

Committee on Children, Families, and Elder Affairs

CS/HB 7 — Public Records/Claim Settlement on Behalf of Minor or Ward

by Government Operations Subcommittee and Reps. Passidomo and J. Rodriguez (CS/CS/SB 360 by Governmental Oversight and Accountability Committee; Children, Families, and Elder Affairs Committee; and Senator Stargel)

The bill creates an exemption from public records requirements relating to the legal settlement of a claim on behalf of a ward or minor. The purpose of this exemption is to protect the minor from financial exploitation by keeping the terms of a financial settlement confidential. Any document associated with the settlement is confidential and exempt from the public records provisions of s. 119.07(1), F.S., and Article I, section 24(a) of the Florida Constitution. The court may order partial or full disclosure of the confidential and exempt record to specified individuals upon a showing of good cause.

The bill provides a statement of public necessity as required by the State Constitution. Because the bill creates a new public records exemption, it required a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

If approved by the Governor, these provisions take effect July 1, 2015.

Vote: Senate 38-0; House 113-0

Committee on Children, Families, and Elder Affairs

CS/CS/HB 21 — Substance Abuse Services

by Health and Human Services Committee; Children, Families and Seniors Subcommittee; and Reps. Hager, Harrell, and others (CS/CS/SB 326 by Appropriations Committee; Children, Families, and Elder Affairs Committee; and Senators Clemens and Sachs)

The bill establishes a process for the voluntary certification of recovery residences and recovery residence administrators. Recovery residences, also called sober homes, provide a living environment free from substance abuse to assist in recovery from addiction.

The Department of Children and Families (DCF) is required to approve at least one credentialing entity by December 1, 2015, for the development and administration of the certification programs.

The credentialing entity or entities must establish procedures for the certification of recovery residences and recovery residence administrators. The bill also provides for application, examination and certification fees for the recovery residence administrator.

The DCF is required to publish a list of all certified recovery residences and recovery residence administrators on its website but the bill allows for a recovery residence or recovery residence administrator to be excluded from the list under certain circumstances.

If approved by the Governor, these provisions take effect July 1, 2015.

Vote: Senate 39-0; House 113-2

Committee on Children, Families, and Elder Affairs

CS/HB 79 — Crisis Stabilization Services

by Health Care Appropriations Subcommittee and Rep. Cummings and others (CS/SB 340 by Appropriations Committee and Senators Grimsley and Sobel)

The bill directs the Department of Children and Families (DCF) to develop, implement, and maintain a data system whereby behavioral health managing entities collect utilization data from psychiatric public receiving facilities. These facilities operate under DCF designation as crisis stabilization units where emergency mental health care is provided. State mental health funding pays for space in receiving facilities to care for the indigent. Managing entities must comply with the bill's requirements for data collection by August 1, 2015.

The bill requires managing entities to collect utilization data in real time or at least daily. This includes the number of indigent patients admitted, the census for the facility, and the number of beds purchased for indigent care. The managing entities must reconcile the data from receiving facilities after submission to ensure accuracy. Managing entities then must submit the utilization data to the DCF monthly. The DCF must create a statewide database to maintain and analyze the payments and the use of state-funded crisis stabilization services at public receiving facilities. The data must also be analyzed statewide to better understand the use and costs at public receiving facilities.

The DCF must adopt rules and submit an annual report beginning January 31, 2016, to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the implementation of the database and the analysis of the data.

For the 2015-2016 fiscal year, the bill appropriates \$175,000 in nonrecurring funds from the Alcohol, Drug Abuse, and Mental Health Trust Fund to the DCF to implement the bill.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 114-0

Committee on Children, Families, and Elder Affairs

CS/CS/HB 437 — Guardians for Dependent Children who are Developmentally Disabled or Incapacitated

by Civil Justice Subcommittee; Children, Families and Seniors Subcommittee; and Rep. Adkins and others (CS/CS/CS/SB 496 by Appropriations Committee; Judiciary Committee; Children, Families, and Elder Affairs Committee; and Senator Detert)

The bill creates “The Regis Little Act to Protect Children with Special Needs.” This Act establishes a process to identify guardians and guardian advocates for foster children with developmental disabilities or incapacity and are in need of guardianship beyond their 18th birthday. The bill requires the Department of Children and Families (DCF) to create updated case plans developed in face-to-face conferences with a child and other specified persons, when appropriate. When the dependency court determines the child may have a developmental disability or incapacity, DCF is required to complete a multidisciplinary report, identify one or more individuals who are willing to serve as guardian advocate or as a plenary or limited guardian and initiate such proceedings within 180 days of the child’s 17th birthday.

The bill authorizes the guardianship court to initiate proceedings for the minor and provide all due process rights conferred upon an adult. It also allows the child’s parents to be considered as natural guardians unless the guardianship court determines it is not in the child’s best interest or the parents’ rights have been terminated.

If approved by the Governor, these provisions take effect July 1, 2015.

Vote: Senate 40-0; House 115-0

Committee on Children, Families, and Elder Affairs

CS/SB 682 — Transitional Living Facilities

by Appropriations Committee and Senator Grimsley

The bill revises regulations for transitional living facilities (TLFs). The purpose of these facilities is to provide rehabilitative care in a small residential setting for persons with traumatic brain or spinal cord injuries. Such individuals need significant care and services to regain their independence.

TLFs are regulated by the Agency for Health Care Administration. The bill provides admission criteria, requires client evaluations and treatment plans. The bill establishes rights for residents of TLFs, screening requirements for facility employees, and penalties for violations. The regulation of TLFs is funded through existing fees and fines.

If approved by the Governor, these provisions take effect July 1, 2015.

Vote: Senate 40-0; House 117-0

Committee on Children, Families, and Elder Affairs

CS/CS/HB 1055 — Child Protection

by Health and Human Services Committee; Children, Families and Seniors Subcommittee; and Rep. Harrell and others (CS/CS/SB 760 by Fiscal Policy Committee; Health Policy Committee; and Senators Bradley and Sobel)

The bill requires the Statewide Medical Director for Child Protection to be a physician licensed under chs. 458 or 459, F.S., who is board certified in pediatrics with a subspecialty certification in child abuse from the American Board of Pediatrics.

The bill requires each district medical director to be a physician licensed under chs. 458 or 459, F.S. The bill also requires a district medical director to be either board certified in pediatrics with a subspecialty certification in child abuse from the American Board of Pediatrics or hold a credential from a third-party entity within 4 years from the date of employment or, if currently employed, within 4 years of July 1, 2015.

The bill requires all medical personnel participating on a child protection team to successfully complete the required child protection team training curriculum.

The bill also provides that a critical incident rapid response team (CIRRT) must include a child protection team medical director. A CIRRT is a multiagency team required to conduct an immediate investigation of child deaths or other serious incidents involving children in the child welfare system. The purpose of the investigation is to identify root causes of the death or other incident and rapidly determine the need to change policies and practices related to child protection and child welfare.

The bill allows physicians with expert witness certificates under ss. 458.3175(2) and 459.0066, F.S., to provide expert testimony in criminal child abuse and neglect cases

Subject to a specific appropriation, the Department of Health must approve one or more third-party credentialing entities for the purpose of developing and administering a professional credentialing program for medical directors.

If approved by the Governor, these provisions take effect July 1, 2015.

Vote: Senate 39-0; House 113-1

Committee on Children, Families, and Elder Affairs

CS/HB 7013 — Adoption and Foster Care

by Health Care Appropriations Subcommittee; Health and Human Services Committee; and Rep. Brodeur (CS/SB 320 by Fiscal Policy Committee; and Senators Gaetz, Clemens, and Sobel)

The bill makes changes to current law to increase the number of adoptions of children from foster care. The bill creates a program to award incentive payments to community-based care lead agencies (CBCs) and their subcontractors for achieving specified adoption performance standards.

The bill also re-creates a program to provide an additional adoption benefit of either \$5,000 or \$10,000, depending on whether the adopted child has special needs as defined in statute, to employees of state agencies, state universities, community colleges, and school districts who adopt a child from the child welfare system. The benefit is available for adoptions finalized on or after July 1, 2015.

The bill requires the Department of Children and Families to prioritize the educational stability of foster children and include homeschooling as one of several educational options.

The bill requires that, 1 year after a child's adoption is finalized, the community-based care lead agency make a reasonable effort to contact the family as a post-adoption service. The agency is required to document factors related to the follow up.

The bill requires the Governor to select and recognize one or more individuals, families, or entities that have made significant contributions to the adoption of children from foster care each year. Recognition awards will be paid by the direct support organization of the Office of Adoption and Child Protection.

The bill also requires child-placing agencies conducting intercountry adoption to maintain certain records and comply with federal requirements regarding the Hague Convention, an international agreement to establish safeguards to ensure that intercountry adoptions take place in the best interests of the child.

The fiscal impact of the bill is contingent upon funding being available for the incentive payments to CBCs and the adoption benefit program for qualifying employees of state agencies who adopt a child from the child welfare system.

If approved by the Governor, these provisions take effect July 1, 2015.

Vote: Senate 27-11; House 68-50

Committee on Children, Families, and Elder Affairs

CS/SB 7018 — State Ombudsman Program

by Appropriations Committee and Children, Families, and Elder Affairs Committee

The bill revises the operating structure and internal procedures of the State Long-Term Care Ombudsman Program housed in the Department of Elder Affairs (DOEA), to reflect current practices, maximize operational and program efficiencies, and conform to the federal Older Americans Act.

The application, background screening, and training requirements necessary to become a certified ombudsman are clarified. The bill adds electronic communication as a way for a resident to file a complaint with the ombudsman program and clarifies notification requirements between facilities, residents and residents' families.

The bill revises the appointment process for three at-large positions to the State Long-Term Care Council whereby the appointments are no longer made by the Governor but by the Secretary of the DOEA. This change conforms Florida law to the requirements under the Older Americans Act.

If approved by the Governor, these provisions take effect July 1, 2015.

Vote: Senate 40-0; House 117-0

Committee on Children, Families, and Elder Affairs

CS/SB 7078 — Child Welfare

by Fiscal Policy Committee and Children, Families, and Elder Affairs Committee

The bill makes changes to a number of provisions related to the child welfare system.

The bill clarifies the roles of the state and local review committees within the Child Abuse Death Review (CADR) process and imposes specific reporting requirements to address the increased volume of cases reviewed. Pursuant to state and federal law, child abuse and neglect deaths are reviewed to seek ways to reduce or eliminate such deaths. The bill also provides that directors of county health departments appoint members to the local child abuse death review committees and specifies membership of those committees.

The bill authorizes the Secretary of Department of Children and Families (DCF) to deploy a critical incident rapid response team (CIRRT) in response to child deaths in addition to those with verified abuse and neglect during the last 12 months. A CIRRT is a multiagency team that conducts an immediate investigation of child deaths or other serious incidents involving children in the child welfare system to identify root causes of the death or other incident and rapidly determine the need to change policies and practices related to child protection and child welfare. The bill also requires more frequent reviews and reports by the CIRRT advisory committee.

The bill provides that multi-agency staffings currently required to be convened in cases of alleged medical neglect, shall only be convened if medical neglect is substantiated by the child protection team.

The bill requires personnel of specified membership organizations to meet state and national background screening requirements through the DCF and adds personnel of those membership organizations to the definition of the term “child care personnel” for screening purposes.

The bill removes a category of counties that have independent special taxing districts created to provide funding for children’s services from the requirement to submit the question of retention or dissolution of the district to the electorate in a general election.

The bill allows specialty Medicaid plans to continue to serve children in custody of the DCF as long as those children remain in care or are in a subsidized adoption and continue to be Medicaid eligible. Young adults remaining in extended foster care are included.

The bill requires public, private and charter schools that accept scholarship students in the

John M. McKay Scholarships for Students with Disabilities Program or the Florida Tax Credit Scholarship Program to post information related to child abuse reporting. The bill also specifies the information to be included on the poster and designates where the poster is to be placed.

If approved by the Governor, these provisions take effect July 1, 2015.

Vote: Senate 38-0; House 116-1