

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**CHILDREN, FAMILIES, AND ELDER AFFAIRS**

**Senator Sobel, Chair**

**Senator Hays, Vice Chair**

**MEETING DATE:** Tuesday, February 4, 2014

**TIME:** 10:00 a.m.—12:00 noon

**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	<b>SB 574</b> Sobel (Similar H 159)	Establishment of Mental Health First Aid Training Program; Requiring the Department of Children and Families to establish a mental health first aid training program; providing for a mental health first aid course to be offered by behavioral health managing entities or other community providers; requiring instructors to be certified; providing for expiration of the program, etc.  CF      02/04/2014 Fav/CS AHS AP	Fav/CS Yeas 9 Nays 0
2	<b>SB 260</b> Latvala (Identical H 203)	Unaccompanied Youth; Authorizing certain unaccompanied youths to consent to medical, dental, psychological, substance abuse, and surgical diagnosis and treatment for themselves and for their children in certain circumstances; providing that such consent does not affect the requirements of the Parental Notice of Abortion Act, etc.  CF      02/04/2014 Favorable HP JU	Favorable Yeas 9 Nays 0
3	<b>SB 358</b> Ring (Similar H 139)	Volunteers for Organized Youth Sports and Recreational Programs; Expanding provisions relating to athletic coaches for independent sanctioning authorities to require youth sports or recreation authorities to conduct specified background screening of all volunteers with any youth athletic team or organized youth recreational program using publicly owned facilities; prohibiting a youth sports or recreation authority from delegating such duty; requiring that specified documentation be maintained for a specified period by such authorities, etc.  CF      02/04/2014 Favorable CA RC	Favorable Yeas 9 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Children, Families, and Elder Affairs

Tuesday, February 4, 2014, 10:00 a.m.—12:00 noon

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 370</b> Altman	Public Records and Public Meetings Exemptions; Eliminating requirements that the closed portion of a meeting of the State Child Abuse Death Review Committee or a local committee at which specified identifying information is discussed be recorded, and that no portion of such meeting be off the record, etc.  CF 02/04/2014 Favorable GO RC	Favorable Yeas 9 Nays 0
5	<b>SB 394</b> Gibson (Identical H 303)	Licensing of Facilities that offer Health and Human Services; Requiring a family day care home to conspicuously display its license or registration in the common area of the home, to provide proof of a written plan that identifies a designated substitute for the operator, and to provide proof of screening and background checks for certain individuals; prohibiting the advertising of a child care facility, family day care home, or large family day care home unless it is licensed or registered, etc.  CF 02/04/2014 Favorable AHS AP	Favorable Yeas 9 Nays 0
6	Presentation on Other State's Child Welfare Systems  - Jennifer Johnson, Staff Director, OPPAGA - Mary Alice Nye, Chief Legislative Analyst, OPPAGA		Discussed
7	<b>Workshop</b> - Discussion and testimony only on the following (no vote to be taken):  Child Welfare Legislation		Discussed
	Other Related Meeting Documents		

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

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

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

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**BILL:** CS/SB 574

**INTRODUCER:** Children, Families, and Elder Affairs Committee and Senator Sobel

**SUBJECT:** Establishment of Mental Health First Aid Training Program

**DATE:** February 4, 2014      **REVISED:** \_\_\_\_\_

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

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**Please see Section IX. for Additional Information:**  
COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 574 requires the Department of Children and Families (DCF) to establish a Mental Health First Aid Training Program. The program is intended to help the public identify and understand the signs of mental illnesses and substance use disorders and provide the public key skills to help someone who is developing or experiencing a mental health or substance use problem. DCF shall ensure that instructors in the training program have been certified by a national authority representing Mental Health First Aid USA.

The bill directs that training be provided through contract providers or other appropriate community providers and first priority for the training be given to the staff of public schools.

The department is required to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2015.

The fiscal impact of the bill is unknown. The bill provides an expiration date of June 30, 2017, for the proposed section. The bill provides an effective date of July 1, 2014.

## II. Present Situation:

The Department of Children & Families (DCF) contracts with service providers in seven regions to provide substance abuse and mental health services. DCF ensures providers are trained and receive technical assistance using written Standards of Care for evidence based practices.<sup>1</sup>

### Background

Mental Health First Aid (MHFA) is a public education program brought to the U.S. through a collaborative effort between the National Council for Community Behavioral Healthcare, the Maryland State Department of Health and Mental Hygiene, and the Missouri Department of Mental Health.<sup>2</sup> MHFA USA is managed, operated and disseminated by these same entities.

### Training

MHFA is an interactive 8 hour course that presents an overview of mental illness and substance use disorders in the U.S. and introduces participants to risk factors and warning signs of mental health problems, builds understanding of their impact and overviews common treatments.<sup>3</sup> Those who take the course to be certified as Mental Health First Aiders learn a 5-step action plan encompassing the skills, resources and knowledge to help an individual in crisis connect with appropriate professional, peer, social and self-help care. MHFA certification must be renewed every three years.

Specifically, participants learn:

- The potential risk factors and warning signs for a range of mental health problems, including: depression, anxiety/trauma, psychosis, eating disorders, substance use disorders and self-injury.
- An understanding of the prevalence of various mental health disorders in the U.S. and the need for reduced stigma in their communities.
- A 5-step action plan encompassing the skills, resources and knowledge to assess the situation, to select and implement appropriate interventions and to help the individual in crisis connect with appropriate professional care.
- The evidence-based professional, peer, social and self-help resources available to help someone with a mental health problem.

The MHFA USA course has been used by a variety of audiences and key professions, including: primary care professionals, employers and business leaders, faith communities, school personnel and educators, state police and corrections officers, nursing home staff, mental health authorities, state policymakers, volunteers, young people, families, and the general public.<sup>4</sup>

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<sup>1</sup> Florida Department of Children & Families, *Substance Abuse 7 Mental Health Services Plan, 2014 Annual Plan Update* (Jan. 2014) available at <http://www.myflfamilies.com/service-programs/substance-abuse/publications> (last visited Jan. 27, 2014).

<sup>2</sup> Florida Council for Community Mental Health, *Other States' Mental Health First Aid Initiatives* (Feb. 15, 2013) available at <http://www.fccmh.org/resources/docs/OtherStatesMHFAInitiatives2-15-13.pdf> (last visited Jan. 27, 2014).

<sup>3</sup> About the Program: *Overview, Mental Health First Aid USA* available at [http://www.mentalhealthfirstaid.org/cs/program\\_overview](http://www.mentalhealthfirstaid.org/cs/program_overview) (last visited Jan. 27, 2014).

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

### **Mental Health First Aid Instructors**

The MHFA training must be taught by an instructor certified by MHFA USA. Instructors are required to complete a 5-day Instructor Training Program and pass a written exam for certification. The MHFA Instructor training is taught by two authorized MHFA trainers connected to at least one of the Mental Health First Aid – USA Authorities. There is course work, as well as independent presentations. Trainers conduct an individual evaluation of each participant in addition to the peer feedback provided.

The MHFA instructor training is held throughout the country. There is one instructor training opportunity scheduled in Florida in February 2014, but is closed to new registrations. There are six instructor training opportunities available in other states for 2014.<sup>5</sup>

### **State Use of Mental Health First Aid**

Arizona, Colorado, Georgia, Maryland, and Missouri have statewide programs requiring some people to complete this training as part of their job.<sup>6</sup> Mental Health First Aid Colorado is implemented through a statewide private-public partnership of local mental health centers, the Colorado Department of Public Safety, the Colorado Sheriff's Association, the Colorado Division of Behavioral Health, Mental Health America of Colorado, and the Western Interstate Commission for Higher Education. Mental Health First Aid was introduced in Colorado in 2008 and the program has grown to include 163 instructors which has resulted in nearly 5,000 certified MHFA individuals.

### **Programs Currently Available in Florida**

Starting in March 2013, the Miami-Dade school district began training each of its middle school and high school teachers to identify early warning signs of mental illness through a program called "Typical or Troubled?" The program was created by the American Psychiatric Foundation and is provided at no cost to the district.<sup>7</sup> The Mental Health Association of Palm Beach has created a new training for primary care providers that will integrate primary and behavioral health services in the community. The program helps pediatric primary care providers to proactively identify respond to potential and current mental health issues that exist in infants, children and adolescents.<sup>8</sup> These are just two examples of existing local programs that provide early detection training in various counties in Florida.

The National Alliance on Mental Illness (NAMI), is the nation's largest grassroots mental health organization dedicated to building better lives for the millions of Americans affected by mental illness. NAMI/Florida is an affiliate of this organization.<sup>9</sup> NAMI/Florida works to provide education, advocacy and support group programs for people in communities living with mental illness and their loved ones.<sup>10</sup> Two examples of programs offered are NAMI Basics, a free six

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<sup>5</sup> Mental Health First Aid: *Become an Instructor*, available at <http://www.mentalhealthfirstaid.org/cs/become-an-instructor/find-upcoming-instructor-training-courses> (last visited Jan. 27, 2014).

<sup>6</sup> Florida Council for Community Mental Health, *Other States' Mental Health Aid Initiatives* (Feb. 15, 2013) available at <http://www.fccmh.org/resources/docs/OtherStatesMHFAInitiatives2-15-13.pdf> (last visited Jan. 29, 2014).

<sup>7</sup> Miami-Dade Teachers to Receive Mental Illness Training, available at <http://www.miamiherald.com/2013/01/27/3204016/miami-dade-teachers-to-receive.html> (last visited Jan. 29, 2014).

<sup>8</sup> Be Merge: Behavioral and Primary Care Integration Project, available at <http://www.mhapbc.org/Programs> (last visited Jan. 29, 2014).

<sup>9</sup> About NAMI, available at <http://www.nami.org> (last visited Jan. 29, 2014).

<sup>10</sup> NAMIFlorida.org/About NAMI, available at <http://www.namiflorida.org/> (last visited Jan. 29, 2014).

week education course for parents and other family caregivers of children and adolescents living with mental illness.<sup>11</sup> NAMI/Florida also provides Parents & Teachers as Allies which is a two-hour in-service mental health education program for school professionals. This program focuses on helping school professionals and families within the school community better understand the early warning signs of mental illness in children and adolescents and how best to intervene so youth with mental health treatment needs are linked with services.<sup>12</sup>

### III. Effect of Proposed Changes:

**Section 1** The bill requires the Department of Children & Families (DCF) to establish a Mental Health First Aid Training Program (Program). The department shall ensure that instructors in the training program have been certified by a national authority representing Mental Health First Aid. Recent tragedies have highlighted the need for better mental health care and an increase in community awareness of the signs of mental illness.

The Program is intended to help the public identify and understand the signs of mental illnesses and substance use disorders and provide the public key skills to help someone who is developing or experiencing a mental health or substance use problem.

An interactive 8 hour Mental Health First Aid training course will be provided through contracts with behavioral health managing entities or other appropriate community providers. The bill requires the contracting entity to work cooperatively with local school districts to give first priority for training to the staff in public schools as appropriate.

The bill requires the mental health first aid training program to include, but not be limited to:

- An overview of mental illnesses and substance use disorders and the need to reduce the stigma of mental illness;
- Information on the potential risk factors and warning signs and common treatments of mental illnesses or substance use disorders, including depression, anxiety, psychosis, eating disorders and self-injury; and
- An action plan that encompasses the skills, resources, and knowledge to assess the situation, select and implement appropriate interventions, and help an individual with appropriate professional, peer, social or self-help care.

The bill requires DCF to establish certification requirements for instructors of the Mental Health First Aid course.

**Section 2** The bill provides an effective date of July 1, 2014.

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<sup>11</sup> NAMI Basics Education Program: *The fundamentals of Caring for You, Your Family and Your Child with Mental Illness*, available at <http://www.nami.org/basics> (last visited Jan. 29, 2014).

<sup>12</sup> NAMI.org/parents and teachers: *NAMI Parents and Teachers as Allies: An In-Service Mental Health Education Program for School Professionals*, available at <http://www.nami.org/parentsandteachers> (last visited Jan. 29, 2014).

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

None.

**B. Private Sector Impact:**

There may be a cost to recipients of the training which was approximately \$15.95 per person in 2013. There may be additional indeterminate costs for the trainer.

**C. Government Sector Impact:**

The fiscal impact would depend on the number of trainers DCF determines necessary to implement and administer the Program. In 2013, the fee for a training course with one trainer was \$2,000. The 2012-2013 General Appropriations Act allocated \$150,000 to the department to implement this program.

**V. Technical Deficiencies:**

None.

**VI. Related Issues:**

None.

**VII. Statutes Affected:**

None.

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

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

**CS by Children, Families, and Elder Affairs on February 3, 2014:**

- The amendment adds the requirement that the Department of Children and Families ensures that an instructor in the training program has been certified by a national authority representing Mental Health First Aid USA.

**B. Amendments:**

None.



277868

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/04/2014	.	
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The Committee on Children, Families, and Elder Affairs (Sobel) recommended the following:

**Senate Amendment**

Delete line 44  
and insert:  
A national authority on mental health first aid programs.

By Senator Sobel

33-00532-14

2014574\_\_

A bill to be entitled

An act relating to the establishment of a mental health first aid training program; requiring the Department of Children and Families to establish a mental health first aid training program; providing for a mental health first aid course to be offered by behavioral health managing entities or other community providers; providing program requirements; requiring instructors to be certified; requiring the department to submit a report to the Governor and the Legislature; providing for expiration of the program; providing an effective date.

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

Section 1. Mental health first aid training program.—

(1) The Department of Children and Families shall establish a mental health first aid training program to help the public identify and understand the signs of mental illness and substance use disorders and to provide the public with skills to help a person who is developing or experiencing a mental health or substance use problem.

(2) The training program shall provide an interactive mental health first aid training course through contracts with behavioral health managing entities or other appropriate community providers. The contracting entity shall work cooperatively with local schools to provide training to the staff in schools as a first priority, when appropriate.

(3) The training program must include, but is not limited

Page 1 of 2

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

33-00532-14

2014574\_\_

to:

(a) An overview of mental illness and substance use disorders and the need to reduce the stigma of mental illness.

(b) Information on the potential risk factors and warning signs of mental illness or substance use disorders, including depression, anxiety, psychosis, eating disorders, and self-injury, and common treatments for those conditions.

(c) An action plan that encompasses the skills, resources, and knowledge required to assess the situation, select and implement appropriate interventions, and help an individual by providing appropriate professional, peer, social, or self-help care.

(4) The Department of Children and Families shall ensure that instructors in the training program have been certified by a national authority representing Mental Health First Aid USA.

(5) The Department of Children and Families shall submit a report on the effectiveness of the mental health first aid training program provided pursuant to this section, with recommendations regarding continued implementation of the program. The report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2016.

(6) This section expires June 30, 2017.

Section 2. This act shall take effect July 1, 2014.

Page 2 of 2

**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)

2/4/14

Meeting Date

Topic Mental Health First Aid Training Bill Number SB 574  
Name Aimee Diaz Lyon Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title \_\_\_\_\_  
Address 215 South Monroe Street #505 Phone 850-205-9000  
Street  
City Tallahassee State FL Zip 32301 E-mail aimee.diazlyon@metzlaw.com  
Speaking:  For  Against  Information  
Representing Florida Psychiatric Society  
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)

2/4/14

Meeting Date

Topic Mental Health First Aid Bill Number 574  
Name Karen Koch (Cook) Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title Vice President  
Address 316 E. Park Ave Phone 850-545-0818  
Street  
City Tallahassee State FL Zip 32301 E-mail Karen@fccnh.org  
Speaking:  For  Against  Information  
Representing FL Council for Behavioral Healthcare  
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)

2/4/14

Meeting Date

Topic Mental Health First Aid

Bill Number SB 574  
(if applicable)

Name Brett Bacot

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

Job Title Lobbyist

Address 2610 Monroe St.

Phone 850-445-1465

Street  
Tallahassee FL 32301  
City State Zip

E-mail brett.bacot@Gowderwhite.com

Speaking:  For  Against  Information

Representing South Florida Behavioral Health 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.

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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)

2-4-14

Meeting Date

Topic Mental Health First Aid Training

Bill Number 574  
(if applicable)

Name Carole Green

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

Job Title \_\_\_\_\_

Address PO Box 07463

Phone 850-590-2206

Street  
Fort Myers, FL 33919  
City State Zip

E-mail carole@capitolstages.com

Speaking:  For  Against  Information

Representing Florida Psychological 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.

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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)

2-4-14

Meeting Date

Topic Establishment Mental Health 1st Aid

Bill Number SB 574  
*(if applicable)*

Name Jill Gran

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

Job Title Legislative

Address 2818 Mahan Dr St 1

Phone 850 878 2196

*Street*  
Tallahassee FL 32301  
*City State Zip*

E-mail jgran@tedoo.org

Speaking:  For  Against  Information

Representing Florida Alcohol & Drug Abuse Assoc

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.)

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

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BILL: SB 260

INTRODUCER: Senator Latvala

SUBJECT: Unaccompanied Youth

DATE: February 3, 2014

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

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

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**I. Summary:**

SB 260 provides that an unaccompanied certified homeless youth sixteen years of age or older may consent to medical, dental, psychological, substance abuse, and surgical diagnosis and treatment for himself or herself and for his or her child under specified circumstances.

Florida had the third largest number of homeless people reported nationally in 2013. Many of these homeless persons are minors, and a substantial number of the minors are unaccompanied by parents or guardians. Without legislative or court approval, a minor cannot consent to medical treatment for him or herself or for his or her child. This bill will enable the unaccompanied certified homeless youth to provide consent to his or her own treatment and for treatment of his or her child without the necessity of obtaining a court order.

The bill does not affect the requirements of s. 390.01114, F.S., the Parental Notice of Abortion Act.

SB 260 is not expected to have a fiscal impact and has an effective date of July 1, 2014.

**II. Present Situation:**

**Definitions Relating to Homeless Children and Youth**

Federal law authorizes a number of programs for homeless people<sup>1</sup> and provides a definition for the term “homeless children and youths.” The term means<sup>2</sup> individuals who lack a fixed, regular, and adequate nighttime residence. The term also includes:

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<sup>1</sup> See, for example, the McKinney-Vento Homeless Assistance Act, Pub. Law No. 100-77, H.R. 558, 100th Cong. (July 22, 1987), 101 Stat. 482; 42 U.S.C. s. 11301 et seq.

<sup>2</sup> 42 U.S.C. s. 11434a.

- Children and youths who are: sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; living in emergency or transitional shelters; abandoned in hospitals; or awaiting foster care placement;
- Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory children who are living in circumstances described above.

The term “unaccompanied youth” means a youth not in the physical custody of a parent or guardian.<sup>3</sup>

Florida law includes special provisions for homeless youth and defines terms.

Section 1003.01(12), F.S., defines the term “children and youths who are experiencing homelessness” to have the same meaning as “homeless children and youths” under federal law. A “certified homeless youth” means a minor who is a homeless child or youth, including an unaccompanied youth, as those terms are defined in 42. U.S.C. s. 11434a, and who has been certified as homeless or unaccompanied by: (a) a school district homeless liaison; (b) the director of an emergency shelter program funded by the United States Department of Housing and Urban Development, or the director’s designee; or (c) the director of a runaway or homeless youth basic center or transitional living program funded by the United States Department of Health and Human Services, or the director’s designee.<sup>4</sup>

## Demographics

The number of homeless youth is difficult to ascertain, since homeless youth are less likely to spend time in the same places as older homeless people.<sup>5</sup> The National Alliance to End Homelessness estimates that nationwide there were approximately 380,000 youth under the age of 18 who were homeless and who were unaccompanied by a parent or legal guardian in 2013.<sup>6</sup> Florida had the third highest number of homeless people reported nationally in 2013, after only California and New York.<sup>7</sup> According to the Florida Department of Education, the homeless count for children in 2011-2012, the latest data available, was 63,685 homeless students, 6,798 of whom were unaccompanied youth.<sup>8</sup> During this same time period, 1,166,339 homeless children and youth were enrolled in public school nationwide.<sup>9</sup> The education numbers

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

<sup>4</sup> Section 382.002(3), F.S.

<sup>5</sup> National Alliance to End Homelessness *Youth*, available at <http://www.endhomelessness.org/pages/youth> (last visited Jan. 21, 2014).

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

<sup>7</sup> U.S. Department of Housing and Urban Development, data found at <http://www.onepcd.info/> (last visited Jan. 21, 2014).

<sup>8</sup> Florida Department of Education, *2011-2012 Final Survey 5 Homeless Counts* (Oct. 5, 2012), available at <http://fldoe.org/bsa/title1/pdf/1112HomelessStudentsCount.pdf> (last visited Jan. 24, 2014).

<sup>9</sup> National Association for the Education of Homeless Children and Youth, *Facts and Resources about the Education of Children and Youth Experiencing Homelessness*, quoting from the U.S. Department of Education, Federal Data Collection 2011-2012, available at <http://www.naehcy.org/sites/default/files/dl/homeless-ed-101.pdf> (last visited January 24, 2014).

underestimate the actual numbers of homeless and homeless unaccompanied youth, since many of these youth are not registered in school.

Research shows a high prevalence of depression, suicide initiations, and other mental health disorders among youth who are homeless. Chronic physical health conditions are common, as are high rates of substance abuse disorders.<sup>10</sup>

While details about unaccompanied homeless youth are difficult to obtain, the Amherst H. Wilder Foundation, a non-profit social services organization, has done an analysis of this population in Minnesota.<sup>11</sup> Although not directly applicable to Florida, the findings are at least illustrative of the characteristics of this population. The point-in-time study, conducted on October 25, 2012, counted 1,151 youth age 21 and under, of whom 146 were 17 and younger. According to this study, high proportions of homeless youth have physical, mental, and chemical health problems. Slightly over one-third (36 percent) have a chronic physical health condition, most often high blood pressure (10 percent) or chronic lung or respiratory problems (7 percent). Nine percent of the minors in the study had children; of these, 21 percent had their children with them. Most had only one child (77 percent) and three-quarters of the children were age two or younger.

### **Emancipation of Minors**

All states have laws dealing with the “emancipation” of minors, which specify when and under what conditions children become independent of their parents for legal purposes. Approximately half of the states regulate emancipation by statutes specifically designed for that purpose. These statutes may specify the conditions required or the procedures for seeking emancipation. Statutes vary considerably from state to state, but under common law, most states allow for the possibility of court-reviewed emancipation. No fixed age of emancipation exists, yet a minor is presumed to become emancipated upon reaching the age of majority. In most states, the age of majority is 18.<sup>12</sup>

Emancipation is the removal of “disability of nonage.” Legally, in most instances, children lack the capacity that adults are assumed to have to perform certain activities, such as entering into binding contracts, making certain purchases, and being held responsible in the same way as adults for criminal offenses. This lack of capacity is termed the “disability of nonage.” Emancipation is the act by which a person gains all the rights and responsibilities of an adult. An emancipated minor has the legal capacity to act as an adult, be in control of his or her affairs, and be free of the legal control and custody of his or her parents. Emancipated minors lose the right to have their parents provide for them and the protection of the Department of Children and Family Services.<sup>13</sup>

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<sup>10</sup> U.S. Interagency Council on Homelessness, *Homelessness Among Youth*, available at <http://www.usich.gov> (last visited on Jan. 21, 2014).

<sup>11</sup> Wilder Research, *Homelessness in Minnesota*, available at <http://www.wilderresearch.org> (last visited on Jan. 21, 2014).

<sup>12</sup> A substantial portion of this paragraph was taken from: Cornell University of Law, Legal Information Institute, *Emancipation of Minors*, available at [http://www.law.cornell.edu/wex/emancipation\\_of\\_minors](http://www.law.cornell.edu/wex/emancipation_of_minors) (last visited Jan. 21, 2014).

<sup>13</sup> A substantial portion of this paragraph was taken from: Volusia County Law Library, *Emancipation in Florida Research Guide*, available at [http://www.vclawlib.org/new/research-feb-09/EMANCIPATION20IN20FLORIDA\[1\].pdf](http://www.vclawlib.org/new/research-feb-09/EMANCIPATION20IN20FLORIDA[1].pdf) (last visited Jan. 21, 2014).

A circuit court has jurisdiction to remove the disabilities of nonage of a minor who is age 16 or older residing in Florida upon a petition filed by the minor's natural or legal guardian or, if there is none, by a guardian ad litem. Subsequent to July 1, 2012, the petition may also be filed by the minor him or herself if the minor is a certified homeless and unaccompanied minor over the age of 16. The petition must contain the following information:<sup>14</sup>

- The name, address, residence, and date of birth of the minor;
- The name, address, and current location of each of the minor's parents, if known;
- The name, date of birth, custody, and location of any children born to the minor;
- A statement of the minor's character, habits, education, income, and mental capacity for business, and an explanation of how the needs of the minor with respect to food, shelter, clothing, medical care, and other necessities will be met;
- Whether the minor is a party to or the subject of a pending judicial proceeding in this state or any other jurisdiction, or the subject of a judicial order of any description issued in connection with such pending judicial proceeding; and
- A statement of the reason why the court should remove the disabilities of nonage.

In addition, the law provides that:

- If the petition is filed by the natural or legal guardian, the court must appoint an attorney ad litem for the minor child, and the minor child shall be brought before the court to determine if the interest of the minor will be fully protected by the removal of disabilities of nonage;
- If the petition is filed by the guardian ad litem or next friend, service of process must be perfected on the natural parents;
- If both parents are not jointly petitioning the court for the removal of the disabilities of nonage of the minor, service of process must be made upon the nonpetitioning parent;<sup>15</sup>
- The court shall consider the petition and receive such evidence as it deems necessary to rule on the petition;
- If the court determines that removal of the disabilities of nonage is in the minor's best interest, it must enter an order to that effect. An order removing the disabilities of nonage has the effect of giving the minor the status of an adult for purposes of all criminal and civil laws of the state, and authorizes the minor thereafter to exercise all of the rights and responsibilities of persons who are 18 years of age or older; and
- The judgment must be recorded in the county in which the minor resides, and a certified copy must be received as evidence of the removal of disabilities of nonage for all matters in all courts.<sup>16</sup>

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<sup>14</sup> Section 743.015, F.S.

<sup>15</sup> Constructive service of process may be used, provided the petitioning parent makes an actual, diligent search to discover the location of, and provide notice to, the nonpetitioning parent.

<sup>16</sup> Section 743.015, F.S.

### **Recent Legislative Action**

The 2012 Legislature passed HB 1351,<sup>17</sup> which provided a mechanism for a homeless minor to become a “certified homeless youth,” and, if the minor is 16 years of age or older, to petition the court for removal of the disabilities of nonage.

### **Other Related Statutes**

The Legislature has granted to selected groups of youth the powers of adulthood. Some grants are limited, some are not. Some require a court order; others do not. See, for example:

- Married minors (no court order required; all powers of adults), s. 743.01 F.S.;
- Persons entitled to benefits under the “Home, Farm and Business Loans Act” (no court order required; limited powers), s. 743.04, F.S.;
- Foster children executing agreements for depository financial services (court order required; limited powers), s. 743.044, F.S.;
- Foster children executing contracts for a residential lease (court order required; limited powers), s. 743.045, F.S.;
- Foster children executing agreements for utility services (court order required; limited powers), s. 743.046, F.S.;
- Minors borrowing money for educational purposes (no court order required; limited powers), s. 743.05, F.S.;
- Minors donating blood (no court order required; limited powers), s. 743.06, F.S.;
- Unwed pregnant minors providing consent for medical services for themselves and unwed minors providing consent for their children (no court order required; limited powers), s. 743.065, F.S.;
- Children adjudicated as adults for most medical services (no separate court order required; limited powers), s. 743.066, F.S.;
- Minors entering into contracts for artistic or creative services (court order required; limited powers), s. 743.08, F.S.; and
- Minors entering into sports contracts (court order required; limited powers), s. 743.09, F.S.

### **III. Effect of Proposed Changes:**

**Section 1** authorizes certified homeless youth, if 16 years of age or older, to consent to medical, dental, psychological, substance abuse, and surgical diagnosis and treatment, including preventative care and care by a facility licensed under chapter 394, chapter 395, or chapter 397, for himself or herself without the necessity of a court order or the removal of the disability of nonage. The bill also authorizes the certified homeless youth to provide consent to the same procedures for his or her child, if the youth is unmarried, is the parent of the child, and has actual custody of the child. The bill states that these rights do not change the requirements of the Parental Notice of Abortion Act.<sup>18</sup>

---

<sup>17</sup> Chapter 2012-186, Laws of Fla.

<sup>18</sup> Section 390.01114, F.S.

**Section 2** provides an effective date of July 1, 2014.

**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:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 743.067 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

---

By Senator Latvala

20-00258A-14

2014260\_\_

1 A bill to be entitled  
 2 An act relating to unaccompanied youth; amending s.  
 3 743.067, F.S.; authorizing certain unaccompanied  
 4 youths to consent to medical, dental, psychological,  
 5 substance abuse, and surgical diagnosis and treatment  
 6 for themselves and for their children in certain  
 7 circumstances; providing that such consent does not  
 8 affect the requirements of the Parental Notice of  
 9 Abortion Act; providing an effective date.

10

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

12

13 Section 1. Section 743.067, Florida Statutes, is amended to  
 14 read:

15

743.067 Unaccompanied youths.—

16

17 (1) An unaccompanied youth, as defined in 42 U.S.C. s.  
 18 11434a, who is also a certified homeless youth, as defined in s.  
 19 382.002, and who is 16 years of age or older may:

20

(a) Petition the circuit court to have the disabilities of  
 21 nonage removed under s. 743.015. The youth shall qualify as a  
 22 person not required to prepay costs and fees as provided in s.  
 23 57.081. The court shall advance the cause on the calendar.

24

(b) Consent to medical, dental, psychological, substance  
 25 abuse, and surgical diagnosis and treatment, including  
 26 preventative care and care by a facility licensed under chapter  
 27 394, chapter 395, or chapter 397, for:

28

1. Himself or herself; or

29

2. His or her child, if the unaccompanied youth is  
unmarried, is the parent of the child, and has actual custody of

Page 1 of 2

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

20-00258A-14

2014260\_\_

30 the child.

31

(2) This section does not affect the requirements of s.

32

390.01114.

33

Section 2. This act shall take effect July 1, 2014.

Page 2 of 2

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



**THE FLORIDA SENATE**

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Ethics and Elections, *Chair*  
Budget - Subcommittee on General Government  
Appropriations  
Budget - Subcommittee on Transportation, Tourism,  
and Economic Development Appropriations  
Community Affairs  
Environmental Preservation and Conservation  
Rules  
Judiciary  
Appropriations  
Select Committee on Gaming

**SENATOR JACK LATVALA**  
20th District

January 13, 2013

The Honorable Senator Eleanor Sobel, Chair  
Senate Committee on Children, Families, and Elder Affairs  
520 Knott Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

**RECEIVED**

**JAN 14 2014**

**Senate Committee  
Children and Families**

Dear Chair Sobel,

I respectfully request that Senate Bill 260 pertaining to Unaccompanied Youth be placed on the agenda of the Senate Committee on Children, Families, and Elder Affairs at your earliest convenience. I have filed this legislation in order to allow minors without a parent or legal guardian to access vital health care services that will make them healthier, more productive citizens.

This bill is a priority of the Junior Leagues of Florida, and they are visiting Tallahassee the week of February 2<sup>nd</sup>. I would greatly appreciate the opportunity to present this legislation to the Committee on Children, Families, and Elder Affairs during the week they are visiting. If you have any questions regarding this legislation, please contact me. Thank you for your consideration.

Sincerely,

Jack Latvala  
State Senator  
District 20

Cc: Claude Hendon, Staff Director; Lynn Wells Administrative Assistant

REPLY TO:  
 26133 U.S. Highway 19 North, Suite 201 Clearwater, FL 33763 (727) 793-2797  
 408 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5020

Senate's Website: [www.flsenate.gov](http://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)

2-4-14  
Meeting Date

Topic SB 2160 - Unaccompanied Minors

Bill Number 2160  
*(if applicable)*

Name Melissa McKinlay

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

Job Title \_\_\_\_\_

Address 675 Belle Grove Lane

Phone 561 452 6217

Royal Palm Beach FL 33411  
*Street City State Zip*

E-mail melmckinlay@yahoo.com

Speaking:  For  Against  Information

Representing Junior Leagues of Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

**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 358

INTRODUCER: Senator Ring

SUBJECT: Volunteers for Organized Youth Sports and Recreational Programs

DATE: February 3, 2014

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

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

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**I. Summary:**

SB 358 expands the current requirement for background screening of athletic coaches of youth athletic teams to include volunteers for organized sports and recreation activities. The volunteer recreational programs included are those using publicly owned facilities in Florida.

The bill defines a “youth sports or recreation authority” to mean a private, nongovernmental entity that organizes, operates, or coordinates a youth athletic team or organized youth recreational program using publicly owned facilities if the team or program includes one or more minors and is not affiliated with a private school. It requires each authority to conduct a background screening of each current and prospective volunteer for the team or program and prohibits the authority from delegating that responsibility. The screening is to be conducted annually.

The required screenings are to be conducted using state and federal registries of sexual predators and sexual offenders available to the public on internet sites provided by the Florida Department of Law Enforcement and the Attorney General of the United States. Alternatively, the authority may use a background screening conducted by a commercial consumer reporting agency in compliance with the federal Fair Credit Reporting Act if that screening includes checks of the sexual predator and sexual offender websites. The authority must disqualify any volunteer identified on either registry and must provide written notice to anyone disqualified.

The bill extends to recreational programs and volunteers current requirements of coaches on youth athletic teams, including obtaining informed consent explaining the nature and risk of concussion and head injury and requiring that youth suspected of having received a concussion or head injury be removed from play and not allowed to return without medical approval.

The bill provides that in a civil action brought for the death, injury, or damage to a third person brought about by the intentional tort of the volunteer relating to sexual misconduct by the

volunteer, there is a rebuttable presumption that the authority was not negligent in authorizing the person to act as a volunteer if the authority complied with the background screening and disqualification requirements of the bill prior to such authorization.

Finally, the bill encourages the youth sports and recreation authorities to participate in the Volunteer and Employee Criminal History System described in s. 943.0542, F.S.

The bill is not expected to have a fiscal impact on the state and has an effective date of July 1, 2014.

## **II. Present Situation:**

### **Definitions**

Current law defines an “athletic coach” as a person who is authorized by an independent sanctioning authority to work for 20 or more hours within a calendar year, whether for compensation or as a volunteer, for a youth athletic team based in this state, and has direct contact with one or more minors on the youth athletic team.

An “independent sanctioning authority” means a private, nongovernmental entity that organizes, operates, or coordinates a youth athletic team in this state if the team includes one or more minors and is not affiliated with a private school as defined in s. 1002.01, F.S.

There appears to be no statutory definition of “recreational program,” “organized recreational program,” or “youth sports and recreation authority.”

### **Background Screenings for Athletic Coaches**

Current law requires that an independent sanctioning authority must conduct a background screening of athletic coaches. This background screening consists of a name search of the state and federal registries of sexual predators and sexual offenders available to the public on websites maintained by the Florida Department of Law Enforcement (FDLE) and the Attorney General of the United States.<sup>1</sup>

### **Background Screenings for Employment at Parks, Playgrounds, and Day Care Centers**

Current law provides that a state agency or governmental subdivision, prior to making any decision to appoint or employ a person to work, whether for compensation or as a volunteer, at any park, playground, day care center, or other place where children regularly congregate, must conduct a search of that person’s name or other identifying information against the registration information regarding sexual predators and sexual offenders maintained by the FDLE.<sup>2</sup>

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<sup>1</sup> Section 943.0438, F.S.

<sup>2</sup> Section 943.04351, F.S.

## Prohibited Employment for Registered Sexual Predators

Existing law provides that it is a third-degree felony for a registered sexual predator who has been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any specified sexual offense to work, whether for compensation or as a volunteer, at any business, school, day care center, park, playground, or other place where children regularly congregate.<sup>3</sup> This prohibition would seem to extend to any person acting as a volunteer for a recreational program if the person has contact with children.

## Sexual Predator and Offender Information

The FDLE compiles information regarding sex offenders and makes that information available to the public. The information on the FDLE public website of sexual offenders and sexual predators come from the following sources: the Florida Department of Corrections, the Florida Department of Highway Safety and Motor Vehicles, and various law enforcement officials.<sup>4</sup> The Dru Sjodin National Sex Offender Public Website of the United States Department of Justice (DOJ) allows the public to search the websites of participating states and other jurisdictions for public information regarding the presence or location of offenders who, in most cases, have been convicted of sexually violent offenses against adults and children or sexual contact and other sexual crimes against minors.<sup>5</sup>

## Liability for Negligent Hiring

In civil action premised upon the death of a third person caused by the intentional conduct tort of an employee, the employee's employer is presumed not to have been negligent in hiring the employee if, before hiring the employee, the employer conducted a background investigation of the prospective employee and the investigation did not reveal any information that reasonably demonstrated the unsuitability of the prospective employee for the particular work to be performed or employment in general.<sup>6</sup> The background investigation must include:

- A criminal background check obtained from FDLE;<sup>7</sup>
- Reasonable efforts to contact references and former employers;
- A job application form that includes questions requesting detailed information regarding previous criminal convictions;
- A written authorization allowing a check of the applicant's driver's license record if relevant to the work to be performed; or
- An interview of the prospective employee.<sup>8</sup>

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<sup>3</sup> Section 775.21(10)(b), F.S.

<sup>4</sup> Florida Department of Law Enforcement, *Florida Sexual Offenders and Predators*, available at <http://offender.fdle.state.fl.us> (last visited Jan. 22, 2014).

<sup>5</sup> United States Department of Justice, *Dru Sjodin National Sex Offender Public Website*, available at <http://www.nsopr.gov> (last visited Jan. 22, 2014).

<sup>6</sup> Section 768.096, F.S.

<sup>7</sup> The employer must request and obtain from FDLE a check of the information as reported in the Florida Crime Information Center system as of the date of the request, s. 768.096(2), F.S.

<sup>8</sup> Section 768.096(1)(a)-(e).

If the employer elects not to conduct an investigation prior to hiring, there is no presumption that the employer failed to use reasonable care in hiring an employee.

### **Volunteer and Employee Criminal History System (VECHS)**

The FDLE has described the Volunteer and Employee Criminal History System (VECHS) as follows:

- Through the VECHS program, FDLE and the Federal Bureau of Investigation (FBI) provide to qualified organizations (not individuals) in Florida state and national criminal history record information on applicants, employees, and volunteers. With this criminal history information, the organizations can more effectively screen out those current and prospective volunteers and employees who are not suitable for contact with children, the elderly, or the disabled.
- Generally, to be qualified to participate in the VECHS program, an organization (public, private, profit, or non-profit) must provide “care”<sup>9</sup> or “care placement services” to children, the elderly, or the disabled.
- The VECHS program is not available to organizations currently required to obtain criminal history record checks on their employees and/or volunteers under other statutory provisions, such as day care centers. Those organizations must continue to follow the statutory mandates that specifically apply to them. If, however, an organization is required to obtain state and national checks on only specific types of employees or volunteers, the VECHS program may be able to process requests for state and national checks on the organization’s other employees or volunteers.

To become a qualified organization and to obtain criminal history record information through the VECHS program at FDLE, an organization will need to do the following:

- Submit an application to FDLE explaining what functions the organization performs that serve children, elderly, or disabled persons;
- Sign an agreement that the criminal history information would be used only to screen employees and volunteers of that organization for employment purposes;
- Submit \$54.25 for each employee or \$33.25 for each volunteer fingerprint card submission; and
- Submit \$43.25 for each employee or \$33.25 for each volunteer electronic submission.

If an organization becomes qualified and provides the required information for criminal history record requests, FDLE, with the assistance of the FBI, will provide the organization with the following:

- An indication that the person has no criminal history, i.e., no serious arrests in state or national databases, if there are none;

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<sup>9</sup> The word “care” is defined in s. 943.0542, F.S. (access to criminal history information provided by the FDLE to qualified entities), to include the provision of recreation to children.

- The criminal history record (RAP sheet) that shows arrests and/or convictions for Florida and other states, if any; and
- Notification of any warrants or domestic violence injunctions that the person may have.<sup>10</sup>

### III. Effect of Proposed Changes:

**Section 1** substitutes “volunteers” for “athletic coaches” and “organized youth sports and recreation” for “independent sanctioning” authorities throughout s. 943.0438, F.S. The effect of this change is to require background screening for a larger number of persons. The targeted enlargement appears to be for private organizations sponsoring organized recreational activities on public property, since background screening is already required for such activities when sponsored by state agencies or governmental subdivisions.

The bill requires that the organized youth sports and recreation authority disqualify any volunteer identified on either the sexual predator or sexual offender databases maintained by the Florida Department of Law Enforcement or the Attorney General of the United States, and must provide written notice to anyone disqualified within 7 business days of disqualification.

The bill also requires that “youth sports or recreation authorities” perform certain actions, including conducting background screening (this responsibility may not be delegated); disqualifying sex offenders and sexual predators from serving as volunteers; providing notice of disqualification to persons disqualified; maintaining records of screenings and disqualifications for at least 5 years; adopting guidelines to educate volunteers and others about the nature and risk of concussion and head injury; adopting bylaws and policies that require the parent or guardian of a youth participating in an athletic competition or other recreational program or who is a candidate for an athletic team or recreational program to sign and return an informed consent relating to concussion and head injury; and adopting bylaws or policies that require each youth suspected of having sustaining a concussion or head injury to be immediately removed from the activity.

A rebuttable presumption is created that the death of, injury or damage to, a third person caused by the intentional tort of a volunteer that relates to alleged sexual misconduct by the volunteer, the youth sports or recreation authority was not negligent in authorizing the person to act as a volunteer if the authority complied with the background screening and disqualifications of this bill prior to such authorization.

Youth sports and recreation authorities are encouraged to participate in the Volunteer and Employee Criminal History System, as authorized by the National Child Protection Act of 1993 and s. 943.0542, F.S.

**Section 2** provides an effective date of July 1, 2014.

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<sup>10</sup> Florida Department of Law Enforcement, *Volunteer And Employee Background Checks*, available at <http://www.fdle.state.fl.us/content/getdoc/9023f5ac-2c0c-465c-995c-f949db57d0dd/VECHS.aspx> (last visited Jan. 23, 2014).

**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 sex offender registry screening requirements of the bill are expected to have a nominal effect on the sanctioning authorities. The state and national registries are public websites that can be accessed by persons with minimal computer skills, and searches can be conducted relatively quickly. Those sanctioning authorities electing to perform searches via a commercial consumer reporting agency may incur moderate expenses for the screening. The sanctioning authorities may pass these screening costs on to volunteer applicants and incur no costs from this screening requirement.

Screening through the VECHS program does require payment of a fee. While the bill does not require sanctioning authorities to do a VECHS search, the authorities are encouraged to use the VECHS system.

## C. Government Sector Impact:

FDLE reports no projected fiscal impact from the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 943.0438 of the Florida Statutes.

**IX. Additional Information:**

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

None.

- B. **Amendments:**

None.

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

---

By Senator Ring

29-00558-14

2014358\_\_

1 A bill to be entitled  
 2 An act relating to volunteers for organized youth  
 3 sports and recreational programs; amending s.  
 4 943.0438, F.S.; defining the terms "volunteer" and  
 5 "youth sports or recreation authority"; expanding  
 6 provisions relating to athletic coaches for  
 7 independent sanctioning authorities to require youth  
 8 sports or recreation authorities to conduct specified  
 9 background screening of all volunteers with any youth  
 10 athletic team or organized youth recreational program  
 11 using publicly owned facilities; prohibiting a youth  
 12 sports or recreation authority from delegating such  
 13 duty; requiring that specified documentation be  
 14 maintained for a specified period by such authorities;  
 15 conforming provisions to changes made by the act;  
 16 providing an effective date.  
 17  
 18 Be It Enacted by the Legislature of the State of Florida:  
 19  
 20 Section 1. Section 943.0438, Florida Statutes, is amended  
 21 to read:  
 22 943.0438 Volunteers Athletic coaches for organized youth  
 23 sports and recreation independent sanctioning authorities.—  
 24 (1) As used in this section, the term:  
 25 (a) "Volunteer Athletic coach" means a person who:  
 26 1. Is authorized by a youth sports or recreation ~~an~~  
 27 ~~independent sanctioning~~ authority to work ~~for 20 or more hours~~  
 28 ~~within a calendar year~~, whether for compensation or as a  
 29 volunteer, for a youth athletic team or organized youth

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

29-00558-14

2014358\_\_

30 recreational program using publicly owned facilities based in  
 31 this state; and  
 32 2. Has direct contact with one or more minors on the youth  
 33 athletic team.  
 34 (b) "Youth sports or recreation ~~Independent sanctioning~~  
 35 authority" means a private, nongovernmental entity that  
 36 organizes, operates, or coordinates a youth athletic team or  
 37 organized youth recreational program using publicly owned  
 38 facilities in this state if the team or program includes one or  
 39 more minors and is not affiliated with a private school as  
 40 defined in s. 1002.01.  
 41 (2) A youth sports or recreation ~~An independent sanctioning~~  
 42 authority shall:  
 43 (a)1. Conduct a background screening of each current and  
 44 prospective volunteer athletic coach. The authority may not  
 45 delegate this responsibility to an individual team or program  
 46 and may not authorize a ~~No person shall be authorized by the~~  
 47 ~~independent sanctioning authority~~ to act as a volunteer an  
 48 ~~athletic coach~~ unless a background screening is ~~has been~~  
 49 conducted and does ~~did~~ not result in disqualification under  
 50 paragraph (b). Background screenings shall be conducted annually  
 51 for each volunteer athletic coach. For purposes of this section,  
 52 a background screening shall be conducted with a search of the  
 53 volunteer's athletic coach's name or other identifying  
 54 information against state and federal registries of sexual  
 55 predators and sexual offenders, which are available to the  
 56 public on Internet sites provided by:  
 57 a. The Department of Law Enforcement under s. 943.043; and  
 58 b. The Attorney General of the United States under 42

Page 2 of 5

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2014358\_\_

59 U.S.C. s. 16920.

60 2. For purposes of this section, a background screening  
61 conducted by a commercial consumer reporting agency in  
62 compliance with the federal Fair Credit Reporting Act using the  
63 identifying information referenced in subparagraph 1. and that  
64 includes searching that information against the sexual predator  
65 and sexual offender Internet sites listed in sub-subparagraphs  
66 1.a. and b. is shall be deemed to satisfy in compliance with the  
67 requirements of this paragraph section.

68 (b) Disqualify a any person from acting as a volunteer an  
69 athletic coach if he or she is identified on a registry  
70 described in paragraph (a).

71 (c) Provide, within 7 business days after following the  
72 background screening under paragraph (a), written notice to a  
73 person disqualified under this section advising the person of  
74 the results and of his or her disqualification.

75 (d) Maintain for at least 5 years documentation of:

76 1. The results for each person screened under paragraph  
77 (a); and

78 2. The written notice of disqualification provided to each  
79 person under paragraph (c).

80 (e) Adopt guidelines to educate volunteers athletic  
81 coaches, officials, administrators, and youth athletes and their  
82 parents or guardians of the nature and risk of concussion and  
83 head injury.

84 (f) Adopt bylaws or policies that require the parent or  
85 guardian of a youth who is participating in athletic competition  
86 or other recreational programs or who is a candidate for an  
87 athletic team or recreational program to sign and return an

29-00558-14

2014358\_\_

88 informed consent that explains the nature and risk of concussion  
89 and head injury, including the risk of continuing to play after  
90 concussion or head injury, each year before participating in  
91 athletic competition or other recreational programs, or engaging  
92 in any practice, tryout, workout, or other physical activity  
93 associated with the youth's candidacy for an athletic team or  
94 recreational program.

95 (g) Adopt bylaws or policies that require each youth  
96 athlete or recreational program participant who is suspected of  
97 sustaining a concussion or head injury in a practice or  
98 competition to be immediately removed from the activity. A youth  
99 athlete or recreational program participant who is has been  
100 removed from an activity may not return to practice or  
101 competition until the youth or participant submits to a  
102 volunteer or volunteer supervisor ~~the athletic coach~~ a written  
103 medical clearance ~~to return~~ stating that he or she the youth  
104 athlete no longer exhibits signs, symptoms, or behaviors  
105 consistent with a concussion or other head injury. Medical  
106 clearance must be authorized by the appropriate health care  
107 practitioner trained in the diagnosis, evaluation, and  
108 management of concussions as defined by the Sports Medicine  
109 Advisory Committee of the Florida High School Athletic  
110 Association.

111 (3) In a civil action for the death of, or injury or damage  
112 to, a third person caused by the intentional tort of a volunteer  
113 ~~an athletic coach~~ that relates to alleged sexual misconduct by  
114 the volunteer athletic coach, there is a rebuttable presumption  
115 that the youth sports or recreation independent sanctioning  
116 authority was not negligent in authorizing the person to act as

29-00558-14

2014358\_\_

117 a volunteer ~~athletic coach~~ if the authority complied with the  
118 background screening and disqualification requirements of  
119 subsection (2) ~~before~~ prior to such authorization.

120 (4) The Legislature encourages youth sports and recreation  
121 ~~independent sanctioning~~ authorities ~~for youth athletic teams~~ to  
122 participate in the Volunteer and Employee Criminal History  
123 System, as authorized by the National Child Protection Act of  
124 1993 and s. 943.0542.

125 Section 2. This act shall take effect July 1, 2014.



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Governmental Oversight and Accountability, *Chair*  
Appropriations Subcommittee on Finance and  
Tax, *Vice Chair*  
Appropriations  
Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development  
Banking and Insurance  
Commerce and Tourism  
Judiciary  
Rules

## JOINT COMMITTEES:

Joint Legislative Auditing Committee  
Joint Select Committee on Collective Bargaining

**SENATOR JEREMY RING**  
29th District

December 9, 2013

Honorable Senator Eleanor Sobel  
520 Knott Building  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Chairwoman Sobel,

I am writing to respectfully request your cooperation in placing Senate Bill 358, relating to volunteers for organized youth sports and recreational programs, on the Committee on Children, Families, and Elder Affairs agenda at your earliest convenience. I would greatly appreciate the opportunity to discuss the bill at greater length before your committee.

Thank you in advance for your assistance. As always, please do not hesitate to contact me with any questions or comments you may have.

Very Truly Yours,

A handwritten signature in cursive script that reads "Jeremy Ring".

Jeremy Ring  
Senator District 29

cc: Claude Hendon

**RECEIVED**

DEC 10 2013

**Senate Committee  
Children and Families**

## REPLY TO:

- 5790 Margate Boulevard, Margate, Florida 33063 (954) 917-1392 FAX: (954) 917-1394
- 405 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5029

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Governmental Oversight and Accountability, *Chair*  
Appropriations Subcommittee on Finance and  
Tax, *Vice Chair*  
Appropriations  
Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development  
Banking and Insurance  
Commerce and Tourism  
Judiciary  
Rules

**JOINT COMMITTEES:**  
Joint Legislative Auditing Committee  
Joint Select Committee on Collective Bargaining

**SENATOR JEREMY RING**  
29th District

February 3, 2014

Chairwoman Eleanor Sobel  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Dear Chairwoman Sobel,

I appreciate you including my legislation, SB 358, relating to Volunteers for Organized Youth Sports and Recreational Programs, on the Committee on Children, Families, and Elder Affairs agenda. During the committee meeting on February 4, my legislative assistant J.J. Piskadlo will be presenting the bill on my behalf.

Please do not hesitate to contact me if you or your staff have any questions.

Very Truly Yours,

A handwritten signature in cursive script that reads "Jeremy Ring".

Jeremy Ring  
Senator District 29

cc: Claude Hendon, Staff Director  
Lynn Wells, Committee Administrative Assistant

**RECEIVED**

FEB 03 2014

**Senate Committee  
Children and Families**

**REPLY TO:**

- 5790 Margate Boulevard, Margate, Florida 33063 (954) 917-1392 FAX: (954) 917-1394
- 405 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5029

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

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

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

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

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BILL: SB 370

INTRODUCER: Senator Altman

SUBJECT: Public Records and Public Meetings Exemptions

DATE: February 3, 2014

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

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

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**I. Summary:**

SB 370 amends a public record and meeting exemption for certain information held by or discussed by the State Child Abuse Death Review Committee (CADR) or local child abuse death review committees within the Department of Health.

Death review committees are established at the state and local level to review the facts and circumstances of all deaths of children from birth through age 18 which occur in Florida as the result of verified child abuse or neglect.

The purpose of the committees is to reduce the number of deaths resulting from child abuse and neglect. The membership of both the state and local committees is outlined in statute and consists of representatives of state agencies, law enforcement bodies, medical practitioners, educational experts, and others with knowledge of child abuse. The local committees meet on a regular basis to examine records of child fatalities and to discuss those records.

Current law provides a public record exemption for any information that reveals the identity of the surviving siblings, family members, or others living in the home of a deceased child who is the subject of review by and which information is held by the CADR or a local committee. It also provides that portions of meetings of the CADR or a local committee at which confidential or exempt information is discussed are exempt from public meeting requirements. These portions of the meetings are referred to as "closed."

In order to facilitate the open discussion of the causes of child fatalities, this bill removes a requirement that closed portions of meetings of the CADR or local committees be recorded, as well as a requirement that no portion of a closed meeting be off the record. The bill also removes

a requirement that the CADR or local committee maintain the recording of the closed portion of the meeting.

The bill has no fiscal impact and would be effective July 1, 2014.

## II. Present Situation:

### Public Records and Meetings

#### *State Constitution*

Article I, s. 24(a) of the State Constitution sets forth the state's public policy regarding access to government records. This section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government.

Article I, s. 24(b) of the State Constitution sets forth the state's public policy regarding access to government meetings. The section requires that all meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, be open and noticed to the public.

The Legislature may provide by general law for the exemption of records and meetings from the requirements of Article I, s. 24(a) and (b) of the State Constitution. The general law must state with specificity the public necessity justifying the exemption (public necessity statement) and the exemption must be no broader than necessary to accomplish its purpose.<sup>1</sup>

#### *Florida Statutes: Public Records Law*

Public policy regarding access to government records is addressed further in the Florida Statutes. Section 119.07(1), F.S., guarantees every person a right to inspect and copy any state, county, or municipal record.

#### *Florida Statutes: Public Meetings Law*

Public policy regarding access to government meetings also is addressed in the Florida Statutes. Section 286.011, F.S., known as the "Government in the Sunshine Law" or "Sunshine Law," further requires that all meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, at which official acts are to be taken be open to the public at all times.<sup>2</sup> The board or commission must provide reasonable notice of all public meetings.<sup>3</sup> Public meetings may not be held at any location that discriminates on the basis of sex, age, race, creed, color, origin or economic status

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<sup>1</sup> FLA. CONST. art. I, s. 24(c)

<sup>2</sup> Section 286.011(1), F.S.

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

or which operates in a manner that unreasonably restricts the public's access to the facility.<sup>4</sup> Minutes of a public meeting must be promptly recorded and be open to public inspection.<sup>5</sup>

#### *Open Government Sunset Review Act*

The Open Government Sunset Review Act<sup>6</sup> provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.
- Protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protects trade or business secrets.

#### **Child Abuse Death Review Committee**

Current law establishes the State Child Abuse Death Review Committee (CADR) and local child abuse death review committees within the Department of Health (DOH).<sup>7</sup> The purpose of the CADR is the reduction of child deaths as a result of abuse or neglect.

The CADR is tasked with reviewing the facts and circumstances of the deaths of children whose deaths have been investigated by the Department of Children and Families and closed with a "verified" finding of child abuse or neglect. The purpose of the child death review is to:<sup>8</sup>

- Develop a community based approach to address child abuse deaths and contributing factors;
- Achieve a greater understanding of the causes and contributing factors of deaths resulting from child abuse or neglect;
- Identify gaps, deficiencies or problems in service delivery to children and families by public and private agencies that may be related to child abuse deaths; and
- Develop and implement data-driven recommendations for reducing child abuse and neglect deaths.

The local teams are comprised of representatives from the Department of Health, the Department of Legal Affairs, the Department of Children and Families (DCF), the Department of Law Enforcement, Department of Education, Florida Prosecuting Attorneys Association, and the Florida Medical Examiners Commission. In addition, the State Surgeon General must appoint the following members to the state committee: a board-certified pediatrician, a public health nurse, a mental health professional who treats children or adolescents, an employee of DCF who

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<sup>4</sup> Section 286.011(6), F.S.

<sup>5</sup> Section 286.011(2), F.S.

<sup>6</sup> See s. 119.15, F.S.

<sup>7</sup> Section 383.402(1), F.S.

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

supervises family services counselors and who has at least five years of experience in protective investigations, the medical director of a child protection team, a member of a child advocacy organization, a social worker who has experience in working with victims and perpetrators of child abuse, a person trained as a paraprofessional in patient resources who is employed in a child prevention program, a law enforcement officer who has at least five years of experience in children's issues, a representative of the Florida Coalition Against Domestic Violence, and a representative from a private provider of programs preventing child abuse and neglect.<sup>9</sup>

The state committee must prepare an annual statistical report to be presented to the Governor and the Legislature containing recommendations to reduce preventable child deaths.<sup>10</sup> The CADR is composed of 18 members, including experts from the medical, law enforcement, social services, and advocacy professions who convene every other month to examine the circumstances leading to child deaths.<sup>11</sup>

Local child abuse death review committees also conduct reviews of the verified deaths of children in their respective communities to develop prevention campaigns and prepare recommendations for improving local practices in child protection and support services to families. There are 24 local committees that provide coverage for Florida's 67 counties.<sup>12</sup>

### **Public Record and Public Meeting Exemptions for CADR**

Current law provides a public record exemption for any information that reveals the identity of the surviving siblings, family members, or others living in the home of a deceased child who is the subject of review by and which information is held by the CADR or a local committee.<sup>13</sup> It also provides that portions of meetings of the CADR or a local committee at which confidential or exempt information is discussed are exempt from public meeting requirements.<sup>14</sup>

In 2010, as part of the regular Sunset Review of the law, it was amended to require that the closed portion of a meeting of the CADR or local committee be recorded. In addition, a public record exemption was created to protect the release of such recording. No portion of the meeting may be off the record, and the recording must be maintained by the CADR or local committee.<sup>15</sup>

The CADR has indicated that the recording requirement has had a negative impact on both the state and local committees, because the members need to be able to speak candidly about the individual cases in order to make prevention recommendations.<sup>16</sup> The recording requirement has impacted local committees in some areas due to the reluctance of some law enforcement, state

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<sup>9</sup> Section 383.402(2), F.S.

<sup>10</sup> Section 383.402(3)(c), F.S.

<sup>11</sup> Section 383.402(2)(a) and (b), F.S.

<sup>12</sup> Florida Child Abuse Death Review, *Local Team Directory*, available at <http://www.floridahealth.gov/alternatesites/flcadr/attach/localCADRdir.pdf> (last visited Jan. 22, 2014).

<sup>13</sup> Section 383.412(2)(a), F.S.

<sup>14</sup> Section 383.412(3)(a), F.S.

<sup>15</sup> Chapter 2010-40, Laws of Fla.

<sup>16</sup> E-mail from Special Agent Terry Thomas, Chairperson, State Child Abuse Death Review Committee (Apr. 3, 2013) (on file with the Committee on Children, Families and Elder Affairs).

attorney offices and other agencies to openly discuss confidential information that is being recorded.<sup>17</sup>

HB 725 (SB 1680), which contained substantially the same provisions as SB 370, was passed by the Legislature in the 2013 session but was vetoed by the Governor. In the veto message, dated June 12, 2013, the Governor stated “The matters addressed in these closed meetings are of a very serious and sensitive nature, and it is important to strike a careful balance between openness and reasonable confidentiality. With Florida’s strong commitment to Government-in-the-Sunshine in mind, this balance is best struck by maintaining the current recording requirements.”

### III. Effect of Proposed Changes:

**Section 1** amends s. 383.412, F.S., to remove the requirement that closed portions of meetings of the CADR or local committees be recorded, as well as the requirement that no portion of a closed meeting be off the record. The bill also removes the requirement that the CADR or local committee must maintain the recording of the closed portion of the meeting.

**Section 2** provides an effective date of July 1, 2014.

### IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

The bill does not expand the existing public records exemption found in s. 383.412, F.S.

C. Trust Funds Restrictions:

None.

### V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

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

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 383.412 of the Florida Statutes.

**IX. Additional Information:**

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

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

None.

**B. Amendments:**

None.

By Senator Altman

16-00224-14

2014370\_\_

1 A bill to be entitled  
2 An act relating to public records and public meetings  
3 exemptions; amending s. 383.412, F.S.; eliminating  
4 requirements that the closed portion of a meeting of  
5 the State Child Abuse Death Review Committee or a  
6 local committee at which specified identifying  
7 information is discussed be recorded, and that no  
8 portion of such meeting be off the record; providing  
9 an effective date.

10

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

12

13 Section 1. Subsection (2) of section 383.412, Florida  
14 Statutes, is reenacted, and subsection (3) of that section is  
15 amended, to read:

16 383.412 Public records and public meetings exemptions.—

17 (2) (a) Any information that reveals the identity of the  
18 surviving siblings, family members, or others living in the home  
19 of a deceased child who is the subject of review by and which  
20 information is held by the State Child Abuse Death Review  
21 Committee or a local committee is confidential and exempt from  
22 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

23 (b) Information made confidential or exempt from s.  
24 119.07(1) and s. 24(a), Art. I of the State Constitution that is  
25 obtained by the State Child Abuse Death Review Committee or a  
26 local committee shall retain its confidential or exempt status.

27 (3) ~~(a)~~ Portions of meetings of the State Child Abuse Death  
28 Review Committee or a local committee at which information made  
29 confidential and exempt pursuant to subsection (2) is discussed

Page 1 of 2

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

16-00224-14

2014370\_\_

30 are exempt from s. 286.011 and s. 24(b), Art. I of the State  
31 Constitution. ~~The closed portion of a meeting must be recorded,~~  
32 ~~and no portion of the closed meeting may be off the record. The~~  
33 ~~recording shall be maintained by the State Child Abuse Death~~  
34 ~~Review Committee or a local committee.~~

35 (b) The recording of a closed portion of a meeting is  
36 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
37 Constitution.

38

Section 2. This act shall take effect July 1, 2014.

Page 2 of 2

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



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**SENATOR THAD ALTMAN**  
16th District

**COMMITTEES:**  
Military Affairs, Space, and Domestic Security, *Chair*  
Appropriations Subcommittee on Criminal and  
Civil Justice  
Appropriations Subcommittee on Finance and Tax  
Children, Families, and Elder Affairs  
Criminal Justice  
Environmental Preservation and Conservation

**SELECT COMMITTEE**  
Indian River Lagoon and Lake Okeechobee

**JOINT COMMITTEE:**  
Joint Administrative Procedures Committee

January 15, 2014

The Honorable Eleanor Sobel  
Senate Committee on Children, Families, and Elder Affairs, Chair  
520 Knott Building  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Chairwoman Sobel:

I respectfully request that SB 0370, related to *Public Records and Public Meetings Exemptions*, be placed on the committee agenda at your earliest convenience.

Thank you for your consideration, and please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Thad Altman".

Thad Altman

CC: Claude Hendon, Staff Director, 520 Knott Building  
Lynn Wells, Committee Administrative Assistant

TA/svb

**RECEIVED**

JAN 15 2014

**Senate Committee  
Children and Families**

**REPLY TO:**

- 6767 North Wickham Road, Suite 211, Melbourne, Florida 32940 (321) 752-3138
- 314 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

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

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

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

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BILL: SB 394

INTRODUCER: Senator Gibson

SUBJECT: Licensing of Facilities that offer Health and Human Services

DATE: February 3, 2014

REVISED: 02/04/14

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	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Crosier	Hendon	CF	<b>Favorable</b>
2.			AHS	
3.			AP	

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**I. Summary:**

SB 394 redefines the term “child care” to include a person or facility that does not receive compensation. It redefines the term “child care facility” to include a child care center or child care arrangement that does not receive compensation for more than four, rather than five, children, unrelated to the operator. It requires a family day care home to conspicuously display its license or registration in the common area of the home. A large family child care home is required to permanently post its license in a conspicuous location visible to parents, guardians and the Department of Children & Families (department). Family day care homes not subject to licensing must register with the department and provide the identity of the competent adult who has met the screening and training requirements of the department to serve as a designated substitute for the operator in an emergency. Additionally family day care homes not subject to licensing must provide proof of screening and background checks for the operator, household members and the designated substitute. The bill repeals the maximum licensing fee of \$100 per facility. Finally, the bill prohibits the advertising of a child care facility, family day care home or large family day care home unless it is licensed or registered. Violation of the advertising prohibition is a first degree misdemeanor. The fiscal impact is unknown, but the bill provides for the department to charge a fee for licensing. The bill is effective July 1, 2014.

**II. Present Situation:**

There are many different settings that are designed to provide child care for payment. Additionally, there are settings that provide child care services for non-payment, such as public and nonpublic schools, summer camps with children as full-time residence, summer day camps, Bible schools and care offered at transient establishments solely for guests of the establishment or resort.

According to the U.S. Department of Health & Human Services in 2011 licenses were issued to approximately 6,750 child care facilities, 3,327 family child care homes and 412 group child care

homes in Florida.<sup>1</sup> The definition of “child care” provides for a payment, fee or grant for the supervision of a child for less than 24 hours a day on a regular basis.<sup>2</sup> “Child care facility” is defined as a child care center or child care arrangement providing child care for more than five children unrelated to the operator, wherever operated and whether or not operated for profit which receives a payment, fee or grant.<sup>3</sup>

A family day care home must be licensed if it is presently being licensed under an existing county licensing ordinance or if the board of county commissioners passes a resolution that family day care homes be licensed.<sup>4</sup> If a family day care home is not subject to a license it must register annually with the department and provide certain information, including proof of screening and background checks.<sup>5</sup> However, the statute does not identify the persons subject to the screenings or background checks.

A large family child care home means an occupied residence in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation.<sup>6</sup> A large family child care home must be licensed.<sup>7</sup> The child care personnel subject to the applicable screening provisions of s. 402.305(2) and 402.3055, F.S., includes any member of a large family child care home operator’s family 12 years of age or older, or any person 12 years of age or older residing with the operator in the large family care home. Members of the operator’s family, or persons residing with the operator, who are between the ages of 12 years and 18 years, inclusive, shall not be required to be fingerprinted, but shall be screened for delinquency records.<sup>8</sup>

The department shall collect a fee for any license it issues for a child care facility, family day care home, or large family child care home.<sup>9</sup> The fee for a child care facility licensed under s.402.305, F.S. is \$1 per child based on the licensed capacity of the facility with a minimum fee of \$25 per facility and a maximum fee of \$100 per facility.<sup>10</sup> The fee is \$25 for a family day care home registered pursuant to s. 402.313, F.S.<sup>11</sup> The fee is \$50 for a family day care home licensed pursuant to s. 402.313, F.S.<sup>12</sup> The fee is \$60 for a large family child care home licensed pursuant to s. 402.3131, F.S.<sup>13</sup>

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<sup>1</sup> U.S. Department of Health & Human Services, *Administration for Children*, available at <https://childcare.gov/resource/number-licensed-child-care-facilities-2011> (follow attachment Number of Child Care Facilities in 2011) (last visited Jan. 24, 2014).

<sup>2</sup> Section 402.302(1), F.S.

<sup>3</sup> Section 402.302(2), F.S.

<sup>4</sup> Section 402.313(1), F.S.

<sup>5</sup> Section 402.313(1)(a), F.S.

<sup>6</sup> Section 402.302(11), F.S.

<sup>7</sup> Section 402.3131(1), F.S.

<sup>8</sup> Section 402.3131(2), F.S.

<sup>9</sup> Section 402.315(3), F.S.

<sup>10</sup> Section 402.315(3)(a), F.S.

<sup>11</sup> Section 402.315(3)(b), F.S.

<sup>12</sup> Section 402.315(3)(c), F.S.

<sup>13</sup> Section 402.315(3)(d), F.S.

Advertisement of a child care facility, a family day care home or a large family child care home without including the state or local agency license number or registration number of the facility is prohibited. A violation is a misdemeanor of the first degree.<sup>14</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 402.302(1), F.S. to remove the requirement that there is a payment, fee or grant for the care from the definition of “child care.” This section also removes the requirement a payment, fee or grant for the care from the definition of “child care facility.” There are many types of child care arrangements that do not require registration or licensure due to the fact that a payment, fee or grant is not received for providing the service/care. Examples of such arrangements include: Mothers Morning Out programs (parents take turns providing care for other’s children for no payment), Parents Night Out programs, programs that provide after school service at no charge beyond the cost of lessons purchased, as well as some programs offered by the Boys and Girls Club. The proposed language could result in currently unlicensed legally operating child care arrangements having to pursue licensure or registration. New regulatory costs would be imposed on these providers as they would be required to meet state child care licensing standards, such as certain minimum numbers of trained staff and standards for physical environment.

By removing the compensation requirement, a facility providing care for more than four (instead of five) children unrelated to the operator will be required to be registered or licensed. While this change may increase the number of facilities to be registered or licensed, it will require them to meet licensing standards designed to address the health, safety and adequate physical surroundings for all children in child care. Additionally, this section requires all child care personnel of a transient establishment or resort to be screened according to the level 2 screening requirements of ch. 435, F.S.

**Section 2** amends s.402.313(1), F.S. to require a family day care home to be licensed and that each licensed or registered family day care home must conspicuously display its license or registration in the common area of the home. Section 402.313(1)(a), F.S. requires a family day care home that is not subject to licensure to register annually with the department. In addition to the currently required information, the family day care center must provide proof of a written plan that identifies a competent adult who has met the screening and training requirements of the department to serve as a designated substitute for the operator in an emergency. Proof of screening and background checks for the operator, each household member and the designated substitute will now be required to be provided.

**Section 3** amends s. 402.3131, F.S., to require large family child care homes to permanently post its license in a conspicuous location that is visible by all parents and guardians and the department.

**Section 4** amends s. 402.315(3)(a), F.S. to allow the department to collect a fee for a license issued for a child care facility at \$1 per child, based on the licensed capacity of the facility. If a

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<sup>14</sup> Section 402.318, F.S.

facility has a licensed capacity of 25 children or fewer there is a minimum fee is \$25. The maximum fee of \$100 is removed.

**Section 5** amends s. 402.318, F.S. which prohibits the advertising of a child care facility, family day care home or large family day care home unless it is licensed or registered without including certain license or registration information. This section defines the term “advertisement” to include, but not be limited to, the marketing of child care services to the public on vehicles; print materials, electronic media, including Internet sites; and radio and television announcements. A person violating this section commits a misdemeanor of the first degree.

**Section 6** of the bill provides an effective date of July 1, 2014.

#### **IV. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

A family day care home not subject to licensure must register annually with the department and will incur costs of screening and background checks for the operator, each household member and the designated substitute.

The elimination of the maximum license fee of \$100 paid by child care facilities to the department would impact the facilities with a licensed capacity of more than 100 children (the current fee is \$1 per child based on the licensed capacity of the facility with a maximum of \$100); however, the total impact is unknown.

##### **C. Government Sector Impact:**

###### **State Government**

The additional fees collected due to the elimination of the maximum license fee of \$100 will be deposited by the department in a trust fund and used to fund child care licensing activities, including the Gold Seal Quality Care program.

The addition of child care facilities providing care for no compensation will increase the number of homes either registered or licensed by the department. The number of additional child care facilities required to be licensed by the department is unknown. The extent to which the license fees cover the department’s costs, the new fees would fund the increased activity. Registration information is currently provided to the department so the impact should not be significant.

###### **Local Government**

Counties that license child care facilities instead of the department would see an increase in the number of facilities licensed. The impact is unknown but counties are authorized to collect a fee.

**V. Technical Deficiencies:**

The proposed legislation requires proof of screening and background checks for the operator, each household member and the designated substitute for family day care homes that are required to register with DCF annually. The proposed language does not include a definition of household members. Section 402.313(3), F.S., provides a definition of the household members required to be screened for large family day care homes. Including the same definition for household members for registered family day care homes may reduce confusion about who is subject to the screenings.

**VI. Related Issues:**

None.

**VII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 402.302, 402.313, 402.3131, 402.315, and 402.318.

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

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

None.

**B. Amendments:**

None.

By Senator Gibson

9-00225D-14

2014394\_\_

A bill to be entitled

An act relating to the licensing of facilities that offer health and human services; amending s. 402.302, F.S.; redefining the term "child care" to include a person or facility that does not receive compensation; redefining the term "child care facility" to include a child care center or child care arrangement that does not receive compensation and provides child care for more than four, rather than five, children unrelated to the operator; conforming terminology; amending ss. 402.313, F.S.; requiring a family day care home to conspicuously display its license or registration in the common area of the home, to provide proof of a written plan that identifies a designated substitute for the operator, and to provide proof of screening and background checks for certain individuals; amending s. 402.3131, F.S.; requiring a large family child care home to permanently post its license in a conspicuous location that is visible by all parents and guardians and the department; amending s. 402.315, F.S.; revising the licensing fee for a child care facility that has certain licensed capacity; amending s. 402.318, F.S.; prohibiting the advertising of a child care facility, family day care home, or large family day care home unless it is licensed or registered; providing an effective date.

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

Page 1 of 6

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

9-00225D-14

2014394\_\_

Section 1. Subsections (1), (2), and (5) of section 402.302, Florida Statutes, are amended to read:

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

(1) "Child care" means the care, protection, and supervision of a child, for ~~a period of~~ less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his or her individual needs, ~~and for which a payment, fee, or grant is made for care.~~

(2) "Child care facility" means a ~~includes any~~ child care center or child care arrangement that ~~which~~ provides child care for more than four ~~five~~ children unrelated to the operator ~~and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit.~~ The following are not included:

(a) Public schools and nonpublic schools and their integral programs, except as provided in s. 402.3025;

(b) Summer camps having children in full-time residence;

(c) Summer day camps;

(d) Bible schools normally conducted during vacation periods; and

(e) Operators of transient establishments, ~~as defined in chapter 509,~~ which provide child care services solely for the guests of their establishment or resort, ~~if provided that~~ all child care personnel of the establishment or resort are screened according to the level 2 screening requirements of chapter 435.

(5) "Department" means the Department of Children and Families ~~Family Services.~~

Section 2. Subsection (1) of section 402.313, Florida

Page 2 of 6

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

9-00225D-14

2014394\_\_

59 Statutes, is amended to read:

60 402.313 Family day care homes.-

61 (1) A family day care home must ~~homes shall~~ be licensed  
62 under this ~~section act~~ if it is ~~they are~~ presently being  
63 licensed under an existing county licensing ordinance or if the  
64 board of county commissioners passes a resolution that family  
65 day care homes be licensed. Each licensed or registered family  
66 day care home must conspicuously display its license or  
67 registration in the common area of the home.

68 (a) If not subject to license, a family day care home must  
69 ~~homes shall~~ register annually with the department and provide,  
70 ~~providing~~ the following information:

71 1. The name and address of the home.

72 2. The name of the operator.

73 3. The number of children served.

74 4. Proof of a written plan to identify a provide at least  
75 ~~one other~~ competent adult who has met the screening and training  
76 requirements of the department to serve as a designated  
77 substitute to be available to substitute for the operator in an  
78 emergency. This plan must shall include the name, address, and  
79 telephone number of the designated substitute.

80 5. Proof of screening and background checks for the  
81 operator, each household member, and the designated substitute.

82 6. Proof of successful completion of the 30-hour training  
83 course, as evidenced by passage of a competency examination,  
84 which must shall include:

85 a. State and local rules and regulations that govern child  
86 care.

87 b. Health, safety, and nutrition.

Page 3 of 6

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

9-00225D-14

2014394\_\_

88 c. Identifying and reporting child abuse and neglect.

89 d. Child development, including typical and atypical  
90 language development; and cognitive, motor, social, and self-  
91 help skills development.

92 e. Observation of developmental behaviors, including using  
93 a checklist or other similar observation tools and techniques to  
94 determine a child's developmental level.

95 f. Specialized areas, including early literacy and language  
96 development of children from birth to 5 years of age, as  
97 determined by the department, for owner-operators of family day  
98 care homes.

99 7. Proof that immunization records are kept current.

100 8. Proof of completion of the required continuing education  
101 units or clock hours.

102 (b) A family day care home may volunteer to be licensed  
103 ~~under this act.~~

104 (c) The department may provide technical assistance to  
105 counties and family day care home providers to enable counties  
106 and family day care providers to achieve compliance with family  
107 day care homes standards.

108 Section 3. Subsection (1) of section 402.3131, Florida  
109 Statutes, is amended to read:

110 402.3131 Large family child care homes.-

111 (1) A large family child care home must ~~homes shall~~ be  
112 licensed under this section and permanently post its license in  
113 a conspicuous location that is visible by all parents and  
114 guardians and the department.

115 (a) A licensed family day care home must first have  
116 operated for a minimum of 2 consecutive years, with an operator

Page 4 of 6

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

9-00225D-14

2014394\_\_

117 who has had a child development associate credential or its  
118 equivalent for 1 year, before seeking licensure as a large  
119 family child care home.

120 (b) The department may provide technical assistance to  
121 counties and family day care home providers to enable the  
122 counties and providers to achieve compliance with minimum  
123 standards for large family child care homes.

124 Section 4. Subsection (3) of section 402.315, Florida  
125 Statutes, is amended to read:

126 402.315 Funding; license fees.—

127 (3) The department shall collect a fee for a any license it  
128 issues for a child care facility, family day care home, or large  
129 family child care home under ~~pursuant to~~ ss. 402.305, 402.313,  
130 and 402.3131.

131 (a) For a child care facility licensed under ~~pursuant to~~ s.  
132 402.305, the such fee is shall be \$1 per child, based on the  
133 licensed capacity of the facility. However, if a facility has a  
134 licensed capacity of 25 children or fewer, except that the  
135 minimum fee is shall be \$25 per facility and the maximum fee  
136 shall be \$100 per facility.

137 (b) For a family day care home registered under ~~pursuant to~~  
138 s. 402.313, the such fee is shall be \$25.

139 (c) For a family day care home licensed under ~~pursuant to~~  
140 s. 402.313, the such fee is shall be \$50.

141 (d) For a large family child care home licensed under  
142 ~~pursuant to~~ s. 402.3131, the such fee is shall be \$60.

143 Section 5. Section 402.318, Florida Statutes, is amended to  
144 read:

145 402.318 Advertisement.—A person, as defined in s. 1.01 ~~s.~~

9-00225D-14

2014394\_\_

146 ~~1.01(3)~~, may not advertise a child care facility as defined in  
147 s. 402.302, a child care facility that is exempt from licensing  
148 requirements pursuant to s. 402.316, a family day care home as  
149 defined in s. 402.302, or a large family child care home as  
150 defined in s. 402.302 without including within such  
151 advertisement the state or local agency license number,  
152 exemption number, or registration number of the such facility or  
153 home. As used in this section, the term "advertisement"  
154 includes, but is not limited to, the marketing of child care  
155 services to the public on vehicles; print materials; electronic  
156 media, including Internet sites; and radio and television  
157 announcements. A person who violates ~~Violation of~~ this section  
158 commits is a misdemeanor of the first degree, punishable as  
159 provided in s. 775.082 or s. 775.083.

160 Section 6. This act shall take effect July 1, 2014.



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**SENATOR AUDREY GIBSON**  
9th District

**COMMITTEES:**  
Military and Veterans Affairs, Space, and Domestic Security, *Vice Chair*  
Appropriations Subcommittee on Health and Human Services  
Appropriations Subcommittee on Transportation, Tourism, and Economic Development  
Communications, Energy, and Public Utilities  
Criminal Justice  
Regulated Industries

**SELECT COMMITTEE:**  
Select Committee on Patient Protection and Affordable Care Act

December 16, 2013

Senator Eleanor Sobel, Chair  
Committee on Children, Families, and Elder Affairs  
520 Knott Building  
404 South Monroe Street  
Tallahassee, Florida 32399-1100

Chair Sobel

Handwritten signature of Eleanor Sobel in black ink.

**RECEIVED**

DEC 17 2013

**Senate Committee  
Children and Families**

I respectfully request that SB 394, relating to licensing of facilities that offer Health and Human Services, be placed on the next committee agenda.

SB 394, prohibits a child care facility or family day care home from advertising unless it is licensed or registered.

Thank you for your time and consideration.

Sincerely,

Handwritten signature of Audrey Gibson in black ink.

Audrey Gibson  
State Senator  
District 9

**REPLY TO:**

- 101 E. Union Street, Suite 104, Jacksonville, Florida 32202 (904) 359-2553 FAX: (904) 359-2532
- 205 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5009

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore



# State Child Welfare Systems: Processes and Measures

*A Presentation to the Senate Committee on Children,  
Families, and Elder Affairs*

**Mary Alice Nye, Ph.D., Chief Legislative Analyst**

February 4, 2014

# Child Welfare Research

- OPPAGA examined other states' child welfare systems
- Selected states based on child population under age 18
  - Arizona, California, Florida, Georgia, Illinois, Indiana, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, Virginia, Washington

# Child Welfare System Processes

- Intake and Screenings
- Investigations
- Service Provision

# Intake and Screening

- State definitions of abuse and neglect determine whether calls are investigated
  - Definitions include physical or sexual abuse, general neglect, medical neglect, educational neglect, failure to protect, abandonment, and emotional injury
  - 9 states' definitions (including Florida) include injury, harm, or threatened harm
  - Unlike Florida, 15 states do not include abandonment in definitions

# Intake and Screening

*(continued)*

- Calls screened-in for investigation
  - Florida's 2012 screened-in rate was 73.6%
  - Down from 80.2% in 2011
  - Florida in the top 10 states nationwide
  - National average 62%
- DCF is currently reviewing intake screening process

# Intake and Screening

*(continued)*

- Intake screening tools
  - Screening tool recommended by some experts and used by five states
- Information on previous hotline calls, prior investigations, and criminal backgrounds
  - Prior investigations available in most states
  - Florida's intake system also captures screened out calls
  - In Florida, criminal background information gathered by the intake counselor

# Investigations

- State processes include similar components during child protective investigations
- Investigator begins with visit to child's home and/or interview or observation of the child and followed by:
  - Criminal records of all adults
  - Interviews with caregivers, parents, etc.
  - Risk and safety assessment
  - Evaluation of home environment
  - Medical and home health evaluations

# Investigations

*(continued)*

- Timeframes for response by investigators
  - In Florida, 3-4 hours for immediate and 24 hours for all other
  - Other states
    - ▶ Initial response for calls from 2 to 72 hours (e.g., Nevada, Mississippi )
    - ▶ Some states allow up to 10 days for non-urgent calls (e.g., California, Delaware)

# Investigations: Safety Plans

- DCF has acknowledged problems in its safety plans and lack of follow-through
- New process does not allow an investigator to close a case unless safety plan is complete or no longer needed
- Illinois requires a visit every five days to ensure that safety plan is followed

# Investigations: Assessment Methodologies

- Instruments differ in terms of theoretical (consensus) or actuarial basis of the models
  - Some states use an assessment instrument that they have developed in conjunction with experts (e.g., Illinois)
  - Other states use standardized assessment instruments (e.g., California)
  - States may use a combination of instruments (e.g., Florida)

# Investigations: Assessment Methodologies *(continued)*

- The assessment process that DCF is implementing is intended to provide for more uniform decision making
- Three assessment instruments
  - Present danger assessment
  - Family functioning assessment
  - Risk assessment

# Service Provision: Case Transfer

- When investigation finds evidence of abuse/neglect:  
In Florida, community-based care lead agencies provide case management
  - DCF working to address problems during case transfer from investigators to case managers
    - ▶ Issues with some community based care lead agencies using their own systems rather than Florida Safe Families Network (FSFN)
    - ▶ Working to address provision of safety services

# Service Provision (continued)

- Evidence Informed Interventions:
  - Experts recommend using interventions where research shows results
  - California Evidence-Based Clearinghouse for Child Welfare—rating scale for practice or protocol
    - ▶ Promising Research Evidence
    - ▶ Supported by Research Evidence
    - ▶ Well-supported by Research Evidence

# Differential Response

- Differential response is an alternative to the typical investigative path for certain screened-in calls
  - Usually for cases of neglect, involving a family situation
  - Focus is on providing services rather than determining facts surrounding incident
  - 11 states use differential response systems

# Organizational Culture

- Supportive organizational culture is critical to recruitment and retention of workforce
  - Negative culture (compliance/fear-based) is associated with turnover and less satisfactory child welfare outcomes
  - The department reports it has made efforts to empower investigators

# Federal Performance Information<sup>1</sup>

## CHILD FATALITIES

State	2012	2011	2010	2009
Texas	215	246	222	279
<b>Florida</b>	<b>179</b>	<b>133</b>	<b>180</b>	<b>156</b>
California	128	123	120	185
Illinois	108	82	73	77
New York	100	83	114	99
Georgia	71	65	77	60
Ohio	70	67	83	79
Michigan	63	75	71	58
Pennsylvania	38	37	29	40
Virginia	33	36	38	28
Tennessee	31	29	38	46
Arizona	30	34	20	30
North Carolina	24	19	17	N/A
Indiana	23	34	17	50
Washington	21	20	12	21
Missouri	20	36	31	39
New Jersey	16	22	18	24

## FIRST TIME VICTIMS

State	2012		2011		2010		2009	
	Rate	Number	Rate	Number	Rate	Number	Rate	Number
Indiana	11.5	18,250	9.4	15,068	11.6	18,694	12.5	19,877
Michigan	10.2	23,122	10.2	23,460	9.9	23,171	9.4	22,063
New York	9.9	41,977	10.4	44,714	11.3	48,767	11.3	50,184
North Carolina	8.0	18,370	7.8	17,926	7.4	16,755	7.4	16,816
Ohio	7.7	20,453	8.0	21,511	9.8	26,746	10.2	27,802
Texas	7.2	50,153	7.4	51,235	7.6	52,205	7.9	54,382
California	6.9	64,057	7.3	68,112	7.0	65,070	6.6	62,410
<b>Florida</b>	<b>6.6</b>	<b>26,506</b>	<b>6.8</b>	<b>26,982</b>	<b>6.8</b>	<b>26,994</b>	<b>6.1</b>	<b>24,860</b>
Illinois	6.6	20,348	6.2	19,151	6.3	19,363	6.5	20,508
Georgia	6.4	15,883	Not Available					
Tennessee	5.7	8,494	5.3	7,852	4.8	7,104	5.3	7,847
Arizona	5.4	8,766	4.7	7,604	3.2	5,271	1.9	3,323
New Jersey	3.6	7,310	3.3	44,714	3.6	7,459	3.6	7,324
Washington	3.0	4,694	2.9	4,640	3.0	4,720	2.8	4,473
Missouri	2.8	3,971	3.5	5,002	3.2	4,503	3.0	4,315
Pennsylvania	1.2	3,198	1.1	3,074	1.2	3,326	1.3	3,636
Virginia	Not Available							

## ABSENCE OF MALTREATMENT RECURRENCE

State	2012	2011	2010	2009
Georgia	96.7%	96.8%	97.2%	97.8%
Missouri	97.9%	96.7%	97.3%	96.1%
North Carolina	97.9%	96.7%	97.5%	97.6%
Pennsylvania	97.4%	98%	97.4%	97.4%
Tennessee	97.3%	97%	96.7%	96.8%
Virginia	97.3%	97.7%	97.6%	98%
Texas	97.1%	97.1%	97.2%	96.3%
Arizona	95.4%	95.4%	96.7%	98.5%
New Jersey	94.9%	94.8%	94.3%	94.4%
California	93.3%	93%	93.2%	93.2%
Indiana	93.2%	93.3%	93.2%	92.7%
<b>Florida</b>	<b>92.8%</b>	<b>92.8%</b>	<b>92.8%</b>	<b>93%</b>
Illinois	92.8%	93.4%	93.4%	92.9%
Washington	92.5%	94.2%	93.7%	93.7%
Ohio	92.4%	92.3%	93%	92.7%
Michigan	91.0%	91.4%	91.7%	93.3%
New York	87.6%	87.8%	87.7%	87.8%

<sup>1</sup>Information for Federal Fiscal Years

Source: Child Maltreatment 2012, published by the U.S. Department of Health and Human Services.

# Child Welfare

## Performance Indicators

- Child Fatalities
  - Florida: 179 (2012); has ranged from 133 to 180
  - Differences in how states report child deaths
- Rate of First Time Victims
  - Rate per 1,000 children (look for decrease over time)
  - Florida: 6.6/1,000 children (2012), up from 6.1 in 2009
- Absence of Maltreatment Recurrence
  - Of all children who were victims of substantiated or indicated abuse or neglect during the first six months of the reporting year, what percentage did not experience another incident of substantiated or indicated abuse or neglect within a six-month period
  - Federal Standard: 94.6%
  - Florida: 92.8% (2012); has remained relatively stable

# Questions?



*oppaga*

THE FLORIDA LEGISLATURE'S OFFICE OF PROGRAM POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY

OPPAGA supports the Florida Legislature by providing data, evaluative research, and objective analyses that assist legislative budget and policy deliberations.

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## Goal 1: Qualified Workforce

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### Background

- More than 430 child fatalities with allegations of maltreatment occurred each year between 2007 and 2012.
- The majority of these deaths involved children who were not known to DCF, but between 35 and 45 percent of the deaths involved children with prior involvement with child protective services.
- Several investigations of high profile child fatality cases with DCF involvement have pointed to workforce issues as contributing factors; these issues include inadequate safety assessments, failure to gather or consider all available information, inadequate safety planning, lack of timely or appropriate follow-up, and inadequate supervision.
- DCF provides child protection services through 6 regional offices, using approximately 1,300 investigators and 300 supervisors.
- In 6 counties, child protection is provided by the county sheriff using 387 child abuse investigators and 70 supervisors.
- Approximately 200,000 maltreatment investigations are conducted each year concerning nearly 300,000 children.
- Funding has been stable for child protective services and caseloads have dropped from 1:16 to 1:13 over the last several years; the recommended standard caseload is one investigator for every 12 cases (Child Welfare League of America).
- Beginning in 2011, the Legislature required child abuse investigators and child welfare case workers to be certified. The certification is outsourced and includes testing in child welfare and agreement to a set of ethics.
- Investigators must currently have a bachelor's degree, but not in any specified area. The current workforce has varied degrees, many not related to social work or even human services.
- DCF provides 6 weeks of initial and ongoing training (180 hours).
- The annual turnover rate for CPIs has been 32 percent, 19 percent, and 29 percent over the last 3 years. The negative impact of turnover includes increased training costs (\$6.2 m each year), inexperienced workers, and increased workload on remaining workers.
- Students earning a Bachelor's in Social Work (BSW) receive a total of 690 classroom hours in social work and 542 practice hours in a field setting.
- Florida's 16 schools of social work produce approximately 1,700 graduates each year.
- Child abuse investigators with a social work degree comprise only 12 percent of the workforce.

*Florida's ability to effectively protect children depends on recruitment and retention of qualified frontline and supervisory staff to apply critical thinking skills to issues of safety and risk for investigations, case management, and provision of other family services.*

## **Draft Recommendations**

- 1) Require all child abuse investigators and supervisors to hold a bachelor's or masters in social work (*see section 2 of draft bill language*).
- 2) Allow DCF 4 years to transition to all social workers, but beginning July 1, 2014, require all new hires to be degreed social workers (*see section 2 of draft bill language*).
- 3) Create a tuition exemption program to retain high performing current employees working as investigators or supervisors who do not have a social work degree (*see sections 3 and 6 of draft bill language*).
- 4) Create a student loan repayment program for new employees who continue working for DCF for a defined time period (*see section 4 of draft bill language*).
- 5) Allow the secretary of DCF to exempt selected employees from the social work degree requirements on a case by case basis (*see section 2 of draft bill language*).
- 6) Provide funding to reduce DCF investigators' caseloads.
- 7) Establish incentive payments for CBCs achieving workforce qualification and caseload standards.

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## Goal 2: Qualified Leadership

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### Background

- Since 1998, seven persons have served as secretary of the Department of Children and Families; secretaries are appointed by the Governor and confirmed by the Senate; appointees come from varied public and private careers.
- Between 1998 and 2014, the average length of service for a DCF secretary is 28 months.
- The statutes provide the department flexibility in overall organizational structure and establishment of regional offices.
- Chapter 20.19, F.S., establishes the organizational structure for DCF and identifies only a few required positions including the secretary, one deputy secretary, an assistant secretary for substance abuse and mental health, and a director for substance abuse and mental health.
- The current structure of the department includes three assistant secretaries, one each for administration, programs, and substance abuse and mental health.
- DCF provides child protection services directly or through contracts with sheriffs in five counties.
- Child welfare services are delivered through contracts with 19 community based care lead agencies (CBCs). CBC lead agencies provide services directly or through contracts with provider organizations.
- The department employs contract managers in both the headquarters and six regional offices.
- The regional offices are under the direction of the deputy secretary; the child welfare program is under the direction of the assistant secretary for programs whose other responsibilities include family and community services, adult protection, child care regulation, domestic violence, and homelessness.

*Recruitment and retention of qualified leaders in child welfare will not prevent every tragedy, but maintaining leaders with experience and expertise in child welfare is vital to improving Florida's record for protecting children and promoting strong families.*

### Draft Recommendations

- 1) Require appointment of an assistant secretary for child welfare who meets specific professional qualifications (*see section 1 of draft bill language*).
- 2) Authorize additional positions with specified child welfare qualifications in the headquarters and each DCF region to oversee and support the work of the child welfare system.
- 3) Require appointment of a specified number of quality assurance positions to improve oversight of child welfare including child protective services and community based care.

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## Goal 3: Research Based Policy Development and Performance Improvement

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### Background

- Policy development and system improvements occur on an ad hoc basis, often as a response to new tragedies.
- Performance monitoring is dominated by tracking of compliance with detailed policies and process indicators.
- Routine performance reports highlight short-term statistical fluctuations rather than focusing on critical areas that can drive essential improvements.
- 40 other states have established collaborative partnerships with universities to support the child welfare system to learn about, and adopt new evidence-based practices.
- Florida receives approximately \$5 million in federal funding for training and staff development; California receives \$59 million.

*The knowledge and experience of child welfare experts in Florida's universities is underutilized by the current system. State universities with schools of social work can provide research, policy analysis, performance evaluation, and leadership development.*

### Draft Recommendations

Create a partnership between the DCF and the state's universities for child welfare by establishing an institute comprised of a consortium of universities with schools of social work. Costs are to be determined, but federal child welfare funding may be available. The mission of the partnership would be to:

- 1) Advise the department and other community partners on child welfare policy and practices.
- 2) Conduct a program of research on best practices in child protection and child welfare.
- 3) Assess the performance of child protection and child welfare services based on specific outcome measures.
- 4) Evaluate the scope and effectiveness of pre-service and in-service training programs.
- 5) Provide training programs and other specialized professional support services.
- 6) Identify effective policies, best practices and innovative management methods.

*(see section 5 of draft bill language)*

1 A bill to be entitled  
2 An act relating to ; providing an effective date.

3  
4 Be It Enacted by the Legislature of the State of Florida:

5  
6  
7 Section 1. Present subsections (3) through (5) of section  
8 20.19, Florida Statutes, are redesignated as subsections (4)  
9 through (6), respectively, a new subsection (3) is added to that  
10 section, and subsection (2) and present subsection (3) of that  
11 section are amended, to read:

12 20.19 Department of Children and Families.—There is created  
13 a Department of Children and Families.

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

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

19 (b) The secretary shall appoint a deputy secretary who  
20 shall act in the absence of the secretary. The deputy secretary  
21 is directly responsible to the secretary, performs such duties  
22 as are assigned by the secretary, and serves at the pleasure of  
23 the secretary.

24 (3) ASSISTANT SECRETARIES.—

25 (a) Child Welfare.—

26 1. The secretary shall appoint an Assistant Secretary for  
27 Child Welfare to lead the department in carrying out its duties  
28 and responsibilities for child protection and child welfare. The  
29 individual appointed to this position shall serve at the

30 pleasure of the secretary

31 2. The assistant secretary must have advanced degree in  
32 social work and at least seven years' experience working in  
33 organizations delivering child protective or child welfare  
34 services.

35 (b) Substance Abuse and Mental Health.—

36 ~~(c)~~1. The secretary shall appoint an Assistant Secretary  
37 for Substance Abuse and Mental Health. The assistant secretary  
38 shall serve at the pleasure of the secretary and must have  
39 expertise in both areas of responsibility.

40 2. The secretary shall appoint a Director for Substance  
41 Abuse and Mental Health who has the requisite expertise and  
42 experience to head the state's Substance Abuse and Mental Health  
43 Program Office.

44 (4)~~(3)~~ SERVICES PROVIDED.—

45 (a) The department, through offices, shall provide services  
46 relating to:

- 47 1. Adult protection.
- 48 2. Child care regulation.
- 49 3. Child welfare.
- 50 4. Domestic violence.
- 51 5. Economic self-sufficiency.
- 52 6. Homelessness.
- 53 7. Mental health.
- 54 8. Refugees.
- 55 9. Substance abuse.

56 (b) Offices of the department may be consolidated,  
57 restructured, or rearranged by the secretary, in consultation  
58 with the Executive Office of the Governor, provided any such

59 consolidation, restructuring, or rearranging is capable of  
60 meeting functions and activities and achieving outcomes as  
61 delineated in state and federal laws, rules, and regulations.  
62 The secretary may appoint additional managers and administrators  
63 as he or she determines are necessary for the effective  
64 management of the department.

65 (c) Each fiscal year the secretary shall, in consultation  
66 with the relevant employee representatives, develop projections  
67 of the number of child abuse and neglect cases and shall include  
68 in the department's legislative budget request a specific  
69 appropriation for funds and positions for the next fiscal year  
70 in order to provide an adequate number of full-time equivalent:

71 1. Child protection investigation workers so that caseloads  
72 do not exceed the Child Welfare League Standards ~~by more than~~  
73 ~~two cases~~; and

74 2. Child protection case workers so that caseloads do not  
75 exceed the Child Welfare League Standards ~~by more than two~~  
76 ~~eases~~.

77 Section 2. Section 402.402, Florida Statutes, is created to  
78 read:

79 402.402 Child protective investigators; child protection  
80 investigations supervisors.-

81 (1) CHILD PROTECTIVE INVESTIGATION STAFF REQUIREMENTS.-

82 (a) Child protective investigators and child protective  
83 investigations supervisors employed by the department or a  
84 sheriff's office, must have a bachelor's degree or a master's  
85 degree in social work from a college or university social work  
86 program accredited by the Council on Social Work Education.

87 (b) The staffing requirements in this subsection shall be

88 phased in over a 4-year period. At the end of fiscal year 2014-  
89 2015, at least 25 percent of the department or a sheriff's child  
90 protective investigators and child protective investigations  
91 supervisors must meet the requirements of this subsection. At  
92 the end of fiscal year 2015-2016, at least 50 percent of the  
93 department or a sheriff's child protective investigators and  
94 child protective investigations supervisors must meet the  
95 requirements of this subsection. At the end of fiscal year 2016-  
96 2017, at least 75 percent of the department or a sheriff's child  
97 protective investigators and child protective investigations  
98 supervisors must meet the requirements of this subsection. At  
99 the end of fiscal year 2017-2018, 100 percent of the department  
100 or a sheriff's child protective investigators and child  
101 protective investigations supervisors must meet the requirements  
102 of this subsection.

103 (c) Child protective investigators and child protective  
104 investigations supervisors employed by the department or a  
105 sheriff's office hired on or after July 1, 2014 must have a  
106 bachelor's degree or a master's degree in social work from a  
107 college or university social work program accredited by the  
108 Council on Social Work Education.

109 (d) The secretary of the department and the sheriff may  
110 exempt individual child protective investigators and child  
111 protective investigations supervisors from the requirements in  
112 paragraph (a)-(c) on a case-by-case basis. The secretary of the  
113 department and the sheriff must specify in writing the  
114 individual employee and state the reasons that it is in the best  
115 interest of the state to be exempt from the requirements of this  
116 subsection.

117       (e) The secretary of the department shall annually report  
118 the compliance with the requirements of this subsection as well  
119 as the number and location of employees exempted from the  
120 requirements. The report is due August 1st each year.

121       (f) Child protective investigators and child protection  
122 investigations supervisors employed by the department or a  
123 sheriff's office who meet the requirements of this subsection  
124 are exempt from s. 402.40.

125       Section 3. Section 402.403, Florida Statutes, is created to  
126 read:

127       402.403 Child Protective Investigator Tuition Exemption  
128 Program.—

129       (1) There is established within the Department of Children  
130 and Families a tuition exemption program for the purpose of  
131 retaining high performing individuals who are employed as child  
132 protective investigators or child protection investigations  
133 supervisors with the department or sheriff's office and who do  
134 not have a bachelor's degree or master's degree in social work.  
135 The department or sheriff's office may exempt tuition and fees  
136 to a state university to applicants who are:

137       (2) Employed as a child protective investigator or child  
138 protection investigations supervisor by the department or  
139 sheriff's office who receive personnel evaluations indicating a  
140 high level of performance.

141       (3) Enrolled in an upper-division undergraduate or graduate  
142 level state college or state university social work program  
143 accredited by the Council on Social Work Education leading to  
144 either a bachelor's degree or a master's degree in social work.

145       Section 4. Section 402.404, Florida Statutes, is created to

146 read:

147 402.404 Child Protective Investigator Student Loan  
148 Forgiveness Program.-

149 (1) There is established within the Department of Children  
150 and Families a Florida Child Protective Investigator Student  
151 Loan Forgiveness Program. The purpose of the program is to  
152 increase employment and retention of high performing individuals  
153 who have either a bachelor's degree or a master's degree in  
154 social work as child protective investigators or child  
155 protection investigations supervisors with the department or  
156 sheriff's office by making payments toward loans received by  
157 students from federal or state programs or commercial lending  
158 institutions for the support of postsecondary study in  
159 accredited social work programs.

160 (2) In order to be eligible for the program, a candidate  
161 must be employed as a child protective investigator or child  
162 protection investigations supervisor by the department or a  
163 sheriff's office, receive a personnel evaluation indicating a  
164 high level of performance and have graduated from an accredited  
165 social work program with either a bachelor's degree or a  
166 master's degree in social work.

167 (3) Only loans to pay the costs of tuition, books, and  
168 living expenses shall be covered, up to XXXXX for each year of  
169 education toward the degree obtained.

170 (4) The Department of Children and Families may make loan  
171 payments of up to \$XXXXX a year for up to 4 years on behalf of  
172 selected graduates of an accredited social work program from the  
173 funds appropriated for this purpose. All payments shall be  
174 contingent upon continued proof of employment as a child

175 protective investigator or a child protection investigations  
176 supervisor with the department or sheriff's office and shall be  
177 made directly to the holder of the loan.

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

181 Section 5. Section 1004.615, Florida Statutes, is created  
182 to read:

183 1004.615 Florida Institute for Child Safety.-

184 (1) There is established the Florida Institute for Child  
185 Safety. The purpose of the institute is to advance the well-  
186 being of children and families by improving the performance of  
187 child protection and child welfare services through research,  
188 policy analysis, evaluation, and leadership development. The  
189 institute shall consist of a consortium of public and private  
190 universities offering degrees in social work and shall be housed  
191 within the College of Social Work of Florida State University.

192 (2) Using such resources as authorized in the General  
193 Appropriations Act, the Department of Children and Families  
194 shall contract with the institute for performance of duties  
195 described in paragraph (4).

196 (3) The institute shall work with the department, sheriffs,  
197 community based care lead agencies, community based care  
198 provider organizations, and other partners who contribute to and  
199 participate in providing child protection and child welfare  
200 services.

201 (4) The duties and responsibilities of the institute  
202 include the following:

203 (a) Maintain a program of research that contributes to

204 scientific knowledge and informs both policy and practice  
205 related to child safety, permanency, and child and family well-  
206 being.

207 (b) Advise the department and other organizations  
208 participating in the child protection and child welfare process  
209 regarding scientific evidence on policy and practice related to  
210 child safety, permanency, and child and family well-being.

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

213 (d) Evaluate the scope and effectiveness of pre-service and  
214 in-service training for child protection and child welfare  
215 workers.

216 (e) Advise and assist the department in efforts to improve  
217 pre-service and in-service training for child protection and  
218 child welfare workers.

219 (f) Assess the readiness of social work graduates to assume  
220 job responsibilities in the child protection and child welfare  
221 system and identify any gaps in education that can be addressed  
222 through modifications of curricula or establishment of industry  
223 certifications.

224 (g) Develop and maintain a program of professional support  
225 including training courses and consulting services that assist  
226 both individuals and organizations to implement adaptive and  
227 resilient responses to workplace stresses.

228 (h) Identify effective policies and best practices,  
229 including innovations in management of human service  
230 organizations and communicate these findings to the department  
231 and other organizations participating in the child protection  
232 and child welfare process.

233       (5) The institute shall be administered by a director who  
234 is appointed by the President of the Florida State University.  
235 The director's office shall be located at the Florida State  
236 University. Other universities participating in the consortium  
237 shall also provide facilities, staff, and other resources to the  
238 institute to establish statewide access to institute programs  
239 and services. The director shall be a child welfare professional  
240 and shall hold a faculty appointment in the College of Social  
241 Work. The director is responsible for overall management of the  
242 institute and for developing and executing the work plan  
243 consistent with the responsibilities in paragraph (4).

244       (6) No later than January 15 of each year, the institute  
245 shall provide a written report to the Governor, President of the  
246 Senate, Speaker of the House of Representatives, outlining its  
247 activities in the preceding year, reporting significant research  
248 findings as well as results of other programs, and providing  
249 specific recommendations for improving child protection and  
250 child welfare services.

251       Section 6. Paragraph (h) is added to subsection (1) of  
252 section 1009.25, Florida Statutes, to read:

253       1009.25 Fee exemptions.—

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

258       (h) Child protective investigators or child protection  
259 investigations supervisors employed by the Department of  
260 Children and Families or a sheriff's office who enroll in an  
261 accredited bachelor's degree or master's degree in social work

262 program pursuant to s. 402.403.

263 Section 7. Section 402.401, Florida Statutes, is repealed.

264 Section 8. Section 1004.61, Florida Statutes, is repealed.

265 Section 9. This act shall take effect July 1, 2014.

DRAFT

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

2/4/2014  
Meeting Date

Topic Child Welfare Draft Language Bill Number \_\_\_\_\_ (if applicable)  
Name Esther Jacobo Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title Secretary  
Address 1317 Winewood Blvd. Phone \_\_\_\_\_  
*Street*  
Tallahassee FL E-mail \_\_\_\_\_  
*City State Zip*

Speaking:  For  Against  Information

Representing DCF

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

Topic CHILD WELFARE LEGISLATION Bill Number \_\_\_\_\_ (if applicable)  
Name PAM GRAHAM Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title DIRECTOR OF THE BSW PROGRAM  
Address FSU COLLEGE OF SOCIAL WORK Phone (850) 644-5713  
*Street*  
TALLAHASSEE, FL 32306 E-mail pgraham@fsu.edu  
*City State Zip*

Speaking:  For  Against  Information

Representing professional social work

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)

2/4/14  
Meeting Date

Topic CHILD WELFARE DISCUSSION Bill Number \_\_\_\_\_ (if applicable)  
Name JOHN COOPER Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title CEO  
Address 1524 ACROPOLIS CIRCLE Phone 407 968-6866  
Street  
City Ocoee State FL Zip 34761  
E-mail JOHN.COOPER@KIDSCENTRAL INC.

Speaking:  For  Against  Information

Representing KIDS CENTRAL INC. / FCC

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)

2/4/14  
Meeting Date

Topic Child Welfare Bill Number \_\_\_\_\_ (if applicable)  
Name Ben Wilcox Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title \_\_\_\_\_  
Address 1712 Old Fort Ln. Phone 950-544-4448  
Street  
City Tallahassee State FL Zip 32301  
E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing The Children's Campaign

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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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)

2-4-14

Meeting Date

Topic CHILD WELFARE LEGISLATION Bill Number \_\_\_\_\_ (if applicable)  
Name JIM AKIN Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title EXECUTIVE DIRECTOR  
Address 1931 DELLWOOD DRIVE Phone 850-224-2400  
*Street*  
TALLAHASSEE, FL 32303 E-mail JIM@NASWFL.ORG  
*City State Zip*  
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.

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)

Feb 4, 2014

Meeting Date

Topic Child Welfare Bill Number Tab7 Child Welfare Legislation (if applicable)  
Name Sharon Ross-Donaldson Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title Assistant in Field, FSU College of Social Work  
Address 296 Champions Way Phone 850-644-9750  
*Street*  
Tall FL 32306 E-mail srossdonaldson@fsu.edu  
*City State Zip*  
Speaking:  For  Against  Information

Representing FSU College of Social Work

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

Tallahassee, Florida 32399-1100

COMMITTEES:  
Environmental Preservation and  
Conservation, *Chair*  
Appropriations Subcommittee on Criminal and  
Civil Justice  
Appropriations Subcommittee on General  
Government  
Children, Families, and Elder Affairs  
Criminal Justice  
Gaming  
Military Affairs, Space, and Domestic Security

SENATOR CHARLES S. DEAN, SR.  
5th District

January 31, 2014

The Honorable Eleanor Sobel  
410 Senate Office Building  
404 South Monroe St.  
Tallahassee, FL 32399-1100

Dear Chair Sobel,

The purpose of this letter is to seek your permission to be excused from the scheduled Children, Families, and Elder Affairs Committee meeting on February 4, 2014. Due to unforeseen circumstances, I will not be able to attend.

Should you have any questions concerning this matter, please do not hesitate to contact me personally.

Sincerely,

A handwritten signature in black ink that reads "Charles S. Dean".

Charles S. Dean  
State Senator District 5

cc: Claude Hendon, Staff Director  
Chris Clark, President's Office

A handwritten signature in black ink that reads "Eleanor Sobel".

REPLY TO:

- 405 Tompkins Street, Inverness, Florida 34450 (352) 860-5175
- 311 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005
- 315 SE 25th Avenue, Ocala, Florida 34471-2689 (352) 873-6513

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

DON GAETZ  
President of the Senate

GARRETT RICHTER  
President Pro Tempore

# CourtSmart Tag Report

Room: LL 37

Case:

Type:

Caption: Senate Children, Families, and Elder Affairs

Judge:

Started: 2/4/2014 10:03:16 AM

Ends: 2/4/2014 12:00:02 PM

Length: 01:56:47

10:03:19 AM Meeting Called to Order  
10:03:28 AM Roll Call  
10:03:43 AM Chair Sobel delivers opening remarks  
10:03:56 AM (Tab 2) SB 260 - Unaccompanied Youth by Sen. Latvala  
10:05:05 AM Sen. Latvala gives presentation  
10:06:45 AM Chair Sobel responds  
10:06:53 AM Melissa McKinlay, Junior Leagues of Florida  
10:08:58 AM Chair Sobel asks for questions  
10:09:05 AM Sen. Detert makes comment about treatment  
10:09:25 AM Ms. Mckinlay responds  
10:10:21 AM Sen. Detert asks question  
10:10:38 AM Chair Sobel responds  
10:10:47 AM Sen. Latvala responds with regard to payment  
10:11:20 AM Sen. Clemens asks question  
10:11:37 AM Ms. Mckinlay responds with regard to sexual assault  
10:11:56 AM Sen. Clemens responds  
10:12:01 AM Chair Sobel asks for debate  
10:12:19 AM Sen. Latvala closes on bill  
10:12:29 AM Roll call on SB 260  
10:12:49 AM SB 260 passes  
10:12:55 AM (Tab 1) SB 574 - Establishment of Mental Health First Aid Training Program  
10:13:17 AM Chair Sobel explains the bill  
10:16:30 AM Sobel amendment (barcode 277868)  
10:16:43 AM Sen. Sobel explains her amendment  
10:17:09 AM Sen. Detert asks for questions  
10:17:17 AM AM (barcode 277868) passes  
10:17:59 AM Representative Lori Berman's remarks  
10:18:23 AM Sen. Detert asks for questions  
10:18:30 AM Sen. Hays asks question about fiscal impact  
10:18:54 AM Sen. Sobel responds  
10:19:25 AM Sen. Detert makes comment  
10:19:34 AM Aimee Diaz Lyon, Florida Psychiatric Society, waives in support  
10:19:53 AM Karen Koch, Florida Council for Behavioral Healthcare, waives in support  
10:20:03 AM Brett Bacot, South Florida Behavioral Health Network, waive in support  
10:20:08 AM Carole Green, Florida Psychological Association, waives in support  
10:20:15 AM Jill Gran, Florida Alcohol and Drug Abuse Association, waive in support  
10:20:36 AM Sen. Sobel closes on bill  
10:20:53 AM Sen. Sobel moves bill as committee substitute  
10:21:01 AM Roll call on SB 574  
10:21:19 AM SB 574 passes  
10:21:29 AM Sen. Sobel turns chair to Sen. Hays  
10:21:42 AM (Tab 3) SB 358 - Volunteers for Organized Youth Sports and Recreational Programs  
10:22:07 AM J.J. Piskadlo, Senator Ring's Legislative Aide, recognized to explain the bill  
10:24:42 AM Sen. Hays asks for questions  
10:24:46 AM Sen. Clemens asks question about lines 33-40  
10:25:36 AM Mr. Piskadlo responds  
10:26:11 AM Sen. Hays asks for other questions and poses question  
10:26:59 AM Mr. Piskadlo responds  
10:27:12 AM Sen. Hays asks for further questions  
10:27:26 AM Roll call on SB 358  
10:27:47 AM SB 358 passes  
10:27:56 AM (Tab 5) SB 394 - Licensing of Facilities that offer Health and Human Services

10:28:17 AM Sen. Gibson explains bill  
10:29:26 AM Sen. Hays asks for questions  
10:29:32 AM Sen. Detert makes comment  
10:30:08 AM Sen. Hays asks for debate  
10:30:19 AM Sen. Gibson waives close  
10:30:23 AM Roll call on SB 394  
10:30:39 AM SB 394 passes  
10:30:51 AM (Tab 4) SB 370 - Public Records and Public Meetings Exemptions  
10:32:30 AM Sen. Hays asks for questions  
10:32:35 AM Sen. Detert makes comment  
10:33:07 AM Sen. Altman responds  
10:33:18 AM Sen. Hays asks for further questions and testimony  
10:33:27 AM Sen. Altman waives close  
10:33:33 AM Roll call on SB 370  
10:33:50 AM SB 370 passes  
10:33:56 AM Senator Hays - voting in the affirmative on SB's 260 and 574  
10:34:10 AM (Tab 6) Continued Presentation on Other State's Child Welfare Systems  
10:34:24 AM Mary Alice Nye, Chief Legislative Analyst (OPPAGA)  
10:35:15 AM Sen. Hays asks for clarification  
10:35:28 AM Ms. Nye continues  
10:40:22 AM Sen. Hays asks question about screened in and out calls  
10:40:37 AM Ms. Nye responds  
10:40:59 AM Sen. Hays asks follow-up question  
10:41:15 AM Ms. Nye responds and continues presentation  
10:49:50 AM Sen. Hays recognizes Sen. Detert  
10:49:56 AM Sen. Detert comments on presentation  
10:50:44 AM Ms. Nye responds  
10:51:31 AM Sen. Hays passes chair back to Sen. Sobel  
10:51:44 AM Senator Sobel - voting in the affirmative on SB's 358,370,and 394  
10:51:56 AM Ms. Nye continues presentation  
10:57:35 AM Sen. Sobel asks for questions  
10:57:42 AM Ms. Nye responds  
10:58:02 AM Sen. Sobel asks follow-up question  
10:58:06 AM Ms. Nye responds  
10:58:40 AM Sen. Sobel asks question  
10:58:45 AM Ms. Nye responds  
10:59:24 AM Sen. Sobel asks for questions  
10:59:31 AM Ms. Nye responds  
11:01:59 AM Sen. Sobel asks for clarification  
11:02:06 AM Ms. Nye responds about measure  
11:02:39 AM Sen. Sobel asks question about standards for monetary reimbursement  
11:02:57 AM Ms. Nye closes on presentation  
11:03:13 AM Sen. Sobel thanks Ms. Nye  
11:03:29 AM Sen. Grimsley - voting in the affirmative on SB's 574, 260,358,370, and 394  
11:03:56 AM (Tab 7) Workshop on Child Welfare Legislation  
11:04:20 AM Sen. Sobel explains the draft  
11:06:59 AM Esther Jacobo, DCF Interim Secretary, testimony  
11:09:24 AM Sen. Sobel introduces Ms. Graham  
11:09:40 AM Testimony by Pam Graham, Director of the BSW Program, FSU College of Social Work  
11:15:34 AM Sen. Detert makes comment about evidence  
11:17:22 AM Sen. Sobel makes follow-up comment about employee stress  
11:19:37 AM Sen. Detert makes comment about university system graduate numbers  
11:20:05 AM Sen. Sobel makes follow-up comment about concerns  
11:20:51 AM Ms. Graham responds  
11:24:51 AM Sen. Altman asks question  
11:25:06 AM Ms. Graham responds  
11:25:09 AM Sen. Altman asks follow-up question  
11:25:42 AM Ms. Graham responds  
11:26:21 AM Sen. Altman makes follow-up comments  
11:27:00 AM Ms. Graham responds  
11:27:32 AM Sen. Altman asks question about degrees  
11:28:08 AM Sen. Sobel responds

**11:28:31 AM** Claude provides clarification  
**11:28:36 AM** Claude Hendon, Staff Director, responds  
**11:29:11 AM** Sen. Detert asks question about limits  
**11:29:56 AM** Sen. Altman makes comment  
**11:31:17 AM** Ms. Graham responds  
**11:34:45 AM** Sen. Sobel asks for further questions  
**11:34:58 AM** Testimony by Jim Akin, Executive Director of Social Workers  
**11:36:19 AM** Sen. Sobel asks for questions  
**11:36:44 AM** Testimony by Sharon Ross-Donaldson, FSU College of Social Work  
**11:39:34 AM** Sen. Sobel asks for questions and introduces Mr. Cooper  
**11:40:14 AM** Testimony by John Cooper, CEO of Kids Central Inc  
**11:46:28 AM** Sen. Sobel asks question about national reports  
**11:46:49 AM** Mr. Cooper responds  
**11:46:54 AM** Sen. Sobel asks for further questions  
**11:47:11 AM** Esther Jacobo comments on statistics  
**11:49:16 AM** Sen. Sobel asks question  
**11:49:27 AM** Ms. Jacobo responds  
**11:49:47 AM** Sen. Sobel makes follow-up comment  
**11:50:09 AM** Ms. Jacobo responds  
**11:51:47 AM** Claude Hendon, Staff Director, provides clarification  
**11:52:27 AM** Ms. Jacobo responds  
**11:53:38 AM** Sen. Sobel asks question  
**11:53:41 AM** Ms. Jacobo responds  
**11:56:34 AM** Sen. Sobel thanks Ms. Jacobo  
**11:58:28 AM** Testimony by Ben Wilcox, The Children's Campaign  
**11:58:55 AM** Sen. Diaz de la Portilla - voting in the affirmative on SB's 358, 370, and 394  
**11:59:14 AM** Mr. Wilcox continues  
**11:59:52 AM** Senator Hays moves to rise