

Committee on Children, Families, and Elder Affairs

CS/CS/CS/SB 268 — Public Records/Public Guardians/Employees with Fiduciary Responsibility

by Rules Committee; Governmental Oversight and Accountability Committee; Children, Families, and Elder Affairs Committee; and Senator Passidomo

CS/CS/CS/SB 268 creates a public records exemption for identifying and location information of current and former public guardians, employees with fiduciary responsibility, and their spouses and children.

The required public necessity statement of the bill provides as justification for the exemption that the release of this information may and has placed current and former public guardians, employees with fiduciary responsibility, and the families of these individuals in danger of physical and emotional harm from disgruntled individuals, including wards of the guardian or their family members.

The exemption will be repealed on October 2, 2023, pursuant to the Open Government Sunset Review Act, unless the Legislature reviews and reenacts the exemption before that date.

If these provisions are approved by the Governor they will take effect July 1, 2018.

Vote: Senate 38-0; House 113-0

Committee on Children, Families, and Elder Affairs

HB 281 — Incarcerated Parents

by Rep. Williams and Daniels and others (CS/SB 522 by Rules Committee; and Senator Bean)

HB 281 (Chapter 2018-45, L.O.F.) requires that the Department of Children and Families (DCF) include incarcerated parents of dependent children in the case planning process. Case planning is required by law when a child is removed from his or her home due to abuse or neglect. Based on input from all parties, DCF and the community based care lead agency prepare a written document called a case plan for each child dependency case. Community based care agencies are regional, private entities that provide or contract for child welfare services for dependent children. The case planning process determines the ultimate goal for the child's permanent living arrangement, known as the permanency goal, and the steps the parents must take such as completing certain tasks or receiving certain services. These tasks must be completed by a certain date to achieve the child's permanency goal. When a parent is incarcerated, completing the case plan is more difficult.

The bill intends to improve the ability of incarcerated parents to complete case plans by requiring DCF to:

- Consider any limitations posed by the correctional facility where the parent is incarcerated when developing case plans;
- Determine what services and resources may be available to incarcerated parents and, if reunification with a child is the goal, proactively assist the parent in arranging for services from within jail or prison. If reunification is not the goal, DCF must still include a list of services available from the jail or prison in the case plan; and
- Amend existing case plans when a parent is incarcerated or released from confinement.

The incarcerated parent is responsible for complying with the case plan as well as meeting the requirements of his or her correctional facility.

These provisions were approved by the Governor and take effect July 1, 2018.

Vote: Senate 36-0; House 112-0

Committee on Children, Families, and Elder Affairs

CS/HB 417 — Pub. Rec./Child Advocacy Center Personnel and Child Protection Team Members

by Oversight, Transparency and Administration Subcommittee; and Rep. Jenne (CS/SB 1212 by Children, Families, and Elder Affairs; and Senator Book and Rader)

/HB 417 exempts the home addresses, telephone numbers, dates of birth, and photographs of current and former employees and their family members of a child advocacy center from public records requirements. Child advocacy centers are community-based, child-focused facilities where children alleged to be victims of abuse or neglect are interviewed, receive medical exams, therapy, and other critical services in a child friendly environment. A variety of professionals assist in the investigation, treatment, and prosecution of child abuse cases.

The bill also exempts the personal information of current or former child protection team members and their family members from public records requirements. A child protection team is a local medical multidisciplinary group that works with the Department of Children and Families and some sheriff's offices in cases of physical abuse or neglect or sexual abuse of a child. The teams provide expertise in evaluating alleged child abuse and neglect, assessing risk and protective factors, and providing recommendations for interventions to protect children. The bill also exempts names of spouses and children, as well as places of employment and the names and locations of schools and day care facilities attended by children of these personnel.

The bill includes a constitutionally required public necessity statement. The exemption will be repealed on October 2, 2023, pursuant to the Open Government Sunset Review Act unless it is reenacted.

If approved by the Governor, these provisions take effect July 1, 2018.

Vote: Senate 36-0; House 114-0

THE FLORIDA SENATE
2018 SUMMARY OF LEGISLATION PASSED

Committee on Children, Families, and Elder Affairs

HB 449 — Children’s Initiatives

by Rep. Stafford and others(SB 720 by Senator Young and Campbell)

HB 449 creates the Sulphur Springs Neighborhood of Promise Zone in Tampa and the Overtown Children and Youth Coalition in Miami as state recognized children’s initiatives.

Children's initiatives are modeled after the nationally known Harlem Children's Zone. They are limited geographic areas with severely disadvantaged physical and social infrastructure, such as high crime, low educational outcomes, or poor housing. These factors result in fewer opportunities for successful child development.

Children’s initiatives aim to create a community-based service network that develops, coordinates, and provides quality education, accessible health care, youth development programs, opportunities for employment, and safe and affordable housing for children and families.

The Ounce of Prevention Fund of Florida reviews and designates requests from local governments for neighborhoods to be recognized as children’s initiatives under s. 409.147, F.S. The Ounce of Prevention Fund has designated five initiatives in Florida, including both the Tampa and Overtown initiatives.

The bill provides that the initiatives are 10-year efforts and are designed to serve an area large enough to include all necessary components of community life, but small enough to reach every member of the neighborhood who wishes to participate.

If approved by the Governor, these provisions take effect July 1, 2018.

Vote: Senate 36-0; House 112-0

Committee on Children, Families, and Elder Affairs

SB 498 — Office of Public and Professional Guardians Direct-Support Organization

by Senator Garcia

SB 498 removes the scheduled repeal date of the law authorizing the Foundation for Indigent Guardianship, Inc. The foundation serves as a direct-support organization for the Office of Public and Professional Guardians. That office within the Department of Elder Affairs regulates professional guardians with certain disciplinary and enforcement powers. The office is required to review and, if determined legally sufficient, investigate any complaint that a professional guardian has violated the standards of practice established by the office.

In 2006, the foundation founded The Florida Public Guardianship Pooled Special Needs Trust with the sole purpose of helping people with disabilities qualify for or maintain means-tested public benefits, such as Medicaid, Supplemental Security Income, food assistance, and public housing while potentially benefitting Florida's statewide public guardianship program. Since that date, the foundation has distributed over \$1,000,000 to public guardianship programs.

The foundation also provides complimentary educational opportunities for the staff of public guardianship programs as well as other educational projects. These efforts are designed to raise awareness and educate the public about the needs of public guardians and those they serve and to assist the livelihood and general welfare of Florida-resident elders in need of a public guardian, as well as those persons with cognitive impairments who are indigent and have no family or friends to care for their needs.

If these provisions are approved by the Governor they will take effect July 1, 2018.

Vote: Senate 35-0; House 112-1

Committee on Children, Families, and Elder Affairs

CS/CS/CS/HB 1059 — Exploitation of a Vulnerable Adult

by Judiciary Committee, Children, Families, and Seniors Subcommittee, Civil Justice and Claims Subcommittee, and Rep. Burton and others (SB 1562 by Senator Passidomo and Young)

CS/CS/CS/HB 1059 creates a civil cause of action for an injunction to prohibit a person from exploiting a vulnerable adult. The bill allows courts to grant a temporary injunction if the following conditions are met:

- The vulnerable adult is a victim of exploitation or the court believes that the vulnerable adult is in imminent danger of becoming a victim of exploitation;
- There is a likelihood of irreparable harm and there is not an adequate remedy in law;
- There is a substantial likelihood of success, based on the merits of the case;
- The threatened injury to the vulnerable adult outweighs possible harm to the respondent; and
- Granting of a temporary injunction will not harm the public interest.

The bill also creates standards for the court to follow when issuing an injunction, identifies individuals who may petition the court for an injunction, provides for a choice of venue specifying where the petition may be filed, and provides a procedural framework for the parties and court.

The bill provides several remedies for vulnerable adults following the issuance of an injunction. These include awarding to the vulnerable adult the temporary exclusive use and possession of any dwelling that the vulnerable adult and the respondent share, or barring the respondent from the residence of the vulnerable adult, and freezing the assets of both the vulnerable adult and an individual accused of exploiting them. The bill also imposes criminal penalties for violating an injunction.

If these provisions are approved by the Governor, they will take effect July 1, 2018.

Vote: Senate 35-0; House 113-0

Committee on Children, Families, and Elder Affairs

CS/CS/HB 1079 — Child Welfare

by Health and Human Services Committee; Children, Families and Seniors Subcommittee; and Rep. Burton (CS/CS/SB 1360 by Appropriations Committee; Children, Families, and Elder Affairs Committee; and Senator Broxson)

CS/CS/HB 1079 makes a number of changes designed to improve the child welfare system.

When a household is under investigation for child abuse, the bill allows the Department of Children and Families to add to that investigation any child born into the home if the department determines that the family cannot safely care for the other children in the home.

The bill gives flexibility to the Department of Children and Families for fingerprinting a person with a significant disability in a household being considered as a prospective placement for a child in out-of-home care. In such cases, the department does not have to fingerprint the household member to conduct a national check of criminal history, but must still complete a level 1 background screening for state criminal history.

The bill requires parents involved in a dependency case to provide current contact information. The court must consider how well the parent has completed the case plan and how often the parent visits the child in dependency proceedings.

The bill establishes the Guardianship Assistance Program within the Department of Children and Families as an option for relatives and non-relative caregivers. The new program is to be available July 1, 2019 and is in addition to the existing relative caregiver program and licensure as a foster home. Caregivers under the Guardianship Assistance Program must be licensed by the state and will receive higher monthly payments than the relative caregiver program, but less than foster care payments. The department may waive certain licensing requirements for families in the Guardianship Assistance Program. The bill provides definitions, specifies eligibility criteria that must be met to receive payments, provides for a \$4,000 annual payment, and specifies criteria that must be met for a young adult to continue receiving assistance to the age of 21. Unlike young adults in other licensed care, the bill does not provide postsecondary benefits such as per diem payments when attending school, for those in the Guardianship Assistance Program.

The bill adds two federal Child Care and Development Block Grant Act requirements relating to background screening requirements for child care personnel. Child care licensing and employee background rescreening requirements are administered by the Department of Children and Families. The change will require the department to use out-of-state criminal history records results for the past five years and adds drug offenses to the list of disqualifying offenses in Chapter 893 for child care personnel. The bill amends child care licensing statutes to require child care providers to give parents information on the dangers of leaving a child unattended in a vehicle. Child care providers must also post this information in their facilities.

Effective January, 1, 2019, the bill extends adoption assistance payments to families for children who are older than 18 but less than age 21. Such payments are funded by federal sources to encourage the adoption of children from the child welfare system. In order for the family to receive the payments, the young adult must be working or enrolled in school, unless they are unable to participate in these activities due to a disability.

Residential treatment facilities such as crisis stabilization units, residential treatment facilities, and residential treatment centers for children and adolescents or hospitals who care for a child victim of commercial sex exploitation, must meet certain requirements set for safe houses or safe foster homes. The bill eliminates the requirement that residential treatment facilities or hospitals separate child victims of commercial sexual exploitation from children with other needs. In addition, such facilities will no longer need meet the requirement for awake staff members on duty 24 hours a day. Other licensing requirements regarding awake staff would still apply.

The bill revises the allocation formula used to distribute additional funding to community-based care lead agencies. The changes will increase the weight given to the provision of family support services and the workload from the child abuse hotline. The weight of the number of children in out-of-home care, in-home care, and the portion of children in care is reduced. The amount allocated to all community-based care lead agencies is increased while the amount to address funding inequities is decreased.

Finally, the bill directs the Legislature's Division of Law Revision and Information to prepare a reviser's bill for the 2019 session to capitalize each word of the term "child protection team" in the Florida Statutes.

If these provisions are approved by the Governor they will take effect July 1, 2018.

Vote: Senate 37-0; House 114-0

Committee on Children, Families, and Elder Affairs

CS/CS/HB 1373 — Medication Administration

by Health and Human Services Committee; Children, Families and Seniors Subcommittee; and Rep. Stevenson (CS/CS/SB 1788 by Appropriation Committee; Children, Families, and Elder Affairs Committee; and Senator Passidomo)

CS/CS/HB 1373 revises requirements for caregivers who do not hold a professional medical license and administer or assist with the administration of prescription medications to persons with developmental disabilities in residential facilities licensed by the Agency for Persons with Disabilities.

The bill expands the minimum number of hours for an initial training course that unlicensed caregivers must complete to assist with the administration and/or supervision of medication to no less than 6 hours, instead of no less than 4 hours. The bill requires unlicensed caregivers to demonstrate competency in the administration of medication, with specific competency assessment and validation requirements that vary based on the way the medication is administered, and requires all direct service providers to complete a 2-hour annual course in medication administration and error prevention.

If approved by the Governor, these provisions take effect July 1, 2018.

Vote: Senate 37-0; House 112-0

Committee on Children, Families, and Elder Affairs

CS/CS/HB 1435 — Child Welfare

by Health Care Appropriations Subcommittee; Children, Families and Seniors Subcommittee; and Rep. Perez and others (CS/CS/SB 590 by Appropriations Committee; Children, Families, and Elder Affairs Committee; and Senator Garcia and Campbell)

CS/CS/HB 1435 makes a number of changes designed to improve the use and support of relative and nonrelative caregivers for children removed from their homes due to abuse or neglect.

Subject to available resources, the bill authorizes the Department of Children and Families, certain county sheriff's offices, and community based care lead agencies to establish family finding programs. In some areas of the state, child abuse investigations are conducted by the sheriff. Family finding programs are to better identify relatives that may become caregivers for children of family members who are placed in out-of-home care. Community based care lead agencies are regional entities under contract with the Department of Children and Families to provide child welfare services.

Subject to available resources, the bill authorizes community based care lead agencies to establish a kinship navigator program to provide assistance to relatives and nonrelatives who are caring for children in out-of-home care. Such assistance may include providing eligibility and enrollment information for available benefits, relevant training, knowledge relating to custody options, help in finding legal services, and general outreach.

The bill requires the court to make a determination relating to a dependent child's enrollment in child care, early education, and preschool records for children under school age at each judicial hearing.

The bill clarifies a provision in the Rilya Wilson Act that requires children under school age who are in out-of-home care to continue enrollment in child care. Caregivers who stay home all day or work less than fulltime are not required to keep the child in child care. The bill also provides for educational stability and transitions in educational settings for children under school age.

If approved by the Governor, the bill has an effective date of July 1, 2018.

Vote: Senate 37-0; House 115-0

Committee on Children, Families, and Elder Affairs

HB 6021 — Guardian Ad Litem Direct-Support Organization

by Rep. Stevenson and others (SB 222 by Senator Bean)

HB 6021 removes the repeal date of October 1, 2018, for the Florida Guardian ad Litem Foundation, which serves as a direct-support organization for the Guardian ad Litem Program. The Guardian ad Litem Program advocates for abused, neglected, or abandoned children who are involved in dependency court proceedings. The program uses volunteers who visit the child and attorneys who advocate for the best interest of the child in court.

Direct-support organizations are designated in statute to support public programs through activities such as fundraising and employee training. The Legislature authorized a direct-support organization for the Guardian ad Litem Program in 2007. The Florida Guardian ad Litem Foundation was created as a direct-support organization to further the mission of the Guardian ad Litem Program.

If these provisions are approved by the Governor they will take effect upon becoming law.

Vote: Senate 35-0; House 107-0