to this paragraph to the
124 Department of Revenue for deposit in the Child Welfare Training
125 Trust Fund created in s. 402.40.

126 (b) A charge of \$5. On a monthly basis, the clerk shall
127 transfer the moneys collected pursuant to this paragraph to the
128 Department of Revenue for deposit in the Displaced Homemaker
129 Trust Fund created in s. 446.50. If a petitioner does not have
130 sufficient funds ~~with which~~ to pay this fee and signs an
131 affidavit so stating, all or a portion of the fee shall be
132 waived subject to a subsequent order of the court relative to
133 the payment of the fee.

134 (c) A charge of \$55. On a monthly basis, the clerk shall
135 transfer the moneys collected pursuant to this paragraph to the
136 Department of Revenue for deposit in the Domestic Violence Trust
137 Fund. Such funds ~~which are generated~~ shall be directed to the
138 Department of Children and Family Services for the specific
139 purpose of funding domestic violence centers.

140 (d) A charge of \$32.50. On a monthly basis, the clerk shall
141 transfer the moneys collected pursuant to this paragraph as
142 follows:

143 1. An amount of \$7.50 to the Department of Revenue for
144 deposit in the Displaced Homemaker Trust Fund.

145 2. An amount of \$25 to the Department of Revenue for

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146 deposit in the General Revenue Fund.

147 (2) Upon receipt of a final judgment of dissolution of
148 marriage or dissolution of domestic partnership for filing, and
149 in addition to the filing charges in s. 28.241, the clerk may
150 collect and receive a service charge of up to \$10.50 pursuant to
151 s. 382.023 for ~~the~~ recording and reporting ~~the of such~~ final
152 judgment ~~of dissolution of marriage~~ to the Department of Health.

153 Section 2. Subsection (23) of section 28.24, Florida
154 Statutes, is amended to read:

155 28.24 Service charges by clerk of the circuit court.-The
156 clerk of the circuit court shall charge for services rendered by
157 the clerk's office in recording documents and instruments and in
158 performing the duties enumerated in amounts not to exceed those
159 specified in this section. Notwithstanding any other provision
160 of this section, the clerk of the circuit court shall provide
161 without charge to the state attorney, public defender, guardian
162 ad litem, public guardian, attorney ad litem, criminal conflict
163 and civil regional counsel, and private court-appointed counsel
164 paid by the state, and to the authorized staff acting on behalf
165 of each, access to and a copy of any public record, if the
166 requesting party is entitled by law to view the exempt or
167 confidential record, as maintained by and in the custody of the
168 clerk of the circuit court as provided in general law and the
169 Florida Rules of Judicial Administration. The clerk of the
170 circuit court may provide the requested public record in an
171 electronic format in lieu of a paper format when capable of
172 being accessed by the requesting entity.

173
174

Charges

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175
176 (23) Upon receipt of an application for a marriage license
177 or a declaration of domestic partnership, for preparing and
178 administering of oath; issuing, sealing, and recording of the
179 marriage license or registering the domestic partnership; and
180 providing a certified copy.....30.00

181 Section 3. Subsection (2) of section 97.1031, Florida
182 Statutes, is amended to read:

183 97.1031 Notice of change of residence, change of name, or
184 change of party affiliation.-

185 (2) When an elector seeks to change party affiliation, the
186 elector shall notify his or her supervisor of elections or other
187 voter registration official by using a signed written notice
188 that contains the elector's date of birth or voter registration
189 number. When an elector changes his or her name by marriage,
190 domestic partnership, or other legal process, the elector shall
191 notify his or her supervisor of elections or other voter
192 registration official by using a signed written notice that
193 contains the elector's date of birth or voter's registration
194 number.

195 Section 4. Present subsections (6) through (17) of section
196 382.002, Florida Statutes, are renumbered as subsections (7)
197 through (18), respectively, a new subsection (6) is added to
198 that section, and present subsections (8), (9), and (16) of that
199 section are amended, to read:

200 382.002 Definitions.-As used in this chapter, the term:

201 (6) "Dissolution of domestic partnership" includes an
202 annulment of domestic partnership.

203 (7)(6) "Dissolution of marriage" includes an annulment of

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204 marriage.

205 (8)(7) "Fetal death" means death prior to the complete
206 expulsion or extraction of a product of human conception from
207 its mother if the 20th week of gestation has been reached and
208 the death is indicated by the fact that after such expulsion or
209 extraction the fetus does not breathe or show any other evidence
210 of life such as beating of the heart, pulsation of the umbilical
211 cord, or definite movement of voluntary muscles.

212 (9)(8) "Final disposition" means the burial, interment,
213 cremation, removal from the state, or other authorized
214 disposition of a dead body or a fetus as described in subsection
215 (8)(7). In the case of cremation, dispersion of ashes or
216 cremation residue is considered to occur after final
217 disposition; the cremation itself is considered final
218 disposition.

219 (10)(9) "Funeral director" means a licensed funeral
220 director or direct disposer licensed pursuant to chapter 497 or
221 other person who first assumes custody of or effects the final
222 disposition of a dead body or a fetus as described in subsection
223 (8)(7).

224 (17)(16) "Vital records" or "records" means certificates or
225 reports of birth, death, fetal death, marriage, domestic
226 partnership, dissolution of marriage or domestic partnership,
227 name change filed pursuant to s. 68.07, and data related
228 thereto.

229 Section 5. Subsection (7) of section 382.003, Florida
230 Statutes, is amended to read:

231 382.003 Powers and duties of the department.-The department
232 shall:

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233 (7) Approve all forms used in registering, recording,
 234 certifying, and preserving vital records, or in otherwise
 235 carrying out the purposes of this chapter, and ~~no~~ other forms
 236 ~~may not shall~~ be used other than those approved by the
 237 department. The department is responsible for the careful
 238 examination of the certificates received monthly from the local
 239 registrars and marriage certificates, certificates of domestic
 240 partnership, and dissolution of marriage and domestic
 241 partnership reports received from the circuit and county courts.
 242 A certificate that is complete and satisfactory shall be
 243 accepted and given a state file number and considered a state-
 244 filed record. If any such certificates are incomplete or
 245 unsatisfactory, the department shall require further information
 246 to be supplied as ~~may be~~ necessary to make the record complete
 247 and satisfactory. All physicians, midwives, informants, or
 248 funeral directors, and all other persons having knowledge of the
 249 facts, are required to supply, upon a form approved by the
 250 department or upon the original certificate, such information as
 251 they may possess regarding any vital record.

252 Section 6. Subsection (9) of section 382.0085, Florida
 253 Statutes, is amended to read:

254 382.0085 Stillbirth registration.—

255 (9) This section or s. 382.002(16) ~~s. 382.002(15)~~ may not
 256 be used to establish, bring, or support a civil cause of action
 257 seeking damages against any person or entity for bodily injury,
 258 personal injury, or wrongful death for a stillbirth.

259 Section 7. Section 382.021, Florida Statutes, is amended to
 260 read:

261 382.021 Department to receive marriage licenses and

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262 declarations of domestic partnership.—On or before the 5th day
 263 of each month, the county court judge or clerk of the circuit
 264 court shall transmit to the department all original marriage
 265 licenses, with endorsements, and all declarations of domestic
 266 partnership received during the preceding calendar month, ~~to the~~
 267 ~~department~~. Any marriage licenses or declarations of domestic
 268 partnership issued and not returned, ~~or any marriage licenses~~
 269 returned but not recorded, shall be reported by the issuing
 270 county court judge or clerk of the circuit court to the
 271 department at the time of transmitting the recorded licenses or
 272 declarations on the forms to be prescribed and furnished by the
 273 department. If during any month no marriage licenses or
 274 declarations of domestic partnership are issued or returned, the
 275 county court judge or clerk of the circuit court shall report
 276 such fact to the department upon forms prescribed and furnished
 277 by the department.

278 Section 8. Section 382.022, Florida Statutes, is amended to
 279 read:

280 382.022 Marriage application; registration of domestic
 281 partnership; fees.—Upon the receipt of each application for the
 282 issuance of a marriage license or registering a domestic
 283 partnership, the county court judge or clerk of the circuit
 284 court shall, pursuant to s. 741.02, collect and receive a fee of
 285 \$4 which shall be remitted to the Department of Revenue for
 286 deposit to the Department of Health to defray part of the cost
 287 of maintaining marriage and domestic partnership records.

288 Section 9. Section 382.023, Florida Statutes, is amended to
 289 read:

290 382.023 Department to receive dissolution-of-marriage and

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 291 ~~dissolution-of-domestic-partnership~~ records; fees. ~~Clerks of the~~
 292 ~~circuit courts shall collect for their services~~ At the time of
 293 the filing of a final judgment of dissolution of marriage or
 294 dissolution of domestic partnership, the clerk of the circuit
 295 court shall collect a fee of up to \$10.50, of which 43 percent
 296 shall be retained by the clerk ~~of the circuit court~~ as a part of
 297 the cost in the cause in which the judgment is granted. The
 298 remaining 57 percent shall be remitted to the Department of
 299 Revenue for deposit to the Department of Health to defray part
 300 of the cost of maintaining the dissolution-of-marriage and
 301 dissolution-of-domestic-partnership records. A record of each
 302 and every judgment of dissolution of marriage and dissolution of
 303 domestic partnership granted by the court during the preceding
 304 calendar month, giving names of parties and such other data as
 305 required by forms prescribed by the department, shall be
 306 transmitted to the department, on or before the 10th day of each
 307 month, along with an accounting of the funds remitted to the
 308 Department of Revenue pursuant to this section.

309 Section 10. Paragraph (a) of subsection (1) and paragraphs
 310 (a) and (c) of subsection (2) of section 382.025, Florida
 311 Statutes, are amended to read:

312 382.025 Certified copies of vital records; confidentiality;
 313 research.—

314 (1) BIRTH RECORDS.—Except for birth records over 100 years
 315 old which are not under seal pursuant to court order, all birth
 316 records of this state shall be confidential and are exempt from
 317 the provisions of s. 119.07(1).

318 (a) Certified copies of the original birth certificate or a
 319 new or amended certificate, or affidavits thereof, are

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 320 confidential and exempt from the provisions of s. 119.07(1) and,
 321 upon receipt of a request and payment of the fee prescribed in
 322 s. 382.0255, shall be issued only as authorized by the
 323 department and in the form prescribed by the department, and
 324 only:

325 1. To the registrant, if the registrant is of legal age, is
 326 a certified homeless youth, or is a minor who has had the
 327 disabilities of nonage removed under s. 743.01 or s. 743.015;

328 2. To the registrant's parent or guardian or other legal
 329 representative;

330 3. Upon receipt of the registrant's death certificate, to
 331 the registrant's spouse or domestic partner or to the
 332 registrant's child, grandchild, or sibling, if of legal age, or
 333 to the legal representative of any of such persons;

334 4. To any person if the birth record is over 100 years old
 335 and not under seal pursuant to court order;

336 5. To a law enforcement agency for official purposes;

337 6. To any agency of the state or the United States for
 338 official purposes upon approval of the department; or

339 7. Upon order of any court of competent jurisdiction.

340 (2) OTHER RECORDS.—

341 (a) The department shall authorize the issuance of a
 342 certified copy of all or part of any marriage, domestic
 343 partnership, dissolution of marriage or domestic partnership, or
 344 death or fetal death certificate, excluding that portion which
 345 is confidential and exempt from ~~the provisions of~~ s. 119.07(1)
 346 as provided under s. 382.008, to any person requesting it upon
 347 receipt of a request and payment of the fee prescribed by this
 348 section. A certification of the death or fetal death certificate

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349 which includes the confidential portions shall be issued only:

350 1. To the registrant's spouse, domestic partner, or parent,
351 or to the registrant's child, grandchild, or sibling, if of
352 legal age, or to any person who provides a will that has been
353 executed pursuant to s. 732.502, insurance policy, or other
354 document that demonstrates his or her interest in the estate of
355 the registrant, or to any person who provides documentation that
356 he or she is acting on behalf of any of them;

357 2. To any agency of the state or local government or the
358 United States for official purposes upon approval of the
359 department; or

360 3. Upon order of any court of competent jurisdiction.

361 (c) The department shall issue, upon request and upon
362 payment of an additional fee prescribed by this section, a
363 commemorative marriage license or certificate of domestic
364 partnership representing that the marriage or domestic
365 partnership of the persons named thereon is recorded in the
366 office of the registrar. The certificate issued under this
367 paragraph must ~~shall~~ be in a form consistent with the need to
368 protect the integrity of vital records but must ~~shall~~ be
369 suitable for display. It may bear the seal of the state printed
370 thereon and may be signed by the Governor.

371 Section 11. Paragraph (i) of subsection (1) of section
372 382.0255, Florida Statutes, is amended to read:

373 382.0255 Fees.—

374 (1) The department is entitled to fees, as follows:

375 (i) Twenty-five dollars for a commemorative certificate of
376 birth, ~~or~~ marriage, or domestic partnership. Fees collected
377 pursuant to this paragraph in excess of expenses shall be used

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378 ~~available for use~~ by the Regional Perinatal Intensive Care
379 Centers (RPICC) Program to prevent child abuse and neglect.
380 Funds derived from the issuance of commemorative marriage
381 certificates shall be used ~~available for use~~ by the Improved
382 Pregnancy Outcome Program.

383 Section 12. Paragraph (b) of subsection (5) of section
384 446.50, Florida Statutes, is amended to read:

385 446.50 Displaced homemakers; multiservice programs; report
386 to the Legislature; Displaced Homemaker Trust Fund created.—

387 (5) DISPLACED HOME MAKER TRUST FUND.—

388 (b) The trust fund shall receive funds generated from an
389 additional fee on marriage license applications, declarations of
390 domestic partnerships, and dissolution of marriage and domestic
391 partnership filings as specified in ss. 741.01(3), 741.509, and
392 28.101, respectively, and may receive funds from any other
393 public or private source.

394 Section 13. Subsection (3) of section 741.28, Florida
395 Statutes, is amended to read:

396 741.28 Domestic violence; definitions.—As used in ss.
397 741.28-741.31:

398 (3) "Family or household member" means spouses~~;~~[;] former
399 spouses~~;~~[;] persons related by blood, ~~or~~ marriage, or domestic
400 partnership; persons who are presently residing together as if a
401 family or who have resided together in the past as if a family~~;~~[;]
402 and persons who are parents of a child in common regardless of
403 whether they have been married. With the exception of persons
404 who have a child in common, the family or household members must
405 be currently residing or have in the past resided together in
406 the same single dwelling unit.

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407 Section 14. Section 741.501, Florida Statutes, is created
408 to read:

409 741.501 Legislative findings.—The Legislature finds that:

410 (1) There are a significant number of individuals in this
411 state who live together in important, personal, emotional, and
412 economically committed relationships. Together, these
413 individuals live, serve, and participate in the community, and
414 often rear children and care for family members.

415 (2) These familial relationships, often referred to as
416 domestic partnerships, assist the state by providing a private
417 network of support for the financial, physical, and emotional
418 health of their participants.

419 (3) The state has a strong interest in promoting stable and
420 lasting families, and believes that all families should be
421 provided with the opportunity to obtain necessary legal
422 protections and status and the ability to achieve their fullest
423 potential.

424 (4) While some public and private institutions recognize
425 domestic partnerships for limited purposes such as health
426 benefits, hospital visitation, and medical decisionmaking for an
427 incapacitated family member, many do not. Historically, legal
428 recognition of marriage by the state is the primary and, in a
429 number of instances, the exclusive source of numerous rights,
430 benefits, and responsibilities available to families under the
431 laws of this state.

432 (5) The status of marriage in this state is limited by Art.
433 I of the State Constitution to the union of one man and one
434 woman and the Legislature does not seek to alter the definition
435 of marriage in any way. The Legislature also finds, however,

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436 that recognition of domestic partnerships can provide an
437 alternative mechanism for extending certain important rights and
438 responsibilities to individuals who choose to form long-term,
439 mutually supportive relationships. Such recognition will provide
440 support to these familial relationships without affecting the
441 definition of marriage, without creating or recognizing a legal
442 relationship that is the substantial equivalent of marriage, and
443 without affecting restrictions contained in federal law.

444 (6) The decision to offer or seek a ceremony or blessing
445 over the domestic partnership should be left to the dictates of
446 each religious faith and to the preferences of the persons
447 entering into the partnership. Sections 741.501-741.511 do not
448 require performance of any solemnization ceremony to enter into
449 a binding domestic partnership agreement and do not interfere
450 with the right of each religious faith to choose freely to whom
451 to grant the religious status, sacrament, or blessing of
452 marriage under the rules and practices of that faith.

453 (7) Because of the material and other support that these
454 familial relationships provide to their participants, these
455 relationships should be formally recognized and made uniform by
456 law. Therefore, the Legislature declares that it is the policy
457 of this state to establish and define the rights and
458 responsibilities of domestic partners.

459 Section 15. Section 741.502, Florida Statutes, is created
460 to read:

461 741.502 Definitions.—As used in ss. 741.501-741.511, the
462 term:

463 (1) "Department" means the Department of Health.

464 (2) "Domestic partnership" means a civil contract entered

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465 into between two individuals who are 18 years of age or older
 466 and otherwise capable, of which at least one of whom is a
 467 resident of this state.

468 (3) "Partner" means an individual joined in a domestic
 469 partnership.

470 Section 16. Section 741.503, Florida Statutes, is created
 471 to read:

472 741.503 Forms.-

473 (1) Pursuant to s. 382.003(7), the department shall prepare
 474 forms entitled:

475 (a) "Declaration of Domestic Partnership" which meet the
 476 requirements of s. 741.505.

477 (b) "Certificate of Registered Domestic Partnership."

478 (2) The department shall distribute the Declaration of
 479 Domestic Partnership and Certificate of Registered Domestic
 480 Partnership forms to each clerk of the circuit court. The
 481 department and each clerk shall make the Declaration of Domestic
 482 Partnership form available to the public.

483 Section 17. Section 741.504, Florida Statutes, is created
 484 to read:

485 741.504 Court jurisdiction and duties; registry.-

486 (1) The circuit court has jurisdiction over any proceeding
 487 relating to the domestic partners' rights and obligations.

488 (2) Each clerk of the circuit court shall maintain a
 489 registry of all domestic partnerships entered into in that
 490 circuit and a record of all certificates of domestic partnership
 491 issued which includes the names of the partners and the date of
 492 issuance.

493 (3) Notwithstanding s. 382.025 or any other law, the

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494 registry of domestic partnerships maintained by a clerk of the
 495 circuit court is a public record and subject to full disclosure.

496 Section 18. Section 741.505, Florida Statutes, is created
 497 to read:

498 741.505 Domestic partnership requirements.-

499 (1) Two individuals wishing to become partners in a
 500 domestic partnership recognized by this state must complete and
 501 file a Declaration of Domestic Partnership form with a clerk of
 502 the circuit court. The declaration must include:

503 (a) A statement attesting that each individual is 18 years
 504 of age or older and is otherwise capable of entering into a
 505 domestic partnership. The clerk may accept any reasonable proof
 506 of an individual's age which is satisfactory to the clerk. The
 507 clerk may also require proof of age by affidavit of some
 508 individual other than the parties seeking to file the form if
 509 the clerk deems it necessary.

510 (b) A statement attesting that at least one of the
 511 individuals is a resident of this state.

512 (c) Each individual's mailing address.

513 (d) A statement attesting that each individual consents to
 514 the jurisdiction of the circuit courts of this state for any
 515 proceeding relating to the partners' rights and obligations,
 516 even if one or both partners cease to reside or maintain a
 517 domicile in this state.

518 (e) The notarized signature of each individual, along with
 519 a declaration that the representations made on the form are
 520 true, correct, and contain no material omissions of fact to the
 521 best knowledge and belief of each individual.

522 (2) Notwithstanding s. 61.021, each person signing a

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523 Declaration of Domestic Partnership form consents to the
 524 jurisdiction of the circuit courts of this state for any
 525 proceeding related to the partners' rights and obligations, even
 526 if one or both partners cease to reside or maintain a domicile
 527 in this state.

528 (3) A person who provides intentionally and materially
 529 false information on a Declaration of Domestic Partnership form
 530 with the clerk of court commits a misdemeanor of the first
 531 degree, punishable as provided in s. 775.082 or s. 775.083.

532 (4) If all legal requirements have been satisfied and there
 533 appears to be no impediment to the domestic partnership, the
 534 clerk of the circuit court shall:

535 (a) Return a copy of the registered form to the partners;

536 (b) Register the Declaration of Domestic Partnership in a
 537 domestic partnership registry; and

538 (c) Issue a Certificate of Registered Domestic Partnership
 539 under his or her hand and seal to the partners in person or at
 540 the mailing address provided by the partners.

541 Section 19. Section 741.506, Florida Statutes, is created
 542 to read:

543 741.506 Domestic partnership; name change.—Upon entering
 544 into a domestic partnership, a partner may retain his or her
 545 previous surname, or, if changed, may resume the previous legal
 546 name during the domestic partnership.

547 Section 20. Section 741.507, Florida Statutes, is created
 548 to read:

549 741.507 Domestic partnership; rights and responsibilities;
 550 relationship to federal law.—

551 (1) Any privilege, immunity, right, or benefit granted by

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552 statute, administrative or court rule, policy, common law, or
 553 any other law to an individual because the individual is or was
 554 related to another individual by marriage as an in-law is
 555 granted on equivalent terms, substantive and procedural, to an
 556 individual who is or was in a domestic partnership or who is or
 557 was similarly related as an in-law to an individual
 558 participating in a domestic partnership.

559 (2) Any responsibility imposed by statute, administrative
 560 or court rule, policy, common law, or any other law on an
 561 individual because the individual is or was related to another
 562 individual by marriage as an in-law is imposed on equivalent
 563 terms, substantive and procedural, on an individual who is or
 564 was in a domestic partnership or who is or was similarly related
 565 as an in-law to an individual participating in a domestic
 566 partnership.

567 (3) Any privilege, immunity, right, benefit, or
 568 responsibility granted to or imposed by statute, administrative
 569 or court rule, policy, common law, or any other law on a spouse
 570 with respect to a child of either of the spouses is granted to
 571 or imposed on equivalent terms, substantive and procedural, on
 572 an individual in a domestic partnership with respect to a child
 573 of either of the partners.

574 (4) Any privilege, immunity, right, benefit, or
 575 responsibility granted or imposed by statute, administrative or
 576 court rule, policy, common law, or any other law to or on a
 577 former or surviving spouse with respect to a child of either of
 578 the spouses is granted to or imposed on equivalent terms,
 579 substantive and procedural, on a former or surviving partner
 580 with respect to a child of either of the partners.

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581 (5) For purposes of administering the tax laws of this
 582 state, partners in a domestic partnership, surviving partners of
 583 a domestic partnership, and the children of partners in a
 584 domestic partnership have the same privileges, immunities,
 585 rights, benefits, and responsibilities as are granted to or
 586 imposed on spouses in a marriage, surviving spouses, and their
 587 children.

588 (6) Many of the laws of this state are intertwined with
 589 federal law, and the Legislature recognizes that it does not
 590 have the jurisdiction to control or implement federal laws or
 591 the privileges, immunities, rights, benefits, and
 592 responsibilities related to federal laws.

593 (7) Sections 741.502-741.511 do not require or permit the
 594 extension of any benefit under any retirement, deferred
 595 compensation, or other employee benefit plan, if the plan
 596 administrator reasonably concludes that the extension of
 597 benefits would conflict with a condition for the tax
 598 qualification of the plan, or a condition for other favorable
 599 tax treatment of the plan, under the Internal Revenue Code or
 600 adopted regulations.

601 (8) Sections 741.502-741.511 do not require the extension
 602 of any benefit under any employee benefit plan that is subject
 603 to federal regulation under the Employee Retirement Income
 604 Security Act of 1974.

605 Section 21. Section 741.508, Florida Statutes, is created
 606 to read:

607 741.508 Domestic partnerships prohibited and void.—

608 (1) The following domestic partnerships are prohibited and
 609 void if:

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610 (a) Either party to the domestic partnership currently has
 611 a different partner, or a wife or husband recognized by this
 612 state, living at the time of entering into the domestic
 613 partnership.

614 (b) The parties to the domestic partnership are related by
 615 lineal consanguinity or are siblings, or if one party is the
 616 niece or nephew of the other party.

617 (c) Either party to a domestic partnership is incapable of
 618 making the civil contract or consenting to the contract for want
 619 of legal age or sufficient understanding.

620 (2) If the consent of either party is obtained by force or
 621 fraud, the domestic partnership is void from the time it is so
 622 declared by a judgment of a court having jurisdiction of the
 623 domestic partnership.

624 (3) An individual who has filed a Declaration of Domestic
 625 Partnership form may not file a new Declaration of Domestic
 626 Partnership form or enter a marriage recognized in this state
 627 with someone other than the individual's registered partner
 628 unless a judgment of dissolution or annulment of the most recent
 629 domestic partnership has been entered. This prohibition does not
 630 apply if the previous domestic partnership ended because one of
 631 the partners died.

632 Section 22. Section 741.509, Florida Statutes, is created
 633 to read:

634 741.509 Fees.—

635 (1) The clerk of the circuit court shall collect and
 636 receive a fee of \$2 for receiving a Declaration of Domestic
 637 Partnership form completed in accordance with s. 741.505. In
 638 addition:

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639 (a) A fee of \$25 shall be collected and deposited in the
 640 Domestic Violence Trust Fund for the purposes provided in s.
 641 741.01(2).

642 (b) A fee of \$7.50 shall be collected for deposit in the
 643 Displaced Homemaker Trust Fund created in s. 446.50.

644 (c) A fee of \$25 shall be collected and remitted to the
 645 Department of Revenue for deposit, monthly, into the General
 646 Revenue Fund.

647 (d) A fee of \$4 shall be collected and distributed as
 648 provided in s. 382.022.

649 (2) An applicant for a Certificate of Registered Domestic
 650 Partnership who is unable to pay the fees required under
 651 subsection (1) in a lump sum may make payment in not more than
 652 three installments over a period of 90 days. The clerk shall
 653 accept installment payments upon receipt of an affidavit that
 654 the applicant is unable to pay the fees in a lump-sum payment.
 655 Upon receipt of the third or final installment payment, the
 656 Declaration of Domestic Partnership shall be deemed filed, and
 657 the clerk shall issue the Certificate of Registered Domestic
 658 Partnership and distribute the fees as appropriate. If the fee
 659 is paid in installments, the clerk shall retain \$1 from the
 660 additional fee imposed pursuant to paragraph (1) (c) as a
 661 processing fee.

662 Section 23. Section 741.510, Florida Statutes, is created
 663 to read:

664 741.510 Proof domestic partnership where certificate is not
 665 available.-If a Declaration of Domestic Partnership has been
 666 received in accordance with s. 741.505 and the clerk has not
 667 registered such declaration as required by that section, if a

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668 Certificate of Registered Domestic Partnership has been lost, or
 669 if by reason of death or other cause the certificate cannot be
 670 obtained, the domestic partnership may be proved by affidavit
 671 before any officer authorized to administer oaths made by two
 672 competent witnesses who were present and saw the Declaration of
 673 Domestic Partnership executed under s. 741.505, which affidavit
 674 may be filed and recorded in the office of clerk of the circuit
 675 in which the Declaration of Domestic Partnership was registered,
 676 with the same force and effect as if the proper certificate has
 677 been made, returned, and recorded.

678 Section 24. Section 741.511, Florida Statutes, is created
 679 to read:

680 741.511 Termination of partnership.-

681 (1) (a) A party to a state-registered domestic partnership
 682 may terminate the relationship by filing a notice of termination
 683 of the state-registered domestic partnership with the department
 684 and paying the filing fee established under subsection (5). The
 685 notice must be signed by one or both parties and notarized. If
 686 the notice is not signed by both parties, the party seeking
 687 termination must also file with the department an affidavit
 688 stating either that the other party has been served in writing
 689 in the manner prescribed for the service of summons in a civil
 690 action, that a notice of termination is being filed, or that the
 691 party seeking termination has not been able to find the other
 692 party after reasonable effort and that notice has been made by
 693 publication pursuant to paragraph (b).

694 (b) When the other party cannot be found after reasonable
 695 effort, the party seeking termination may provide notice by
 696 publication as provided in chapter 50 in the county in which the

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697 residence most recently shared by the domestic partners is
698 located. Notice must be published at least once.

699 (2) The state-registered domestic partnership shall be
700 terminated effective 90 days after the date of filing the notice
701 of termination and payment of the filing fee.

702 (3) Upon receipt of a signed, notarized notice of
703 termination, affidavit, if required, and the filing fee, the
704 department shall register the notice of termination and provide
705 a certificate of termination of the state-registered domestic
706 partnership to each party named on the notice. The department
707 shall maintain a record of each notice of termination filed with
708 it and each certificate of termination issued by it. The
709 department shall maintain records of terminations of state-
710 registered domestic partnerships, except for those state-
711 registered domestic partnerships terminated under subsection
712 (4).

713 (4) A state-registered domestic partnership is
714 automatically terminated if, subsequent to the registration of
715 the domestic partnership with the department, either party or
716 both parties enter into a marriage that is recognized as valid
717 in this state, either with each other or with another person.

718 (5) The department shall collect a reasonable fee for
719 filing the declaration set by rule calculated to cover the
720 department's costs, but not to exceed \$50. Fees collected under
721 this section shall be deposited into the department's
722 Administrative Trust Fund.

723 Section 25. For the purpose of incorporating the amendment
724 made by this act to section 741.28, Florida Statutes, in a
725 reference thereto, paragraph (b) of subsection (1) of section

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726 921.0024, Florida Statutes, is reenacted to read:

727 921.0024 Criminal Punishment Code; worksheet computations;
728 scoresheets.-

729 (1)

730 (b) WORKSHEET KEY:

731
732 Legal status points are assessed when any form of legal status
733 existed at the time the offender committed an offense before the
734 court for sentencing. Four (4) sentence points are assessed for
735 an offender's legal status.

736
737 Community sanction violation points are assessed when a
738 community sanction violation is before the court for sentencing.
739 Six (6) sentence points are assessed for each community sanction
740 violation and each successive community sanction violation,
741 unless any of the following apply:

742 1. If the community sanction violation includes a new
743 felony conviction before the sentencing court, twelve (12)
744 community sanction violation points are assessed for the
745 violation, and for each successive community sanction violation
746 involving a new felony conviction.

747 2. If the community sanction violation is committed by a
748 violent felony offender of special concern as defined in s.
749 948.06:

750 a. Twelve (12) community sanction violation points are
751 assessed for the violation and for each successive violation of
752 felony probation or community control where:

753 (I) The violation does not include a new felony conviction;
754 and

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755 (II) The community sanction violation is not based solely
756 on the probationer or offender's failure to pay costs or fines
757 or make restitution payments.

758 b. Twenty-four (24) community sanction violation points are
759 assessed for the violation and for each successive violation of
760 felony probation or community control where the violation
761 includes a new felony conviction.

762

763 Multiple counts of community sanction violations before the
764 sentencing court shall not be a basis for multiplying the
765 assessment of community sanction violation points.

766

767 Prior serious felony points: If the offender has a primary
768 offense or any additional offense ranked in level 8, level 9, or
769 level 10, and one or more prior serious felonies, a single
770 assessment of thirty (30) points shall be added. For purposes of
771 this section, a prior serious felony is an offense in the
772 offender's prior record that is ranked in level 8, level 9, or
773 level 10 under s. 921.0022 or s. 921.0023 and for which the
774 offender is serving a sentence of confinement, supervision, or
775 other sanction or for which the offender's date of release from
776 confinement, supervision, or other sanction, whichever is later,
777 is within 3 years before the date the primary offense or any
778 additional offense was committed.

779

780 Prior capital felony points: If the offender has one or more
781 prior capital felonies in the offender's criminal record, points
782 shall be added to the subtotal sentence points of the offender
783 equal to twice the number of points the offender receives for

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784 the primary offense and any additional offense. A prior capital
785 felony in the offender's criminal record is a previous capital
786 felony offense for which the offender has entered a plea of nolo
787 contendere or guilty or has been found guilty; or a felony in
788 another jurisdiction which is a capital felony in that
789 jurisdiction, or would be a capital felony if the offense were
790 committed in this state.

791

792 Possession of a firearm, semiautomatic firearm, or machine gun:
793 If the offender is convicted of committing or attempting to
794 commit any felony other than those enumerated in s. 775.087(2)
795 while having in his or her possession: a firearm as defined in
796 s. 790.001(6), an additional eighteen (18) sentence points are
797 assessed; or if the offender is convicted of committing or
798 attempting to commit any felony other than those enumerated in
799 s. 775.087(3) while having in his or her possession a
800 semiautomatic firearm as defined in s. 775.087(3) or a machine
801 gun as defined in s. 790.001(9), an additional twenty-five (25)
802 sentence points are assessed.

803

804 Sentencing multipliers:

805

806 Drug trafficking: If the primary offense is drug trafficking
807 under s. 893.135, the subtotal sentence points are multiplied,
808 at the discretion of the court, for a level 7 or level 8
809 offense, by 1.5. The state attorney may move the sentencing
810 court to reduce or suspend the sentence of a person convicted of
811 a level 7 or level 8 offense, if the offender provides
812 substantial assistance as described in s. 893.135(4).

Page 28 of 30

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

33-00421-13

2013196__

813
 814 Law enforcement protection: If the primary offense is a
 815 violation of the Law Enforcement Protection Act under s.
 816 775.0823(2), (3), or (4), the subtotal sentence points are
 817 multiplied by 2.5. If the primary offense is a violation of s.
 818 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
 819 are multiplied by 2.0. If the primary offense is a violation of
 820 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
 821 Protection Act under s. 775.0823(10) or (11), the subtotal
 822 sentence points are multiplied by 1.5.
 823
 824 Grand theft of a motor vehicle: If the primary offense is grand
 825 theft of the third degree involving a motor vehicle and in the
 826 offender's prior record, there are three or more grand thefts of
 827 the third degree involving a motor vehicle, the subtotal
 828 sentence points are multiplied by 1.5.
 829
 830 Offense related to a criminal gang: If the offender is convicted
 831 of the primary offense and committed that offense for the
 832 purpose of benefiting, promoting, or furthering the interests of
 833 a criminal gang as prohibited under s. 874.04, the subtotal
 834 sentence points are multiplied by 1.5.
 835
 836 Domestic violence in the presence of a child: If the offender is
 837 convicted of the primary offense and the primary offense is a
 838 crime of domestic violence, as defined in s. 741.28, which was
 839 committed in the presence of a child under 16 years of age who
 840 is a family or household member as defined in s. 741.28(3) with
 841 the victim or perpetrator, the subtotal sentence points are

Page 29 of 30

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

33-00421-13

2013196__

842 multiplied by 1.5.
 843 Section 26. For the purpose of incorporating the amendment
 844 made by this act to section 741.28, Florida Statutes, in a
 845 reference thereto, paragraph (b) of subsection (2) of section
 846 943.171, Florida Statutes, is reenacted to read:
 847 943.171 Basic skills training in handling domestic violence
 848 cases.—
 849 (2) As used in this section, the term:
 850 (b) "Household member" has the meaning set forth in s.
 851 741.28(3).
 852 Section 27. This act shall take effect July 1, 2013.
 853

Page 30 of 30

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

Topic Domestic Partnership

Bill Number 196
(if applicable)

Name Nadine Smith

Amendment Barcode _____
(if applicable)

Job Title Executive Director

Address 2659 26th Ave

Phone 813-817-6093

Street
St. Pete FL 33701
City State Zip

E-mail nadine@egfl.org

Speaking: For Against Information

Representing Equality 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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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

02/19/13
Meeting Date

Topic Domestic Partnership registry

Bill Number 196
(if applicable)

Name Mary Weeks

Amendment Barcode _____
(if applicable)

Job Title Attorney

Address _____

Phone 407-497-0027

Street
Orlando FL
City State Zip

E-mail marybweeks@aol.com

Speaking: For Against Information

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.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/19/13

Meeting Date

Topic Families First

Bill Number 196 (if applicable)

Name Martha Haynie

Amendment Barcode (if applicable)

Job Title Orange County Comptroller

Phone 407-836-5688

Address Street

E-mail

City State Zip

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

Representing

Appearing at request of Chair: [X] Yes [] 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.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-19-13

Meeting Date

Topic Domestic PARTNER Registry

Bill Number 196 (if applicable)

Name Steve Kornell

Amendment Barcode (if applicable)

Job Title City of St. Pete, Council member

Phone (727) 743-1674

Address Street 6400 Canton St. So.

E-mail

City State Zip St. Pete FL 33712

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

Representing myself

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.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/19/13
Meeting Date

Topic FAMILIES FIRST

Bill Number SB196 (if applicable)

Name KEN SHELIN

Amendment Barcode (if applicable)

Job Title RETIRED

Address 770 S PALM AVE #1104

Phone 941-373-1218

Street SARASOTA FL 34236
City State Zip

E-mail KSHELIN@AOL.COM

Speaking: For Against Information

Representing EQUALITY 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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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/19/13
Meeting Date

Topic FAMILIES FIRST

Bill Number SB196 (if applicable)

Name DALE GRUBER

Amendment Barcode (if applicable)

Job Title RETIRED

Address 43920 SUNSET DR.

Phone 352 669-8723

Street PAISLEY FL 32767
City State Zip

E-mail DALEANDBRUCE@YAHOO.COM

Speaking: For Against Information

Representing THE TRIANGLE CONNECTION

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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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/19/13

Meeting Date

Topic Families First

Bill Number SB 196 (if applicable)

Name Jim Merritt

Amendment Barcode (if applicable)

Job Title Pastor

Address 5411 SW 83 Terrace

Phone 407-722-1401

Street Gamesville FL 32608 City State Zip

E-mail Revjim@Revjm.org

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

Representing Metropolitan Community Church

Appearing at request of Chair: [] Yes [] 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.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-19-13

Meeting Date

Topic DOMESTIC PARTNERSHIPS

Bill Number SB 196 (if applicable)

Name William (Bill) Bunkley

Amendment Barcode (if applicable)

Job Title President

Address P O Box 341644

Phone 813-264-2977

Street Tampa FL 33694 City State Zip

E-mail

Speaking: [] For [] Against [] Information

Representing The Florida Ethics & Religious Liberty Commission, Inc.

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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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____
Topic Domestic Partnership Bill Bill Number SB 196
Name Pam Olsen Amendment Barcode _____ (if applicable)
Job Title President Florida Prayer Network (if applicable)
Address B O Box 14017 Phone 850-906-9170
Tallahassee FL 32317 E-mail _____
City State Zip

Speaking: For Against Information
Representing Florida Prayer Network
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 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date 2/19/13
Topic SB 196 - DOMESTIC PARTNERSHIPS Bill Number SB 196
Name JOHN STAMBERGER Amendment Barcode _____ (if applicable)
Job Title PRESIDENT (if applicable)
Address 4853 S. ORANGE AVE. Phone 407-251-5130
ORLANDO FLA. 32806 E-mail _____
City State Zip

Speaking: For Against Information
Representing FLORIDA FAMILY ACTION / FLORIDA FAMILY POLICY COUNCIL
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)

2/19/13

Meeting Date

Topic _____

Bill Number 196
(if applicable)

Name Michael Sheedy

Amendment Barcode _____
(if applicable)

Job Title Director of Public Policy

Address 201 W. Park Ave.

Phone _____

Street
Tall. FL 32301
City State Zip

E-mail _____

Speaking: For Against Information

Representing Florida Conference of Catholic Bishops

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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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/19/2013

Meeting Date

Topic _____

Bill Number 196
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street
SAINT PETERSBURG FLORIDA 33705
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

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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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

Feb 19 2012
Meeting Date

Topic Domestic registration

Bill Number 196 (if applicable)

Name Phoebe McFarlin

Amendment Barcode (if applicable)

Job Title Episcopal priest

Address 509 Terrace St. Street

Phone 850-545-2578

Tallahassee State Zip

E-mail phoebemac1@comcast.net

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

Representing Church - PFLAC

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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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-19-2013
Meeting Date

Topic FAMILIES FIRST

Bill Number SB 196 (if applicable)

Name JAMES VANRIPETZ

Amendment Barcode (if applicable)

Job Title MANAGER

Address 2024 TED HINES DR. Street

Phone 850-445-2375

Tallahassee FL 32308 City State Zip

E-mail JVANRIPETZ@COMCAST.NET

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

Representing SAF

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.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-19-2013

Meeting Date

Topic Domestic Partnership

Bill Number SB 196
(if applicable)

Name Suzanne Kirayoglu

Amendment Barcode _____
(if applicable)

Job Title Ph.D. Candidate Department of Political Science FSU

Address 501 Blair Stone Rd. apt. 2601

Phone 850-303-9065

Street

Tallahassee

FL

32301

City

State

Zip

E-mail skirayoglu16@gmail.com

Speaking: For Against Information

Representing Senator Sobel

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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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/19/2013

Meeting Date

Topic Domestic Partner (Families First) Bill Number SB 196
(if applicable)

Name Rev. Nancy Dahlberg Amendment Barcode _____
(if applicable)

Job Title clergy

Address 1834 Mahan Dr. (United Church)

Phone 850-566-8744

Street

Tallahassee

City

State

Zip

E-mail ndahlberg@ktmail.com

Speaking: For Against Information

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.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

Topic DPR Bill Number #196
Name Robyn Stewason Amendment Barcode _____
Job Title _____
Address 444 Frank Shaw Rd Phone _____
Street Tall. Fl. 32312
City *State* *Zip* E-mail _____

Speaking: For Against Information
Representing PFLA & my GAY son
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 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date 2-19-13

Topic Domestic Registry Bill Number SB-196
Name Barbara A. Devine Amendment Barcode _____
Job Title Ms.
Address 625 E. Broadway St Phone 850-222-3769
Street Tallahassee FL 32308
City *State* *Zip* E-mail barbaradevine1@Yahoo.com

Speaking: For Against Information
Representing FL Alliance for Retired Americans & FL NOW
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)

2/19/13

Meeting Date

Topic Families first ~~STP~~

Bill Number S 196 (if applicable)

Name Michael Emanuel Rajner

Amendment Barcode (if applicable)

Job Title N/A

Address PO Box 2133

Phone 954 566-0144

Street Ft. Lauderdale, FL 33303

E-mail merajner@gmail.com

Speaking: For Against Information

Representing self

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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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

Topic Domestic Partnership

Bill Number 196 (if applicable)

Name Rev. Elder Diane Fisher

Amendment Barcode (if applicable)

Job Title PASTOR

Address 149 B Villas Ct SE

Phone 1-617-448 2396

Street Tallahassee FL 32303

E-mail revdianefisher@gmail.com

Speaking: For Against Information

Representing Gentle Shepherd MCC

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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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/13

Meeting Date

Topic SB 196

Bill Number 196 (if applicable)

Name Michael Farmer

Amendment Barcode (if applicable)

Job Title Statewide field coordinator

Address 1021 Garden Plaza

Phone 407-462-9694

Street Orlando FL 32805

E-mail Michael.Farmer@fla.gov

City State Zip

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

Representing Equality Florida

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.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/13

Meeting Date

Topic SB 196 - Families First

Bill Number 196 (if applicable)

Name Nick Matthews

Amendment Barcode (if applicable)

Job Title Legislative Coordinator

Address 115 S. Andrews Ave

Phone

Street Fort Lauderdale FL 33301

E-mail NMatthews@fla.gov

City State Zip

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

Representing Broward County - Write In Support

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.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/19/13

Meeting Date

Topic Families First Hearing Bill Number 194
Name BRITTANY LINK Amendment Barcode _____ (if applicable)
Job Title NEW MEDIA ASSOCIATE FOR EQUALITY FLORIDA (if applicable)
Address 1226 SW 16th AVE Apt. E Phone 678-634-5566
Street _____
GAINESVILLE FL 32601 E-mail brittany@eqfl.org
City State Zip

Speaking: For Against Information

Representing Equality 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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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/19/13

Meeting Date

Topic _____ Bill Number SB196
Name VICKI NANTZ Amendment Barcode _____ (if applicable)
Job Title LEGAL ASSISTANT (if applicable)
Address 13712 BLUE LAGOON WAY Phone 407-282-2521
Street _____
ORLANDO FL 32828 E-mail _____
City State Zip

Speaking: For Against Information

Representing SELF

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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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

Topic Domestic Partnership registry

Bill Number 196 (if applicable)

Name Mallory wells

Amendment Barcode _____ (if applicable)

Job Title Public Policy Director

Address 737 NW 24th Ave

Phone 407-617-6682

Street _____
City Gainesville State _____ Zip _____

E-mail _____

Speaking: For Against Information

Representing Equality 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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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/19

Meeting Date _____

Topic _____

Bill Number SB 196 (if applicable)

Name Kathy Russel

Amendment Barcode _____ (if applicable)

Job Title Dir of Gov Relations

Address 400 S Orange Ave

Phone _____

Street _____
City _____ State _____ Zip _____

E-mail _____

Speaking: For Against Information

Representing City of Orlando

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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S-001 (10/20/11)

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.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SPB 7012

INTRODUCER: For consideration by Children, Families, and Elder Affairs Committee

SUBJECT: Independent Living

DATE: February 15, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	Submitted as Committee Bill
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SPB 7012 provides that young adults who were in the foster care system and who did not reach permanency before reaching 18 years of age under current law may remain in care until reaching 21 years of age. The bill also provides eligibility criteria to remain in care, allows a young adult to leave and reenter care anytime before reaching 21 years of age, and requires young adults who are in care to reside in supervised living arrangements. The bill requires the development of a transition plan and requires the continuation of case management, service delivery, and judicial review for young adults remaining in care.

The bill makes a number of changes related to foster parents and group home parents and staff including providing requirements and expectations for foster parents, group home parents and providers, the department, the community-based care lead agencies and their providers. The bill also requires that foster parents be afforded adequate training and support and be included in a full and equal respectful partnership with other participants in the child welfare system and requires group home staff to meet the same training, background and other screening requirements as foster parents. The bill codifies the board rate for foster parents and provides for an annual cost of living increase. The bill also transfers the responsibility of providing independent living skills for children 13-17 years of age to the foster parents and group home parents, eliminates the need to contract for those services, and relieves caseworkers from some responsibilities associated with independent living services for 13-17 year olds. Provisions related to normalcy and the reasonable and prudent parent standard are also contained in the bill.

The bill restructures the Road-to-Independence (RTI) Program, providing for financial assistance for those young adults who are attending a post secondary school or program under Section 1009.533, Florida Statutes. The bill provides for aftercare services for young adults who leave

care and for an appeals process. The bill enables young adults currently receiving independent living transition services to continue in the existing program until their eligibility for that benefit program expires. The bill provides for portability of services and support for children and young adults who relocate within the state, provides for collaboration between the Department of Children and Families (DCF or department) and colleges and universities for an educational support program, and creates a new budget category for independent living expenditures.

The bill is expected to have a positive fiscal impact on the state and the private sector and has an effective date of October 1, 2013.

This bill substantially amends the following sections of the Florida Statutes: 39.013, 39.701, 409.145, 409.1451, 409.175 and 409.903. This bill creates sections 39.6035 and 39.6251, Florida Statutes.

II. Present Situation:

Independent Living (IL) Program

Background

Each year thousands of children leave state dependency care systems because they reach the age of 18 and are no longer eligible for care. Since the early 1980's, research and anecdotal evidence have indicated that many of these young adults experience numerous difficulties in their attempts to achieve self-sufficiency. When compared to young adults with no exposure to the child welfare system, young adults who were formerly in care are less likely to earn a high school diploma or GED and subsequently, have lower rates of college attendance.¹ They suffer more from mental health problems; have a higher rate of involvement with the criminal justice system; are more likely to have a difficult time achieving financial independence, thus increasing their reliance on public assistance; and experience high rates of housing instability and homelessness.²

As of December 2012, in Florida there were 5,288 youth ages 13 through 17 in licensed foster care eligible for independent living services and there were 1,386, 1,304 and 1,181 children who aged out of care in FY 2009/2010, 2010/2011, and 2011/2012 respectively.³ While attention to their needs has increased significantly over the past decade, the services intended to help prepare them to live independently upon aging out of the system appear to remain inadequate and not as effective as they could be.

¹ Courtney, M.A. and Huring, D.H. (2005). The Transition to Adulthood for Youth "Aging Out" of the Foster Care System. In Osgood, D.W., Foster, E.M., Flanagan, C. & Ruth G.R. (Eds.), *On Your Own Without a Net: The Transition to Adulthood for Vulnerable Populations*. (pp. 33-34). Chicago, Illinois: The University of Chicago Press

² *Id.* (pp.36-40).

³ Information supplied by the Department of Children and Families. Dec. 21, 2013.

Federal Law

John H. Chafee Foster Care Independence Program

The federal government responded to the needs of children who age out of care by enacting the Foster Care Independence Act of 1999 (Chafee Act).⁴ The Chafee Act provides states with flexible funding that enables programs to be designed and conducted to serve children who are likely to remain in foster care until age 18, children who, after attaining 16 years of age, have left foster care for kinship guardianship or adoption, and young adults ages 18-21 who have "aged out" of the foster care system.⁵

Age restrictions were also eliminated, allowing states to offer independent living services to children earlier than age 16.⁶ The Chafee Act grants wide discretion to the states, allowing them to set their own criteria for children in care to receive services.⁷ However, states must use objective criteria for determining eligibility for benefits and services under the programs and for ensuring fair and equitable treatment of benefit recipients.⁸

Each state is allotted an amount of funds which has the same ratio as the number of children in foster care in that state to the total number of children in foster care in all states in the most recent fiscal year for which such information is available. A 20 percent state match is required.⁹

Education and Training Vouchers

The Educational and Training Vouchers Program (ETV) for children aging out of care was added to the Chafee Act in 2002. ETV provides resources specifically to meet the education and training needs of youth aging out of care. Funding is provided for post secondary educational and training vouchers for children and young adults likely to experience difficulty as they transition to adulthood after reaching 18 years of age. The program makes available vouchers of up to \$5,000 per year per young adult.¹⁰

National Youth in Transition Database (NYTD)

The Chafee Act also required the Administration for Children and Families (ACF) to develop a data collection system to track the independent living services states provide to children and young adults and develop outcome measures that may be used to assess states' performance in

⁴ Pub. Law No. 106-169, 113 Stat. 1822 (1999). Federal funds for independent living initiatives were first made available under the Consolidated Omnibus Budget Reconciliation Act of 1985.

⁵ 42 U.S.C. § 677(2002).

⁶ 42 U.S.C. § 677(b)(2)(C) (2002).

⁷ 42 U.S.C. § 677(b)(2).

⁸ 42 U.S.C. § 677(b)(2)(E).

⁹ In FY 2012, Florida's Chafee allocation was \$6,130,927 and the ETV allocation was \$2,044,377. U.S. Department of Health and Family Services, Administration on Children, Youth and Families, Children's Bureau. Program Instruction. ACYF-CB-PI-12-05. (Apr. 11, 2012), available at <http://www.acf.hhs.gov/sites/default/files/cb/pi1205.pdf> (last visited Jan. 6, 2013).

¹⁰ U.S. Department of Health and Human Services, Administration for Children and Families, *The John H. Chafee Foster Care Independence Program*. available at http://www.acf.hhs.gov/programs/cb/programs_fund/state_tribal/jh_chafee.htm (last visited Feb. 12, 2013).

operating their independent living programs.¹¹ Subsequent regulation established NYTD and requires states to engage in two data collection activities:

- States must collect information on each youth who receives independent living services paid for or provided by the state agency that administers the Chafee Act; and
- States must collect demographic and outcome information on certain youth in foster care who will be followed over time to collect additional outcome information. This information will allow ACF to track which independent living services provided by states and assess the collective outcomes of youth.

Pursuant to regulation, states began collecting data for NYTD on October 1, 2010 and are required to report data to ACF semiannually.

Florida Law

With the enactment of federal legislation and increased available funding, the 2002 Florida Legislature established a new framework for the state’s independent living transition services to be administered by the department and the community-based care lead agencies to provide services and financial assistance to older children in care and young adults who leave the foster care system at age 18 in order to help them transition to self-sufficiency as adults.¹² Those service categories include:¹³

Table 1.

PROGRAM COMPONENTS	SERVICES PROVIDED	AGE GROUP
PRE-INDEPENDENT LIVING	Life skills training, educational field trips and conferences.	13 to 15 years
LIFE SKILLS	Independent living skills training, including training to develop banking and budgeting skills, interviewing skills, parenting skills, and time management or organizational skills, educational support, employment training, and counseling.	15 to 18 years
SUBSIDIZED INDEPENDENT LIVING (SIL)¹⁴	Financial assistance for living arrangements that allow the child to live independently of the daily care and supervision of an adult.	16 to 18 years
AFTERCARE SUPPORT	Housing, electric, water, gas, sewer service, food, mentoring, tutoring, mental health services, substance abuse counseling, life skills classes, parenting classes, job and career skills training, counselor consultations, temporary financial assistance, and financial literacy skills training.	18 to 23 years

¹¹ U.S. Department of Health and Human Services, Administration for Children and Families, *The John H. Chafee Foster Care Independence Program*. available at <http://www.acf.hhs.gov/programs/cb/resource/about-nytd?page=all> (last visited Feb. 12, 2013).

¹² The department provided independent living services to older youth in foster care prior to the creation of Section 409.1451, F.S., with provisions for those services appearing in a number of sections of Florida Statutes, including Section 409.145, F.S., relating to care of children (2001), and Section 409.165, F.S., relating to alternative care of children (2001).

¹³ Section 409.1451, F.S.

¹⁴ Subsidized independent living provides an opportunity for youth ages 16-17 to receive a cash subsidy and other services from the department, and placement in a living arrangement not required to be licensed and not under the daily care and supervision of an adult. Subsidized independent living arrangements established for a youth must be part of an overall plan leading to total independence from the department's supervision.

PROGRAM COMPONENTS	SERVICES PROVIDED	AGE GROUP
ROAD-TO-INDEPENDENCE PROGRAM	Financial assistance for education.	18 to 23 years
TRANSITIONAL SUPPORT	Financial, housing, counseling, employment, education, mental health, disability, and other services.	18 to 23 years

Outcome measures and minimum standards

Multiple efforts have been made since the establishment of the independent living transition services program in order to have outcome measures and standards for the program that would allow for measurement of effectiveness of IL services:

- In 2002, the legislature required the department to establish outcome measures for the independent living program.¹⁵
- As a result of no standards or measures being developed by the department, in 2004 the legislature directed the Office of Program Policy and Government Accountability (OPPAGA) to recommend minimum standards for the independent living transition services.¹⁶ OPPAGA provided those recommended minimum standards to the department in November 2004.¹⁷ The OPPAGA report also emphasized that at a minimum, the success of a provider’s program should be based on how well children in care progress on three major variables: education,¹⁸ life skills,¹⁹ and employment.²⁰ Without minimum skills in these three areas, children in care cannot hope to live self-sufficiently.²¹
- A subsequent report issued by OPPAGA in 2005 noted that standards had still not been developed and recommended that the department should develop minimum standards of performance for IL programs and include those standards in contracts with providers.²²
- In 2006 the legislature again required the department to establish minimum standards for independent living transition services for current and former foster youth and incorporate

¹⁵ Chapter 2002-19, Laws of Fla.

¹⁶ Chapter 2004-362, Laws of Fla.

¹⁷ Office of Program Policy Analysis and Gov’t Accountability, Florida Legislature, *Improved Fiscal and Quality Oversight Is Needed for the Independent Living Program*, Report No. 04-78. (Nov. 2004), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0478rpt.pdf> (last visited Jan. 11, 2013).

¹⁸ *Id.* At a minimum, education indicators should include: percentage of youth at or above grade level; percentage of youth taking college preparatory courses; percentage of youth graduating from high school; percentage of youth completing a general equivalency degree (GED); percentage of youth entering and completing a two-year and/or four-year postsecondary education; and percentage of youth completing a vocational program.

¹⁹ *Id.* At a minimum, life skills indicators should include: percentage of youth receiving life skills training; percentage youth completing a financial literacy course; percentage of youth opening and maintaining an active bank account; percentage of youth with a medical care provider; percentage of youth who are unwed parents; percentage of youth 18 and over with housing; percentage of youth homeless for at least one night; percentage of youth arrested; percentage of youth on probation; and percentage of youth incarcerated by the Department of Corrections or the Department of Juvenile Justice.

²⁰ *Id.* At a minimum, employment indicators should include: percentage of youth who are employed; average length of time youth retain their jobs; percentage of youth in jobs with health benefits; percentage of youth employed in jobs paying above minimum wage.

²¹ *Id.*

²² Office of Program Policy Analysis and Gov’t Accountability, Florida Legislature, *Improvements in Independent Living Services Will Better Assist State’s Struggling Youth*, Report No. 05-61. (Dec. 2005), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0561rpt.pdf> (last visited Jan. 10, 2013).

minimum independent living standards into lead agency contracts by July 1, 2007.²³ The department, in coordination with community-based care lead agencies, was also required to develop measures for assessing the effectiveness of lead agency performance in meeting these minimum standards by July 1, 2007.²⁴ In addition, the department was required to begin monitoring lead agency performance in accordance with these requirements by Fiscal Year 2008-09.²⁵

- In a 2007 report, OPPAGA noted that the department had made limited progress on developing minimum standards and had made some progress on developing outcome measures. OPPAGA again recommended that the department develop the required standards and incorporate them into lead agency contracts.²⁶
- The annual report published by the Independent Living Services Advisory Council (ILSAC) in 2008 stated:

In our 2006 report, the ILSAC developed a set of youth outcome measures that we encouraged the department to adopt and integrate. It was our expectation, the legislature and the Department would find elements of the baseline data so alarming that a sense of urgency and call to action would result in the immediate establishment of youth outcome measures and benchmarks in every community based care contract... In the last year, we still have not identified and established Florida's standard of acceptable youth outcome levels; and those acceptable youth outcomes have not been incorporated into the CBC contracts.²⁷

- The department's response to the 2007 OPPAGA report stated that they were revising lead agency contracts to include minimum standards related to IL services, a subsequent report issued by OPPAGA in 2010 stated that the department had not established an effective mechanism to ensure that lead agencies meet minimum contract standards and that DCF had not established outcome measures as required by law.²⁸

Additional IL program findings:

Office of Program Policy and Government Accountability (OPPAGA)

OPPAGA has evaluated and examined numerous aspects of the IL program multiple time since 2004. In addition to findings related to outcome measures and minimum standards, the office has reported the following:

²³ Chapter 2006-25, Laws of Fla. These standards were to be consistent with, but not limited to, the standards contained in the Office of Program Policy and Analysis and Government Accountability (OPPAGA) Report No. 04-78.

²⁴ *Id.*

²⁵ *Id.*

²⁶ Office of Program Policy Analysis and Gov't Accountability, Florida Legislature, *Improved Fiscal and Quality Oversight Is Needed for the Independent Living Program*, Report No. 07-11. (Feb. 2007) available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0711rpt.pdf> (last visited Jan. 13, 2013).

²⁷ Report of Independent Living Services for Florida's Foster Youth (2008), Independent Living Services Advisory Council. available at <http://centerforchildwelfare2.fmhi.usf.edu/kb/Prgrprac/ILSACreport2008.pdf> (last visited Jan. 10, 2013).

²⁸ Office of Program Policy Analysis and Gov't Accountability, Florida Legislature, *DCF Has Improved Some Aspects of Independent Living Program Oversight: Other Long-Standing Problems Remain*, Report No. 10-30. (Mar. 2010), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0711rpt.pdf>. (last visited Jan. 14, 2013).

- In 2005, OPPAGA evaluated the independent living services program. While the primary focus of the OPPAGA evaluation was on services for young adults formerly in foster care, OPPAGA also sought to determine if the department was adequately monitoring the delivery of contracted independent living services.²⁹ OPPAGA concluded that while the department's oversight of community based care providers had improved over time, more improvements were needed. Specifically, quality management processes did not ensure that providers were delivering quality services.³⁰
- OPPAGA re-evaluated the independent living services program in 2007 and reported that the department needs to improve fiscal oversight of the independent living program to ensure that program resources were being used as intended and in compliance with state and federal guidelines. It was determined that lack of information hinders the department's ability to provide oversight and assess the quality and level of independent living services. As a result, neither the department nor the lead agencies could readily determine if children in care receive the required independent living transition services. This also has hindered the department and lead agencies' ability to accurately determine budget needs for serving this population.³¹
- In 2010, OPPAGA found that the department had broadened its contract monitoring and quality assurance systems to better address key elements of the IL program but it continued to lack the ability to track whether 13-17 year olds received services as required by law.³²

Office of the Auditor General

In the most recent operational audit of the DCF independent living transition services program conducted by the Auditor General, audit findings revealed the following:

- **Needs Assessment** – The department and CBC lead agencies did not require that actual living and educational expenses be utilized as a basis for determining the amounts of the RTI awards made to high school students. The department set the amount of the award at the statutory maximum. Additionally, for post-secondary students, the department and CBCs were unable to provide documentation supporting the appropriateness of the amounts of the RTI awards.
- **Appropriate Progress** – DCF rules and guidelines did not specifically address the type of documentation that would be sufficient to demonstrate appropriate progress by students in GED programs.
- **Services and Payments** – There were instances where young adults received multiple payments for the same service from multiple programs. Documentation was not always provided evidencing assessment of need for Aftercare Support assistance. In addition:

²⁹ Office of Program Policy Analysis and Gov't Accountability, Florida Legislature *Improvements in Independent Living Services Will Better Assist State's Struggling Youth*, Report No. 05-61. (Dec. 2005), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0561rpt.pdf> (last visited Jan. 11, 2013).

³⁰ *Id.*

³¹ Office of Program Policy Analysis and Gov't Accountability, Florida Legislature *Improved Fiscal and Quality Oversight Is Needed for the Independent Living Program*, Report No. 07-11. (February 2007). (last visited Jan. 11, 2013).

³² Office of Program Policy Analysis and Gov't Accountability, Florida Legislature *DCF Has Improved Some Aspects of Independent Living Program Oversight: Other Long-Standing Problems Remain*, Report No. 10-30. (Mar. 2010), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0711rpt.pdf> (last visited Jan. 14, 2013).

- There was an inappropriate use of Transitional Support funds for achieving an educational goal;
 - Payments were erroneously coded;
 - Payments were made to ineligible individuals;
 - There were instances where young adults did not meet program eligibility requirements, including instances in which the maximum age limitation was exceeded; and
 - Payments were made in excess of established spending caps.
- **Subsidized Independent Living (SIL)** – The department and CBCs were unable to provide documentation to support the required number of services worker visitations. In addition, the department and applicable CBCs were unable to provide documentation showing that staffings, assessments, and judicial reviews had been completed.
 - **Staffings, Assessments, Case Plans** – The department and CBCs did not properly conduct or provide supporting documentation showing that staffings, assessments, and case plans for adolescents ages 13 to 17 had been completed.
 - **Florida Safe Families Network (FSFN)** – DCF did not require CBCs to fully utilize the functionality of FSFN specific to the independent living (IL) program although system capabilities were available.
 - **Monitoring** – Department monitoring efforts were not sufficient to ensure IL program compliance.^{33,34}

An operational audit of the independent living transition services program performed by the Auditor General in 2005 at the direction of the legislature reported almost identical findings.³⁵

Independent Living Services Advisory Council (ILSAC)

When the Florida legislature established a new framework for Florida's independent living transition services in 2002, the legislation provided for the creation of an independent living services integration workgroup tasked with assessing the implementation and operation of the redesigned program. The ILSAC annual reports are required to be accompanied by a report from the department that identifies the recommendations of the workgroup and either describes the department's actions to implement these recommendations or provides the department's rationale for not implementing the recommendations.³⁶

- The 2006 annual report stated that the ILSAC recognized that there have been tremendous strides in the past year. However much more remains to be done before it can be said that the young people in Florida who age out of foster care are successful and productive adults. The report continues, "we have gone on too long without accountability. Every dollar spent on independent living services should have a measurable impact on the quality of the lives for

³³ Office of the Auditor General. *Operational Audit. Department Of Children And Family Services. Independent Living Transition Services Program*. Report No. 2011-176. (Apr. 2011).

³⁴ A follow-up to Report No. 2011-176 is currently in progress.

³⁵ Chapter 2004-362, Laws of Fla. Office of the Auditor General. *Operational Audit. Department Of Children And Family Services. Independent Living Transition Services Program*. Report No. 2005-119. (Feb. 2005).

³⁶ Section 409.1451, F.S. In 2004, the workgroup became the Independent Living Services Advisory Council.

our foster care youth and young adults, especially in the areas of education, employment, housing, financial stability and permanency.”³⁷

- While we recognize the great accomplishment of the Department in their efforts to collect baseline data on over 7,000 youth and young adults in 2007—the baseline data indicates significant areas of deficit in both youth achievement and Community Based Care service delivery practice. There is much work to be done to significantly change the outcomes for Florida’s youth who are aging out of foster care.³⁸
- While we recognize the great accomplishment of the Department in their efforts to collect baseline data on over 8,800 youth and young adults over two successive years—the baseline data continues to indicate significant areas of deficit in both youth achievement and Community Based Care service delivery practice.³⁹
- ILSAC has recommended since 2006 that a program planning and delivery reporting tool be developed for determining the independent living services, outcomes and fiscal implications of projected and actual delivery of services for youth ages 13 to 23 for all CBC lead agencies. ILSAC has also recommended establishment of provider accountability through corrective action as part of ongoing quality assurance benchmarks—not of services provided or youth served – but of outcomes achieved by youth in care. Some progress has made on these recommendations but we are still not at a point where we can report to key stakeholders how our dollars are spent and how the young people in our care are faring in terms of education, permanency, health care, and employment. Outcomes have been established in CBC lead agency contracts in the past year that will provide some data on how our youth are faring but are still inadequate in measuring the success of youth in our care.⁴⁰

Department of Children and Family Services Report on Outcome Measures and Oversight Activities

The department was required to develop outcome measures for the independent living transition services program and other performance measures in order to maintain oversight of the program.⁴¹ A required annual report to the legislature must contain an analysis of performance on the outcome measures reported for each community-based care lead agency as compared with the performance of the department on the same measures and a description of the department's oversight of the program, including, by lead agency, any programmatic or fiscal deficiencies found, corrective actions required, and current status of compliance.⁴²

The department’s Contract Oversight Unit randomly selected cases of youth eligible to receive independent living services and young adults formerly in foster care and conducted a file review to determine if the requirements of Florida Statute and Florida Administrative Code were met.

³⁷ Independent Living Services Advisory Council. Annual Report. 2006. *available at* http://centerforchildwelfare2.fmhi.usf.edu/kb/indliv/ILSAC_2006report.pdf (last visited Jan. 6, 2013).

³⁸ *Report of Independent Living Services for Florida’s Foster Youth* (2008). Independent Living Services Advisory Council. *available at* <http://centerforchildwelfare2.fmhi.usf.edu/kb/Prgrprac/ILSACreport2008.pdf> (last visited Jan. 10, 2013.)

³⁹ *Report of Independent Living Services for Florida’s Foster Youth* (2009). Independent Living Services Advisory Council. *available at* <http://centerforchildwelfare2.fmhi.usf.edu/kb/Prgrprac/ILSACreport09.pdf> (last visited Jan. 10, 2013.)

⁴⁰ *Report of Independent Living Services for Florida’s Foster Youth* (2011). Independent Living Services Advisory Council. *available at* http://centerforchildwelfare2.fmhi.usf.edu/kb/LegislativeMandatedRpts/ILSACreport_2011%20Final.pdf (last visited Jan. 8, 2013.)

⁴¹ Section 409.1451(6), F.S.

⁴² *Id.*

This included a review of eligibility requirements for these services. Deficiencies in cases or areas of concern with the delivery of independent living services were noted in reports submitted to the department’s contract managers and department leadership. The contract managers determined if the area of deficiency warranted a corrective action plan (CAP). If a CAP was necessary to address concerns, the community-based care lead agency was required to develop steps and processes to bring services into compliance with federal regulations, Florida Statute, Florida Administrative Code, and the contract. The January 2012 report contains the following table (Table 2) summarizing the monitoring of the community-based care lead agencies for the 2011 calendar year, and the action taken by the department to address deficiencies.⁴³

Table 2.

CIRCUIT	CBC	IDENTIFIED AREAS OF DEFICIENCY (SPECIFIC TO IL SERVICES)	DCF RESPONSE (SPECIFIC TO IL SERVICES)
3, 8	Partnership for Strong Families	Independent Living requirements were not met	Corrective Action Plan is in place.
4	Family Support Services of North Florida	Some Independent Living requirements were not met	Corrective Action Plan not needed.
4	Clay Baker Kids, Inc.	Some Independent Living requirements were not met	Corrective Action Plan is in place.
7	Family Integrity Program	Some Independent Living requirements were not met	Corrective Action Plan not needed.
11	Our Kids of Miami-Dade-Monroe, Inc.	Some Independent Living requirements were not met	Corrective Action Plan is in place.
17	ChildNet, Inc.	Independent Living requirements were not met	Corrective Action Plan is in place.
19	United for Families	Some Independent Living requirements were not met	Corrective Action Plan is in place.
20	Children's Network of SW Florida	Independent Living requirements were not met	Corrective Action Plan is in place.

Surveys

To address federal and state requirements, the department implemented two surveys to capture data on independent living services and outcomes:

- The My Services Review Survey that captures information on services for children 13 to 17 years of age; and
- The National Youth in Transition Database Survey that captures data and tracks outcomes on young adults 18 to 22 years of age.

⁴³ *Report on Outcome Measures and Oversight Activities of the Independent Living Transition Services Program*. Department of Children and Family Services. (Jan. 2009), available at <http://www.dcf.state.fl.us/indliving/>. (last visited Sept. 20, 2009).

My Services Survey Data – Ages 13-17 Spring 2012⁴⁴

Table 3.

EDUCATION	
Foster parents review report cards	76%
Caseworker reviews report cards	69%
Has education and career path	35%
Has changed schools at least once during the school year	47%
HEALTH AND DENTAL CARE	
Receiving needed medical care	86%
Saw a dentist in the last year	86%
Had an eye exam in the last year	68%
NORMALCY	
Can spend time with friends without adult supervision	65%
Can spend the night with friends	45%
Receives a personal allowance each week	53%
Has a driver’s license (ages 16-17 years only)	3%
JUVENILE JUSTICE SYSTEM INVOLVEMENT	
Has been arrested in the past 12 months	28%
Is currently on probation or under DJJ supervision	22%

Florida Nation Youth in Transition Survey Data - Ages 18-22 Spring 2012⁴⁵

Table 4.

EDUCATION	
Completed grade 12 or GED	57%
Completed post-secondary education	7%
EMPLOYMENT	
Any job – full-time, part-time, temporary, seasonal	19%
HEALTH AND DENTAL CARE	
Has health insurance coverage	86%
Received dental services in the last year	39%
HOUSING AND TRANSPORTATION	
Safe housing	92%
Experienced homelessness	28%
Reliable means of transportation to school and/or work	80%
Have a driver’s license	47%
CRIMINAL JUSTICE SYSTEM INVOLVEMENT	
Arrested in the past 12 months	40%

Fostering Connections to Success and Increasing Adoptions Act

The Fostering Connections to Success and Increasing Adoptions Act⁴⁶ enacted in 2008, was designed to improve outcomes for children in care and young adults who have aged out of care

⁴⁴ Department of Children and Families. *available at* <http://www.myflfamilies.com/service-programs/independent-livingarchive-data>. (last visited Jan. 25, 2013).

⁴⁵ Department of Children and Families. *available at* <http://www.myflfamilies.com/service-programs/independent-livingarchive-data> (last visited Jan. 25, 2013).

⁴⁶ Pub. Law No.110-351, H.R. 6893, 110th Cong. (Oct. 7, 2008).

by promoting permanent families for them through relative guardianship and adoption and by improving educational stability and quality coordinated health care. Specifically, the Act:

- Promotes permanent families for children in care with relatives by providing notice to relatives when a child enters care, providing subsidized guardianship payments for relatives, and waiving certain licensing standards for relatives;
- Promotes permanent families for children with adoptive families by increasing opportunities for more children with special needs to receive federally-supported adoption assistance; and
- Improves outcomes for children in care by:
 - Allowing children who turn 18 in care without permanent families to remain in care, at state option, to age 19, 20, or 21 with continued federal support to increase their opportunities for success as they transition to adulthood;
 - Helping children in care achieve their educational goals by requiring that states ensure that they attend school and, when placed in care, they remain in their same school where appropriate, or, when a move is necessary, get help transferring promptly to a new school; and
 - Helping improve health care for children in care by requiring the state child welfare agency to work with the state Medicaid agency to create a plan to better coordinate health care for these children in order to ensure appropriate screenings and assessments and follow-up treatment and to assure sharing of critical information with appropriate providers and oversight of prescription medications.⁴⁷

Quality Parenting Initiative

The Quality Parenting Initiative (QPI) is a statewide initiative that is a joint project of the Youth Law Center, Florida's Department of Children and Families, community-based care lead agencies and the Eckerd Family Foundation, designed to promote quality care for children in foster care by redefining the expectations and roles of foster parents. QPI was developed to ensure that every child removed from the home because of abandonment, abuse or neglect is cared for by a foster family who provides skilled, nurturing parenting while helping the child maintain connections with his or her family. The foster family works closely with child welfare agencies, case workers, courts, attorneys and others to protect the child's best interests.⁴⁸

One of the key ways the QPI supports these foster families is by providing in-depth training to help them manage the challenges they face. These may be routine events, like appearing in court, or more complex problems like helping a child transition home, coping with behavioral problems, or advocating for special education services. The training also helps families to better understand any information they were given about the child at the time of placement so they can be proactive in advocating for the child and getting the right assistance.⁴⁹

A web based learning project has been designed to connect foster parents with trainers who can answer their questions and give them a framework for dealing with these challenges. The project

⁴⁷ Center for Law and Social Policy. *Fostering Connections To Success And Increasing Adoptions Act*. available at <http://www.clasp.org/admin/site/publications/files/FINAL-FCSAIAAct1-pager.pdf> (last visited Jan. 20, 2013).

⁴⁸ Quality Parenting Initiative. Center for Child Welfare. available at <http://centerforchildwelfare2.fmhi.usf.edu/qpi/docs/Forms/AllItems.aspx> (last visited Feb. 10, 2013).

⁴⁹ *Id.*

coordinator will receive requests for training and will quickly identify individuals who are available to provide that training. These may be subject matter experts, like doctors, psychologists, lawyers or teachers. Or they may be practice experts like other foster parents who have successfully dealt with the same situation. The training is provided live online and the training webinars are video recorded, edited, and available at no charge for use by other families who are unable to attend or for later use as a refresher for participants.⁵⁰

Normalcy

Background

Each year, approximately 30,000 children in foster care age out of the foster care system nationwide, typically at 18 years of age, and this number has risen steadily over the past decade.⁵¹ In Florida, an average of 1,290 children aged out of care over the past three years.⁵² These are young adults who experienced significant psychological trauma during their formative years, including being neglected and/or abused, being separated from their homes, friends, families and most things familiar to them, and often experiencing multiple placements in homes and group home settings.

The foster care system, which has historically been focused on safety and concerned about liability, often creates huge barriers to the normalcy of a child's experiences growing-up, causing children in care to miss out on many rites of passage common to their peers. While their friends are getting their driver's licenses, most children in care are not since they generally have no one to teach them to drive or the money for insurance or driver's education, let alone access to a car.⁵³ Other rites of passage are anything but typical for children in care, as each one requires some additional layers of bureaucracy. Getting a first job, participating in sports, going camping with friends, and even going to the prom are all examples of activities that, while may be a normal part of growing up for most children and teenagers, are not always readily available to many foster youth.⁵⁴

These problems are compounded for children in care who live their teen years in group homes. They often do not benefit from normal growing-up experiences that most children take for granted, but which prepare them for adult life, such as seeing an adult pay bills each month, do the laundry, buy groceries, pay taxes, arrange for car insurance, or undertake the dozens of other mundane tasks required to run a household.⁵⁵ In Florida, 60 percent of children 13-17 years of age live in group homes.⁵⁶

⁵⁰ *Id.*

⁵¹ Congressional Coalition on Adoption Institute. Fact Sheet. (2011), available at <http://www.ccaainstitute.org/why-we-do-it-facts-and-statistics.html> (last visited Jan. 28, 2013).

⁵² Provided as part of a data request from Senate Children, Families, and Elder Affairs staff to the Department of Children and Families. Response received on Dec. 21, 2012.

⁵³ Martha Shirk and Gary Stangler, *On Their Own*, Basic Books (2004).

⁵⁴ *Id.*

⁵⁵ First Star and Children's Advocacy Institute of the University of San Diego School of Law. *The Fleecing of Foster Children: How We Confiscate Their Assets and Undermine Their Financial Security*. (2011). available at http://www.caichildlaw.org/Misc/Fleecing_Report_Final_HR.pdf (last visited Jan. 28, 2013).

⁵⁶ Provided as part of a data request from the Senate Children, Families and Elder Affairs Committee staff to the Department of Children and Families. Response received on Dec. 21, 2012.

Florida

The Department of Children and Families (DCF or department) and community-based care lead agencies (CBCs) are responsible for dependency proceedings and managing and providing child protection, foster care, and adoption services. Foster care services include a range of independent living services. Section 409.1451, F.S., requires the department to adopt by rule procedures to administer the independent living transition services program, including balancing the goals of normalcy and safety for children and providing caregivers with as much flexibility as possible to enable a child to participate in normal life experiences. Current rule, relating to licensed out of home caregiver roles provides that:

- Children in licensed out-of-home care shall be afforded every opportunity for social development, recreation, and normalization of their lives. Children in licensed out of home care may attend overnight or planned outings if such activities are determined to be safe and appropriate by the licensed out-of-home caregiver. The services worker ... must be notified of the activity.
- The licensed out of home caregiver may allow foster children to experience circumstances without adult supervision depending on the child's age, maturity, and ability to make appropriate decisions ... the licensed out of home caregiver shall be prudent and conscientious about circumstances where the child is granted independence, including trips to the movies, mall, athletic events and work.
- Overnight trips exceeding one night must be approved by the child's services worker and must not interfere with visitation schedules.
- Background checks for dating and outings, such as school field trips, Cub Scout campouts, and activities with friends, families, school and church groups, are not necessary for participation in normal school or community activities.⁵⁷

The department has proposed changes to the rule relating to licensed out of home caregiver roles, however these changes do not appear to substantively change provisions relating to normalcy. In addition, former secretaries and the current secretary of the department have issued memoranda requiring community-based care lead agencies and their providers to implement policies related to normalcy.⁵⁸ In general foster teens continue to report that the effort to establish a more normal living environment within the foster care system is still lagging.⁵⁹

III. Effect of Proposed Changes:

The bill creates the option for young adults who have not found permanency before reaching 18 years of age, to remain in care up to the age of 21 in order to finish high school, earn a GED, pursue post secondary education or begin a career. The bill also restructures the Road-To-Independence Program, strengthens the role and authority of foster parents and group home parents, and codifies the concept of normalcy for children in care. Specifically, the bill provides the following:

⁵⁷ Rule 65C-13.029, F.A.C.

⁵⁸ See Memorandum from Lucy Hadi dated Aug. 31, 2005, Memorandum from George Sheldon dated Sept. 3, 2010, and Memorandum from David Wilkins dated Jan. 20, 2012.(on file with the Senate Children, Families, and Elder Affairs Committee.)

⁵⁹ Independent Living Services Advisory Council. Annual Report. 2012.

Extension of Foster Care

In sections 1, 2, 3, and 4, the bill provides young adults with the ability to remain in care until they reach 21 years of age. This would give those young adults who are eligible to, and choose to, remain in care up to an additional three years to be provided with housing and other services and support in order to finish their secondary or post secondary education or become employed. Young adults may remain in care if they are:

- Completing secondary education or a program leading to an equivalent credential;
- Enrolled in an institution that provides postsecondary or vocational education;
- Participating in a program or activity designed to promote or eliminate barriers to employment;
- Employed for at least 80 hours per month; or
- Unable to participate in programs or activities listed above full time due to a physical, intellectual, emotional, or psychiatric condition that limits participation.

For a young adult choosing to remain in care, the bill provides for:

- The creation of a transition plan after his or her 17th birthday that will be reviewed and updated as necessary until leaving care;
- Extension of court jurisdiction for as long as he or she remains in care;
- Specific criteria to be considered during judicial reviews;
- Extension of case management and other necessary services until he or she leaves care;
- The ability to transition in and out of care until the age of 21;
- Supervised living arrangements and required standards for those arrangements; and
- A process for appealing a determination of eligibility to remain in care.

Road-to-Independence Program

In section 6, the bill restructures the current Road-To-Independence Program to accommodate the differing needs of young adults who are either remaining in foster care or choosing to leave and are pursuing a postsecondary skill, trade, or higher education.

A young adult is eligible for services and support under this subsection if he or she:

- Was living in licensed care on his or her 18th birthday or is currently living in licensed care; or was at least 16 years of age and was adopted from foster care or placed with a court-approved dependency guardian after spending at least 6 months in licensed care within the 12 months immediately preceding such placement or adoption;
- Spent at least 6 months in licensed care before reaching his or her 18th birthday;
- Earned a standard high school diploma or its equivalent pursuant to Sections 1003.428, 1003.4281, 1003.429, 1003.43, or 1003.435. F.S.;
- Has been admitted for enrollment in an eligible postsecondary educational institution as provided in s. 1009.533. F.S.;
- Has reached 18 years of age, but is not yet 23 years of age;

- Has applied, with assistance from the young adult's caregiver and the community-based lead agency, for any other grants and scholarships for which he or she may qualify;
- Submitted a Free Application for Federal Student Aid which is complete and error free; and
- Signed an agreement to allow the department and the community-based care lead agency access to school records.

The amount of the financial assistance provided for pursuing post secondary education as provided in s. 1009.533, F.S., depends on whether or not a young adult remains in care and whether or not he or she continues to live in a licensed foster home, licensed group home, or in another supervised living arrangement:

- For a young adult who does not remain in foster care and is attending a postsecondary school, the amount is \$1,256 monthly.
- For a young adult who remains in foster care, and continues to reside in a licensed foster home, the amount is the established room and board rate for foster parents.
- For a young adult who remains in foster care, but temporarily resides away from a licensed foster home for purposes of attending a postsecondary school, the amount is \$1,256 monthly. This takes the place of the foster care room and board payment.
- For a young adult who remains in foster care, is attending a postsecondary school, and continues to reside in a licensed group home, the amount is negotiated between the community-based care lead agency and the licensed group home provider.
- For a young adult who remains in foster care, but temporarily resides away from a licensed group home for purposes of attending a postsecondary school, the amount is \$1,256 monthly. This takes the place of a negotiated room and board rate.

A young adult is eligible to receive financial assistance during the months when enrolled in a postsecondary educational institution.

Payment of financial assistance for a young adult who:

- Has chosen not to remain in foster care and is attending a postsecondary school, shall be made to the community-based care lead agency in order to secure housing and utilities, with the balance being paid directly to the young adult until such time the lead agency and the young adult determine that the young adult can successfully manage the full amount of the assistance.
- Has remained in foster care under s. 39.6251, F.S., and who is attending postsecondary school, shall be made directly to the foster parent or group home provider.

The bill provides for aftercare services for young adults who have chosen not to remain in foster care after reaching 18 years of age and who are not receiving financial assistance under this program to pursue postsecondary education. These aftercare services include, but are not limited to, the following:

- Mentoring and tutoring.
- Mental health services and substance abuse counseling.
- Life skills classes, including credit management and preventive health activities.

- Parenting classes.
- Job and career skills training.
- Counselor consultations.
- Temporary financial assistance for emergency situations.
- Financial literacy skills training.

A young adult who has reached 18 years of age but is not yet 23 years of age who leaves foster care at 18 years of age may request and is eligible for such services before reaching 23 years of age.

The bill provides for portability of services and support for children and young adults who relocate within the state and provides for a transition for those young adults who entered the program under current law.

Quality Parenting

In section 6, the bill clarifies that the department is to create a system of care for dependent children and codifies the concept that temporary or permanent substitute quality parenting is a core function of that system of care. The bill recognizes the effectiveness of the Quality Parenting Initiative in Florida by:

- Relieving caseworkers from many responsibilities associated with independent living services for 13-17 year olds, transferring those duties to the foster parents and group home parents, and eliminating the need to contract for those services;
- Providing requirements and expectations for foster parents and group home parents and providers;
- Providing requirements and expectations for the department, the community-based care lead agencies and their providers;
- Requiring that foster parents be afforded adequate training and support, be included in a full and equal respectful partnership with other participants in the child welfare system, be encouraged to share their expertise about the child, and be allowed to assist in meeting the goals of the child and the family;
- Requiring group home staff to meet the same education, training, background and other screening requirements as foster parents; and
- Codifying the board rate for foster parents and providing for an annual cost of living adjustment.

The bill also requires certain specified information related to a child to be shared with foster parents and group home parents and provides requirements related to transitioning a child from one placement to another.

Normalcy

In section 6, the bill makes numerous changes to the law relating to normalcy for children in foster care including:

- Providing legislative findings and intent that recognize the importance of normalizing the lives of children in foster care;
- Providing definitions for the terms “age-appropriate,” “caregiver,” and “reasonable and prudent parent standard;”
- Requiring verification by the department and the community-based care lead agencies that private providers have policies in place promoting and protecting the concept of normalcy;
- Establishing a reasonable and prudent parent standard of care and provides for application of the standard;
- Protecting caregivers who apply reasonable and prudent parent standard from liability; and
- Eliminating the current requirements for the development of a normalcy plan and quarterly updates for children in foster care and replacing them with an assessment of normalcy goals and objectives at each judicial review.

Administrative rule and memoranda from the office of the department secretary have proven to be insufficient to ensure that the CBCs and their providers set policies allowing children to engage in normal, age-appropriate activities. Children in care are still being denied opportunities to participate like their peers. Empowering the caregiver in statute to approve or disapprove participation in activities by using the reasonable and prudent parent standard and providing them with protection from liability when doing so may improve the chances that all children in foster care have a better chance at normalcy.

Additional Provisions

In sections 9 and 11, the bill also provides for the following:

- Collaboration between DCF and colleges and universities for an educational support program; and
- A new budget category for the IL program.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill will require the termination or non-renewal of most, if not all of the contracts between CBC lead agencies and providers for independent living services for children 13-17 years of age.

The bill also has the potential to reduce the workload of caseworkers and IL case managers which could either result in those staff having more time to spend with children and their families or a reduction in the number of those positions.

The bill may result in an increased cost to those providers who operate group homes, particularly those that use a shift care model, for staff training.

C. Government Sector Impact:

The fiscal impact of the bill to the state can only be estimated as the actual impact will be determined by individual choices young adults in the foster care system will make and the types of services they may require. The main choice young adults in foster care will make is whether to stay in care and whether to pursue postsecondary education. Over the last three years, there has been an average of 1,290 young adults leaving the foster care system at age 18. Table 5 below shows the estimated fiscal impact if all young adults in the foster care system decided at age 18 to stay in care. The costs shown are estimates of expenditures by the community based care lead agencies to serve this group. The first column shows the types of services that make up the independent living program. The second column shows the expenditures from Fiscal Year 2011-2012. The third column shows the fiscal impact of changes in the bill. The fourth column shows the estimate of the annual cost of the program under the bill. The fourth column provides notes on the calculations of the cost of the bill.

Table 5.

ALL YOUNG ADULTS STAY IN CARE	FY 2011-12 EXPENDITURES	EFFECT OF BILL	ESTIMATED ANNUAL COSTS	NOTES
IL Case Mtg./Life Skills Training	13,066,982	(7,936,848)	5,130,134	No IL case mgt./Life Skills Training costs for youth age 13-17. Remaining costs are for IL case mgt. for grandfathered youth.
Subsidized IL	276,761	(276,761)		No more subsidized living.
Aftercare Services	628,794	(628,794)		No aftercare needed as all young adults stay in care.
Transitional Support Services	5,208,321	(5,208,321)		All stay in care, no transition support until 18 years olds reach 21.
RTI Stipends	29,858,300	(9,808,128)	20,050,172	55% of current RTI participants are completing high school with an average payment of \$1,152/month. Of 1,290 young adults reaching age 18, 710 (55%) would be ineligible for RTI due to not completing high school. Reduced costs =

ALL YOUNG ADULTS STAY IN CARE	FY 2011-12 EXPENDITURES	EFFECT OF BILL	ESTIMATED ANNUAL COSTS	NOTES
				710*\$1,152*12. Remaining costs for grandfathered young adults.
RTI/room and board for new eligible young adults	N/A	14,969,315	14,969,315	1,290 young adults at \$515 per month for foster care, \$1,256 for group home care. Used ratio of 61/39, group care to foster care.
Case mgt. for 18-20 year olds	N/A	3,234,030	3,234,030	Current cost of case mgt. for IL for 18-23 year olds is \$2,507 per year. \$2,507 per client per year for 1,290 young adults.
TOTAL	49,039,158	(5,655,507)	43,383,651	

Table 6 shows the estimated fiscal impact of the bill if half of the estimated 1,290 young adults in foster care choose to remain in foster care.

Table 6.

HALF OF YOUNG ADULTS STAY IN CARE	FY 2011-12 EXPENDITURES	EFFECT OF BILL	ESTIMATED ANNUAL COSTS	NOTES
IL Case Mtg./Life Skills Training	13,066,982	(7,936,848)	5,130,134	No IL case mgt./Life Skills Training costs for youth age 13-17. Remaining costs are for IL case mgt. for grandfathered youth.
Subsidized IL	276,761	(276,761)		No more subsidized living.
Aftercare Services	628,794	(314,397)	314,397	Services reduced by half to reflect half of formerly aging out youth staying in care.
Transitional Support Services	5,208,321	(2,604,161)	2,604,161	Services reduced by half to reflect half of formerly aging out youth staying in care.
RTI Stipends	29,858,300	(9,808,128)	20,050,172	55% of current RTI participants are completing high school with an average payment of \$1,152/month. Of 1,290 young adults reaching age 18, 710 (55%) would be ineligible for RTI due to not completing high school. Reduced costs = 710*\$1,152*12. Remaining costs for grandfathered young adults.
RTI/room and board for new eligible young adults	N/A	11,859,305	11,859,305	Cost for 645 young adults in care is \$7.5 m. \$515 per month for foster care, \$1,256 for group home care. Used ratio of 61/39, group care to foster care. Cost for 645 leaving care is \$4.3 m, estimated 45% will qualify for RTI at \$1,256 per month.

HALF OF YOUNG ADULTS STAY IN CARE	FY 2011-12 EXPENDITURES	EFFECT OF BILL	ESTIMATED ANNUAL COSTS	NOTES
Cast mgt. for 18-20 year olds	N/A	1,617,015	1,617,015	Current cost of case mgt. for IL for 18-23 year olds is \$2,507 per year. \$2,507 per client per year for 645 young adults.
TOTAL	49,039,158	(7,463,975)	41,575,184	

Table 7 shows the estimated fiscal impact of none of the 1,290 young adults in foster care decide to stay in care. Costs will be incurred for some of these young adults as they would qualify for the Road to Independence program. Others leaving care could need transitional support services.

Table 7.

NONE OF YOUNG ADULTS STAY IN CARE	FY 2011-12 EXPENDITURES	EFFECT OF BILL	ESTIMATED ANNUAL COSTS	NOTES
IL Case Mtg./Life Skills Training	13,066,982	(7,936,848)	5,130,134	No IL case mgt./Life Skills Training costs for youth age 13-17. Remaining costs are for IL case mgt. for grandfathered youth.
Subsidized IL	276,761	(276,761)		No more subsidized living.
Aftercare Services	628,794		628,794	Costs remain same.
Transitional Support Services	5,208,321	4,400,190	9,608,511	All 1,290 leave care. Cost is \$3,411 per year per client (1,290*\$3,411).
RTI Stipends	29,858,300	(9,808,128)	20,050,172	55% of current RTI participants are completing high school with an average payment of \$1,152/month. Of 1,290 young adults reaching age 18, 710 (55%) would be ineligible for RTI due to not completing high school. Reduced costs = 710*\$1,152*12. Remaining costs for grandfathered young adults.
RTI/room and board for new eligible young adults	N/A	8,741,760	8,741,760	45% of 1,290 18 year olds would be eligible for RTI at a cost of \$1,256 per month. (580*\$1,256)*12.
Cast mgt. for 18-20 year olds	N/A	1,454,060	1,454,060	\$2,507 per client for case mgt. for 45% of 1,290 who would qualify for RTI (580).
TOTAL	49,039,158	(3,425,727)	45,613,431	

Finally, to account for inflation, the bill requires that foster care payments to licensed foster homes be increased for all ages each calendar year based on the consumer price index. The Department of Children and Families reports that in Fiscal Year 2011-2012, \$47,608,375 was spent on foster home room and board payments. According to the U.S. Department of Labor's Bureau of Labor Statistics, the most recent consumer price index for the south region was 1.7 percent. Using this figure, the cost of increasing foster care payments for the first year of the bill is \$404,671. The increase would begin on January 1, 2014. A full year cost for such an adjustment would be \$809,342.

To the extent that 18-20 year old foster children stay in care, the court may see an increase in the number of judicial reviews.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

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

None.

B. Amendments:

None.

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

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1 A bill to be entitled
 2 An act relating to independent living; amending s.
 3 39.013, F.S.; providing that when the court obtains
 4 jurisdiction over a child who has been found to be
 5 dependent, the court retains jurisdiction until the
 6 child reaches 21 years of age; providing exceptions;
 7 creating s. 39.6035, F.S.; requiring the Department of
 8 Children and Families, the community-based care
 9 provider, and others to assist a child in developing a
 10 transition plan after the child reaches 17 years of
 11 age and requiring a meeting to develop the plan;
 12 specifying requirements and procedures for the
 13 transition plan; requiring periodic review of the
 14 transition plan; requiring the court to approve the
 15 transition plan before the child leaves foster care
 16 and the court terminates jurisdiction; creating s.
 17 39.6251, F.S.; providing definitions; providing that a
 18 young adult may remain in foster care under certain
 19 circumstances after attaining 18 years of age;
 20 specifying criteria for extended foster care;
 21 providing that the permanency goal for a young adult
 22 who chooses to remain in care is transition from care
 23 to independent living; specifying dates for
 24 eligibility for a young adult to remain in extended
 25 foster care; providing for supervised living
 26 arrangements in extended foster care; authorizing a
 27 young adult to return to foster care under certain
 28 circumstances; specified services that must be
 29 provided to the young adult; directing the court to

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

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30 retain jurisdiction and hold review hearings; amending
 31 s. 39.701, F.S.; revising judicial review of foster
 32 care cases; making technical changes; providing
 33 criteria for review hearings for children younger than
 34 18 years of age; providing criteria for review
 35 hearings for children 17 years of age; requiring the
 36 department to verify that the child has certain
 37 documents; requiring the department to update the case
 38 plan; providing for review hearings for young adults
 39 in foster care; amending s. 409.145, F.S.; requiring
 40 the department to develop and implement a system of
 41 care for children in foster care; specifying the goals
 42 of the foster care system; requiring the department to
 43 assist foster care caregivers to achieve quality
 44 parenting; specifying the roles and responsibilities
 45 of caregivers, the department, and others; providing
 46 for transition from a caregiver; requiring information
 47 sharing; providing for the adoption and use of a
 48 "reasonable and prudent parent" standard; defining
 49 terms; providing for the application for the standard
 50 of care; providing for limiting liability of
 51 caregivers; specifying foster care room and board
 52 rates; directing the department to adopt rules;
 53 deleting obsolete provisions; amending s. 409.1451,
 54 F.S.; providing for the Road-to-Independence program;
 55 providing legislative findings and intent; providing
 56 for postsecondary services and supports; specifying
 57 aftercare services; providing for appeals of a
 58 determination of eligibility; providing for

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59 portability of services across county lines and
 60 between lead agencies; providing for accountability;
 61 creating the Independent Living Services Advisory
 62 Council; providing for membership and specifying the
 63 duties and functions of the council; requiring reports
 64 and recommendations; directing the department to adopt
 65 rules; amending s. 409.175; allowing for young adults
 66 remaining in care to be considered in total number of
 67 children placed in a foster home; amending s. 409.903,
 68 F.S.; conforming a cross-reference; directing the
 69 Department of Children and Families to work in
 70 collaboration with the Board of Governors, the Florida
 71 College System, and the Department of Education to
 72 help address the need for a comprehensive support
 73 structure in the academic arena to assist young adults
 74 who have been or remain in the foster care system;
 75 providing for a transfer of services; providing for
 76 foster care services to be paid from a special
 77 category in the General Appropriations Act; providing
 78 an effective date.

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

81
 82 Section 1. Subsection (2) of section 39.013, Florida
 83 Statutes, is amended to read:

84 39.013 Procedures and jurisdiction; right to counsel.—

85 (2) The circuit court has exclusive original jurisdiction
 86 of all proceedings under this chapter, of a child voluntarily
 87 placed with a licensed child-caring agency, a licensed child-

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88 placing agency, or the department, and of the adoption of
 89 children whose parental rights have been terminated under this
 90 chapter. Jurisdiction attaches when the initial shelter
 91 petition, dependency petition, or termination of parental rights
 92 petition, or a petition for an injunction to prevent child abuse
 93 issued pursuant to s. 39.504, is filed or when a child is taken
 94 into the custody of the department. The circuit court may assume
 95 jurisdiction over any such proceeding regardless of whether the
 96 child was in the physical custody of both parents, was in the
 97 sole legal or physical custody of only one parent, caregiver, or
 98 some other person, or was not in the physical or legal custody
 99 of any person when the event or condition occurred that brought
 100 the child to the attention of the court. When the court obtains
 101 jurisdiction of any child who has been found to be dependent,
 102 the court shall retain jurisdiction, unless relinquished by its
 103 order, until the child reaches 21 ~~18~~ years of age, with the
 104 following exceptions:

105 (a) If a young adult chooses to leave foster care upon
 106 reaching 18 years of age.

107 (b) If a young adult does not meet the eligibility
 108 requirements to remain in foster care under s. 39.6251.

109 (c) ~~However,~~ If a young adult ~~youth~~ petitions the court at
 110 any time before his or her 19th birthday requesting the court's
 111 continued jurisdiction, the juvenile court may retain
 112 jurisdiction under this chapter for a period not to exceed 1
 113 year following the young adult's ~~youth's~~ 18th birthday for the
 114 purpose of determining whether appropriate ~~aftercare support,~~
 115 ~~Road-to-Independence Program, transitional support, mental~~
 116 health, and developmental disability services, that were

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117 ~~required to be provided to the young adult before reaching 18~~
 118 ~~years of age, to the extent otherwise authorized by law, have~~
 119 ~~been provided to the formerly dependent child who was in the~~
 120 ~~legal custody of the department immediately before his or her~~
 121 ~~18th birthday.~~

122 (d) If a petition for special immigrant juvenile status and
 123 an application for adjustment of status have been filed on
 124 behalf of a foster child and the petition and application have
 125 not been granted by the time the child reaches 18 years of age,
 126 the court may retain jurisdiction over the dependency case
 127 solely for the purpose of allowing the continued consideration
 128 of the petition and application by federal authorities. Review
 129 hearings for the child shall be set solely for the purpose of
 130 determining the status of the petition and application. The
 131 court's jurisdiction terminates upon the final decision of the
 132 federal authorities. Retention of jurisdiction in this instance
 133 does not affect the services available to a young adult under s.
 134 409.1451. The court may not retain jurisdiction of the case
 135 after the immigrant child's 22nd birthday.

136 Section 2. Section 39.6035, Florida Statutes, is created to
 137 read:

138 39.6035 Transition plan.-

139 (1) During the 180-day period after a child reaches 17
 140 years of age, the department and the community-based care
 141 provider, in collaboration with the caregiver and any other
 142 individual whom the child would like to include, shall assist
 143 the child in developing a transition plan. The required
 144 transition plan is in addition to standard case management
 145 requirements. The transition plan must address specific options

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146 for the child to use in obtaining services, including housing,
 147 health insurance, education, and workforce support and
 148 employment services. The plan must also consider establishing
 149 and maintaining naturally occurring mentoring relationships and
 150 other personal support services. The transition plan may be as
 151 detailed as the child chooses. In developing the transition
 152 plan, the department and the community-based provider shall:

153 (a) Provide the child with the documentation required
 154 pursuant to s. 39.701(7); and

155 (b) Coordinate the transition plan with the independent
 156 living provisions in the case plan and, for a child with
 157 disabilities, the Individuals with Disabilities Education Act
 158 transition plan.

159 (2) The department and the child shall schedule a time,
 160 date, and place for a meeting to assist the child in drafting
 161 the transition plan. The time, date, and place must be
 162 convenient for the child and any individual whom the child would
 163 like to include. This meeting shall be conducted in the child's
 164 primary language.

165 (3) The transition plan shall be reviewed periodically with
 166 the child, the department, and other individuals of the child's
 167 choice and updated when necessary before each judicial review so
 168 long as the child or young adult remains in care.

169 (4) If a child is planning to leave care upon reaching 18
 170 years of age, the transition plan must be approved by the court
 171 before the child leaves care and the court terminates
 172 jurisdiction.

173 Section 3. Section 39.6251, Florida Statutes, is created to
 174 read:

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175 39.6251 Continuing care for young adults.-

176 (1) As used in this section, the term "child" means an
 177 individual who has not attained 21 years of age, and the term
 178 "young adult" means an individual who has attained 18 years of
 179 age but who has not attained 21 years of age.

180 (2) The primary goal for a child in care is permanency. A
 181 child who is living in licensed care on his or her 18th birthday
 182 and who has not achieved permanency under s. 39.621, is eligible
 183 to remain in licensed care under the jurisdiction of the court
 184 and in the care of the department. A child is eligible to remain
 185 in licensed care if he or she is:

186 (a) Completing secondary education or a program leading to
 187 an equivalent credential;

188 (b) Enrolled in an institution that provides postsecondary
 189 or vocational education;

190 (c) Participating in a program or activity designed to
 191 promote or eliminate barriers to employment;

192 (d) Employed for at least 80 hours per month; or

193 (e) Unable to participate in programs or activities listed
 194 in (a)-(d) full time due to a physical, intellectual, emotional,
 195 or psychiatric condition that limits participation. Any such
 196 barrier to participation must be supported by documentation in
 197 the child's case file or school or medical records of a
 198 physical, intellectual, or psychiatric condition that impairs
 199 the child's ability to perform one or more life activities.

200 (3) The permanency goal for a young adult who chooses to
 201 remain in care is transition from licensed care to independent
 202 living.

203 (4)(a) The young adult must reside in a supervised living

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204 environment that is approved by the department or a community-
 205 based care lead agency. The young adult shall live
 206 independently, but in an environment in which he or she is
 207 provided supervision, case management, and supportive services
 208 by the department or lead agency. Such an environment must offer
 209 developmentally appropriate freedom and responsibility to
 210 prepare the young adult for adulthood. For the purposes of this
 211 subsection, a supervised living arrangement may include a
 212 licensed foster home, licensed group home, college dormitory,
 213 shared housing, apartment, or another housing arrangement if the
 214 arrangement is approved by the community-based care lead agency
 215 and is acceptable to the young adult, with first choice being a
 216 licensed foster home. A young adult may continue to reside with
 217 the same licensed foster family or group care provider with whom
 218 he or she was residing at the time he or she reached the age of
 219 18 years.

220 (b) Before approving the residential setting in which the
 221 young adult will live, the department or community-based care
 222 lead agency must ensure that:

223 1. The young adult will be provided with a level of
 224 supervision consistent with his or her individual education,
 225 health care needs, permanency plan, and independent living goals
 226 as assessed by the department or lead agency with input from the
 227 young adult. Twenty-four hour on-site supervision is not
 228 required, however, 24-hour crisis intervention and support must
 229 be available.

230 2. The young adult will live in an independent living
 231 environment that offers, at a minimum, life skills instruction,
 232 counseling, educational support, employment preparation and

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233 placement, and development of support networks. The
 234 determination of the type and duration of services shall be
 235 based on the young adult's assessed needs, interests, and input
 236 and must be consistent with the goals set in the young adult's
 237 case plan.

238 (5) Eligibility for a young adult to remain in extended
 239 foster care ends on the earliest of the dates that the young
 240 adult:

241 1. Reaches 21 years of age or, in the case of a young adult
 242 with a disability, reaches 22 years of age;

243 2. Leaves care to live in a permanent home consistent with
 244 his or her permanency plan; or

245 3. Knowingly and voluntarily withdraws his or her consent
 246 to participate in extended care. Withdrawal of consent to
 247 participate in extended care shall be verified by the court
 248 pursuant to s. 39.701 unless the young adult refuses to
 249 participate in any further court proceeding.

250 (6) A young adult who is between the ages of 18 and 21 and
 251 who has left care may return to care by applying to the
 252 community-based care lead agency for readmission. The community-
 253 based care lead agency shall readmit the young adult if he or
 254 she continues to meet the eligibility requirements in this
 255 section.

256 (a) The department shall develop a standard procedure and
 257 application packet for readmission to care to be used by all
 258 community-based care lead agencies.

259 (b) Within 30 days after the young adult has been
 260 readmitted to care, the community-based care lead agency shall
 261 assign a case manager to update the case plan and the transition

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262 plan and to arrange for the required services. Such activities
 263 shall be undertaken in consultation with the young adult. The
 264 department shall petition the court to reinstate jurisdiction
 265 over the young adult.

266 (7) During each period of time that a young adult is in
 267 care, the community-based lead agency shall provide regular case
 268 management reviews that must include at least monthly contact
 269 with the case manager. If a young adult lives outside the
 270 service area of his or her community-based care lead agency,
 271 monthly contact may occur by telephone.

272 (8) During the time that a young adult is in care, the
 273 court shall maintain jurisdiction to ensure that the department
 274 and the lead agencies are providing services and coordinate
 275 with, and maintain oversight of, other agencies involved in
 276 implementing the young adult's case plan, individual education
 277 plan, and transition plan. The court shall review the status of
 278 the young adult at least every 6 months and hold a permanency
 279 review hearing at least annually. The court may appoint a
 280 guardian ad litem or continue the appointment of a guardian ad
 281 litem with the young adult's consent. The young adult or any
 282 other party to the dependency case may request an additional
 283 hearing or review.

284 (9) The department shall establish a procedure by which a
 285 young adult may appeal a determination of eligibility to remain
 286 in care that was made by a community-based care lead agency. The
 287 procedure must be readily accessible to young adults, must
 288 provide for timely decisions, and must provide for an appeal to
 289 the department. The decision of the department constitutes final
 290 agency action and is reviewable by the court as provided in s.

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291 120.68.292 Section 4. Section 39.701, Florida Statutes, is amended to
293 read:

294 39.701 Judicial review.—

295 (1) GENERAL PROVISIONS.—296 (a) The court shall have continuing jurisdiction in
297 accordance with this section and shall review the status of the
298 child at least every 6 months as required by this subsection or
299 more frequently if the court deems it necessary or desirable.300 (b) The court shall retain jurisdiction over a child
301 returned to his or her parents for a minimum period of 6 months
302 following the reunification, but, at that time, based on a
303 report of the social service agency and the guardian ad litem,
304 if one has been appointed, and any other relevant factors, the
305 court shall make a determination as to whether supervision by
306 the department and the court's jurisdiction shall continue or be
307 terminated.308 (c)1.(2)(a) The court shall review the status of the child
309 and shall hold a hearing as provided in this part at least every
310 6 months until the child reaches permanency status. The court
311 may dispense with the attendance of the child at the hearing,
312 but may not dispense with the hearing or the presence of other
313 parties to the review unless before the review a hearing is held
314 before a citizen review panel.315 2.(b) Citizen review panels may conduct hearings to review
316 the status of a child. The court shall select the cases
317 appropriate for referral to the citizen review panels and may
318 order the attendance of the parties at the review panel
319 hearings. However, any party may object to the referral of a

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320 case to a citizen review panel. Whenever such an objection has
321 been filed with the court, the court shall review the substance
322 of the objection and may conduct the review itself or refer the
323 review to a citizen review panel. All parties retain the right
324 to take exception to the findings or recommended orders of a
325 citizen review panel in accordance with Rule 1.490(h), Florida
326 Rules of Civil Procedure.327 3.(e) Notice of a hearing by a citizen review panel must be
328 provided as set forth in paragraph (f) subsection (5). At the
329 conclusion of a citizen review panel hearing, each party may
330 propose a recommended order to the chairperson of the panel.
331 Thereafter, the citizen review panel shall submit its report,
332 copies of the proposed recommended orders, and a copy of the
333 panel's recommended order to the court. The citizen review
334 panel's recommended order must be limited to the dispositional
335 options available to the court in paragraph (2)(d) subsection
336 (10). Each party may file exceptions to the report and
337 recommended order of the citizen review panel in accordance with
338 Rule 1.490, Florida Rules of Civil Procedure.339 (d)1.(3)(a) The initial judicial review hearing must be
340 held no later than 90 days after the date of the disposition
341 hearing or after the date of the hearing at which the court
342 approves the case plan, whichever comes first, but in no event
343 shall the review be held later than 6 months after the date the
344 child was removed from the home. Citizen review panels may shall
345 not conduct more than two consecutive reviews without the child
346 and the parties coming before the court for a judicial review.347 2.(b) If the citizen review panel recommends extending the
348 goal of reunification for any case plan beyond 12 months from

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349 the date the child was removed from the home, the case plan was
 350 adopted, or the child was adjudicated dependent, whichever date
 351 came first, the court must schedule a judicial review hearing to
 352 be conducted by the court within 30 days after receiving the
 353 recommendation from the citizen review panel.

354 3.~~(e)~~ If the child is placed in the custody of the
 355 department or a licensed child-placing agency for the purpose of
 356 adoptive placement, judicial reviews must be held at least every
 357 6 months until the adoption is finalized.

358 4.~~(d)~~ If the department and the court have established a
 359 formal agreement that includes specific authorization for
 360 particular cases, the department may conduct administrative
 361 reviews instead of the judicial reviews for children in out-of-
 362 home care. Notices of such administrative reviews must be
 363 provided to all parties. However, an administrative review may
 364 not be substituted for the first judicial review, and in every
 365 case the court must conduct a judicial review at least every 6
 366 months. Any party dissatisfied with the results of an
 367 administrative review may petition for a judicial review.

368 5.~~(e)~~ The clerk of the circuit court shall schedule
 369 judicial review hearings in order to comply with the mandated
 370 times cited in this section.

371 6.~~(f)~~ In each case in which a child has been voluntarily
 372 placed with the licensed child-placing agency, the agency shall
 373 notify the clerk of the court in the circuit where the child
 374 resides of such placement within 5 working days. Notification of
 375 the court is not required for any child who will be in out-of-
 376 home care no longer than 30 days unless that child is placed in
 377 out-of-home care a second time within a 12-month period. If the

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378 child is returned to the custody of the parents before the
 379 scheduled review hearing or if the child is placed for adoption,
 380 the child-placing agency shall notify the court of the child's
 381 return or placement within 5 working days, and the clerk of the
 382 court shall cancel the review hearing.

383 (e)~~(4)~~ The court shall schedule the date, time, and
 384 location of the next judicial review during the judicial review
 385 hearing and shall list same in the judicial review order.

386 (f)~~(5)~~ Notice of a judicial review hearing or a citizen
 387 review panel hearing, and a copy of the motion for judicial
 388 review, if any, must be served by the clerk of the court upon
 389 all of the following persons, if available to be served,
 390 regardless of whether the person was present at the previous
 391 hearing at which the date, time, and location of the hearing was
 392 announced:

393 1.~~(a)~~ The social service agency charged with the
 394 supervision of care, custody, or guardianship of the child, if
 395 that agency is not the movant.

396 2.~~(b)~~ The foster parent or legal custodian in whose home
 397 the child resides.

398 3.~~(c)~~ The parents.

399 4.~~(d)~~ The guardian ad litem for the child, or the
 400 representative of the guardian ad litem program if the program
 401 has been appointed.

402 5.~~(e)~~ The attorney for the child.

403 6.~~(f)~~ The child, if the child is 13 years of age or older.

404 7.~~(g)~~ Any preadoptive parent.

405 8.~~(h)~~ Such other persons as the court may direct.

406 (g)~~(6)~~ The attorney for the department shall notify a

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407 relative who submits a request for notification of all
 408 proceedings and hearings pursuant to s. 39.301(14)(b). The
 409 notice shall include the date, time, and location of the next
 410 judicial review hearing.

411 ~~(7)(a) In addition to paragraphs (1)(a) and (2)(a), the~~
 412 ~~court shall hold a judicial review hearing within 90 days after~~
 413 ~~a youth's 17th birthday. The court shall also issue an order,~~
 414 ~~separate from the order on judicial review, that the disability~~
 415 ~~of nonage of the youth has been removed pursuant to s. 743.045.~~
 416 ~~The court shall continue to hold timely judicial review hearings~~
 417 ~~thereafter. In addition, the court may review the status of the~~
 418 ~~child more frequently during the year prior to the youth's 18th~~
 419 ~~birthday if necessary. At each review held under this~~
 420 ~~subsection, in addition to any information or report provided to~~
 421 ~~the court, the foster parent, legal custodian, guardian ad~~
 422 ~~litem, and the child shall be given the opportunity to address~~
 423 ~~the court with any information relevant to the child's best~~
 424 ~~interests, particularly as it relates to independent living~~
 425 ~~transition services. In addition to any information or report~~
 426 ~~provided to the court, the department shall include in its~~
 427 ~~judicial review social study report written verification that~~
 428 ~~the child:~~

429 ~~1. Has been provided with a current Medicaid card and has~~
 430 ~~been provided all necessary information concerning the Medicaid~~
 431 ~~program sufficient to prepare the youth to apply for coverage~~
 432 ~~upon reaching age 18, if such application would be appropriate.~~

433 ~~2. Has been provided with a certified copy of his or her~~
 434 ~~birth certificate and, if the child does not have a valid~~
 435 ~~driver's license, a Florida identification card issued under s.~~

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436 ~~322.051.~~

437 ~~3. Has been provided information relating to Social~~
 438 ~~Security Insurance benefits if the child is eligible for these~~
 439 ~~benefits. If the child has received these benefits and they are~~
 440 ~~being held in trust for the child, a full accounting of those~~
 441 ~~funds must be provided and the child must be informed about how~~
 442 ~~to access these funds.~~

443 ~~4. Has been provided with information and training related~~
 444 ~~to budgeting skills, interviewing skills, and parenting skills.~~

445 ~~5. Has been provided with all relevant information related~~
 446 ~~to the Road to Independence Program, including, but not limited~~
 447 ~~to, eligibility requirements, forms necessary to apply, and~~
 448 ~~assistance in completing the forms. The child shall also be~~
 449 ~~informed that, if he or she is eligible for the Road to~~
 450 ~~Independence Program, he or she may reside with the licensed~~
 451 ~~foster family or group care provider with whom the child was~~
 452 ~~residing at the time of attaining his or her 18th birthday or~~
 453 ~~may reside in another licensed foster home or with a group care~~
 454 ~~provider arranged by the department.~~

455 ~~6. Has an open bank account, or has identification~~
 456 ~~necessary to open an account, and has been provided with~~
 457 ~~essential banking skills.~~

458 ~~7. Has been provided with information on public assistance~~
 459 ~~and how to apply.~~

460 ~~8. Has been provided a clear understanding of where he or~~
 461 ~~she will be living on his or her 18th birthday, how living~~
 462 ~~expenses will be paid, and what educational program or school he~~
 463 ~~or she will be enrolled in.~~

464 ~~9. Has been provided with notice of the youth's right to~~

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465 ~~petition for the court's continuing jurisdiction for 1 year~~
 466 ~~after the youth's 18th birthday as specified in s. 39.013(2) and~~
 467 ~~with information on how to obtain access to the court.~~

468 ~~10. Has been encouraged to attend all judicial review~~
 469 ~~hearings occurring after his or her 17th birthday.~~

470 ~~(b) At the first judicial review hearing held subsequent to~~
 471 ~~the child's 17th birthday, in addition to the requirements of~~
 472 ~~subsection (8), the department shall provide the court with an~~
 473 ~~updated case plan that includes specific information related to~~
 474 ~~independent living services that have been provided since the~~
 475 ~~child's 13th birthday, or since the date the child came into~~
 476 ~~foster care, whichever came later.~~

477 ~~(c) At the time of a judicial review hearing held pursuant~~
 478 ~~to this subsection, if, in the opinion of the court, the~~
 479 ~~department has not complied with its obligations as specified in~~
 480 ~~the written case plan or in the provision of independent living~~
 481 ~~services as required by s. 409.1451 and this subsection, the~~
 482 ~~court shall issue a show cause order. If cause is shown for~~
 483 ~~failure to comply, the court shall give the department 30 days~~
 484 ~~within which to comply and, on failure to comply with this or~~
 485 ~~any subsequent order, the department may be held in contempt.~~

486 (2)(8) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS
 487 OF AGE.-

488 (a) Social study report for judicial review. Before every
 489 judicial review hearing or citizen review panel hearing, the
 490 social service agency shall make an investigation and social
 491 study concerning all pertinent details relating to the child and
 492 shall furnish to the court or citizen review panel a written
 493 report that includes, but is not limited to:

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494 1. A description of the type of placement the child is in
 495 at the time of the hearing, including the safety of the child
 496 and the continuing necessity for and appropriateness of the
 497 placement.

498 2. Documentation of the diligent efforts made by all
 499 parties to the case plan to comply with each applicable
 500 provision of the plan.

501 3. The amount of fees assessed and collected during the
 502 period of time being reported.

503 4. The services provided to the foster family or legal
 504 custodian in an effort to address the needs of the child as
 505 indicated in the case plan.

506 5. A statement that either:

507 a. The parent, though able to do so, did not comply
 508 substantially with the case plan, and the agency
 509 recommendations;

510 b. The parent did substantially comply with the case plan;
 511 or

512 c. The parent has partially complied with the case plan,
 513 with a summary of additional progress needed and the agency
 514 recommendations.

515 6. A statement from the foster parent or legal custodian
 516 providing any material evidence concerning the return of the
 517 child to the parent or parents.

518 7. A statement concerning the frequency, duration, and
 519 results of the parent-child visitation, if any, and the agency
 520 recommendations for an expansion or restriction of future
 521 visitation.

522 8. The number of times a child has been removed from his or

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523 her home and placed elsewhere, the number and types of
524 placements that have occurred, and the reason for the changes in
525 placement.

526 9. The number of times a child's educational placement has
527 been changed, the number and types of educational placements
528 which have occurred, and the reason for any change in placement.

529 10. If the child has reached 13 years of age but is not yet
530 18 years of age, a statement from the caregiver on the progress
531 the child has made in acquiring independent living skills ~~the~~
532 ~~results of the preindependent living, life skills, or~~
533 ~~independent living assessment; the specific services needed; and~~
534 ~~the status of the delivery of the identified services.~~

535 11. Copies of all medical, psychological, and educational
536 records that support the terms of the case plan and that have
537 been produced concerning the parents or any caregiver since the
538 last judicial review hearing.

539 12. Copies of the child's current health, mental health,
540 and education records as identified in s. 39.6012.

541 (b) Submission and distribution of reports.

542 1. A copy of the social service agency's written report and
543 the written report of the guardian ad litem must be served on
544 all parties whose whereabouts are known; to the foster parents
545 or legal custodians; and to the citizen review panel, at least
546 72 hours before the judicial review hearing or citizen review
547 panel hearing. The requirement for providing parents with a copy
548 of the written report does not apply to those parents who have
549 voluntarily surrendered their child for adoption or who have had
550 their parental rights to the child terminated.

551 2. ~~(e)~~ In a case in which the child has been permanently

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552 placed with the social service agency, the agency shall furnish
553 to the court a written report concerning the progress being made
554 to place the child for adoption. If the child cannot be placed
555 for adoption, a report on the progress made by the child towards
556 alternative permanency goals or placements, including, but not
557 limited to, guardianship, long-term custody, long-term licensed
558 custody, or independent living, must be submitted to the court.
559 The report must be submitted to the court at least 72 hours
560 before each scheduled judicial review.

561 3. ~~(d)~~ In addition to or in lieu of any written statement
562 provided to the court, the foster parent or legal custodian, or
563 any preadoptive parent, shall be given the opportunity to
564 address the court with any information relevant to the best
565 interests of the child at any judicial review hearing.

566 (c) ~~(9)~~ Review determinations.—The court and any citizen
567 review panel shall take into consideration the information
568 contained in the social services study and investigation and all
569 medical, psychological, and educational records that support the
570 terms of the case plan; testimony by the social services agency,
571 the parent, the foster parent or legal custodian, the guardian
572 ad litem or surrogate parent for educational decisionmaking if
573 one has been appointed for the child, and any other person
574 deemed appropriate; and any relevant and material evidence
575 submitted to the court, including written and oral reports to
576 the extent of their probative value. These reports and evidence
577 may be received by the court in its effort to determine the
578 action to be taken with regard to the child and may be relied
579 upon to the extent of their probative value, even though not
580 competent in an adjudicatory hearing. In its deliberations, the

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581 court and any citizen review panel shall seek to determine:

582 1.(a) If the parent was advised of the right to receive
583 assistance from any person or social service agency in the
584 preparation of the case plan.

585 2.(b) If the parent has been advised of the right to have
586 counsel present at the judicial review or citizen review
587 hearings. If not so advised, the court or citizen review panel
588 shall advise the parent of such right.

589 3.(e) If a guardian ad litem needs to be appointed for the
590 child in a case in which a guardian ad litem has not previously
591 been appointed or if there is a need to continue a guardian ad
592 litem in a case in which a guardian ad litem has been appointed.

593 4.(d) Who holds the rights to make educational decisions
594 for the child. If appropriate, the court may refer the child to
595 the district school superintendent for appointment of a
596 surrogate parent or may itself appoint a surrogate parent under
597 the Individuals with Disabilities Education Act and s. 39.0016.

598 5.(e) The compliance or lack of compliance of all parties
599 with applicable items of the case plan, including the parents'
600 compliance with child support orders.

601 6.(f) The compliance or lack of compliance with a
602 visitation contract between the parent and the social service
603 agency for contact with the child, including the frequency,
604 duration, and results of the parent-child visitation and the
605 reason for any noncompliance.

606 7.(g) The compliance or lack of compliance of the parent in
607 meeting specified financial obligations pertaining to the care
608 of the child, including the reason for failure to comply if such
609 is the case.

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610 8.(h) Whether the child is receiving safe and proper care
611 according to s. 39.6012, including, but not limited to, the
612 appropriateness of the child's current placement, including
613 whether the child is in a setting that is as family-like and as
614 close to the parent's home as possible, consistent with the
615 child's best interests and special needs, and including
616 maintaining stability in the child's educational placement, as
617 documented by assurances from the community-based care provider
618 that:

619 a.1. The placement of the child takes into account the
620 appropriateness of the current educational setting and the
621 proximity to the school in which the child is enrolled at the
622 time of placement.

623 b.2. The community-based care agency has coordinated with
624 appropriate local educational agencies to ensure that the child
625 remains in the school in which the child is enrolled at the time
626 of placement.

627 9.(i) A projected date likely for the child's return home
628 or other permanent placement.

629 10.(j) When appropriate, the basis for the unwillingness or
630 inability of the parent to become a party to a case plan. The
631 court and the citizen review panel shall determine if the
632 efforts of the social service agency to secure party
633 participation in a case plan were sufficient.

634 11.(k) For a child who has reached 13 years of age but is
635 not yet 18 years of age, the adequacy of the child's preparation
636 for adulthood and independent living.

637 12.(l) If amendments to the case plan are required.
638 Amendments to the case plan must be made under s. 39.6013.

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639 (d) (10) (a) Orders.-

640 1. Based upon the criteria set forth in paragraph (c)
 641 ~~subsection (9)~~ and the recommended order of the citizen review
 642 panel, if any, the court shall determine whether or not the
 643 social service agency shall initiate proceedings to have a child
 644 declared a dependent child, return the child to the parent,
 645 continue the child in out-of-home care for a specified period of
 646 time, or initiate termination of parental rights proceedings for
 647 subsequent placement in an adoptive home. Amendments to the case
 648 plan must be prepared as prescribed in s. 39.6013. If the court
 649 finds that the prevention or reunification efforts of the
 650 department will allow the child to remain safely at home or be
 651 safely returned to the home, the court shall allow the child to
 652 remain in or return to the home after making a specific finding
 653 of fact that the reasons for the creation of the case plan have
 654 been remedied to the extent that the child's safety, well-being,
 655 and physical, mental, and emotional health will not be
 656 endangered.

657 2. ~~(b)~~ The court shall return the child to the custody of
 658 the parents at any time it determines that they have
 659 substantially complied with the case plan, if the court is
 660 satisfied that reunification will not be detrimental to the
 661 child's safety, well-being, and physical, mental, and emotional
 662 health.

663 3. ~~(e)~~ If, in the opinion of the court, the social service
 664 agency has not complied with its obligations as specified in the
 665 written case plan, the court may find the social service agency
 666 in contempt, shall order the social service agency to submit its
 667 plans for compliance with the agreement, and shall require the

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668 social service agency to show why the child could not safely be
 669 returned to the home of the parents.

670 4. ~~(d)~~ If, at any judicial review, the court finds that the
 671 parents have failed to substantially comply with the case plan
 672 to the degree that further reunification efforts are without
 673 merit and not in the best interest of the child, on its own
 674 motion, the court may order the filing of a petition for
 675 termination of parental rights, whether or not the time period
 676 as contained in the case plan for substantial compliance has
 677 expired.

678 5. ~~(e)~~ Within 6 months after the date that the child was
 679 placed in shelter care, the court shall conduct a judicial
 680 review hearing to review the child's permanency goal as
 681 identified in the case plan. At the hearing the court shall make
 682 findings regarding the likelihood of the child's reunification
 683 with the parent or legal custodian within 12 months after the
 684 removal of the child from the home. If the court makes a written
 685 finding that it is not likely that the child will be reunified
 686 with the parent or legal custodian within 12 months after the
 687 child was removed from the home, the department must file with
 688 the court, and serve on all parties, a motion to amend the case
 689 plan under s. 39.6013 and declare that it will use concurrent
 690 planning for the case plan. The department must file the motion
 691 within 10 business days after receiving the written finding of
 692 the court. The department must attach the proposed amended case
 693 plan to the motion. If concurrent planning is already being
 694 used, the case plan must document the efforts the department is
 695 taking to complete the concurrent goal.

696 6. ~~(f)~~ The court may issue a protective order in assistance,

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697 or as a condition, of any other order made under this part. In
698 addition to the requirements included in the case plan, the
699 protective order may set forth requirements relating to
700 reasonable conditions of behavior to be observed for a specified
701 period of time by a person or agency who is before the court;
702 and the order may require any person or agency to make periodic
703 reports to the court containing such information as the court in
704 its discretion may prescribe.

705 (3) REVIEW HEARINGS FOR CHILDREN 17 YEARS OF AGE.-

706 (a) In addition to the review and report required under
707 paragraphs (1) (a) and (2) (a), respectively, the court shall hold
708 a judicial review hearing within 90 days after a child's 17th
709 birthday. The court shall also issue an order, separate from the
710 order on judicial review, that the disability of nonage of the
711 child has been removed pursuant to s. 743.045 and shall continue
712 to hold timely judicial review hearings. If necessary, the court
713 may review the status of the child more frequently during the
714 year before the child's 18th birthday. At each review hearing
715 held under this subsection, in addition to any information or
716 report provided to the court by the foster parent, legal
717 custodian, or guardian ad litem, the child shall be given the
718 opportunity to address the court with any information relevant
719 to the child's best interest, particularly in relation to
720 independent living transition services. The department shall
721 include in the social study report for judicial review written
722 verification that the child has:

723 1. A current Medicaid card and all necessary information
724 concerning the Medicaid program sufficient to prepare the child
725 to apply for coverage upon reaching the age of 18, if such

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726 application is appropriate.

727 2. A certified copy of the child's birth certificate and,
728 if the child does not have a valid driver license, a Florida
729 identification card issued under s. 322.051.

730 3. A social security card and information relating to
731 social security insurance benefits if the child is eligible for
732 those benefits. If the child has received such benefits and they
733 are being held in trust for the child, a full accounting of
734 these funds must be provided and the child must be informed as
735 to how to access those funds.

736 4. All relevant information related to the Road-to-
737 Independence Program, including, but not limited to, eligibility
738 requirements, information on participation, and assistance in
739 gaining admission to the program. If the child is eligible for
740 the Road-to-Independence Program, he or she must be advised that
741 he or she may continue to reside with the licensed family home
742 or group care provider with whom the child was residing at the
743 time the child attained his or her 18th birthday, in another
744 licensed family home, or with a group care provider arranged by
745 the department.

746 5. An open bank account or the identification necessary to
747 open a bank account and to acquire essential banking and
748 budgeting skills.

749 6. Information on public assistance and how to apply for
750 public assistance.

751 7. A clear understanding of where he or she will be living
752 on his or her 18th birthday, how living expenses will be paid,
753 and the educational program or school in which he or she will be
754 enrolled.

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755 8. Information related to the ability of the child to
 756 remain in care until he or she reaches 21 years of age under s.
 757 39.013.

758 9. A letter providing the dates that the child is under the
 759 jurisdiction of the court.

760 10. A letter stating that the child is in compliance with
 761 financial aid documentation requirements.

762 11. The child's educational records.

763 12. The child's entire health and mental health records.

764 13. The process for accessing his or her case file.

765 14. A statement encouraging the child to attend all
 766 judicial review hearings occurring after the child's 17th
 767 birthday.

768 (b) At the first judicial review hearing held subsequent to
 769 the child's 17th birthday, the department shall provide the
 770 court with an updated case plan that includes specific
 771 information related to the independent living skills that the
 772 child has acquired since the child's 13th birthday, or since the
 773 date the child came into foster care, whichever came later.

774 (c) If the court finds at the judicial review hearing that
 775 the department has not met with its obligations to the child as
 776 stated in the written case plan or in the provision of
 777 independent living services, the court may issue an order
 778 directing the department to show cause as to why it has not done
 779 so. If the department cannot justify its noncompliance, the
 780 court may give the department 30 days within which to comply. If
 781 the department fails to comply within 30 days, the court may
 782 hold the department in contempt.

783 (d) At the last review hearing before the child reaches 18

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784 years of age, and in addition to the requirements of subsection
 785 (2), the court shall:

786 1. Address whether the child plans to remain in foster
 787 care, and, if so, ensure that the child's transition plan
 788 includes a plan for meeting one or more of the criteria
 789 specified in s. 39.6251.

790 2. Ensure that the transition plan includes a supervised
 791 living arrangement under s. 39.6251.

792 3. Ensure the child has been informed of:

793 a. The right to continued support and services from the
 794 department and the community-based care lead agency.

795 b. The right to request termination of dependency
 796 jurisdiction and be discharged from foster care.

797 c. The opportunity to reenter foster care pursuant to s.
 798 39.6251.

799 4. Ensure that the young adult, if he or she requests
 800 termination of dependency jurisdiction and discharge from foster
 801 care, has been informed of:

802 a. Services or benefits for which the young adult may be
 803 eligible based on his or her former placement in foster care;

804 b. Services or benefits that may be lost through
 805 termination of dependency jurisdiction; and

806 c. Other federal, state, local, or community-based services
 807 or supports available to the him or her.

808 (4) REVIEW HEARINGS FOR YOUNG ADULTS IN FOSTER CARE.—

809 During each period of time that a young adult remains in foster
 810 care, the court shall review the status of the young adult at
 811 least every 6 months and must hold a permanency review hearing
 812 at least annually.

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813 (a) The department and community-based care lead agency
 814 shall prepare and submit to the court a report, developed in
 815 collaboration with the young adult, which addresses the young
 816 adult's progress in meeting the goals in the case plan. The
 817 report must include progress information related to the young
 818 adult's independent living plan and transition plan, if
 819 applicable, and shall propose modifications as necessary to
 820 further the young adult's goals.

821 (b) The court shall attempt to determine whether the
 822 department and any service provider under contract with the
 823 department are providing the appropriate services as provided in
 824 the case plan.

825 (c) If the court believes that the young adult is entitled
 826 under department policy or under a contract with a service
 827 provider to additional services to achieve the goals enumerated
 828 in the case plan, it may order the department to take action to
 829 ensure that the young adult receives the identified services.

830 (d) The young adult or any other party to the dependency
 831 case may request an additional hearing or judicial review.

832 (e) Notwithstanding the provisions of this subsection, if a
 833 young adult has chosen to remain in extended foster care after
 834 he or she has reached 18 years of age, the department may not
 835 close a case and the court may not terminate jurisdiction until
 836 the court finds, following a hearing, that the following
 837 criteria have been met:

838 1. Attendance of the young adult at the hearing; or

839 2. Findings by the court that:

840 a. The young adult has been informed by the department of
 841 his or her right to attend the hearing and has provided written

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842 consent to waive this right; and

843 b. The young adult has been informed of the potential
 844 negative effects of early termination of care, the option to
 845 reenter care before reaching 21 years of age, the procedure for,
 846 and limitations on, reentering care, and the availability of
 847 alternative services, and has signed a document attesting that
 848 he or she has been so informed and understands these provisions;
 849 or

850 c. The young adult has voluntarily left the program, has
 851 not signed the document in sub-subparagraph b., and is unwilling
 852 to participate in any further court proceeding.

853 3. In all permanency hearings or hearings regarding the
 854 transition of the young adult from care to independent living,
 855 the court shall consult with the young adult regarding the
 856 proposed permanency plan, case plan, and individual education
 857 plan for the young adult and ensure that he or she has
 858 understood the conversation.

859 Section 5. Section 409.145, Florida Statutes, is amended to
 860 read:

861 409.145 Care of children; quality parenting; "reasonable
 862 and prudent parent" standard.—The child welfare system of the
 863 department shall operate as a coordinated community-based system
 864 of care which empowers all caregivers for children in foster
 865 care to provide quality parenting, including approving or
 866 disapproving a child's participation in activities based on the
 867 caregiver's assessment using the "reasonable and prudent parent"
 868 standard.

869 (1) SYSTEM OF CARE.—The department shall develop, implement
 870 conduct, ~~supervise~~, and administer a coordinated community-based

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871 system of care program for dependent children who are found to
 872 be dependent and their families. This system of care must The
 873 ~~services of the department are to~~ be directed toward the
 874 following goals:

875 (a) ~~The~~ Prevention of separation of children from their
 876 families.

877 (b) Intervention to allow children to remain safely in
 878 their own homes.

879 ~~(c)(b) The~~ Reunification of families who have had children
 880 removed from their care placed in foster homes or institutions.

881 (d) Safety for children who are separated from their
 882 families by providing alternative emergency or longer-term
 883 parenting arrangements.

884 (e) Focus on the well-being of children through emphasis on
 885 maintaining educational stability and providing timely health
 886 care.

887 ~~(f)(e) Permanency for~~ The permanent placement of children
 888 for whom reunification who cannot be reunited with their
 889 families is not possible or when reunification would is not be
 890 in the best interest of the child.

891 ~~(d) The protection of dependent children or children~~
 892 ~~alleged to be dependent, including provision of emergency and~~
 893 ~~long-term alternate living arrangements.~~

894 ~~(g)(e) The transition to independence and self-sufficiency~~
 895 for older children who remain in foster care through adolescence
 896 continue to be in foster care as adolescents.

897 ~~(2) The following dependent children shall be subject to~~
 898 ~~the protection, care, guidance, and supervision of the~~
 899 ~~department or any duly licensed public or private agency:~~

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900 ~~(a) Any child who has been temporarily or permanently taken~~
 901 ~~from the custody of the parents, custodians, or guardians in~~
 902 ~~accordance with those provisions in chapter 39 that relate to~~
 903 ~~dependent children.~~

904 ~~(b) Any child who is in need of the protective supervision~~
 905 ~~of the department as determined by intake or by the court in~~
 906 ~~accordance with those provisions of chapter 39 that relate to~~
 907 ~~dependent children.~~

908 ~~(c) Any child who is voluntarily placed, with the written~~
 909 ~~consent of the parents or guardians, in the department's foster~~
 910 ~~care program or the foster care program of a licensed private~~
 911 ~~agency.~~

912 ~~(3) The circuit courts exercising juvenile jurisdiction in~~
 913 ~~the various counties of this state shall cooperate with the~~
 914 ~~department and its employees in carrying out the purposes and~~
 915 ~~intent of this chapter.~~

916 ~~(4) The department is authorized to accept children on a~~
 917 ~~permanent placement basis by order of a court of competent~~
 918 ~~jurisdiction for the single purpose of adoption placement of~~
 919 ~~these children. The department is authorized to provide the~~
 920 ~~necessary services to place these children ordered to the~~
 921 ~~department on a permanent placement basis for adoption.~~

922 ~~(5) Any funds appropriated by counties for child welfare~~
 923 ~~services may be matched by state and federal funds, such funds~~
 924 ~~to be utilized by the department for the benefit of children in~~
 925 ~~those counties.~~

926 ~~(6) Whenever any child is placed under the protection,~~
 927 ~~care, and guidance of the department or a duly licensed public~~
 928 ~~or private agency, or as soon thereafter as is practicable, the~~

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929 ~~department or agency, as the case may be, shall endeavor to~~
 930 ~~obtain such information concerning the family medical history of~~
 931 ~~the child and the natural parents as is available or readily~~
 932 ~~obtainable. This information shall be kept on file by the~~
 933 ~~department or agency for possible future use as provided in ss.~~
 934 ~~63.082 and 63.162 or as may be otherwise provided by law.~~

935 ~~(7) Whenever any child is placed by the department in a~~
 936 ~~shelter home, foster home, or other residential placement, the~~
 937 ~~department shall make available to the operator of the shelter~~
 938 ~~home, foster home, other residential placement, or other~~
 939 ~~caretaker as soon thereafter as is practicable, all relevant~~
 940 ~~information concerning the child's demographic, social, and~~
 941 ~~medical history.~~

942 (2) QUALITY PARENTING.—A child in foster care shall be
 943 placed only with a caregiver who has the ability to care for the
 944 child, is willing to accept responsibility for providing care,
 945 and is willing and able to learn about and be respectful of the
 946 child's culture, religion and ethnicity, special physical or
 947 psychological needs, any circumstances unique to the child, and
 948 family relationships. The department, the community-based care
 949 lead agency, and other agencies shall provide such caregiver
 950 with all available information necessary to assist the caregiver
 951 in determining whether he or she is able to appropriately care
 952 for a particular child.

953 (a) Roles and responsibilities of caregivers.—A caregiver
 954 shall:

955 1. Participate in developing the case plan for the child
 956 and his or her family and work with others involved in his or
 957 her care to implement this plan. This participation includes the

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958 caregiver's involvement in all team meetings or court hearings
 959 related to the child's care.

960 2. Complete all training needed to improve skills in
 961 parenting a child who has experienced trauma due to neglect,
 962 abuse, or separation from home, to meet the child's special
 963 needs, and to work effectively with child welfare agencies, the
 964 court, the schools, and other community and governmental
 965 agencies.

966 3. Respect and support the child's ties to members of his
 967 or her biological family and assist the child in maintaining
 968 allowable visitation and other forms of communication.

969 4. Effectively advocate for the child in the caregiver's
 970 care with the child welfare system, the court, and community
 971 agencies, including the school, child care, health and mental
 972 health providers, and employers.

973 5. Participate fully in the child's medical, psychological,
 974 and dental care as the caregiver would for his or her biological
 975 child.

976 6. Support the child's school success by participating in
 977 school activities and meetings, including Individual Education
 978 Plan meetings, assisting with school assignments, supporting
 979 tutoring programs, meeting with teachers and working with an
 980 educational surrogate if one has been appointed, and encouraging
 981 the child's participation in extracurricular activities.

982 7. Work in partnership with other stakeholders to obtain
 983 and maintain records that are important to the child's well-
 984 being, including child resource records, medical records, school
 985 records, photographs, and records of special events and
 986 achievements.

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987 8. Ensure that the child in the caregiver's care who is
 988 between 13 and 17 years of age learns and masters independent
 989 living skills.

990 9. Ensure that the child in the caregiver's care is aware
 991 of the requirements and benefits of the Road-to-Independence
 992 Program.

993 10. Work to enable the child in the caregiver's care to
 994 establish and maintain naturally occurring mentoring
 995 relationships.

996 (b) Roles and responsibilities of the department, the
 997 community-based care lead agency, and other agency staff.—The
 998 department, the community-based care lead agency, and other
 999 agency staff shall:

1000 1. Include a caregiver in the development and
 1001 implementation of the case plan for the child and his or her
 1002 family. The caregiver shall be authorized to participate in all
 1003 team meetings or court hearings related to the child's care and
 1004 future plans. The caregiver's participation shall be facilitated
 1005 through timely notification, an inclusive process, and
 1006 alternative methods for participation for a caregiver who cannot
 1007 be physically present.

1008 2. Develop and make available to the caregiver the
 1009 information, services, training, and support that the caregiver
 1010 needs to improve his or her skills in parenting children who
 1011 have experienced trauma due to neglect, abuse, or separation
 1012 from home, to meet these children's special needs and to
 1013 advocate effectively with child welfare agencies, the courts,
 1014 schools, and other community and governmental agencies.

1015 3. Provide the caregiver with all information related to

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1016 services and other benefits that are available to the child.

1017 (c) Transitions.—

1018 1. Once a caregiver accepts the responsibility of caring
 1019 for a child, the child will be removed from the home of that
 1020 caregiver only if:

1021 a. The caregiver is clearly unable to safely or legally
 1022 care for the child;

1023 b. The child and his or her biological family are
 1024 reunified;

1025 c. The child is being placed in a legally permanent home
 1026 pursuant to the case plan or a court order; or

1027 d. The removal is demonstrably in the child's best
 1028 interest.

1029 2. In the absence of an emergency, if a child leaves the
 1030 caregiver's home for a reason provided under subparagraph 1.,
 1031 the transition must be accomplished according to a plan that
 1032 involves cooperation and sharing of information among all
 1033 persons involved, respects the child's developmental stage and
 1034 psychological needs, ensures the child has all of his or her
 1035 belongings, allows for a gradual transition from the caregiver's
 1036 home and, if possible, for continued contact with the caregiver
 1037 after the child leaves.

1038 (d) Information sharing.—Whenever a foster home or
 1039 residential group home assumes responsibility for the care of a
 1040 child, the department and any additional providers shall make
 1041 available to the caregiver as soon as is practicable all
 1042 relevant information concerning the child. Records and
 1043 information that are required to be shared with caregivers
 1044 include, but are not limited to:

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1045 1. Medical, dental, psychological, psychiatric, and
 1046 behavioral history, as well as ongoing evaluation or treatment
 1047 needs;

1048 2. School records;

1049 3. Copies of his or her birth certificate and, if
 1050 appropriate, immigration status documents;

1051 4. Consents signed by parents;

1052 5. Comprehensive behavioral assessments and other social
 1053 assessments;

1054 6. Court orders;

1055 7. Visitation and case plans;

1056 8. Guardian ad litem reports;

1057 9. Staffing forms; and

1058 10. Judicial or citizen review panel reports and
 1059 attachments filed with the court, except confidential medical,
 1060 psychiatric, and psychological information regarding any party
 1061 or participant other than the child.

1062 (e) Caregivers employed by residential group homes.-All
 1063 caregivers in residential group homes shall meet the same
 1064 education, training, and background and other screening
 1065 requirements as foster parents.

1066 (3) REASONABLE AND PRUDENT PARENT STANDARD.-

1067 (a) Definitions.-As used in this subsection, the term:

1068 1. "Age-appropriate" means an activity or item that is
 1069 generally accepted as suitable for a child of the same
 1070 chronological age or level of maturity. Age appropriateness is
 1071 based on the development of cognitive, emotional, physical, and
 1072 behavioral capacity which is typical for an age or age group.

1073 2. "Caregiver" means a person with whom the child is placed

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1074 in out-of-home care, or a designated official for a group care
 1075 facility licensed by the department under s. 409.175.

1076 3. "Reasonable and prudent parent" standard means the
 1077 standard of care used by a caregiver in determining whether to
 1078 allow a child in his or her care to participate in
 1079 extracurricular, enrichment, and social activities. This
 1080 standard is characterized by careful and thoughtful parental
 1081 decisionmaking that is intended to maintain a child's health,
 1082 safety, and best interest while encouraging the child's
 1083 emotional and developmental growth.

1084 (b) Application of standard of care.-

1085 1. Every child who comes into out-of-home care pursuant to
 1086 this chapter is entitled to participate in age-appropriate
 1087 extracurricular, enrichment, and social activities.

1088 2. Each caregiver shall use the reasonable and prudent
 1089 parent standard in determining whether to give permission for a
 1090 child living in out-of-home care to participate in
 1091 extracurricular, enrichment, or social activities. When using
 1092 the reasonable and prudent parent standard, the caregiver must
 1093 consider:

1094 a. The child's age, maturity, and developmental level to
 1095 maintain the overall health and safety of the child.

1096 b. The potential risk factors and the appropriateness of
 1097 the extracurricular, enrichment, or social activity.

1098 c. The best interest of the child, based on information
 1099 known by the caregiver.

1100 d. The importance of encouraging the child's emotional and
 1101 developmental growth.

1102 e. The importance of providing the child with the most

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1103 family-like living experience possible.

1104 f. The behavioral history of the child and the child's
 1105 ability to safely participate in the proposed activity.

1106 (c) Verification of services delivered.—The department and
 1107 each community-based care lead agency shall verify that private
 1108 agencies providing out-of-home care services to dependent
 1109 children have policies in place which are consistent with this
 1110 section and that these agencies promote and protect the ability
 1111 of dependent children to participate in age-appropriate
 1112 extracurricular, enrichment, and social activities.

1113 (d) Limitation of liability.—A caregiver is not liable for
 1114 harm caused to a child who participates in an activity approved
 1115 by the caregiver, provided that the caregiver has acted in
 1116 accordance with the reasonable and prudent parent standard. This
 1117 paragraph may not be interpreted as removing or limiting any
 1118 existing liability protection afforded by law.

1119 (4) FOSTER PARENT ROOM AND BOARD RATES.—

1120 (a) Effective October 1, 2013, room and board rates paid to
 1121 foster parents are as follows:

1122

<u>Monthly Foster</u>	<u>0-5 Years Age</u>	<u>6-12 Years Age</u>	<u>13-21 Years Age</u>
<u>Care Rate</u>			
	<u>\$429</u>	<u>\$440</u>	<u>\$515</u>

1124

1125

1126 (b) Foster parents shall receive an annual cost of living
 1127 increase. The department shall calculate the new room and board
 1128 rate increase equal to the percentage change in the Consumer

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1129 Price Index for All Urban Consumers, U.S. City Average, All
 1130 Items, not seasonally adjusted, or successor reports, for the
 1131 preceding December compared to the prior December as initially
 1132 reported by the United States Department of Labor, Bureau of
 1133 Labor Statistics.

1134 (c) The amount of the monthly foster care board rate may be
 1135 increased upon agreement among the department, the community-
 1136 based care lead agency, and the foster parent.

1137 (5) RULEMAKING.—The department shall adopt by rule
 1138 procedures to administer this section.

1139 Section 6. Section 409.1451, Florida Statutes, is amended
 1140 to read:

1141 (Substantial rewording of section. See
 1142 s. 409.1451, F.S., for present text).

1143 409.1451 The Road-to-Independence Program.—

1144 (1) LEGISLATIVE FINDINGS AND INTENT.—

1145 (a) The Legislature recognizes that most children and young
 1146 adults are resilient and, with adequate support, can expect to
 1147 be successful as independent adults. Not unlike many young
 1148 adults, some young adults who have lived in foster care need
 1149 additional support and resources for a period of time after
 1150 reaching 18 years of age.

1151 (b) The Legislature finds that while it is important to
 1152 provide young adults who have lived in foster care with
 1153 education and independent living skills, there is also a need to
 1154 focus more broadly on creating and preserving family
 1155 relationships so that young adults have a permanent connection
 1156 with at least one committed adult who provides a safe and stable
 1157 parenting relationship.

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1158 (c) It is the intent of the Legislature that young adults
 1159 who choose to participate in the program receive the skills,
 1160 education, and support necessary to become self-sufficient and
 1161 leave foster care with a lifelong connection to a supportive
 1162 adult through the Road-to-Independence Program, either through
 1163 postsecondary education services and support, as provided in
 1164 subsection (2), or aftercare services.

1165 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

1166 (a) A young adult is eligible for services and support
 1167 under this subsection if he or she:

1168 1. Was living in licensed care on his or her 18th birthday
 1169 or is currently living in licensed care; or was at least 16
 1170 years of age and was adopted from foster care or placed with a
 1171 court-approved dependency guardian after spending at least 6
 1172 months in licensed care within the 12 months immediately
 1173 preceding such placement or adoption;

1174 2. Spent at least 6 months in licensed care before reaching
 1175 his or her 18th birthday;

1176 3. Earned a standard high school diploma or its equivalent
 1177 pursuant to s. 1003.428, s. 1003.4281, s. 1003.429, s. 1003.43,
 1178 or s. 1003.435;

1179 4. Has been admitted for enrollment in an eligible
 1180 postsecondary educational institution as provided in s.
 1181 1009.533;

1182 5. Has reached 18 years of age but is not yet 23 years of
 1183 age;

1184 6. Has applied, with assistance from the young adult's
 1185 caregiver and the community-based lead agency, for any other
 1186 grants and scholarships for which he or she may qualify;

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1187 7. Submitted a Free Application for Federal Student Aid
 1188 which is complete and error free; or

1189 8. Signed an agreement to allow the department and the
 1190 community-based care lead agency access to school records.

1191 (b) The amount of the financial assistance shall be as
 1192 follows:

1193 1. For a young adult who does not remain in foster care and
 1194 is attending a postsecondary school as provided in s. 1009.533,
 1195 the amount is \$1,256 monthly.

1196 2. For a young adult who remains in foster care, is
 1197 attending a postsecondary school, as provided in s. 1009.533,
 1198 and continues to reside in a licensed foster home, the amount is
 1199 the established room and board rate for foster parents. This
 1200 takes the place of the payment provided for in subsection (4).

1201 3. For a young adult who remains in foster care, but
 1202 temporarily resides away from a licensed foster home for
 1203 purposes of attending a postsecondary school as provided in s.
 1204 1009.533, the amount is \$1,256 monthly. This takes the place of
 1205 the payment provided for in subsection (4).

1206 4. For a young adult who remains in foster care, is
 1207 attending a postsecondary school as provided in s. 1009.533, and
 1208 continues to reside in a licensed group home, the amount is
 1209 negotiated between the community-based care lead agency and the
 1210 licensed group home provider.

1211 5. For a young adult who remains in foster care, but
 1212 temporarily resides away from a licensed group home for purposes
 1213 of attending a postsecondary school as provided in s. 1009.533,
 1214 the amount is \$1,256 monthly. This takes the place of a
 1215 negotiated room and board rate.

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1216 6. The amount of the award may be disregarded for purposes
 1217 of determining the eligibility for, or the amount of, any other
 1218 federal or federally supported assistance.

1219 7. A young adult is eligible to receive financial
 1220 assistance during the months when enrolled in a postsecondary
 1221 educational institution.

1222 (c) Payment of financial assistance for a young adult who:

1223 1. Has chosen not to remain in foster care and is attending
 1224 a postsecondary school as provided in s. 1009.533, shall be made
 1225 to the community-based care lead agency in order to secure
 1226 housing and utilities, with the balance being paid directly to
 1227 the young adult until such time the lead agency and the young
 1228 adult determine that the young adult can successfully manage the
 1229 full amount of the assistance.

1230 2. Has remained in foster care under s. 39.6251 and who is
 1231 attending postsecondary school as provided in s. 1009.533, shall
 1232 be made directly to the foster parent or group home provider.

1233 (d)1. The department must advertise the availability of the
 1234 stipend and must provide notification of the criteria and
 1235 application procedures for the stipend to children and young
 1236 adults leaving, or who were formerly in, foster care;
 1237 caregivers; case managers; guidance and family services
 1238 counselors; principals or other relevant school administrators;
 1239 and guardians ad litem.

1240 2. If the award recipient transfers from one eligible
 1241 institution to another and continues to meet eligibility
 1242 requirements, the award shall be transferred with the recipient.

1243 (3) AFTERCARE SERVICES.—

1244 (a) Aftercare services are available to young adults who

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1245 have chosen not to remain in foster care after reaching 18 years
 1246 of age and who are not receiving financial assistance under
 1247 subsection (2) to pursue postsecondary education. These
 1248 aftercare services include, but are not limited to, the
 1249 following:

1250 1. Mentoring and tutoring.

1251 2. Mental health services and substance abuse counseling.

1252 3. Life skills classes, including credit management and
 1253 preventive health activities.

1254 4. Parenting classes.

1255 5. Job and career skills training.

1256 6. Counselor consultations.

1257 7. Temporary financial assistance for emergency situations.

1258 8. Financial literacy skills training.

1259

1260 The specific services to be provided under this paragraph shall
 1261 be determined by an assessment of the young adult and may be
 1262 provided by the community-based care provider or through
 1263 referrals in the community.

1264 (b) Temporary assistance provided to prevent homelessness
 1265 shall be provided as expeditiously as possible and within the
 1266 limitations defined by the department.

1267 (c) A young adult who has reached 18 years of age but is
 1268 not yet 23 years of age who leaves foster care at 18 years of
 1269 age may request and is eligible for such services before
 1270 reaching 23 years of age.

1271 (4) APPEALS PROCESS.—

1272 (a) The department shall have a procedure by which a young
 1273 adult may appeal the department's refusal to provide Road-to-

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1274 Independence Program services or support, or the termination of
 1275 such services or support if funds for such services or support
 1276 are available.

1277 (b) The appeal procedure must be readily accessible to
 1278 young adults, must provide for timely decisions, and must
 1279 provide for an appeal to the department. The decision of the
 1280 department constitutes final agency action and is reviewable by
 1281 the court as provided in s. 120.68.

1282 (5) PORTABILITY.—The services provided under this section
 1283 are portable across county lines and between lead agencies.

1284 (a) The service needs that are identified in the original
 1285 or updated transition plan, pursuant to s. 39.6035, shall be
 1286 provided by the lead agency where the young adult is currently
 1287 residing but shall be funded by the lead agency who initiated
 1288 the transition plan.

1289 (b) The lead agency with primary case management
 1290 responsibilities shall provide maintenance payments, case
 1291 planning, including a written description of all services that
 1292 will assist a child 16 years of age or older in preparing for
 1293 the transition from care to independence, as well as regular
 1294 case reviews that conform with all federal scheduling and
 1295 content requirements, for all children in foster care who are
 1296 placed or visiting out-of-state.

1297 (6) ACCOUNTABILITY.—The department shall develop outcome
 1298 measures for the program and other performance measures in order
 1299 to maintain oversight of the program. No later than January 31
 1300 of each year, the department shall prepare a report on the
 1301 outcome measures and the department's oversight activities and
 1302 submit the report to the President of the Senate, the Speaker of

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1303 the House of Representatives, and the committees with
 1304 jurisdiction over issues relating to children and families in
 1305 the Senate and the House of Representatives. The report must
 1306 include:

1307 (a) An analysis of performance on the outcome measures
 1308 developed under this section reported for each community-based
 1309 care lead agency and compared with the performance of the
 1310 department on the same measures.

1311 (b) A description of the department's oversight of the
 1312 program, including, by lead agency, any programmatic or fiscal
 1313 deficiencies found, corrective actions required, and current
 1314 status of compliance.

1315 (c) Any rules adopted or proposed under this section since
 1316 the last report. For the purposes of the first report, any rules
 1317 adopted or proposed under this section must be included.

1318 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The
 1319 secretary shall establish the Independent Living Services
 1320 Advisory Council for the purpose of reviewing and making
 1321 recommendations concerning the implementation and operation of
 1322 the provisions of s. 39.6015 and the Road-to-Independence
 1323 Program. The advisory council shall function as specified in
 1324 this subsection until the Legislature determines that the
 1325 advisory council can no longer provide a valuable contribution
 1326 to the department's efforts to achieve the goals of the services
 1327 designed to enable a young adult to live independently.

1328 (a) The advisory council shall assess the implementation
 1329 and operation of the Road-to-Independence Program and advise the
 1330 department on actions that would improve the ability of these
 1331 Road-to-Independence Program services to meet the established

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1332 goals. The advisory council shall keep the department informed
 1333 of problems being experienced with the services, barriers to the
 1334 effective and efficient integration of services and support
 1335 across systems, and successes that the system of services has
 1336 achieved. The department shall consider, but is not required to
 1337 implement, the recommendations of the advisory council.

1338 (b) The advisory council shall report to the secretary on
 1339 the status of the implementation of the Road-To-Independence
 1340 Program, efforts to publicize the availability of the Road-to-
 1341 Independence Program, the success of the services, problems
 1342 identified, recommendations for department or legislative
 1343 action, and the department's implementation of the
 1344 recommendations contained in the Independent Living Services
 1345 Integration Workgroup Report submitted to the appropriate
 1346 substantive committees of the Legislature by December 31, 2013.
 1347 The department shall submit a report by December 31 of each year
 1348 to the Governor, the President of the Senate, and the Speaker of
 1349 the House of Representatives which includes a summary of the
 1350 factors reported on by the council and identifies the
 1351 recommendations of the advisory council and either describes the
 1352 department's actions to implement the recommendations or
 1353 provides the department's rationale for not implementing the
 1354 recommendations.

1355 (c) Members of the advisory council shall be appointed by
 1356 the secretary of the department. The membership of the advisory
 1357 council must include, at a minimum, representatives from the
 1358 headquarters and regional offices of the Department of Children
 1359 and Families, community-based care lead agencies, the Department
 1360 of Juvenile Justice, the Department of Economic Opportunity, the

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1361 Department of Education, the Agency for Health Care
 1362 Administration, the State Youth Advisory Board, Workforce
 1363 Florida, Inc., the Statewide Guardian Ad Litem Office, foster
 1364 parents, recipients of services and funding through the Road-to-
 1365 Independence Program, and advocates for children in care. The
 1366 secretary shall determine the length of the term to be served by
 1367 each member appointed to the advisory council, which may not
 1368 exceed 4 years.

1369 (d) The department shall provide administrative support to
 1370 the Independent Living Services Advisory Council to accomplish
 1371 its assigned tasks. The advisory council shall be afforded
 1372 access to all appropriate data from the department, each
 1373 community-based care lead agency, and other relevant agencies in
 1374 order to accomplish the tasks set forth in this section. The
 1375 data collected may not include any information that would
 1376 identify a specific child or young adult.

1377 (e) The advisory council report required under paragraph
 1378 (b), must include an analysis of the system of independent
 1379 living transition services for young adults who reach 18 years
 1380 of age while in foster care before completing high school or its
 1381 equivalent and recommendations for department or legislative
 1382 action. The council shall assess and report on the most
 1383 effective method of assisting these young adults to complete
 1384 high school or its equivalent by examining the practices of
 1385 other states.

1386 (8) PERSONAL PROPERTY.—Property acquired on behalf of a
 1387 young adult in this program shall become the personal property
 1388 of the young adult and is not subject to the requirements of
 1389 chapter 273 relating to state-owned tangible personal property.

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1390 Such property continues to be subject to applicable federal
1391 laws.

1392 (9) MEDICAL ASSISTANCE FOR YOUNG ADULTS FORMERLY IN CARE.-
1393 The department or community-based care lead agency shall
1394 document that eligible young adults are enrolled in Medicaid
1395 under s. 409.903(4).

1396 (10) RULEMAKING.-The department shall adopt rules to
1397 administer this section.

1398 Section 7. Paragraph (a) of subsection (3) of section
1399 409.175, Florida Statutes, is amended to read:

1400 409.175 Licensure of family foster homes, residential
1401 child-caring agencies, and child-placing agencies; public
1402 records exemption.-

1403 (3) (a) The total number of children placed in each family
1404 foster home shall be based on the recommendation of the
1405 department, or the community-based care lead agency where one is
1406 providing foster care and related services, based on the needs
1407 of each child in care, the ability of the foster family to meet
1408 the individual needs of each child, including any adoptive or
1409 biological children or young adults remaining in foster care
1410 living in the home, the amount of safe physical plant space, the
1411 ratio of active and appropriate adult supervision, and the
1412 background, experience, and skill of the family foster parents.

1413 Section 8. Subsection (4) of section 409.903, Florida
1414 Statutes, is amended to read:

1415 409.903 Mandatory payments for eligible persons.-The agency
1416 shall make payments for medical assistance and related services
1417 on behalf of the following persons who the department, or the
1418 Social Security Administration by contract with the Department

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

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1419 of Children and Family Services, determines to be eligible,
1420 subject to the income, assets, and categorical eligibility tests
1421 set forth in federal and state law. Payment on behalf of these
1422 Medicaid eligible persons is subject to the availability of
1423 moneys and any limitations established by the General
1424 Appropriations Act or chapter 216.

1425 (4) A child who is eligible under Title IV-E of the Social
1426 Security Act for subsidized board payments, foster care, or
1427 adoption subsidies, and a child for whom the state has assumed
1428 temporary or permanent responsibility and who does not qualify
1429 for Title IV-E assistance but is in foster care, shelter or
1430 emergency shelter care, or subsidized adoption. This category
1431 includes a young adult who is eligible to receive services under
1432 s. 409.1451~~(5)~~, until the young adult reaches 21 years of age,
1433 without regard to any income, resource, or categorical
1434 eligibility test that is otherwise required. This category also
1435 includes a person who as a child was eligible under Title IV-E
1436 of the Social Security Act for foster care or the state-provided
1437 foster care and who is a participant in the Road-to-Independence
1438 Program.

1439 Section 9. The Department of Children and Families shall
1440 work in collaboration with the Board of Governors, the Florida
1441 College System, and the Department of Education to help address
1442 the need for a comprehensive support structure in the academic
1443 arena to assist young adults who have been or continue to remain
1444 in the foster care system in making the transition from a
1445 structured care system into an independent living setting.

1446 Section 10. Effective October 1, 2013, a child or young
1447 adult who is a participant in the Road-to-Independence Program

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

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1448 may continue in the program as it exists through December 31,
1449 2013. Effective January 1, 2014, a child or young adult who is a
1450 participant in the program shall transfer to the program
1451 services provided in this act and his or her monthly stipend may
1452 not be reduced, the method of payment of the monthly stipend may
1453 not be changed, and the young adult may not be required to
1454 change his or her living arrangement. These conditions shall
1455 remain in effect for a child or young adult until he or she
1456 ceases to meet the eligibility requirements under which he or
1457 she entered the Road-to-Independence Program. A child or young
1458 adult applying or reapplying for the Road-to-Independence
1459 Program on or after October 1, 2013, may apply for program
1460 services only as provided in this act.

1461 Section 11. The cost of foster care payments for children
1462 in foster care from age 18 until age 21, and the cost of
1463 independent living services for those qualified former foster
1464 care children up until the age of 23, shall be paid from a
1465 special category established for that purpose in the General
1466 Appropriations Act. The amount and fund source in this special
1467 category will be set each year by the legislature.

1468 Section 12. This act shall take effect October 1, 2013.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/19/13

Meeting Date

Topic Independent Living

Bill Number 7012
(if applicable)

Name Christina Spudcas

Amendment Barcode _____
(if applicable)

Job Title Executive Director

Address 1801 N. University Drive Ste 3B

Phone 954-326-8923

Coral Springs FL 33071
Street City State Zip

E-mail christina.spudcas@floridaschildventfirst.org

Speaking: For Against Information

Representing Florida's Children First

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 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/19/13

Meeting Date

Topic Independent Living

Bill Number 7012
(if applicable)

Name Lindsay Baach

Amendment Barcode _____
(if applicable)

Job Title Statewide Coordinator

Address 1801 N University Dr Ste 3B

Phone 954 857 9597

Coral Springs FL 33071
Street City State Zip

E-mail lindsay.baach@floridaschildventfirst.org

Speaking: For Against Information

Representing Florida Youth STONE

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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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/19/13

Meeting Date

Topic Independent Living

Bill Number 7012
(if applicable)

Name Marcus Jean-Jacques

Amendment Barcode _____
(if applicable)

Job Title Florida Youth STINE

Address _____
Street

Phone _____

City _____ State _____ Zip _____

E-mail _____

Speaking: For Against Information

Representing Florida Youth STINE Palm Beach Chapter

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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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/19/13

Meeting Date

Topic ~~Independent Living~~ Independent Living

Bill Number 7012
(if applicable)

Name ~~MARY YOUNG~~ MARY POWER

Amendment Barcode _____
(if applicable)

Job Title Florida Youth STINE

Address _____
Street

Phone _____

City _____ State _____ Zip _____

E-mail _____

Speaking: For Against Information

Representing Florida Youth STINE Vero Beach Chapter

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)

2/19/13

Meeting Date

Topic Independent Living

Bill Number 7012
(if applicable)

Name Brandon Burke

Amendment Barcode _____
(if applicable)

Job Title Florida Youth SHINE

Address _____
Street

Phone _____

City _____ State _____ Zip _____

E-mail _____

Speaking: For Against Information

Representing Florida Youth SHINE Broward Chapter

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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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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2/19/13

Meeting Date

Topic Independent Living

Bill Number 7012
(if applicable)

Name Ashtey Allison

Amendment Barcode _____
(if applicable)

Job Title Florida Youth SHINE

Address _____
Street

Phone _____

City _____ State _____ Zip _____

E-mail _____

Speaking: For Against Information

Representing Florida Youth SHINE Miami Chapter

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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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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2/19/13
Meeting Date

Topic Independent Living Bill Number 7012
Name OTTO PHILLIPS Amendment Barcode _____
Job Title Florida Youth SHINE Phone _____
Address _____ E-mail _____
Street _____
City _____ State _____ Zip _____

Speaking: For Against Information
Representing Florida Youth SHINE Palm Beach Chapter
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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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/19/13
Meeting Date

Topic Independent Living Bill Number 7012
Name D'atra Franklin Amendment Barcode _____
Job Title Florida Youth SHINE Phone _____
Address _____ E-mail _____
Street _____
City _____ State _____ Zip _____

Speaking: For Against Information
Representing Florida Youth SHINE Palm Beach Chapter
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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S-001 (10/20/11)

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2/19/13

Meeting Date

Topic Independent Living

Bill Number 7012
(if applicable)

Name Thomas Fair

Amendment Barcode _____
(if applicable)

Job Title Florida Youth SHINE

Address _____
Street

Phone _____

City _____ State _____ Zip _____

E-mail _____

Speaking: For Against Information

Representing Florida Youth SHINE Tallahassee Chapter

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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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/19/13

Meeting Date

Topic Independent Living

Bill Number 7012
(if applicable)

Name Kiwa Perkins

Amendment Barcode _____
(if applicable)

Job Title Florida Youth SHINE

Address _____
Street

Phone _____

City _____ State _____ Zip _____

E-mail _____

Speaking: For Against Information

Representing Florida Youth SHINE Jacksonville Chapter

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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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2 / 19 / 2013

Meeting Date

Topic _____ Bill Number 7012
(if applicable)
Name BRIAN PITTS Amendment Barcode _____
(if applicable)
Job Title TRUSTEE
Address 1119 NEWTON AVNUE SOUTH Phone 727-897-9291
Street
SAINT PETERSBURG FLORIDA 33705 E-mail JUSTICE2JESUS@YAHOO.COM
City State Zip
Speaking: For Against Information
Representing JUSTICE-2-JESUS

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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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

February 19, 2013

Meeting Date

Topic _____ Bill Number SB 7012
(if applicable)
Name Jeff Bates Amendment Barcode _____
(if applicable)
Job Title _____
Address 2125 Upper Cody Road Phone 850-212-9928
Street
Monticello FL 32344 E-mail rm3bates@embarqmail.com
City State Zip
Speaking: For Against Information
Representing Foster care alumni

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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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/19/13
Meeting Date

Topic Independent Living Bill

Bill Number ^{PCS} SB 7012 (if applicable)

Name Alan Abramowitz

Amendment Barcode _____ (if applicable)

Job Title Electra Director

Address Holladay Building - 600 S. Collier Street

Phone 813-241-3232

Tallahassee FL 32303
City State Zip

E-mail Alan.Abramowitz@GAC.FL.gov

Speaking: For Against Information

Representing GUARDIAN ACTION 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 (10/20/11)

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.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 56

INTRODUCER: Senator Hays

SUBJECT: Infant Death

DATE: February 12, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Lloyd	Stovall	HP	Favorable
2.	Hendon	Hendon	CF	Pre-meeting
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 56 replaces the concept of Sudden Infant Death Syndrome (SIDS) with Sudden Unexplained Infant Death (SUID). Accordingly, requirements for training first responders and protocols for medical examiners are revised to reflect this change in emphasis. The changes reflect the current practices of medical examiners and coroners in the identification of the SUID classification for infant deaths.

References to the SIDS hotline and local SIDS alliances are deleted. The bill is not expected to have a fiscal impact on the state and has an effective date of July 1, 2013.

This bill substantially amends section 383.3362, Florida Statutes.

II. Present Situation:

Sudden Infant Death Syndrome (SIDS)

Subsection 383.3362(2), F.S., defines SIDS as the “sudden unexpected death of an infant under 1 year of age which remains unexplained after a complete autopsy, death-scene investigation, and review of case history. The term includes only those deaths for which, currently, there is no known cause or cure.”

Subsection 383.3362(3), F.S., acknowledges that first responders, such as emergency medical technicians, paramedics, firefighters and law enforcement officers, should be trained in how to respond to sudden infant death as the likely first responders to a request for assistance. Basic training programs for certification for certain first responders include instruction on SIDS. The

Department of Health (DOH) is responsible for the training curriculum in consultation with the Emergency Medical Services Advisory Council, the Firefighters Employment Standards, and Training Council and the Criminal Justice Standards and Training Commission. This curriculum is adopted by rule¹.

A medical examiner is required to perform an autopsy on any infant under age 1 who is suspected to have died of Sudden Infant Death Syndrome.² Furthermore, the autopsy must be performed within 24 hours after the death or as soon thereafter as is feasible. If the medical examiner's findings are consistent with SIDS, this condition must be listed as the cause of death on the death certificate.

The Medical Examiners Commission is required to develop a protocol for dealing with suspected SIDS.³ The law requires that all medical examiners follow the protocol and provides the contents and requirements for the protocol.

A medical examiner is not liable for damages for any act or omission done in compliance with s. 383.3362, F.S.

The DOH is responsible for:

- Developing and presenting SIDS training programs for first responders;
- Maintaining a database of statistics on reported SIDS deaths;
- Serving as a liaison and coordinating activities with the Florida SIDS Alliance, including the SIDS hotline;
- Maintaining a library reference list and materials for public disseminations about SIDS;
- Providing professional support to field staff; and
- Coordinating the activities of and promoting a link between the fetal and infant mortality review committees of the local healthy start coalitions, the local SIDS alliance and other related support groups.

Infant Death Statistics

The DOH reports annually on fetal and infant deaths through the Florida Vital Statistics Annual Report.⁴ This report provides the number of fetal deaths per 1,000 live births, the number of deaths by race, and compares that data to national figures. In addition, specific information on

¹ See Department of Health Rule 64F-5.002, Florida Administrative Code. Found at: <https://www.flrules.org/gateway/ruleNo.asp?id=64F-5.002>, (last visited Jan. 21, 2013).

² See s. 383.3362(4), F.S.

³ *Id.* But see Florida Administrative Code Rule 11G-2.0031 at: <https://www.flrules.org/gateway/ruleNo.asp?id=11G-2.0031>, (last visited Jan. 21, 2013). Administrative rule repealed effective 5-21-2012 and SIDS autopsy protocol moved to Practice Guidelines.

⁴ See Florida Vital Statistics Annual Report 2011, <http://www.flpublichealth.com/VSBOOK/VSBOOK.aspx>, (last visited Jan. 21, 2013).

infant mortality rates, including data on SIDS and SUID deaths by county, is compiled by the DOH and available on-line at FloridaCHARTS.com.⁵

Over the last three years (2009-2011), 2,839 resident neonatal deaths in Florida were recorded. A neonatal death is defined as an infant death occurring within the first 27 days of birth. The overall number of resident neonatal infant deaths for 2011 was 915, which reflects a reduction from the prior year of 14.⁶ The resident neonatal death rate per 1,000 live births for 2011 translates to 4.3 for all births in the state.

The resident infant (less than one year old) death rate for the same rolling three-year period (2009-2011) in Florida was 4,297. The overall number of resident infant deaths for the most recent single year, 2011, was 1,372 which was a reduction from the prior year of 28. Florida’s rate of all infant death’s for 2011 was 6.4 per 1,000 live births.⁷

Infant Mortality Rates – All Causes		
Time Period	Resident Neo-Natal Deaths (Within First 27 Days)	Resident Infant Deaths (Within First Year)
2010	929	1,400
2011	915	1,372

Infant deaths are also reported by specific categories by year and in the same rolling three-year periods for many categories in FloridaCHARTS.com. For the period 2009- 2011, there were 179 SIDS reported deaths in Florida. These deaths were defined as occurring during the infant’s first year of life.⁸ In 2011, there were 46 reported SIDS deaths in the neonatal period with four occurring in the first 27 days of life and the remainder after day 28.⁹

Infant Mortality Rates – from SIDS			
Time Period	Total Infant Deaths	Resident Neo-Natal Deaths (Within First 27 Days)	Resident Infant Deaths (Within First Year)
2010	63	6	57
2011	46	4	42

Role of Medical Examiners

Medical examiners are required to perform an autopsy in accordance with the authority granted under s. 406.11, F.S. Part I of ch.406 specifically governs the medical examiners who are practicing physicians in pathology appointed by the Governor in each medical examiner district of the state.

⁵ See Florida Department of Health, Division of Public Health Statistics & Performance Management, Infant Death Indicators. <http://www.floridacharts.com/charts/DataViewer/InfantDeathViewer/InfantDeathViewer.aspx?indNumber=0053>, (last visited Jan. 21, 2013).

⁶ *Id.*

⁷ *Id.*

⁸ *Supra*, n. 5

⁹ *Id.*

Section 406.02, F.S., creates the Medical Examiner Commission within the Florida Department of Law Enforcement. The commission is comprised of nine appointed persons who are charged with adopting rules to implement ch.406 that ensure minimum and uniform standards of excellence, performance of duties; and maintenance of records so as to provide useful and adequate information to the state in death investigations.

Section 406.11, F.S., mandates the circumstances under which a medical examiner must determine the cause of death and shall perform an examination, investigation and autopsy. Those instances include when any person dies in the state:

- Of criminal violence.
- By accident.
- By suicide.
- *Suddenly, when in apparent good health. (emphasis added)*
- Unattended by a practicing physician or other recognized practitioner.
- In any prison or penal institution.
- In police custody.
- In any suspicious or unusual circumstances.
- By criminal abortion.
- By poison.
- By disease constituting a threat to public health.
- By disease, injury, or toxic agent result from employment.

Sudden Unexpected Infant Death (SUID) Initiative

The Centers for Disease Control and Prevention (CDC) defines SIDS as the sudden death of an infant less than 1 year of age that cannot be explained *after* a thorough investigation is conducted, including a complete autopsy, examination of the death scene and review of the clinical history.¹⁰ Beginning in 1998, records showed that medical examiners and coroners began to move away from classifying infant deaths as SIDS and identifying more deaths as accidental suffocations or unknown cause. This movement suggested that the medical examiners and coroners had adopted different reporting and diagnostic procedures. As a result of these changes, the CDC began the Sudden Unexpected Infant Death (SUID) Initiative in order to improve investigation and reporting practices for SIDS and other SUIDs.¹¹

In contrast to SIDS, SUID is defined as deaths in infants less than 1 year of age that occur suddenly and unexpectedly, and whose cause of death is not immediately obvious *prior* to investigation. According to the CDC, more than 4,500 infants die each year suddenly of no immediately obvious cause. Half of these SUIDs are due to SIDS.

The SUID Initiative's goals include the standardization and improvement of data collection at the death scene, promotion of the consistent classification and reporting of the cause of death,

¹⁰ Centers for Disease Control and Prevention, *Sudden Infant Death Syndrome*, <http://www.cdc.gov/sids/index.htm>, (last visited Dec. 19, 2012).

¹¹ Centers for Disease Control and Prevention, *CDC's Sudden Unexpected Infant Death Initiative*, <http://www.cdc.gov/sids/suidabout.htm>, (last visited Jan. 21, 2013).

improving the national reporting of SUID and reducing SUID by using improved data to identify those at risk. To accomplish these goals, the collaborative has revised reporting forms, developed training materials, trained medicolegal professional and child advocates on how to complete death investigations and implemented a state-based SUID case registry in five pilot states initially and later expanded through grants to cover 10 states.¹²

According to the CDC, SIDS is one of several causes of SUID. SIDS, unlike SUID, is a diagnosis of exclusion. SIDS is a diagnosis that should be given only after all other possible causes of sudden, unexplained death have been ruled out through a careful case investigation, which includes a thorough examination of the death scene, a complete autopsy and a review of the infant's medical history. The most common causes of SUID are: SIDS, suffocation, metabolic errors, injury or trauma and unclassified causes (if the death scene investigation and/or autopsy were incomplete or not done and the death certifier has insufficient evidence to record a more specific cause of death).¹³

Healthy Start Programs

Florida's Healthy Start initiative was signed into law on June 4, 1991. The Healthy Start law provides for universal risk screening of all of Florida's pregnant women and newborn infants to identify those at risk of poor birth, health and development outcomes. The Florida Department of Health administers the program and services are provided through local coalitions.¹⁴

The state's 33 Healthy Start Coalitions are non-profit organizations that provide services statewide to pregnant women and their babies up to age three. By providing these services, the coalitions seek to reduce infant mortality, reduce the number of low birth weight babies and improve health and developmental outcomes.¹⁵ The program identifies women and infants at an increased risk for poor outcomes, provides a professional assessment of their needs and identifies resources to address those needs. The program also refers women to other service providers as needed.

Fetal and Infant Mortality Review

Fetal and Infant Mortality Review (FIMR) began nationally in 1990 as a collaborative process between health departments, providers and maternal and child health coalitions to address factors that impact fetal and infant mortality.

FIMR projects were adopted in Florida in 1992 and currently 29 counties participate in this project.¹⁶ A Local Infant Mortality Committee of the Healthy Start Coalition provides an analysis

¹² Centers for Disease Control and Prevention, *Sudden Unexpected Infant Death Case Registry*, <http://www.cdc.gov/sids/suidabout.htm>, (last visited Jan. 21, 2013).

¹³ Carrie Shapiro-Mendoza, Ph.D., M.P.H., CDC, *Sudden, Unexplained Death Investigation, Chapter 1, Types of Sudden, Unexplained Infant Death*, http://www.cdc.gov/sids/PDF/SUIDManual/Chapter1_tag508.pdf, (last visited Jan. 21, 2013).

¹⁴ See ss. 383.011(1)(e) and 383.216, F.S.

¹⁵ Florida Department of Health, *Healthy Start Annual Report 2011*, <http://www.doh.state.fl.us/family/mch/hs/HealthyStartReport2011.pdf>, (last visited: Jan. 21, 2013)

¹⁶ Florida Department of Health. *FIMR*, http://www.doh.state.fl.us/family/mch/FIMR/fimr_facts.html, (last visited Jan. 21, 2013).

of the basic statistical and epidemiological aspects of the fetal and infant mortality. The committee then selects objectives and plans, and manages the review process.

Florida SIDS Alliance

Concerned SIDS parents and professionals formed the Florida SIDS Alliance in 1985. The alliance operates a hotline (1-800-SIDS-FLA) and a website. The alliance provides a reliable and continuous source of assistance to parents who have lost a child suddenly and unexpectedly; provides information and referrals; sponsors educational campaigns; and promotes research into the cause and possible prevention of SIDS through fundraising and public education.¹⁷

III. Effect of Proposed Changes:

Section 1 of the bill modifies s. 383.3362, F.S., relating to “sudden infant death syndrome” (SIDS) and replaces those references with the term and corresponding activities for “sudden unexpected infant death” (SUID). SIDS and SUID are two distinct classifications. The SUID classification occurs prior to an investigation of an infant death and includes numerous common causes, while SIDS is designated only after a full investigation (SIDS). SIDS is still a classification utilized in state reporting.

Legislative findings and intent are amended to reflect current infant death mortality rates and the revised terminology. The bill recognizes that first responders need special training to recognize that infant deaths may be caused by natural or accidental causes as well as by criminal acts and to act appropriately with the deceased infant’s parents or caretakers. The bill also recognizes the importance of multi-disciplinary investigations and the need for standardized investigative protocols in the cases of sudden unexpected infant deaths. Language concerning a standard protocol for the review of SIDS deaths by medical examiners and the importance of follow-up in such deaths is deleted.

The bill further modifies legislative intent by replacing references to SIDS with SUID in order to expand analysis and research on possible causes of sudden unexpected infant death and on how to reduce its incidence.

SUID is defined as the sudden unexpected death of an infant under 1 year of age while in apparent good health whose death may have been a result of natural or unnatural causes, replacing the definition of SIDS. The SUID definition matches the definition utilized by the Centers for Disease Control and Prevention.

The bill changes the basic training program for emergency medical technicians, paramedics, firefighters and certain law enforcement officers to address SUID rather than SIDS and deletes an obsolete date.

The bill requires the DOH, in consultation with the Emergency Medical Services Advisory Council, the Firefighters Employment, Standards, and Training Council, and the Criminal Justice

¹⁷ Florida SIDS Alliance, *About Us*, <http://flasids.com/blog/florida-sids-alliance/> (last visited Jan. 21, 2013).

Standard and Training Commission, to develop and adopt, by rule, curriculum that includes training on SUID, instead of SIDS.

The bill requires an autopsy for any infant younger than 1 year of age who dies suddenly and unexpectedly while in apparent good health by the medical examiner under s. 406.11, F.S. Medical examiners currently follow practice guidelines (article 26 as incorporated into Rule 11G, F.A.C.) that require an autopsy for the sudden and unexpected death of infants younger than 1 year of age. To conform these changes to ch.406, F.S., a medical examiner is no longer required to: perform an autopsy within 24 hours on any infant that the medical examiner suspected to have died of SIDS; state on the death certificate that SIDS was the cause of death; or follow the SIDS protocol when conducting autopsies. The bill deletes a redundant statutory cross-reference to the authority of the medical examiner.

The bill directs the Medical Examiners Commission to develop and implement a protocol for the medicolegal investigation of SUID and deletes a reference to a protocol for SIDS.

The bill amends the duties of the DOH to replace SIDS references to SUID in the training programs of the department, the database of statistics and the library of reference materials.

The bill deletes the DOH's liaison responsibility with the Florida SIDS Alliance with regard specifically to the SIDS hotline. The bill also deletes the DOH's responsibilities to coordinate activities with the local SIDS alliance and other groups including the fetal and infant mortality review committee of the local healthy start coalitions. Coordination with other related support groups remains a function under this provision.

Section 2 of the bill provides for an effective date of July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The Department of Health is no longer required specifically to include the local SIDS alliances in certain coordination and promotion activities. This may result in reduced participation by the community-based alliances.

C. Government Sector Impact:**State Government**

Rules, training curriculum and guidelines may need to be amended to reflect the changes in terminology and standards from SIDS to SUID. The Departments of Health and Law Enforcement do not expect the bill will create a fiscal impact on their agencies.

Local Government

Medical examiners are funded by the counties. The bill codifies the current practice where medical examiners conduct autopsies for all unexpected deaths of children under 1 year of age. The bill will therefore not increase the workload and costs of the medical examiner district offices.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

None.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
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	.	

The Committee on Children, Families, and Elder Affairs (Hays) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 383.3362, Florida Statutes, is amended to read:

383.3362 Sudden Unexpected Infant Death ~~Syndrome~~.—

(1) FINDINGS AND INTENT.—The Legislature recognizes that more than 4,500 infants in the United States die suddenly and unexpectedly of no immediate or obvious cause. According to statistics from the Department of Health, more than 200 infants in this state experienced Sudden Unexpected Infant Death in 2010



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13 ~~sudden Infant death Syndrome, or SIDS, is a leading cause of~~
14 ~~death among children under the age of 1 year, both nationally~~
15 ~~and in this state. The Legislature further recognizes that first~~
16 ~~responders to emergency calls relating to such a death need~~
17 ~~access to special training to better enable them to recognize~~
18 ~~that such deaths may result from natural and accidental causes~~
19 ~~or may be caused ~~distinguish SIDS from death caused by criminal~~~~
20 ~~acts and to appropriately interact with the deceased infant's~~
21 ~~parents or caretakers. At the same time, the Legislature,~~
22 ~~recognizing that the primary focus of first responders is to~~
23 ~~carry out their assigned duties, intends to increase ~~the~~~~
24 ~~awareness of the possible causes of Sudden Unexpected Infant~~
25 ~~Death ~~SIDS by first responders, but in no way expand or take~~~~
26 ~~away from their duties. Further, the Legislature recognizes the~~
27 ~~importance of a multidisciplinary investigation and standardized~~
28 ~~investigative protocols in cases of Sudden Unexpected Infant~~
29 ~~Death ~~standard protocol for review of SIDS deaths by medical~~~~
30 ~~examiners and the importance of appropriate followup in cases of~~
31 ~~certified or suspected SIDS deaths. Finally, the Legislature~~
32 ~~finds that it is desirable to analyze existing data, and ~~to~~~~
33 ~~conduct further research on, the possible causes of Sudden~~
34 ~~Unexpected Infant Death ~~SIDS and on how to reduce its incidence~~~~
35 ~~lower the number of sudden infant deaths.~~

36 (2) DEFINITION.—As used in this section, the term "Sudden
37 Unexpected Infant Death Syndrome," or "SUID," "~~SIDS,~~" means the
38 sudden unexpected death of an infant under 1 year of age while
39 in apparent good health whose death may have been a result of
40 natural or unnatural causes ~~which remains unexplained after a~~
41 ~~complete autopsy, death-scene investigation, and review of the~~



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42 ~~ease history. The term includes only those deaths for which,~~
43 ~~currently, there is no known cause or cure.~~

44 (3) TRAINING.—

45 (a) The Legislature finds that an emergency medical
46 technician, a paramedic, a firefighter, or a law enforcement
47 officer is likely to be the first responder to a request for
48 assistance which is made immediately after the sudden unexpected
49 death of an infant. The Legislature further finds that these
50 first responders should be trained in appropriate responses to
51 sudden infant death.

52 (b) ~~After January 1, 1995,~~ The basic training programs
53 required for certification as an emergency medical technician, a
54 paramedic, a firefighter, or a law enforcement officer as
55 defined in s. 943.10, other than a correctional officer or a
56 correctional probation officer, must include curriculum that
57 contains instruction on SUID ~~Sudden Infant Death Syndrome~~.

58 (c) The Department of Health, in consultation with the
59 Emergency Medical Services Advisory Council, the Firefighters
60 Employment, Standards, and Training Council, the child
61 protection teams established in Children's Medical Services
62 program, and the Criminal Justice Standards and Training
63 Commission, shall develop and adopt, by rule, curriculum that,
64 at a minimum, includes training in the nature of SUID ~~SIDS~~,
65 standard procedures to be followed by law enforcement agencies
66 in investigating cases involving sudden deaths of infants, and
67 training in responding appropriately to the parents or
68 caretakers who have requested assistance.

69 (4) AUTOPSIES.—

70 (a) The death of any infant younger than 1 year of age who



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71 dies suddenly and unexpectedly while in apparent good health
72 falls under the jurisdiction of the medical examiner as provided
73 in s. 406.11. The medical examiner must perform an autopsy upon
74 any infant under the age of 1 year who is suspected to have died
75 of Sudden Infant Death Syndrome. The autopsy must be performed
76 within 24 hours after the death, or as soon thereafter as is
77 feasible. When the medical examiner's findings are consistent
78 with the definition of sudden infant death syndrome in
79 subsection (2), the medical examiner must state on the death
80 certificate that sudden infant death syndrome was the cause of
81 death.

82 (b) The Medical Examiners Commission shall provide for the
83 development and implementation of ~~develop and implement~~ a
84 protocol for the medicolegal investigation of SUID ~~dealing with~~
85 ~~suspected sudden infant death syndrome. The protocol must be~~
86 ~~followed by all medical examiners when conducting the autopsies~~
87 ~~required under this subsection. The protocol may include~~
88 requirements and standards for scene investigations,
89 requirements for specific data, criteria for any specific tissue
90 sampling, and any other requirements that are deemed
91 ~~ascertaining cause of death based on the autopsy, criteria for~~
92 ~~any specific tissue sampling, and any other requirements that~~
93 ~~the commission considers necessary.~~

94 (c) A medical examiner is not liable for damages in a civil
95 action for any act or omission done in compliance with this
96 subsection.

97 ~~(d) An autopsy must be performed under the authority of a~~
98 ~~medical examiner under s. 406.11.~~

99 (5) DEPARTMENT DUTIES RELATING TO SUDDEN UNEXPECTED INFANT



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100 DEATH (SUID) SYNDROME ~~(SIDS)~~.—The Department of Health, in
101 consultation with the child protection teams established in the
102 Children’s Medical Services program, shall:

103 (a) Collaborate with other agencies in the development and
104 presentation of the SUID ~~Sudden Infant Death Syndrome (SIDS)~~
105 training programs for first responders, including those for
106 emergency medical technicians and paramedics, firefighters, and
107 law enforcement officers.

108 (b) Maintain a database of statistics on reported SUID ~~SIDS~~
109 deaths, and analyze the data as funds allow.

110 (c) Serve as liaison and closely coordinate activities with
111 the Florida SIDS Alliance, ~~including the services related to the~~
112 ~~SIDS hotline.~~

113 (d) Maintain a library reference list and materials about
114 SUID ~~SIDS~~ for public dissemination.

115 (e) Provide professional support to field staff.

116 (f) Coordinate the activities of and promote a link between
117 the fetal and infant mortality review committees of the local
118 healthy start coalitions, the Florida ~~lead~~ SIDS Alliance, and
119 other related support groups.

120 (6) SUID AND SAFE SLEEP INFORMATION.—Each hospital and
121 birthing center in this state shall provide information on SUID
122 and safe sleep practices to parents of newborns before
123 discharge.

124 Section 2. This act shall take effect July 1, 2013.

126 ===== T I T L E A M E N D M E N T =====

127 And the title is amended as follows:

128 Delete everything before the enacting clause



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129 and insert:

130 A bill to be entitled
131 An act relating to infant death; amending s. 383.3362,
132 F.S.; revising legislative findings and intent with
133 respect to the sudden unexpected death of an infant
134 under a specified age; defining the term "Sudden
135 Unexpected Infant Death" (SUID); revising provisions
136 relating to training requirements for first
137 responders; revising requirements relating to
138 autopsies performed by medical examiners; requiring
139 the Medical Examiners Commission to provide for the
140 development and implementation of a protocol for the
141 medicolegal investigation of SUID; requiring each
142 hospital and birthing center in this state to provide
143 information on SUID and safe sleep practices to
144 parents of newborns before discharge; providing an
145 effective date.

By Senator Hays

11-00035A-13

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A bill to be entitled

An act relating to infant death; amending s. 383.3362, F.S.; revising legislative findings and intent with respect to the sudden unexpected death of an infant under a specified age; defining the term "sudden unexpected infant death"; revising provisions relating to training requirements for first responders; revising requirements relating to autopsies performed by medical examiners; requiring the Medical Examiners Commission to provide for the development and implementation of a protocol for the medicolegal investigation of sudden unexpected infant deaths; deleting references to the SIDS hotline and local SIDS alliances; providing an effective date.

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

Section 1. Section 383.3362, Florida Statutes, is amended to read:

383.3362 Sudden unexpected infant death ~~Syndrome~~.—

(1) FINDINGS AND INTENT.—The Legislature recognizes that more than 4,500 infants in the United States die suddenly and unexpectedly of no immediate or obvious cause. According to statistics from the Department of Health, more than 200 infants in this state experienced sudden unexpected infant death in 2010 ~~sudden Infant death Syndrome, or SIDS, is a leading cause of death among children under the age of 1 year, both nationally and in this state.~~ The Legislature further recognizes that first responders to emergency calls relating to such a death need

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

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access to special training to better enable them to recognize that such deaths may result from natural and accidental causes ~~or may be caused~~ ~~distinguish SIDS from death~~ caused by criminal acts and to appropriately interact with the deceased infant's parents or caretakers. At the same time, the Legislature, recognizing that the primary focus of first responders is to carry out their assigned duties, intends to increase ~~the~~ awareness of the possible causes of sudden unexpected infant deaths ~~SIDS by first responders~~, but in no way expand or take away from their duties. Further, the Legislature recognizes the importance of a multidisciplinary investigation and standardized investigative protocols in cases of sudden unexpected infant standard protocol for review of SIDS deaths by medical examiners and the importance of appropriate followup in cases of certified or suspected SIDS deaths. Finally, the Legislature finds that it is desirable to analyze existing data, ~~and to~~ ~~conduct~~ further research on, the possible causes of sudden unexpected infant death ~~SIDS~~ and on how to reduce its incidence ~~lower the number of sudden infant deaths.~~

(2) DEFINITION.—As used in this section, the term "sudden unexpected infant death ~~Syndrome~~," or "SUID," ~~"SIDS,"~~ means the sudden unexpected death of an infant under 1 year of age while in apparent good health whose death may have been a result of natural or unnatural causes which remains unexplained after a complete autopsy, death scene investigation, and review of the case history. ~~The term includes only those deaths for which, currently, there is no known cause or cure.~~

(3) TRAINING.—

(a) The Legislature finds that an emergency medical

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

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59 technician, a paramedic, a firefighter, or a law enforcement
60 officer is likely to be the first responder to a request for
61 assistance which is made immediately after the sudden unexpected
62 death of an infant. The Legislature further finds that these
63 first responders should be trained in appropriate responses to
64 sudden infant death.

65 (b) ~~After January 1, 1995,~~ The basic training programs
66 required for certification as an emergency medical technician, a
67 paramedic, a firefighter, or a law enforcement officer as
68 defined in s. 943.10, other than a correctional officer or a
69 correctional probation officer, must include curriculum that
70 contains instruction on SUID Sudden Infant Death Syndrome.

71 (c) The Department of Health, in consultation with the
72 Emergency Medical Services Advisory Council, the Firefighters
73 Employment, Standards, and Training Council, and the Criminal
74 Justice Standards and Training Commission, shall develop and
75 adopt, by rule, curriculum that, at a minimum, includes training
76 in the nature of SUID SIDS, standard procedures to be followed
77 by law enforcement agencies in investigating cases involving
78 sudden deaths of infants, and training in responding
79 appropriately to the parents or caretakers who have requested
80 assistance.

81 (4) AUTOPSIES.—

82 (a) The death of any infant younger than 1 year of age who
83 dies suddenly and unexpectedly while in apparent good health
84 falls under the jurisdiction of the medical examiner as provided
85 in s. 406.11. The medical examiner must perform an autopsy upon
86 any infant under the age of 1 year who is suspected to have died
87 of Sudden Infant Death Syndrome. The autopsy must be performed

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88 ~~within 24 hours after the death, or as soon thereafter as is~~
89 ~~feasible. When the medical examiner's findings are consistent~~
90 ~~with the definition of sudden infant death syndrome in~~
91 ~~subsection (2), the medical examiner must state on the death~~
92 ~~certificate that sudden infant death syndrome was the cause of~~
93 ~~death.~~

94 (b) The Medical Examiners Commission shall provide for the
95 development and implementation of ~~develop and implement~~ a
96 protocol for the medicolegal investigation of SUID ~~dealing with~~
97 ~~suspected sudden infant death syndrome. The protocol must be~~
98 ~~followed by all medical examiners when conducting the autopsies~~
99 ~~required under this subsection. The protocol may include~~
100 requirements and standards for scene investigations,
101 requirements for specific data, criteria for any specific tissue
102 sampling, and any other requirements that are deemed
103 ~~ascertaining cause of death based on the autopsy, criteria for~~
104 ~~any specific tissue sampling, and any other requirements that~~
105 ~~the commission considers necessary.~~

106 (c) A medical examiner is not liable for damages in a civil
107 action for any act or omission done in compliance with this
108 subsection.

109 ~~(d) An autopsy must be performed under the authority of a~~
110 ~~medical examiner under s. 406.11.~~

111 (5) DEPARTMENT DUTIES RELATING TO SUDDEN UNEXPECTED INFANT
112 DEATH (SUID) SYNDROME (SIDS).—The Department of Health shall:

113 (a) Collaborate with other agencies in the development and
114 presentation of the SUID Sudden Infant Death Syndrome (SIDS)
115 training programs for first responders, including those for
116 emergency medical technicians and paramedics, firefighters, and

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117 law enforcement officers.

118 (b) Maintain a database of statistics on reported SUID ~~SIDS~~
119 deaths, and analyze the data as funds allow.

120 (c) Serve as liaison and closely coordinate activities with
121 the Florida SIDS Alliance, ~~including the services related to the~~
122 ~~SIDS hotline.~~

123 (d) Maintain a library reference list and materials about
124 SUID ~~SIDS~~ for public dissemination.

125 (e) Provide professional support to field staff.

126 (f) Coordinate the activities of and promote a link between
127 the fetal and infant mortality review committees of the local
128 healthy start coalitions, ~~the local SIDS alliance,~~ and other
129 related support groups.

130 Section 2. This act shall take effect July 1, 2013.



The Florida Senate
Committee Agenda Request

RECEIVED

JAN 23 2013

Senate Committee
Children and Families

To: Senator Eleanor Sobel, Chair
Children, Families, and Elder Affairs

CC: Claude Hendon, Staff Director
Lynn Wells, Administrative Assistant

Subject: Committee Agenda Request

Date: January 23, 2013

I respectfully request that **Senate Bill #56**, relating to Infant Death, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink that reads "Alan Hays".

Senator Alan Hays
Florida Senate, District 11
320 Senate Office Building
(850) 487-5011

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.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 402

INTRODUCER: Senator Joyner

SUBJECT: Homelessness

DATE: February 14, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hendon	Hendon	CF	Favorable
2.	_____	_____	TR	_____
3.	_____	_____	RC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 402 allows for a voluntary contribution to support grants to assist the homeless. Specifically, the bill:

- Authorizes the Department of Highway Safety and Motor Vehicles (DHSMV or department) to collect a voluntary contribution of \$1 through motor vehicle registration and driver license fees, both initial and renewal fees, to aid the homeless;
- Exempts the Department of Children and Family Services (DCF or department) and/or the State Office on Homelessness from the required \$10,000 to process the application;
- Replaces the current emergency assistance program with a newly-created homeless prevention grant program; and
- Limits the amount a lead agency may spend on administrative costs under a Challenge Grant.

The bill has an insignificant fiscal impact on the state and has an effective date of July 1, 2013.

This bill substantially amends the following sections of the Florida Statutes: 320.02, 322.08, 322.18, 420.622, and 420.625. This bill creates section 414.161 and repeals section 414.16, of the Florida Statutes.

II. Present Situation:

The Council on Homelessness and the State Office on Homelessness

The Council on Homelessness (council) and the State Office on Homelessness (office) were created in 2001 within the Department of Children and Families.¹ The 17-member council is comprised of representatives of state agencies, counties, homeless advocacy organizations, and volunteers.² The council is to develop policy and advise the office.³

The office coordinates state agency responses to homelessness, serves as a single point of contact on homeless issues in the state, and administers state-funded grant programs that support the activities of the 27 local homeless coalitions.⁴ The office administers all homelessness grants through lead agencies. The lead agency has the responsibility for continuum of care plans that help communities or regions envision, plan, and implement comprehensive and long-term solutions to the problem of homelessness.⁵ Lead agencies are also authorized applicants for the Challenge Grant and the Homeless Housing Assistance Grant.

Emergency Financial Assistance Program

This state grant program provides support to families, with at least one minor child, who are currently without shelter or face the loss of shelter because of the following:⁶

- Nonpayment of rent or mortgage resulting in eviction or notice of eviction;
- Household disaster that renders the home uninhabitable; or
- Other emergency situations defined in rule.

Families may receive up to \$400 during one period of 30 consecutive days in any 12 consecutive months.⁷ DCF serves approximately 2,000 families a year under this program and utilizes OPS staff to assess eligibility and process payments.⁸

Homeless Housing Assistance Grants

This state grant program provides homeless housing assistance grants up to \$750,000 annually to lead agencies to acquire, construct, or rehabilitate transitional or permanent housing units for homeless persons.⁹ Administrative costs are capped at 5 percent of the funds awarded.¹⁰

¹ Chapter 2001-98, Laws of Fla.

² Section 420.622, F.S.

³ *Id.*

⁴ *Id.*

⁵ Section 420.642, F.S.

⁶ Section 414.16, F.S.

⁷ Rule 65A-33.011, F.A.C.

⁸ Department of Children and Family Services, *Staff Analysis and Economic Impact. SB 1130.*(Nov. 2, 2011.) (On file with the Senate Committee on Children, Families, and Elder Affairs.)

⁹ Section 420.622, F.S.

¹⁰ *Id.*

Challenge Grant

This program provides grants of up to \$500,000 to lead agencies who have developed and implemented a local homeless assistance continuum of care plan. The plan must detail how outreach, emergency shelter, support services, and permanent shelter will be provided in the area.¹¹ The state currently has 28 local homeless continuum of care planning areas that receive state grants. Currently, state law does not provide for a limit on or use of grant funds for administrative costs incurred by lead agencies.

Voluntary Contributions

The voluntary contributions process provides the opportunity for citizens to make a donation by checking a box on a form when registering a vehicle or renewing a registration, as well as applying for a new replacement or driver license.¹²

An organization that desires to receive a voluntary contribution must be specifically authorized by Florida Statutes. Section 320.023, F.S., establishes requirements for organizations seeking to establish a voluntary contribution on motor vehicle registration application forms, and s. 322.081, F.S., establishes similar requirements for driver license applications. Both sections require the following:

- A request for the voluntary contribution being sought, describing the voluntary contribution in general terms;
- An application fee, not to exceed \$10,000 to defray the department's cost for reviewing the application and developing the voluntary contribution check off, if authorized. State funds may not be used to pay the application fee; and
- A marketing strategy outlining short-term and long-term marketing plans for the contribution and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the contributions.

This information must be submitted to DHSMV at least 90 days before the convening of the next regular session of the Legislature.

Chapter 2010-223, L.O.F., provides that DHSMV may not establish any new voluntary contributions on the motor vehicle registration application form under s. 320.023, F.S., or the driver license application form under s. 322.081, F.S., between July 1, 2010, and July 1, 2013. However, DHSMV may establish a voluntary contribution for an organization that has:

- Submitted a request to the department before May 1, 2010, to establish a voluntary contribution on a motor vehicle registration application under s. 320.023, F.S., or a driver license application under s. 322.081, F.S.; and

¹¹ *Id.*

¹² Currently, Section 320.02(8)(14) and (15), F.S.; Section 320.08047, F.S., and Section 328.72(11) and (16), F.S., provide motor vehicle registration applicants with 20 options for voluntary contributions. Section 322.08(7), F.S., provides driver license applicants with 15 options for voluntary contributions.

- Submitted a valid financial analysis, marketing strategy, and application fee before September 1, 2010; or
- Filed a bill during the 2010 Legislative Session to establish a voluntary contribution and have met the requirements of s. 320.023 or s. 322.081, F.S.¹³

III. Effect of Proposed Changes:

Voluntary Contributions

Sections 1, 2, and 3 of the bill authorize the collection of voluntary contributions in the amount of \$1.00 to be added to the motor vehicle and driver license fees — initial and renewal fees — to aid the homeless. The bill does not require that the voluntary contributions be subject to the procedures and limitations of ss. 320.023, F.S., and 322.081, F.S., including payment of the application fee. Funds will be placed in the Grants and Donations Trust Fund within the Department of Children and Families for use by the office to supplement Challenge Grants and Homeless Housing Assistance Grants and to provide information on homelessness to the public.

There is currently a moratorium on the establishment of any new voluntary contributions on motor vehicle registration application and driver license application forms until July 1, 2013.¹⁴ According to the DHSMV, neither the Department of Children and Family Services nor the State Office of Homelessness has met the moratorium requirements set above.¹⁵

Grant Programs

Sections 4 through 7 of the bill repeal provisions relating to the Emergency Assistance Program and replace it with a Homelessness Prevention Grant Program. The new program will be administered by the Office on Homelessness at DCF, with the concurrence of the Council on Homelessness. The office may provide prevention grants through contracts with local lead agencies for homeless assistance continuums of care. The bill specifies the grant application process and certain preferences for applicants who can leverage additional funds and demonstrate effective programs. Eligibility for the grant program is limited to lead agencies who have implemented a local homeless assistance plan for their area. The grants are capped at \$300,000 and may be used to assist families facing the loss of their current home in paying past due rent and mortgage payments, past due utility bills, and case management. Program administrative costs are capped at 3 percent of the grant award.

The bill caps administrative costs for lead agencies administering Challenge Grants at 8 percent. Challenge Grant awards may be up to \$500,000 per lead agency.

Section 8 provides for an effective date of July 1, 2013.

¹³ Chapter 2010-223, Laws of Fla.

¹⁴ This bill, however, circumvents the moratorium requirements in Sections 320.023 and 322.081, F.S.

¹⁵ Department of Highway Safety and Motor Vehicles. *Agency Bill Analysis. SB 1130*. (November 15, 2011). (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.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

According to the Department of Children and Families, the voluntary contributions from motor vehicle registrations and renewals, and original or renewal driver licenses could provide an estimated \$20,000 in trust funds.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Fiscal Impact	Fiscal Year 2013-14		
Department Highway Safety and Motor Vehicles	GR	Trust	Total
Redesign forms	\$0	\$65,600	\$65,600
Review application	\$0	\$10,000	\$10,000
Total	\$0	\$75,600	\$75,600

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

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

None.

B. Amendments:

None.

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

By Senator Joyner

19-00162B-13

2013402__

1 A bill to be entitled
 2 An act relating to homelessness; amending ss. 320.02,
 3 322.08, and 322.18, F.S.; requiring the motor vehicle
 4 registration form and registration renewal form, the
 5 driver license application form, and the driver
 6 license application form for renewal issuance or
 7 renewal extension to include an option to make a
 8 voluntary contribution to aid the homeless; providing
 9 for such contributions to be deposited into the Grants
 10 and Donations Trust Fund of the Department of Children
 11 and Families and used by the State Office on
 12 Homelessness for certain purposes; providing exemption
 13 from certain application fee requirements; providing
 14 that voluntary contributions for the homeless are not
 15 income of a revenue nature for the purpose of applying
 16 certain service charges; creating s. 414.161, F.S.;
 17 establishing a homelessness prevention grant program;
 18 requiring grant applicants to be ranked competitively;
 19 providing preference for certain grant applicants;
 20 providing eligibility requirements; providing grant
 21 limitations and restrictions; requiring lead agencies
 22 for local homeless assistance continuums of care to
 23 track, monitor, and report on assisted families for a
 24 specified period; amending s. 420.622, F.S.; limiting
 25 the percentage of funding that lead agencies may spend
 26 on administrative costs; amending s. 420.625, F.S.;
 27 deleting a cross-reference to conform; repealing s.
 28 414.16, F.S., relating to the emergency assistance
 29 program for families with children that have lost

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30 shelter or face loss of shelter due to an emergency;
 31 transferring emergency assistance program funds to the
 32 homelessness prevention grant program; providing an
 33 effective date.
 34
 35 Be It Enacted by the Legislature of the State of Florida:
 36
 37 Section 1. Paragraph (s) is added to subsection (15) of
 38 section 320.02, Florida Statutes, to read:
 39 320.02 Registration required; application for registration;
 40 forms.-
 41 (15)
 42 (s) Notwithstanding s. 320.023, the application form for
 43 motor vehicle registration and renewal of registration must
 44 include language permitting a voluntary contribution of \$1 per
 45 applicant to aid the homeless. Contributions made pursuant to
 46 this paragraph shall be deposited into the Grants and Donations
 47 Trust Fund of the Department of Children and Families and used
 48 by the State Office on Homelessness to supplement grants made
 49 under s. 420.622(4) and (5), provide information to the public
 50 about homelessness in the state, and provide literature for
 51 homeless persons seeking assistance. The application fee
 52 required under s. 320.023 for an organization that seeks
 53 authorization to establish a voluntary contribution does not
 54 apply to this paragraph.
 55
 56 For the purpose of applying the service charge provided in s.
 57 215.20, contributions received under this subsection are not
 58 income of a revenue nature.

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59 Section 2. Subsection (7) of section 322.08, Florida
60 Statutes, is amended to read:

61 322.08 Application for license; requirements for license
62 and identification card forms.—

63 (7) The application form for an original, renewal, or
64 replacement driver license or identification card shall include
65 language permitting the following:

66 (a) A voluntary contribution of \$1 per applicant, which
67 contribution shall be deposited into the Health Care Trust Fund
68 for organ and tissue donor education and for maintaining the
69 organ and tissue donor registry.

70 (b) A voluntary contribution of \$1 per applicant, which
71 contribution shall be distributed to the Florida Council of the
72 Blind.

73 (c) A voluntary contribution of \$2 per applicant, which
74 shall be distributed to the Hearing Research Institute,
75 Incorporated.

76 (d) A voluntary contribution of \$1 per applicant, which
77 shall be distributed to the Juvenile Diabetes Foundation
78 International.

79 (e) A voluntary contribution of \$1 per applicant, which
80 shall be distributed to the Children's Hearing Help Fund.

81 (f) A voluntary contribution of \$1 per applicant, which
82 shall be distributed to Family First, a nonprofit organization.

83 (g) A voluntary contribution of \$1 per applicant to Stop
84 Heart Disease, which shall be distributed to the Florida Heart
85 Research Institute, a nonprofit organization.

86 (h) A voluntary contribution of \$1 per applicant to Senior
87 Vision Services, which shall be distributed to the Florida

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88 Association of Agencies Serving the Blind, Inc., a not-for-
89 profit organization.

90 (i) A voluntary contribution of \$1 per applicant for
91 services for persons with developmental disabilities, which
92 shall be distributed to The Arc of Florida.

93 (j) A voluntary contribution of \$1 to the Ronald McDonald
94 House, which shall be distributed each month to Ronald McDonald
95 House Charities of Tampa Bay, Inc.

96 (k) Notwithstanding s. 322.081, a voluntary contribution of
97 \$1 per applicant, which shall be distributed to the League
98 Against Cancer/La Liga Contra el Cancer, a not-for-profit
99 organization.

100 (l) A voluntary contribution of \$1 per applicant to Prevent
101 Child Sexual Abuse, which shall be distributed to Lauren's Kids,
102 Inc., a nonprofit organization.

103 (m) A voluntary contribution of \$1 per applicant, which
104 shall be distributed to Prevent Blindness Florida, a not-for-
105 profit organization, to prevent blindness and preserve the sight
106 of the residents of this state.

107 (n) Notwithstanding s. 322.081, a voluntary contribution of
108 \$1 per applicant to the state homes for veterans, to be
109 distributed on a quarterly basis by the department to the State
110 Homes for Veterans Trust Fund, which is administered by the
111 Department of Veterans' Affairs.

112 (o) A voluntary contribution of \$1 per applicant to the
113 Disabled American Veterans, Department of Florida, which shall
114 be distributed quarterly to Disabled American Veterans,
115 Department of Florida, a nonprofit organization.

116 (p) A voluntary contribution of \$1 per applicant for Autism

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117 Services and Supports, which shall be distributed to Achievement
118 and Rehabilitation Centers, Inc., Autism Services Fund.

119 (q) A voluntary contribution of \$1 per applicant to Support
120 Our Troops, which shall be distributed to Support Our Troops,
121 Inc., a Florida not-for-profit organization.

122 (r) Notwithstanding s. 322.081, a voluntary contribution of
123 \$1 per applicant to aid the homeless. Contributions made
124 pursuant to this paragraph shall be deposited into the Grants
125 and Donations Trust Fund of the Department of Children and
126 Families and used by the State Office on Homelessness to
127 supplement grants made under s. 420.622(4) and (5), provide
128 information to the public about homelessness in the state, and
129 provide literature for homeless persons seeking assistance.

130
131 A statement providing an explanation of the purpose of the trust
132 funds shall also be included. For the purpose of applying the
133 service charge provided in s. 215.20, contributions received
134 under paragraphs (b)-(r) ~~(b)-(q)~~ are not income of a revenue
135 nature.

136 Section 3. Subsection (9) is added to section 322.18,
137 Florida Statutes, to read:

138 322.18 Original applications, licenses, and renewals;
139 expiration of licenses; delinquent licenses.-

140 (9) The application form for a renewal issuance or renewal
141 extension shall include language permitting a voluntary
142 contribution of \$1 per applicant to aid the homeless.
143 Contributions made pursuant to this subsection shall be
144 deposited into the Grants and Donations Trust Fund of the
145 Department of Children and Families and used by the State Office

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146 on Homelessness to supplement grants made under s. 420.622(4)
147 and (5), provide information to the public about homelessness in
148 the state, and provide literature for homeless persons seeking
149 assistance. For the purpose of applying the service charge
150 provided in s. 215.20, contributions received under this
151 subsection are not income of a revenue nature.

152 Section 4. Section 414.161, Florida Statutes, is created to
153 read:

154 414.161 Homelessness prevention grants.-

155 (1) ESTABLISHMENT OF PROGRAM.-There is created a grant
156 program to provide emergency financial assistance to families
157 facing the loss of their current home due to a financial or
158 other crisis. The State Office on Homelessness, with the
159 concurrence of the Council on Homelessness, may accept and
160 administer moneys appropriated to the Department of Children and
161 Families to provide homelessness prevention grants annually to
162 lead agencies for local homeless assistance continuums of care,
163 as recognized by the State Office on Homelessness. These moneys
164 shall consist of any sums that the state may appropriate, as
165 well as money received from donations, gifts, bequests, or
166 otherwise from any public or private source that is intended to
167 assist families to prevent them from becoming homeless.

168 (2) GRANT APPLICATIONS.-Grant applicants shall be ranked
169 competitively. Preference shall be given to applicants who
170 leverage additional private funds and public funds, who
171 demonstrate the effectiveness of their homelessness prevention
172 programs in keeping families housed, and who demonstrate the
173 commitment of other assistance and services to address family
174 health, employment, and education needs.

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175 (3) ELIGIBILITY.—In order to qualify for a grant, a lead
 176 agency must develop and implement a local homeless assistance
 177 continuum of care plan for its designated catchment area. The
 178 homelessness prevention program must be included in the
 179 continuum of care plan.

180 (4) GRANT LIMITS.—The maximum grant amount per lead agency
 181 may not exceed \$300,000. The grant assistance may be used to pay
 182 past due rent or mortgage payments, past due utility costs,
 183 provision of case management services, and program
 184 administration costs not to exceed 3 percent of the grant award.
 185 The homelessness prevention program must develop a case plan for
 186 each family to be assisted, setting forth what costs will be
 187 covered and the maximum level of assistance to be offered.

188 (5) PERFORMANCE.—The lead agency must track, monitor, and
 189 report on each family assisted for at least 12 months after the
 190 last assistance provided to the family. The goal for the
 191 homelessness prevention program is to enable at least 85 percent
 192 of the families assisted to remain in their homes and avoid
 193 becoming homeless during the ensuing year.

194 Section 5. Paragraph (d) is added to subsection (4) of
 195 section 420.622, Florida Statutes, to read:

196 420.622 State Office on Homelessness; Council on
 197 Homelessness.—

198 (4) Not less than 120 days after the effective date of this
 199 act, the State Office on Homelessness, with the concurrence of
 200 the Council on Homelessness, may accept and administer moneys
 201 appropriated to it to provide "Challenge Grants" annually to
 202 lead agencies for homeless assistance continuums of care
 203 designated by the State Office on Homelessness. A lead agency

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204 may be a local homeless coalition, municipal or county
 205 government, or other public agency or private, not-for-profit
 206 corporation. Such grants may be up to \$500,000 per lead agency.

207 (d) A lead agency may spend a maximum of 8 percent of its
 208 funding on administrative costs.

209 Section 6. Paragraph (d) of subsection (3) of section
 210 420.625, Florida Statutes, is amended to read:

211 420.625 Grant-in-aid program.—

212 (3) ESTABLISHMENT.—There is hereby established a grant-in-
 213 aid program to help local communities in serving the needs of
 214 the homeless through a variety of supportive services, which may
 215 include, but are not limited to:

216 (d) Emergency financial assistance for persons who are
 217 totally without shelter or facing loss of shelter, ~~but who are~~
 218 ~~not eligible for such assistance under s. 414.16.~~

219 Section 7. Section 414.16, Florida Statutes, is repealed,
 220 and any balances remaining in the emergency assistance program
 221 terminated by this act shall, on the date of termination, be
 222 transferred to the homelessness prevention grant program created
 223 under s. 414.161, Florida Statutes.

224 Section 8. This act shall take effect July 1, 2013.

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR ARTHENIA L. JOYNER
19th District

COMMITTEES:
Appropriations Subcommittee on Criminal and
Civil Justice, *Vice Chair*
Appropriations Subcommittee on General
Government
Ethics and Elections
Health Policy
Judiciary
Transportation

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

January 25, 2013

Senator Eleanor Sobel, Chair
Senate Committee on Children, Families, and Elder Affairs
520 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Madame Chair:

This is to request that Senate Bill 402 related to Homelessness be placed on the agenda for the Committee on Children, Families, and Elder Affairs. Your consideration of this request is greatly appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arthenia L. Joyner".

Arthenia L. Joyner
State Senator, District 19

ALJ/rr

RECEIVED

JAN 25 2013

Senate Committee
Children and Families

REPLY TO:

- 508 W. Dr. Martin Luther King, Jr. Blvd., Suite C, Tampa, Florida 33603-3415 (813) 233-4277
- 202 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5019 FAX: (813) 233-4280

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/19/13

Meeting Date

Topic 402 - Homelessness

Bill Number 402
(if applicable)

Name Nick Matthews

Amendment Barcode _____
(if applicable)

Job Title Legislative Coordinator

Address 115 S Andrews Ave

Phone _____

Street

Ft. Lauderdale FL 33301

City

State

Zip

E-mail NMatthews@Broward.org

Speaking: For Against Information

Representing Broward County - Name Title in Support

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 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-19-13

Meeting Date

Topic Homeless

Bill Number 402
(if applicable)

Name Bob Dillingor

Amendment Barcode _____
(if applicable)

Job Title Public Defender - Pinellas & Pasco

Address 14250 49th St N

Phone 727-464-6865

Street

Clearwater, FL 33762

City

State

Zip

E-mail pd6@wearethehope.org

Speaking: For Against Information

Representing PD Association

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 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/19/2013

Meeting Date

Topic _____ Bill Number 402 (if applicable)

Name BRIAN PITTS Amendment Barcode _____ (if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

City

State

Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

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 (10/20/11)

CourtSmart Tag Report

Room: LL 37

Case:

Type:

Caption: Senate Children, Families, and Elder Affairs

Judge:

Started: 2/19/2013 1:02:27 PM

Ends: 2/19/2013 3:30:47 PM

Length: 02:28:21

1:02:35 PM Chair Sobel w opening remarks
1:02:38 PM Roll Call
1:02:57 PM Chair Sobel
1:03:14 PM Tab 4 (SB 402 - Homelessness) by Senator Joyner
1:04:01 PM Nick Matthews Broward County, waives in support
1:04:30 PM Bob Dillinger, Public Defender-Pinellas-Pasco, PD Association -waives in support
1:04:48 PM Brian Pitts, Justice -2-Jesus, waives in support
1:04:48 PM Roll call on SB 402
1:05:16 PM Senator Hays takes the chair
1:06:14 PM Tab 1 (SB 192 - Families First) by Chair Sobel explains the strike-all
1:10:31 PM Senator Hays
1:11:39 PM Senator Altman w question on strike-all
1:12:10 PM Chair Sobel w answer
1:12:32 PM Karen Peterson w answer
1:13:01 PM Senator Detert w question
1:13:09 PM Karen Peterson w answer
1:13:14 PM Senator Detert w follow-up
1:13:27 PM Senator Hays w introductions
1:14:00 PM Nadine Smith, Executive Director, Equality Florida, St. Petersburg
1:19:09 PM Mary Meeks, Attorney, Domestic Partnership Registries in Florida, Orlando
1:29:04 PM Senator Detert w question
1:29:49 PM Mary Meeks to answer
1:31:20 PM Senator Detert w follow-up
1:31:50 PM Mary Meeks to answer
1:34:47 PM Chair Sobel w comments
1:35:51 PM Martha Haynie, Orange County Comptroller
1:40:04 PM Steve Kornell, City of St. Petersburg, Council member
1:44:06 PM Ken Shelin, Retired, Former City Commissioner, Rep. Equality Florida, Sarasota
1:48:06 PM Senator Detert w question
1:48:21 PM Rep. Joe Saunders
1:53:08 PM Dale Gruber, Retired Navy, The Triangle Connection, Paisley, FL
1:57:23 PM Senator Clemens w comments
1:57:54 PM Rev. Jim Merritt, Metropolitan Community Church, Gainesville
2:05:30 PM Kathy Russell, City of Orlando, waives in support
2:05:50 PM Mallory Wells, Equality Florida, Gainesville, waives in support
2:06:23 PM Vicki Nantz, Orlando
2:08:01 PM Brittany Link, waives in support
2:08:13 PM Nick Mathews, Ft. Lauderdale, waives in support
2:08:30 PM Michael Farmer, Orlando, waives in support
2:08:32 PM Rev. Elder Diane Fisher, Paster, Gentle Shepherd MCC
2:09:31 PM Michael E Rajner, Ft. Lauderdale
2:12:05 PM Michael Sheedy, Director of Public Policy, Florida Conference of Catholic Bishops
2:14:12 PM Senator Clemens w question
2:14:29 PM Mr. Sheedy to answer
2:14:42 PM Senator Clemens w follow-up
2:14:54 PM Mr. Sheedy to answer
2:15:04 PM Senator Clemens w question
2:15:07 PM Mr. Sheedy to answer
2:15:48 PM Senator Clemens w follow-up
2:15:54 PM Mr. Sheedy to answer
2:17:25 PM Barbara DeVane, Florida Alliance for Retired Americans & FL. NOW, waives in support
2:17:37 PM Senator Hays

2:18:01 PM Suzanne Kirayoglu, Ph.D. Candidate Department of Political Science FSU-waives in support
2:18:36 PM Phoebe McFarlin, Episcopal Priest, Tallahassee-waives in support
2:19:04 PM Brian Pitts, Justice-2-Jesus
2:24:31 PM John Stemberger, Florida Family Action/Florida Family Policy Council
2:24:55 PM John Stemberger, Florida Family Action/Florida Family Policy Council
2:29:56 PM Senator Clemens w question
2:30:03 PM Mr. Stemberger to answer
2:30:18 PM Senator Clemens w follow-up
2:30:37 PM Mr. Stemberger to answer
2:31:12 PM Senator Altman w question
2:31:45 PM Mr. Stemberger to answer
2:32:44 PM Senator Altman w follow-up
2:33:25 PM Mr. Stemberger to answer
2:33:33 PM Senator Clemens w question
2:34:01 PM Mr. Stemberger to answer
2:34:06 PM Senator Clemens w follow-up
2:34:23 PM Mr. Stemberger to answer
2:34:47 PM Pam Olsen, President, Florida Prayor Network, Tallahassee
2:38:01 PM Bill Bunkley, President, The Florida Ethics & Religious Liberty Commission, Inc.
2:39:41 PM Senator Detert w comments
2:43:44 PM Senator Clemens w comments
2:46:07 PM Senator Braynon w comments
2:47:52 PM Senator Thompson w comments
2:49:50 PM Senator Altman w comments
2:52:40 PM by voice vote strike-all amendment fails
2:52:56 PM Senator Sobel to close on bill
2:56:56 PM SB 196 temporarily postponed by Senator Sobel
2:57:32 PM Tab 2 (SPB 7012 - Independent Living)
2:58:32 PM Senator Detert w comments
2:59:59 PM Carol Preston explanation of SPB 7012
3:12:37 PM Chair Sobel w question
3:12:53 PM Senator Detert w comments and answers
3:15:57 PM Chair Sobel w introductions
3:16:50 PM Christina Spudeas, Executive Director, Florida's Children First -waives in support
3:17:02 PM Lindsay Baach, Statewide Coordinator, Florida Youth Shine -waives in support
3:17:19 PM Marcus Jean-Jacques, Palm Beach Chapter, Florida Youth Shine
3:18:55 PM Senator Clemens w comments
3:20:20 PM Chair Sobel w comments
3:22:45 PM Brandon Burke, Broward Chapter, Florida Youth Shine
3:25:30 PM Senator Altman to be shown in favor of SB 402
3:25:46 PM Senator Detert to close
3:26:13 PM Roll call on SPB 7012
3:26:31 PM Ashley Allison, Miami Chapter, Florida Youth Shine
3:28:26 PM Otto Phillips, Palm Beach Chapter, Florida Youth Shine
3:29:44 PM Meeting Adjourned