

By the Committee on Children, Families, and Elder Affairs; and  
Senator Sobel

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1                                   A bill to be entitled  
2       An act relating to child abuse and child welfare  
3       services; amending s. 20.19, F.S.; requiring the  
4       secretary of the Department of Children and Families  
5       to appoint an Assistant Secretary for Child Welfare;  
6       providing requirements for such position; amending s.  
7       402.40, F.S.; providing requirements for persons  
8       providing child welfare services; creating s. 402.402,  
9       F.S.; providing education requirements for child  
10      protective investigators and child protective  
11      investigation supervisors; providing for  
12      implementation of such requirements; providing for  
13      exemptions; requiring a report to the Governor and the  
14      Legislature by a specified date; creating s. 402.403,  
15      F.S.; establishing a tuition exemption program for  
16      child protective investigators and supervisors;  
17      providing eligibility requirements; creating s.  
18      402.404, F.S.; establishing a student loan forgiveness  
19      program for child protective investigators and  
20      supervisors; providing eligibility requirements;  
21      providing requirements for the program; creating s.  
22      827.10, F.S.; defining terms; establishing the  
23      criminal offense of unlawful abandonment of a child;  
24      providing criminal penalties; providing exceptions;  
25      creating s. 1004.615, F.S.; establishing the Florida  
26      Institute for Child Welfare; providing the purpose of  
27      the institute; requiring the department to contract  
28      with the institute for the performance of specified  
29      duties; requiring the institute to contract and work

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30 with specified entities; providing duties and  
31 responsibilities of the institute; providing for the  
32 administration of the institute; requiring a report to  
33 the Governor and the Legislature by a specified date;  
34 amending s. 1009.25, F.S.; exempting tuition and fees  
35 for specified child protective investigators and child  
36 protective investigation supervisors; repealing s.  
37 402.401, F.S., relating to the Florida Child Welfare  
38 Student Loan Forgiveness Program; repealing s.  
39 1004.61, F.S., relating to partnerships to develop  
40 child protective investigation workers; amending s.  
41 39.01, F.S.; conforming a cross-reference; providing  
42 an effective date.

43  
44 Be It Enacted by the Legislature of the State of Florida:

45  
46 Section 1. Present subsections (3) through (5) of section  
47 20.19, Florida Statutes, are redesignated as subsections (4)  
48 through (6), respectively, a new subsection (3) is added to that  
49 section, and subsection (2) of that section is amended, to read:

50 20.19 Department of Children and Families.—There is created  
51 a Department of Children and Families.

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

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

57 (b) The secretary shall appoint a deputy secretary who  
58 shall act in the absence of the secretary. The deputy secretary

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59 is directly responsible to the secretary, performs such duties  
60 as are assigned by the secretary, and serves at the pleasure of  
61 the secretary.

62 (3) ASSISTANT SECRETARIES.-

63 (a) Child Welfare.-

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

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

72 (b) Substance Abuse and Mental Health.-

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

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

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

83 402.40 Child welfare training and certification.-

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

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

105 (2) REQUIREMENTS FOR PERSONS PROVIDING CHILD WELFARE  
106 SERVICES.-Each person providing child welfare services who is  
107 employed by the department, a sheriff's office, or a community-  
108 based care lead agency or subcontractor is required to earn and  
109 maintain a professional certification from a professional  
110 credentialing entity that is approved by the department.

111 (3) ~~(2)~~ DEFINITIONS.-As used in this section, the term:

112 (a) "Child welfare certification" means a professional  
113 credential awarded by a department-approved third-party  
114 credentialing entity to individuals demonstrating core  
115 competency in any child welfare practice area.

116 (b) "Child welfare services" means any intake, protective

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117 investigations, preprotective services, protective services,  
118 foster care, shelter and group care, and adoption and related  
119 services program, including supportive services and supervision  
120 provided to children who are alleged to have been abused,  
121 abandoned, or neglected or who are at risk of becoming, are  
122 alleged to be, or have been found dependent pursuant to chapter  
123 39.

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

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

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

133 (f) "Third-party credentialing entity" means a department-  
134 approved nonprofit organization that has met nationally  
135 recognized standards for developing and administering  
136 professional certification programs.

137 (4)~~(3)~~ THIRD-PARTY CREDENTIALING ENTITIES.—The department  
138 shall approve one or more third-party credentialing entities for  
139 the purpose of developing and administering child welfare  
140 certification programs for persons who provide child welfare  
141 services. A third-party credentialing entity shall request such  
142 approval in writing from the department. In order to obtain  
143 approval, the third-party credentialing entity must:

144 (a) Establish professional requirements and standards that  
145 applicants must achieve in order to obtain a child welfare

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146 certification and to maintain such certification.

147 (b) Develop and apply core competencies and examination  
148 instruments according to nationally recognized certification and  
149 psychometric standards.

150 (c) Maintain a professional code of ethics and a  
151 disciplinary process that apply to all persons holding child  
152 welfare certification.

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

156 (e) Require annual continuing education for persons holding  
157 child welfare certification.

158 (f) Administer a continuing education provider program to  
159 ensure that only qualified providers offer continuing education  
160 opportunities for certificateholders.

161 (5)~~(4)~~ CHILD WELFARE TRAINING TRUST FUND.—

162 (a) There is created within the State Treasury a Child  
163 Welfare Training Trust Fund to be used by the department ~~of~~  
164 ~~Children and Family Services~~ for the purpose of funding the  
165 professional development of persons providing child welfare  
166 services.

167 (b) One dollar from every noncriminal traffic infraction  
168 collected pursuant to s. 318.14(10) (b) or s. 318.18 shall be  
169 deposited into the Child Welfare Training Trust Fund.

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

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

178 (6)~~(5)~~ CORE COMPETENCIES.—

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

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

193 (c) Community-based care agencies, sheriffs' offices, and  
194 the department may contract for the delivery of preservice and  
195 any additional training for persons delivering child welfare  
196 services if the curriculum satisfies the department-approved  
197 core competencies.

198 (d) Department-approved credentialing entities shall, for a  
199 period of at least 12 months after implementation of the third-  
200 party child welfare certification programs, grant reciprocity  
201 and award a child welfare certification to individuals who hold  
202 current department-issued child welfare certification in good  
203 standing, at no cost to the department or the certificateholder.

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204        ~~(7)~~ ~~(6)~~ ADOPTION OF RULES.—The department ~~of Children and~~  
205 ~~Family Services~~ shall adopt rules ~~necessary~~ to administer ~~carry~~  
206 ~~out the provisions of~~ this section.

207        Section 3. Section 402.402, Florida Statutes, is created to  
208 read:

209        402.402 Child protective investigators; child protective  
210 investigation supervisors.—

211        (1) CHILD PROTECTIVE INVESTIGATION STAFF REQUIREMENTS.—

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

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

222        (2) REPORT.—By October 1, 2014, and annually thereafter,  
223 the secretary of the department shall report to the Governor,  
224 the President of the Senate, and the Speaker of the House of  
225 Representatives on compliance with the requirements of  
226 subsection (1). A sheriff who provides child protection services  
227 shall report to the secretary of the department information  
228 regarding the progress of his or her office in meeting the  
229 requirements of subsection (1).

230        Section 4. Section 402.403, Florida Statutes, is created to  
231 read:

232        402.403 Child Protective Investigator and Supervisor

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233 Tuition Exemption Program.—

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

243 (a) Employed as a child protective investigator or child  
244 protective investigation supervisor by the department or  
245 sheriff's office and who receives personnel evaluations  
246 indicating a high level of performance; and

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

251 (2) To the greatest extent possible, the college or  
252 university social work program shall consider the training  
253 completed and experience of the child protective investigator or  
254 child protective investigation supervisor in granting credit  
255 towards the degree.

256 Section 5. Section 402.404, Florida Statutes, is created to  
257 read:

258 402.404 Child Protective Investigator and Supervisor  
259 Student Loan Forgiveness Program.—

260 (1) There is established within the department the Florida  
261 Child Protective Investigator and Supervisor Student Loan

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262 Forgiveness Program. The purpose of the program is to increase  
263 employment and retention of high-performing individuals who have  
264 either a bachelor's degree or a master's degree in social work  
265 as child protective investigators or child protective  
266 investigation supervisors with the department or sheriff's  
267 office by making payments toward loans received by students from  
268 federal or state programs or commercial lending institutions for  
269 the support of prior postsecondary study in accredited social  
270 work programs.

271 (2) In order to be eligible for the program, a candidate  
272 must be employed as a child protective investigator or child  
273 protective investigation supervisor by the department or a  
274 sheriff's office, must receive a personnel evaluation indicating  
275 a high level of performance, and must have graduated from an  
276 accredited social work program with either a bachelor's degree  
277 or a master's degree in social work.

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

280 (4) The department may make loan payments of up to \$3,000  
281 each year for up to 4 years on behalf of selected graduates of  
282 an accredited social work program from the funds appropriated  
283 for this purpose. All payments are contingent upon continued  
284 proof of employment as a child protective investigator or a  
285 child protective investigation supervisor with the department or  
286 sheriff's office and made directly to the holder of the loan.

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

290 Section 6. Section 827.10, Florida Statutes, is created to

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291 read:

292 827.10 Unlawful abandonment of a child.-

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

294 (a) "Abandons" or "abandonment" means to leave a child in a  
295 place or with a person other than a relative with the intent not  
296 to return to the child and with the intent not to provide for  
297 the care of the child.

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

303 (c) "Caregiver" has the same meaning as provided in s.  
304 39.01(10).

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

307 (e) "Relative" has the same meaning as provided in s.  
308 39.01(64).

309 (2) A caregiver who abandons a child under circumstances in  
310 which the caregiver knew or should have known that the  
311 abandonment exposes the child to unreasonable risk of harm  
312 commits a felony of the third degree, punishable as provided in  
313 s. 775.082, s. 775.083, or s. 775.084.

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

316 (4) This section does not preclude prosecution for a  
317 criminal act under any other law, including, but not limited to,  
318 prosecution of child abuse or neglect of a child under s.  
319 827.03.

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320 Section 7. Section 1004.615, Florida Statutes, is created  
321 to read:

322 1004.615 Florida Institute for Child Welfare.-

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

332 (2) Using such resources as authorized in the General  
333 Appropriations Act, the Department of Children and Families  
334 shall contract with the institute for performance of the duties  
335 described in subsection (4).

336 (3) The institute shall work with the department, sheriffs,  
337 community-based care lead agencies, community-based care  
338 provider organizations, and other partners who contribute to and  
339 participate in providing child protection and child welfare  
340 services.

341 (4) The duties and responsibilities of the institute  
342 include the following:

343 (a) Maintain a program of research that contributes to  
344 scientific knowledge and informs both policy and practice  
345 related to child safety, permanency, and child and family well-  
346 being.

347 (b) Advise the department and other organizations  
348 participating in the child protection and child welfare process

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349 regarding scientific evidence on policy and practice related to  
350 child safety, permanency, and child and family well-being.

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

353 (d) Evaluate the scope and effectiveness of preservice and  
354 inservice training for child protection and child welfare  
355 workers.

356 (e) Advise and assist the department in efforts to improve  
357 preservice and inservice training for child protection and child  
358 welfare workers.

359 (f) Assess the readiness of social work graduates to assume  
360 job responsibilities in the child protection and child welfare  
361 system and identify gaps in education that can be addressed  
362 through the modification of curricula or the establishment of  
363 industry certifications.

364 (g) Develop and maintain a program of professional support,  
365 including training to facilitate internships and transitions to  
366 the workforce and training courses and consulting services that  
367 assist both individuals and organizations in implementing  
368 adaptive and resilient responses to workplace stress.

369 (h) Participate in the department's critical incident  
370 response team and assist in the preparation of reports about  
371 such incidents.

372 (i) Identify effective policies and best practices,  
373 including innovations in management of human service  
374 organizations and communicate these findings to the department  
375 and other organizations participating in the child protection  
376 and child welfare process.

377 (5) The institute shall be administered by a director who

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

388 (6) By October 1 of each year, the institute shall provide  
389 a written report to the Governor, the President of the Senate,  
390 and the Speaker of the House of Representatives which outlines  
391 its activities in the preceding state fiscal year, reports  
392 significant research findings as well as results of other  
393 programs, and provides specific recommendations for improving  
394 child protection and child welfare services.

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

397 1009.25 Fee exemptions.—

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

402 (h) A child protective investigator or a child protective  
403 investigation supervisor employed by the Department of Children  
404 and Families or a sheriff's office who is enrolled in an  
405 accredited bachelor's degree or master's degree in social work  
406 program pursuant to s. 402.403.

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407           Section 9. Section 402.401, Florida Statutes, is repealed.  
408           Section 10. Section 1004.61, Florida Statutes, is repealed.  
409           Section 11. Subsection (27) of section 39.01, Florida  
410 Statutes, is amended to read:  
411           39.01 Definitions.—When used in this chapter, unless the  
412 context otherwise requires:  
413           (27) “District administrator” means the chief operating  
414 officer of each service district of the department as defined in  
415 s. 20.19~~(5)~~ and, where appropriate, includes any district  
416 administrator whose service district falls within the boundaries  
417 of a judicial circuit.  
418           Section 12. This act shall take effect July 1, 2014.