

Tab 1	SB 96 by Steube ; Human Trafficking Education in Schools
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Tab 2	SB 108 by Campbell ; Florida Kidcare Program
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Tab 3	SB 222 by Bean ; (Identical to H 00275) Guardian Ad Litem Direct-support Organization
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CHILDREN, FAMILIES, AND ELDER AFFAIRS

Senator Garcia, Chair
Senator Torres, Vice Chair

MEETING DATE: Monday, October 9, 2017

TIME: 3:30—6:00 p.m.

PLACE: *James E. "Jim" King, Jr. Committee Room, 401 Senate Office Building*

MEMBERS: Senator Garcia, Chair; Senator Torres, Vice Chair; Senators Broxson, Campbell, Stargel, and Steube

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 96 Steube	Human Trafficking Education in Schools; Revising the required health education in public schools to include information regarding the dangers and signs of human trafficking; authorizing a student to opt out of a specified portion of the health education under certain circumstances, etc. CF 09/12/2017 CF 10/09/2017 Favorable ED AP RC	Favorable Yeas 6 Nays 0
2	SB 108 Campbell	Florida Kidcare Program; Establishing the Kidcare Operational Efficiency and Health Care Improvement Workgroup as a task force administratively housed in the Department of Health to maximize the return on investment and enhance the operational efficiencies of the Florida Kidcare program, etc. CF 09/12/2017 CF 10/09/2017 Favorable GO RC	Favorable Yeas 5 Nays 0
3	SB 222 Bean	Guardian Ad Litem Direct-support Organization; Abrogating the future repeal of provisions related to the guardian ad litem direct-support organization, etc. CF 10/09/2017 Favorable ACJ AP	Favorable Yeas 6 Nays 0
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 96

INTRODUCER: Senator Steube

SUBJECT: Human Trafficking Education in Schools

DATE: October 6, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hendon	Hendon	CF	Favorable
2.			ED	
3.			AP	
4.			RC	

I. Summary:

SB 96 adds information on the dangers and signs human trafficking to the instructional requirements for middle and high school students in the state's public school system.

The bill has an effective date of July 1, 2018 and would have a minimal fiscal impact.

II. Present Situation:

Human Trafficking

Children can be victims of human trafficking in two forms; commercial sexual exploitation and labor exploitation. In Florida, human trafficking is reported to the Child Abuse Hotline. Toll free national numbers to report human trafficking of children in Florida are relayed to the abuse hotline. Sex trafficking is defined as a commercial sex act induced by force, fraud or coercion or in which the person induced to perform such act is under 18.¹ Commercial sex acts include, but are not limited to prostitution and/or pornography as a means for the perpetrator to make money. The mere fact the victim is a child and the act meets the definition of a commercial sex act, makes the child a victim. Calls to the abuse hotline are investigated by the Department of Children and Families (department) or in certain counties, by the sheriff office.

In 2012 and 2014, the Legislature passed major legislation regarding the treatment of children who are victims of sex trafficking.² The new policy treated these children as victims rather than prosecuting them for prostitution.

¹ Department of Children and Families webpage. <http://www.myflfamilies.com/service-programs/human-trafficking/what-is-human-trafficking>. Last visited Feb. 27, 2017.

² Chapters 2012-105 and 2014-161, Laws of Florida

Once a call is made to the hotline, the department or certain sheriff office in counties where the sheriff conducts child abuse investigations, an investigation is made. If commercial sexual trafficking is suspected or verified, the department or sheriff office, conducts a multidisciplinary staffing on each case.³ The staffing includes local experts in child protection, child welfare, medical professionals and law enforcement to assess the needs of the child and determine if the victim needs placement in a residential home, or “safe house” pursuant to s. 39.524, F.S. Multidisciplinary staffing teams are also charged with assessing the local services available to victims of commercial sexual exploitation.⁴

Chapter 2014-161, Laws of Florida requires the Legislature’s Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct an annual study on commercial sexual exploitation of children. The most recent report found that in calendar year 2015, there were 1,279 reports of human trafficking to the Child Abuse Hotline in Florida.⁵ Of those, 264 were verified. Of the verified cases, 123 were dependent children in state’s foster care while 141 were not dependent. OPPAGA reported that there is no data on the status or outcomes for the 141 victims not in foster care.

In 2017, the Legislature passed, and the Governor signed, SB 852 (Chapter 2017-23) to clarify the definition of commercial sexual exploitation and to expand the duties of the Department of Children and Families for child victims of human trafficking that are not in the state’s dependency system. The department, or in certain counties, the Sheriff’s Office, must conduct a multi-disciplinary meeting on each case and provide the family of the victims with a service plan to assist the victim recover from the trauma of human trafficking. For those victims that are dependent children, the dependency case plan must be updated to require services to meet the needs of the dependent child. In addition, the bill requires that persons accused of human trafficking be detained before trial.

Educational Requirements

Florida law outlines specific content area instructional requirements, in addition to required core curricular content areas,⁶ for middle grades promotion and high school graduation.⁷

In addition to the required core curriculum, Florida law requires public school instruction in certain specified content areas, including, but not limited to:⁸

- The history and content of the Declaration of Independence.
- The history, meaning, significance, and effect of the provisions of the Constitution of the United States.
- The arguments in support of adopting our republican form of government.

³ s. 409.1754(2), F.S.

⁴ *Id.*

⁵ Office of Program Policy Analysis and Government Accountability report number 16-04. See <http://www.oppaga.state.fl.us/Summary.aspx?reportNum=16-04>. Last visited Feb. 27, 2017.

⁶ Section 1003.41, F.S.

⁷ Each district school board is required to provide all courses required for middle grades promotion, high school graduation, and appropriate instruction designed to ensure that students meet the State Board of Education adopted standards in reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts. Section 1003.42(1), F.S.

⁸ Section 1003.42(2), F.S.

- The elements of civil government.
- The history of the Holocaust.
- The history of African Americans.
- The elementary principles of agriculture.
- Kindness to animals.
- The history of the state.
- Comprehensive health education.
- A character-development program in kindergarten through grade 12.

The law encourages the State Board of Education (State Board) to adopt standards and pursue assessment relating to the required instructional content.⁹

III. Effect of Proposed Changes:

Section 1 amends s. 1003.42, F.S., regarding required instruction in the public school system. The revisions add information on the dangers and signs of human trafficking to the requirements of comprehensive health education. This new requirement can include information on the warning signs of human trafficking, terms used in trafficking, websites used by traffickers, and information on how a student can get help. A student may opt out of this instruction with a note from his or her parent.

Section 2 provides an effective date of July 1, 2018.

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.

⁹ *Id.*

C. Government Sector Impact:

The fiscal impact of the bill on the state's public schools would be minimal.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.42 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 Steube

23-00006-18

201896__

A bill to be entitled

An act relating to human trafficking education in schools; amending s. 1003.42, F.S.; revising the required health education in public schools to include information regarding the dangers and signs of human trafficking; authorizing a student to opt out of a specified portion of the health education under certain circumstances; providing an effective date.

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

Section 1. Paragraph (n) of subsection (2) of section 1003.42, Florida Statutes, is amended to read:

1003.42 Required instruction.—

(2) Members of the instructional staff of the public schools, subject to the rules of the State Board of Education and the district school board, shall teach efficiently and faithfully, using the books and materials required that meet the highest standards for professionalism and historical accuracy, following the prescribed courses of study, and employing approved methods of instruction, the following:

(n) Comprehensive health education that addresses concepts of community health; consumer health; environmental health; family life, including an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy; mental and emotional health; injury prevention and safety; Internet safety; the dangers and signs of human trafficking; nutrition; personal health; prevention and control of disease; and substance use and abuse. The health

Page 1 of 2

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

23-00006-18

201896__

education curriculum for students in grades 7 through 12 shall include a teen dating violence and abuse component that includes, but is not limited to, the definition of dating violence and abuse, the warning signs of dating violence and abusive behavior, the characteristics of healthy relationships, measures to prevent and stop dating violence and abuse, and community resources available to victims of dating violence and abuse. The human trafficking education portion of the health curriculum must include, but is not limited to, information on the warning signs of human trafficking, terms used by traffickers, red flags that would indicate a trafficker's malicious intent toward a student, websites that are popular with traffickers, and details on how a student may get help. A student may elect to opt out of the instruction of the human trafficking portion of the health education by providing the school with a written note from his or her parent.

The State Board of Education is encouraged to adopt standards and pursue assessment of the requirements of this subsection.

Section 2. This act shall take effect July 1, 2018.

Page 2 of 2

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THE FLORIDA SENATE

APPEARANCE RECORD

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

10.9.17

Meeting Date

96

Bill Number (if applicable)

Topic Human Trafficking

Amendment Barcode (if applicable)

Name Barney Bishop

Job Title Pres & CEO

Address 201 S. Monroe

Phone 510.9922

Street

Tall

City

FL

State

32301

Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Fla. Smart Justice Alliance

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 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

10-9-17

Meeting Date

96

Bill Number (if applicable)

Topic Human Trafficking Education

Amendment Barcode (if applicable)

Name Barbara Devane

Job Title Independent Contractor

Address 625 E. Brevard St

Phone 850-251-4280

Street

Tallahassee FL 32308

City

State

Zip

Email barbaradevane@yahoo.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against

(The Chair will read this information into the record.)

Representing FL NOW - National Organization for Women

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 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

10/8/17

Meeting Date

SB 96
200

Bill Number (if applicable)

Topic Human Trafficking

Amendment Barcode (if applicable)

Name Linda Alexionok

Job Title Ex. Director

Address 111 S. Magnolia Dr

Phone 425-2600

Street

Tall. Fl

Email

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

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.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

10/9/17
Meeting Date

SB96
Bill Number (if applicable)

Topic SB96- Human Trafficking Ed. in Schools

Amendment Barcode (if applicable)

Name Dr. Danielle Thomas

Job Title Florida PTA - Resolutions Chair

Address 1747 Orlando Central Parkway
Street
Orlando FL 32809
City State Zip

Phone 407 855 7604

Email resolutions@floridapta.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida PTA

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 (10/14/14)

COMMITTEE: Children, Families, and Elder Affairs
ITEM: SB 96
FINAL ACTION: Favorable
MEETING DATE: Monday, October 9, 2017
TIME: 3:30—6:00 p.m.
PLACE: 401 Senate Office Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

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 108

INTRODUCER: Senator Campbell

SUBJECT: Florida Kidcare Program

DATE: October 6, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	Favorable
2.			GO	
3.			RC	

I. Summary:

SB 108 creates the Kidcare Operational Efficiency and Health Care Improvement Workgroup to maximize the state's return on investment in the Kidcare program, a health insurance program for children in lower income households. The workgroup is housed in the Department of Health and must recommend operational efficiencies to the Governor and Legislature by December 31, 2018.

The bill is unlikely to have a fiscal impact on the state and has an effective date of July 1, 2018.

II. Present Situation:

Florida Kidcare Program

The Florida Kidcare Program (Kidcare)¹ was created in 1998 by the Florida Legislature in response to the federal enactment of the Children's Health Insurance Program (CHIP) in 1997.² CHIP provides subsidized health insurance to uninsured children who do not qualify for Medicaid but who have family incomes under 200 percent of the federal poverty level (FPL) and meet other eligibility criteria.

The state statutory authority for Kidcare is found under part II of ch. 409, ss. 409.810 through 409.821, F.S.³ Kidcare includes four operating components: Medicaid for children, Medikids, the Children's Medical Services Network (CMS Network), and the Florida Healthy Kids Corporation (FHKC).⁴ Coverage for the non-Medicaid components are funded through Title XXI

¹ Ch. 98-288, s. 34, Laws of Fla.

² Social Security Administration, *Title XXI - State Children's Health Insurance Program*, http://www.ssa.gov/OP_Home/ssact/title21/2100.htm (last visited October 6, 2017).

³ Section 409.810, F.S., provides that ss. 409.810-409.821, F.S., may be cited as the Florida Kidcare Act.

⁴ Section 409.813, F.S.

of the federal Social Security Act. Title XIX of the Social Security Act (Medicaid), state funds, and family contributions also provide funding for the different components. Family contributions under the Title XXI component are based on family size, household incomes, and other eligibility factors. Families above the income limits for premium assistance or who are not otherwise eligible for premium assistance are offered the opportunity to participate in Kidcare at a non-subsidized rate (full pay). Currently, the income limit for premium assistance is 200 percent of the FPL.

Several state agencies and the FHKC share responsibilities for Kidcare.⁵ The AHCA, the Department of Children and Families (DCF), the Department of Health (DOH), and the FHKC have specific duties under Kidcare, as detailed in part II of ch. 409, F.S. The DCF determines eligibility for Medicaid. The FHKC receives all Kidcare applications and screens for Medicaid eligibility and determines eligibility for all Title XXI programs, referring applications to the DCF, as appropriate, for a complete Medicaid determination.

To enroll in Kidcare, families may apply online or use a paper application⁶ that determines eligibility for multiple programs, including Medicaid and CHIP, for the entire family. Applications are available in English, Spanish, and Creole. Eligibility for premium assistance is determined first through electronic data matches with available databases or, in cases where income cannot be verified electronically, through submission of current pay stubs, tax returns, or W-2 forms.

Section 409.818(2)(b), F.S., requires the DOH to chair a state-level Florida Kidcare coordinating council to review and make recommendations concerning the implementation and operation of the program. The coordinating council includes representatives from DOH, DCF, AHCA, FHKC, the Office of Insurance Regulation of the Financial Services Commission, local government, health insurers, health maintenance organizations, health care providers, families participating in the program, and organizations representing low-income families.

III. Effect of Proposed Changes:

Section 1 creates the Kidcare Operational Efficiency and Health Care Improvement Workgroup (workgroup), a task force as defined in s. 20.03, F.S.,⁷ administratively housed in the DOH. The workgroup is established to maximize the return on investment of public funds and streamline and enhance the operational efficiencies of Kidcare to provide improved health care services to children. Members of the workgroup serve on a voluntary basis.

The workgroup must be convened and staffed by the FHKC. The workgroup consists of the following 12 members:

- The President of the Florida Chapter of the American Academy of Pediatrics or a designee.
- The State Health Officer or a designee.

⁵ See Florida Kidcare Act.

⁶ See <https://www.healthykids.org/application/> (last visited on October 6, 2017).

⁷ Section 20.03(8), F.S., defines “committee” or “task force” as an advisory body created without specific statutory enactment for a time not to exceed 1 year or created by specific statutory enactment for a time not to exceed 3 years and appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem. Its existence terminates upon the completion of its assignment.

- The Secretary of Health Care Administration or a designee with a background in children's health policy.
- The assistant secretary for child welfare of the DCF or a designee.
- A representative of directors of the FHKC.
- A representative of the Florida Association of Children's Hospitals, Inc.
- A representative of the Florida Covering Kids and Families Coalition.
- A representative of the Florida Association of Health Plans.
- A representative of the Florida Children's Council with a background in children's health policy.
- A representative of the Florida Dental Association.
- The Director of Children's Medical Services or a designee.
- A parent with a child in Kidcare.

The workgroup must:

- Examine successful and innovative models to provide improved value and health care outcomes.
- Develop recommendations to streamline and unify Kidcare to provide greater operational efficiencies, including recommendations for a single benefits package, a single set of performance measures, and a single third-party administrator.
- Provide any necessary transition plans.
- Provide recommendations regarding federal waivers for children's health care to the AHCA, which must obtain specific legislative authorization before seeking, applying for, accepting, or renewing any federal waiver.

The workgroup must submit a report on its findings and recommendations for streamlining Kidcare to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31, 2018.

The provisions of the bill expire on December 31, 2018.

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:

Any efficiencies recommended to and implemented by the DOH could reduce costs to the state.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The purpose of the workgroup created in the bill may duplicate the DOH's Kidcare coordinating council.

VIII. Statutes Affected:

This bill creates an unnumbered section of law.

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 Campbell

38-00159-18

2018108__

1 A bill to be entitled
 2 An act relating to the Florida Kidcare program;
 3 establishing the Kidcare Operational Efficiency and
 4 Health Care Improvement Workgroup as a task force
 5 administratively housed in the Department of Health to
 6 maximize the return on investment and enhance the
 7 operational efficiencies of the Florida Kidcare
 8 program; providing for duties and membership of the
 9 workgroup; requiring a report to the Governor and
 10 Legislature by a specified date; providing for
 11 expiration of the workgroup; providing an effective
 12 date.
 13
 14 Be It Enacted by the Legislature of the State of Florida:
 15
 16 Section 1. Kidcare Operational Efficiency and Health Care
 17 Improvement Workgroup.—The Kidcare Operational Efficiency and
 18 Health Care Improvement Workgroup, a task force as defined in s.
 19 20.03, Florida Statutes, is established to maximize the return
 20 on investment and streamline and enhance the operational
 21 efficiencies of the Florida Kidcare program to provide improved
 22 health care services to children. The workgroup shall be
 23 administratively housed in the Department of Health. Members of
 24 the workgroup shall serve on a voluntary basis.
 25 (1) The workgroup shall be convened and staffed by the
 26 Florida Healthy Kids Corporation and shall consist of the
 27 following members:
 28 (a) The President of the Florida Chapter of the American
 29 Academy of Pediatrics or his or her designee.

Page 1 of 3

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38-00159-18

2018108__

30 (b) The State Health Officer or his or her designee.
 31 (c) The Secretary of Health Care Administration or his or
 32 her designee, who must have a background in children's health
 33 policy.
 34 (d) The assistant secretary for child welfare of the
 35 Department of Children and Families or his or her designee.
 36 (e) A representative of directors of the Florida Healthy
 37 Kids Corporation.
 38 (f) A representative of the Florida Association of
 39 Children's Hospitals, Inc.
 40 (g) A representative of the Florida Covering Kids and
 41 Families Coalition.
 42 (h) A representative of the Florida Association of Health
 43 Plans.
 44 (i) A representative of the Florida Children's Council with
 45 a background in children's health policy.
 46 (j) A representative of the Florida Dental Association.
 47 (k) The Director of Children's Medical Services or his or
 48 her designee.
 49 (l) A parent of a child enrolled in the Florida Kidcare
 50 program.
 51 (2) The workgroup shall:
 52 (a) Examine successful and innovative models to provide
 53 improved value and health care outcomes.
 54 (b) Develop recommendations to streamline and unify the
 55 program to provide greater operational efficiencies, including
 56 recommendations for a single benefits package, a single set of
 57 performance measures, and a single third-party administrator.
 58 (c) Provide any necessary transition plans.

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

38-00159-18

2018108__

59 (d) Provide recommendations regarding federal waivers for
60 children's health care to the Agency for Health Care
61 Administration, which shall obtain specific legislative
62 authorization before seeking, applying for, accepting, or
63 renewing any federal waiver.

64 (3) The workgroup shall submit a report on its findings and
65 recommendations for streamlining the Florida Kidcare program to
66 the Governor, the President of the Senate, and the Speaker of
67 the House of Representatives by December 31, 2018.

68 (4) This section expires December 31, 2018.

69 Section 2. This act shall take effect July 1, 2018.

THE FLORIDA SENATE
APPEARANCE RECORD

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

Oct 9 2017

Meeting Date

SB 108

Bill Number (if applicable)

Topic FLORIDA KidCare Program

Name MARY MONROE

Job Title Lobbyist

Address 2507 Callaway Rd Suite 102A

Street

Tallahassee FL 32317

City

State

Zip

Phone _____

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing League of Women Voters FL

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

10/9/17

Meeting Date

SB108

Bill Number (if applicable)

Topic Kidcare

Amendment Barcode (if applicable)

Name Karen Woodall

Job Title Executive Director

Address 579 E. Call St.
Street

Phone 850-321-9386

Tallahassee FL 32301
City State Zip

Email fcfep@pehoo.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Center for Fiscal & Economic Policy

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 (10/14/14)

COMMITTEE: Children, Families, and Elder Affairs
ITEM: SB 108
FINAL ACTION: Favorable
MEETING DATE: Monday, October 9, 2017
TIME: 3:30—6:00 p.m.
PLACE: 401 Senate Office Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

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 222

INTRODUCER: Senator Bean

SUBJECT: Guardian Ad Litem Direct-support Organization

DATE: October 6, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	Favorable
2.			ACJ	
3.			AP	

I. Summary:

SB 222 removes the scheduled repeal date for the Guardian ad Litem Foundation which serves as a direct-support organization for the Statewide Guardian ad Litem Office.

The bill has no impact on state revenues or expenditures.

The bill takes effect upon becoming law.

II. Present Situation:

Citizen-Support Organizations and Direct-Support Organizations

Citizen-support organizations (CSOs) and direct-support organizations (DSOs) are statutorily created non-profit organizations¹ authorized to carry out specific tasks in support of public entities or public causes. The function and purpose of a CSO or DSO are prescribed by an enacting statute and a written contract with the agency the CSO or DSO was created to support.²

CSO and DSO Transparency and Reporting Requirements

In 2014, the Legislature created s. 20.058, F.S., establishing a comprehensive set of transparency and reporting requirements for CSOs and DSOs.³ Specifically, the law requires each CSO and DSO to annually submit the following information to the appropriate agency by August 1:⁴

- The name, mailing address, telephone number, and website address of the organization;

¹ Chapter 617, F.S.

² See ss. 14.29(9)(a), 16.616(1), and 258.015(1), F.S. See also Rules of the Florida Auditor General, *Audits of Certain Nonprofit Organizations* (effective June 30, 2017), Rule 10.720(1)(b) and (d) available at https://flauditor.gov/pages/pdf_files/10_700.pdf (last visited October 2, 2017).

³ Section 3, ch. 2014-96, L.O.F

⁴ Section 20.058(1), F.S.

- The statutory authority or executive order that created the organization;
- A brief description of the mission of, and results obtained by, the organization;
- A brief description of the organization's plans for the next three fiscal years;
- A copy of the organization's code of ethics; and
- A copy of the organization's most recent Internal Revenue Service (IRS) Form 990.⁵

Additionally, the information submitted annually by a CSO or DSO must be available on the respective agency's website along with a link to the CSO or DSO's website, if one exists.⁶ Any contract between an agency and a CSO or DSO must be contingent upon the CSO or DSO submitting the required information to the agency and posting the information on the agency's website.⁷ The contract must include a provision for ending operations and returning state-issued funds to the state if the authorizing statute is repealed, the contract is terminated, or the organization is dissolved.⁸ If a CSO or DSO fails to submit the required information to the agency for two consecutive years, the agency head must terminate its contract with the CSO or DSO.⁹

By August 15 of each year, the agency must report to the Governor, President of the Senate, Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability the information submitted by each CSO or DSO along with the agency's recommendation and supporting rationale to continue, terminate, or modify the agency's association with the CSO or DSO.¹⁰

Any law creating, or authorizing the creation of a CSO or DSO must state that the authorization for the organization repeals on October 1 of the 5th year after enactment unless reviewed and reenacted by the Legislature. CSOs and DSOs in existence prior to July 1, 2014, must be reviewed by the Legislature by July 1, 2019.¹¹

CSO and DSO Audit Requirements

Section 215.981, F.S., requires each CSO and DSO with annual expenditures in excess of \$100,000 to provide for an annual financial audit of its accounts and records.¹² The audit must be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General and the state agency that created, approved, or administers the DSO or CSO. The audit report must be submitted within nine months after the end of the fiscal year to the Auditor General and to the state agency the CSO or DSO supports. Additionally, the Auditor

⁵ The IRS Form 990 is an annual information return required to be filed with the IRS by most organizations exempt from federal income tax under 26 U.S.C. 501. 26 C.F.R. 1.6033-2.

⁶ Section 20.058(2), F.S.

⁷ Section 20.058(4), F.S.

⁸ Chapter 2017-75, L.O.F.

⁹ Section 20.058(4), F.S.

¹⁰ Section 20.058(3), F.S.

¹¹ Section 20.058(5), F.S.

¹² The independent audit requirement does not apply to a CSO or DSO for a university, district board of trustees of a community college, or district school board. Additionally, the expenditure threshold for an independent audit is \$300,000 for a CSO or DSO for the Department of Environmental Protection and the Department of Agriculture and Consumer Services.

General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements of a CSO's or DSO's accounts and records.¹³

CSO and DSO Ethics Code Requirement

Section 112.3251, F.S., requires a CSO or DSO to adopt a code of ethics. The code of ethics must contain the specified standards of conduct and disclosures provided in ss. 112.313 and 112.3143(2), F.S.¹⁴ A CSO or DSO may adopt additional or more stringent standards of conduct and disclosure requirements and must post its code of ethics on its website.¹⁵

The Guardian ad Litem Program

Florida's Guardian ad Litem Program (GAL Program) advocates for the best interests of children alleged to be abused, neglected, or abandoned who are involved in court proceedings. The GAL Program uses a team approach to represent children: GAL volunteers, Child Advocacy Managers (CAMs) and Child Best Interest (CBIs) Attorneys.¹⁶

Florida Statutes require that a guardian ad litem (GAL) be appointed at the earliest possible time in an abuse or neglect proceeding.¹⁷ The GAL is required to review all disposition recommendations and changes in placements, and must be present at all critical stages of the dependency proceeding or submit a written report of recommendations to the court.¹⁸ The GAL Program advocates for things the law says the child is entitled to and monitors the child's safety and well-being, as well as significant changes in the parents' lives which could impact the child's safety.

Currently, there are more than 10,000 GAL volunteers, 175 CBI attorneys, 350 CAMs, 20 Circuit Directors and GAL staff representing the needs of thousands of dependent children. In the last 35 years, the GAL Program has had over 30,000 volunteers who have represented more than 250,000 children.¹⁹

The Guardian ad Litem Foundation

In 2007, the Legislature authorized the GAL Program to create a direct-support organization for the direct or indirect benefit of the Statewide Guardian ad Litem Office by conduct programs and activities; raising funds; request and receive grants, gifts, and bequests of moneys; and making expenditures to or for the direct or indirect benefit of the Statewide Guardian Ad Litem Office.²⁰

¹³ Section 11.45(3), F.S.

¹⁴ Some of the standards of conduct and disclosures in ss. 112.313 and 112.3143(2), F.S., include misuse of public position, solicitation or acceptance of gifts, unauthorized compensation, and voting conflicts.

¹⁵ Section 112.3251, F.S.

¹⁶ Florida Guardian ad Litem Program, Annual Report, 2016, *A Voice Heard: Visualizing a Hopeful Future*, available at <http://guardianadlitem.org/wp-content/uploads/2014/08/GAL-Annual-Report-for-Print4.pdf>. (last visited October 2, 2017).

¹⁷ Section 39.822(1), F.S.

¹⁸ Section 39.822(4), F.S.

¹⁹ Florida Guardian ad Litem Program, Annual Report, 2016, *A Voice Heard: Visualizing a Hopeful Future*, available at <http://guardianadlitem.org/wp-content/uploads/2014/08/GAL-Annual-Report-for-Print4.pdf>. (last visited October 2, 2017).

²⁰ Section 39.8298, F.S.

The GAL Program established the Florida Guardian ad Litem Foundation (Foundation) as its direct-support organization. The executive director of the Statewide GAL Office appoints the members of the board of directors. The board of directors serves at the pleasure of the executive director in carrying out the mission of the DSO to provide additional resources for the GAL Program, its volunteers, and its affiliated circuit nonprofit organizations²¹ in order to promote guardian ad litem representation for abused, neglected and abandoned children in Florida's dependency system.²² The DSO is scheduled to repeal on October 1, 2018 unless reviewed and saved from repeal by the legislature.²³

According to the Statewide GAL Program the Foundation continues to provide support to the GAL Program and serves the critical function of soliciting and receiving grants and resources from private and philanthropic organizations for the Program and the children it represents. In addition, the Foundation conducts the following activities which further the Program's mission:

- Developing statewide partnerships;²⁴
- Publicizing the Program's mission to represent the best interests of children;
- Coordinating with and serving as a resource to the twenty non-profit organizations affiliated with the local GAL Programs;
- Enhancing opportunities for recruitment and retention of volunteers; and
- Offering supplemental training opportunities for volunteers.

For the tax period beginning July 1, 2016 and ending June 30, 2017, the Foundation reported total revenue of \$178,092 and total expenditures of \$153,467.²⁵

The Statewide Guardian ad Litem Program has stated that without the Foundation, the GAL Program would have fewer opportunities to educate, advocate, and support the needs of dependent children and the Program recommends the continuation of the Foundation as its Direct Support Organization.²⁶ The Foundation meets all of the statutory requirements.

III. Effect of Proposed Changes:

The bill removes the scheduled repeal date for the Guardian ad Litem Foundation which serves as a direct-support organization for the Statewide Guardian ad Litem Office.

²¹ Many of Florida's judicial circuits have non-profit organizations that raise money and sponsor activities for the local guardian ad litem program. Those include, but are not limited to, Northwest Guardian ad Litem Foundation, Guardian ad Litem Foundation – 20th Judicial Circuit, Guardian ad Litem Foundation of Florida's First Coast, Child Advocates II of Tallahassee, and Voices for Children.

²² Guardian ad Litem Foundation, Bylaws 2016, *available at*: <http://flgal.org/about/> (last visited October 3, 2017).

²³ Section 39.8298, F.S.

²⁴ Florida Statewide Guardian ad Litem Program, Annual Report of the Florida Guardian ad Litem foundation, August 10, 2017, *available at*: <http://flgal.org/wp-content/uploads/2017/07/GAL-Program-Report-to-Governor-re-Foundation-FINAL.pdf>. (last visited October 3, 2017).

²⁵ Internal Revenue Service, Form 990, Return of Organization Exempt From Income Tax, 2016

²⁶ *Id.*

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:

Funding raised through the DSO will further the Guardian ad Litem Program's mission to represent the best interests of abused, abandoned, and neglected children.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends section 39.8298 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.

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

By Senator Bean

4-00290-18

2018222__

A bill to be entitled

An act relating to the guardian ad litem direct-support organization; amending s. 39.8298, F.S.; abrogating the future repeal of provisions related to the guardian ad litem direct-support organization; providing an effective date.

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

Section 1. Subsection (8) of section 39.8298, Florida Statutes, is amended, and subsections (1) through (7) of that section are republished, to read:

39.8298 Guardian ad litem direct-support organization.—

(1) AUTHORITY.—The Statewide Guardian Ad Litem Office created under s. 39.8296 is authorized to create a direct-support organization.

(a) The direct-support organization must be a Florida corporation not for profit, incorporated under the provisions of chapter 617. The direct-support organization shall be exempt from paying fees under s. 617.0122.

(b) The direct-support organization shall be organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of moneys; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the Statewide Guardian Ad Litem Office.

(c) If the executive director of the Statewide Guardian Ad Litem Office determines the direct-support organization is

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

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2018222__

operating in a manner that is inconsistent with the goals and purposes of the Statewide Guardian Ad Litem Office or not acting in the best interest of the state, the executive director may terminate the contract and thereafter the organization may not use the name of the Statewide Guardian Ad Litem Office.

(2) CONTRACT.—The direct-support organization shall operate under a written contract with the Statewide Guardian Ad Litem Office. The written contract must, at a minimum, provide for:

(a) Approval of the articles of incorporation and bylaws of the direct-support organization by the executive director of the Statewide Guardian Ad Litem Office.

(b) Submission of an annual budget for the approval by the executive director of the Statewide Guardian Ad Litem Office.

(c) The reversion without penalty to the Statewide Guardian Ad Litem Office, or to the state if the Statewide Guardian Ad Litem Office ceases to exist, of all moneys and property held in trust by the direct-support organization for the Statewide Guardian Ad Litem Office if the direct-support organization ceases to exist or if the contract is terminated.

(d) The fiscal year of the direct-support organization, which must begin July 1 of each year and end June 30 of the following year.

(e) The disclosure of material provisions of the contract and the distinction between the Statewide Guardian Ad Litem Office and the direct-support organization to donors of gifts, contributions, or bequests, as well as on all promotional and fundraising publications.

(3) BOARD OF DIRECTORS.—The executive director of the Statewide Guardian Ad Litem Office shall appoint a board of

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59 directors for the direct-support organization. The executive
 60 director may designate employees of the Statewide Guardian Ad
 61 Litem Office to serve on the board of directors. Members of the
 62 board shall serve at the pleasure of the executive director.

63 (4) USE OF PROPERTY AND SERVICES.—The executive director of
 64 the Statewide Guardian Ad Litem Office:

65 (a) May authorize the use of facilities and property other
 66 than money that are owned by the Statewide Guardian Ad Litem
 67 Office to be used by the direct-support organization.

68 (b) May authorize the use of personal services provided by
 69 employees of the Statewide Guardian Ad Litem Office. For the
 70 purposes of this section, the term "personal services" includes
 71 full-time personnel and part-time personnel as well as payroll
 72 processing.

73 (c) May prescribe the conditions by which the direct-
 74 support organization may use property, facilities, or personal
 75 services of the office.

76 (d) Shall not authorize the use of property, facilities, or
 77 personal services of the direct-support organization if the
 78 organization does not provide equal employment opportunities to
 79 all persons, regardless of race, color, religion, sex, age, or
 80 national origin.

81 (5) MONEYS.—Moneys of the direct-support organization may
 82 be held in a separate depository account in the name of the
 83 direct-support organization and subject to the provisions of the
 84 contract with the Statewide Guardian Ad Litem Office.

85 (6) ANNUAL AUDIT.—The direct-support organization shall
 86 provide for an annual financial audit in accordance with s.
 87 215.981.

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88 (7) LIMITS ON DIRECT-SUPPORT ORGANIZATION.—The direct-
 89 support organization shall not exercise any power under s.
 90 617.0302(12) or (16). No state employee shall receive
 91 compensation from the direct-support organization for service on
 92 the board of directors or for services rendered to the direct-
 93 support organization.

94 ~~(8) REPEAL.—This section is repealed October 1, 2018,~~
 95 ~~unless reviewed and saved from repeal by the Legislature.~~

96 Section 2. This act shall take effect upon becoming a law.

THE FLORIDA SENATE

APPEARANCE RECORD

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

10/10/17

Meeting Date

SB 222

Bill Number (if applicable)

Topic Guardian and Life

Name LINDA ALEXANDER (Alexandra)

Job Title Ex. Director

Address 711 S. Magnolia

Street

Phone 425-2600

Tall. FL.

City

State

Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

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.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

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

10/9/17

Meeting Date

SB 222

Bill Number (if applicable)

Topic DSO Florida Guardian ad Litem Foundation

Amendment Barcode (if applicable)

Name Eric Clark

Job Title DIRECTOR

Address 9139 McDougal Court

Phone 850-363-7457

Street

Tallahassee

FL

32312

City

State

Zip

Email eric.clark@gal.fl.gov

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

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 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

10/9/17

Meeting Date

SB 222

Bill Number (if applicable)

Topic ISD-GAL FOUNDATION

Amendment Barcode (if applicable)

Name ALAN ABRAMOWITZ (Abramowitz)

Job Title Executiv Director

Address 600 Calhoun St

Phone 813 241-3232

Street

Tallahassee FL

32306

City

State

Zip

Email Alan.Abramowitz@isd.fl.gov

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing GAL Program

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

This form is part of the public record for this meeting.

S-001 (10/14/14)

COMMITTEE: Children, Families, and Elder Affairs
ITEM: SB 222
FINAL ACTION: Favorable
MEETING DATE: Monday, October 9, 2017
TIME: 3:30—6:00 p.m.
PLACE: 401 Senate Office Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting