

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CHILDREN, FAMILIES, AND ELDER AFFAIRS
Senator Storms, Chair
Senator Rich, Vice Chair

MEETING DATE: Wednesday, December 7, 2011
TIME: 2:00 —4:00 p.m.
PLACE: James E. "Jim" King, Jr. Committee Room, 401 Senate Office Building

MEMBERS: Senator Storms, Chair; Senator Rich, Vice Chair; Senators Detert, Dockery, Gibson, and Latvala

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 434 Rich (Similar H 417, Compare H 677, S 1126)	Independent Living; Requiring the court to retain jurisdiction over a child until the child is 21 years of age if the child elects to receive Foundations First Program services; requiring assurance in a child's case plan that efforts were made to avoid a change in the child's school; requiring the Department of Children and Family Services or the community-based provider to provide reimbursement for the costs of transportation provided for a child in care; requiring changes in a child's school to be minimally disruptive; specifying criteria to be considered by the department and community-based provider during the transition of a child to another school; requiring children in care to attend school; providing penalties for caregivers who refuse or fail to ensure that the child attends school regularly; specifying requirements for individual education transition plan meetings for children with disabilities; requiring that a child be provided with information relating to the Road-to-Independence Program, etc. CF 12/07/2011 Favorable	Favorable Yeas 6 Nays 0
2	SB 446 Children, Families, and Elder Affairs	OGSR/Insurance Claim Data Exchange Information/Past Due Child Support; Amending provisions relating to a public records exemption for insurance claim data exchange information used for identifying parents who owe past due child support; saving the exemption from repeal under the Open Government Sunset Review Act; removing the scheduled repeal of the exemption, etc. CF GO 12/07/2011 Favorable	Favorable Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Children, Families, and Elder Affairs

Wednesday, December 7, 2011, 2:00 —4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 202 Flores (Identical H 99)	Sexual Exploitation; Cites this act as the "Florida Safe Harbor Act;" requiring delivery of children alleged to be dependent and sexually exploited to short-term safe houses; providing requirements for findings in a shelter hearing relating to placement of an allegedly sexually exploited child in a short-term safe house; requiring assessment of certain children for placement in a safe house; requiring circuits of the Department of Children and Family Services to address child welfare service needs of sexually exploited children as a component of their master plans; providing for an increased civil penalty for soliciting another to commit prostitution or related acts, etc. CF 12/07/2011 Fav/CS BC	Fav/CS Yeas 6 Nays 0
4	Presentation on the Guardian ad Litem Program - Alan Abramowitz, Executive Director, Florida Statewide Guardian ad Litem Program		Presented
5	Oversight of the Independent Living Program - OPPAGA		Presented
6	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 Children, Families, and Elder Affairs Committee

BILL: SB 434

INTRODUCER: Senator Rich

SUBJECT: Independent Living

DATE: December 6, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Farmer	CF	Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill provides protections for children in care who are in middle and high school to enable them to receive a quality education and participate in extracurricular and enrichment activities. The bill includes provisions relating to school stability, transfers, transportation, attendance, and identification of an education advocate. The bill also specifies requirements for the Department of Children and Family Services (DCF or department), its community-based care (CBC) providers, and caregivers relating to the education of children in care, including those with disabilities, and requires the development of a transition plan.

The bill restructures the Road-to-Independence (RTI) Program; providing for the creation of the Foundations First Program for young adults who wish to remain in care after their 18th birthday, and the College Bound Program for young adults who have graduated from high school and been accepted into a college or university. The bill provides for emergency funding and for an appeals process.

The bill enables young adults receiving transition services to continue in existing services until their eligibility for that benefit program expires and requires accountability from the CBC lead agencies.

The bill substantially amends, ss. 39.013, 39.6012, 39.701, 409.1451, 409.903 and creates s. 39.6015 of the Florida Statutes.

II. Present Situation:

Independent Living Services

Background

Each year thousands of children leave state dependency care systems because they reach the age of 18 and are no longer eligible for care. Since the early 1980's, research and anecdotal evidence have indicated that many of these young adults experience numerous difficulties in their attempts to achieve self-sufficiency. When compared to young adults with no exposure to the child welfare system, young adults who were formerly in care are less likely to earn a high school diploma or GED and subsequently, have lower rates of college attendance.¹ They suffer more from mental health problems; have a higher rate of involvement with the criminal justice system; are more likely to have a difficult time achieving financial independence, thus increasing their reliance on public assistance; and experience high rates of housing instability and homelessness.²

Federal Law

John H. Chafee Foster Care Independence Program

The federal government responded to the needs of children who age out of care by enacting the Foster Care Independence Act of 1999 (known as the CFCIP or the Chafee Act).³ The Chafee Act provides states with flexible funding that enables programs to be designed and conducted to:

- Identify and assist children who are likely to remain in foster care until 18 years of age;
- Provide education, training, and services necessary to obtain employment for those children;
- Prepare those children to enter postsecondary training and education institutions; and
- Provide support through mentors and the promotion of interactions with dedicated adults.⁴

Age restrictions were also eliminated, allowing states to offer independent living services to children earlier than age 16.⁵ The Chafee Act grants wide discretion to the states, allowing them to set their own criteria for children in care to receive services.⁶ However, states must use objective criteria for determining eligibility for benefits and services under the programs and for ensuring fair and equitable treatment of benefit recipients.⁷

¹ Courtney, M.A. and Hearing, D.H. (2005). The Transition to Adulthood for Youth "Aging Out" of the Foster Care System. In Osgood, D.W., Foster, E.M., Flanagan, C. & Ruth G.R. (Eds.), *On Your Own Without a Net: The Transition to Adulthood for Vulnerable Populations*. (pp. 33-34). Chicago, Illinois: The University of Chicago Press

² *Id.* (pp.36-40).

³ Public Law No. 106-169, 113 Stat. 1822 (1999). Federal funds for independent living initiatives were first made available under the Consolidated Omnibus Budget Reconciliation Act of 1985.

⁴ 42 U.S.C. § 677(2002).

⁵ 42 U.S.C. § 677(b)(2)(C) (2002).

⁶ 42 U.S.C. § 677(b)(2).

⁷ 42 U.S.C. § 677(b)(2)(E).

Education and Training Vouchers

The Educational and Training Vouchers Program (ETV) for children aging out of care was added to the CFCIP in 2002. ETV provides resources specifically to meet the education and training needs of youth aging out of care. Funding is provided for post secondary educational and training vouchers for children and young adults likely to experience difficulty as they transition to adulthood after reaching 18 years of age. The program makes available vouchers of up to \$5,000 per year per young adult.⁸

Florida Law

With the enactment of federal legislation and increased available funding, the 2002 Florida Legislature established a new framework for the state’s independent living transition services to be provided to older children in care and young adults who were formerly in care.⁹ Those service categories include:¹⁰

PROGRAM COMPONENTS AND TYPES OF SERVICES	SERVICES PROVIDED	AGE GROUP SERVED
PRE-INDEPENDENT LIVING	Life skills training, educational field trips and conferences.	13 to 15 years
LIFE SKILLS	Independent living skills training, including training to develop banking and budgeting skills, interviewing skills, parenting skills, and time management or organizational skills, educational support, employment training, and counseling.	15 to 18 years
SUBSIDIZED INDEPENDENT LIVING (SIL)	Financial assistance for living arrangements that allow the child to live independently of the daily care and supervision of an adult.	16 to 18 years
AFTERCARE SUPPORT	Housing, electric, water, gas, sewer service, food, mentoring, tutoring, mental health services, substance abuse counseling, life skills classes, parenting classes, job and career skills training, counselor consultations, temporary financial assistance, and financial literacy skills training.	18 to 23 years
ROAD-TO-INDEPENDENCE PROGRAM	Financial assistance for education.	18 to 23 years
TRANSITIONAL SUPPORT	Financial, housing, counseling, employment, education, mental health, disability, and other services.	18 to 23 years

⁸ U.S. Department of Health and Human Services, Administration for Children and Families, *The John H. Chafee Foster Care Independence Program*. Retrieved September 4, 2011 from http://www.acf.hhs.gov/programs/cb/programs_fund/state_tribal/jh_chafee.htm.

⁹ The department provided independent living services to older youth in foster care prior to the creation of s. 409.1451, F.S., with provisions for those services appearing in a number of sections of Florida Statutes, including s. 409.145, F.S., relating to care of children (2001), and 409.165, F.S., relating to alternative care of children (2001).

¹⁰ s. 409.1451, F.S.

Fostering Connections to Success and Increasing Adoptions Act

The Fostering Connections to Success and Increasing Adoptions Act¹¹ enacted in 2008, was designed to improve outcomes for children in care by promoting permanent families for them through relative guardianship and adoption and improving education and health care. Specifically, the Act:

- Promotes permanent families for children in care with relatives by providing notice to relatives when a child enters care, providing subsidized guardianship payments for relatives, and waiving certain licensing standards for relatives;
- Promotes permanent families for children with adoptive families by increasing opportunities for more children with special needs to receive federally-supported adoption assistance; and
- Improves outcomes for children in care by:
 - Allowing children who turn 18 in care without permanent families to remain in care, at state option, to age 19, 20, or 21 with continued federal support to increase their opportunities for success as they transition to adulthood;
 - Helping children in care achieve their educational goals by requiring that states ensure that they attend school and, when placed in care, they remain in their same school where appropriate, or, when a move is necessary, get help transferring promptly to a new school; and
 - Helping improve health care for children in care by requiring the state child welfare agency to work with the state Medicaid agency to create a plan to better coordinate health care for these children in order to ensure appropriate screenings and assessments and follow-up treatment and to assure sharing of critical information with appropriate providers and oversight of prescription medications.¹²

Education and Children in Care

Children in care lag behind their peers in school. Research over the past three decades has shown that, compared to the general school population, the half-million children in care in the United States:

- Have poorer attendance rates,
- Are less likely to perform at grade level,
- Are more likely to have behavior and discipline problems,
- Are more likely to be assigned to special education classes, and
- Are less likely to attend college.¹³

¹¹ Public Law 110-351.

¹² Center for Law and Social Policy. *Fostering Connections To Success And Increasing Adoptions Act*. Retrieved December 4, 2011 from <http://www.clasp.org/admin/site/publications/files/FINAL-FCSAIAAct1-pager.pdf>.

¹³ Marni Finkelstein, Mark Wamsley, and Doreen Miranda, *What Keeps Children in Foster Care From Succeeding in School? Views of Early Adolescents and the Adults in Their Lives*. Vera Institute of Justice, June 2002.

A 2001 study found that children in care often repeat a grade and are twice as likely as the rest of the school population to drop out before graduation. And among all students who drop out of school, fewer children in care eventually earn their GED than dropouts who were not in care.¹⁴ Children in care are faced with numerous obstacles to achieving educational success including:

- Lack of continuity in education;
- Requirements of the child welfare system;
- Lack of emphasis on education;
- Low expectations;
- An absence of an advocate; and
- The gap between the systems.¹⁵

Interagency agreements

The department was required in 2004 to enter into an agreement with the Department of Education (DOE) relating to the education and related care of children who are in care or in shelter.¹⁶ The agreement was required to be designed to:

- Provide educational access to children in care for the purpose of facilitating the delivery of services or programs to those children;
- Avoid duplication of services or programs and provide for combining resources to maximize the availability or delivery of services or programs; and
- Require the DOE to access the department's Florida Safe Families Network (FSFN) to obtain information about children known to the department, consistent with the Family Educational Rights and Privacy Act (FERPA).

The department was also required to enter into agreements with district school boards or other local educational entities regarding education and related services for children in care who are of school age and children in care who are younger than school age but who would otherwise qualify for services from the district school board. Such agreements shall include, but are not limited to:

- Requirements that the department enroll children in care in school, with the goal of avoiding disruption of education; provide the school with contact information for children in care; establish a protocol for the department to share information about a child in care with the school district, that requires the district school boards or other local educational entities to access the department's FSFN to obtain information about children in care; and notify the school district of the department's case planning for a child in care, both at the time of plan development and plan review.
- Requirements that the school district school board provide the department with a listing of the services and information available from the district school board to facilitate educational access for a child in care; identify all educational and other services provided

¹⁴ How You Can Create a Positive Educational Experience for the Foster Child. Vera Institute of Justice. Retrieved December 4, 2011 from http://www.ytfg.org/documents/241_452.pdf.

¹⁵ *Id.*

¹⁶ s. 39.0016, F.S.

- by the school and school district which the school district believes are reasonably necessary to meet the educational needs of a child in care; determine whether transportation is available for a child in care when such transportation will avoid a change in school assignment due to a change in residential placement; and provide individualized student intervention or an individual educational plan when a determination has been made that intervention services are required.
- Requirement that the department and the district school board cooperate in accessing the services and supports needed for a child in care who has or is suspected of having a disability in order to receive an appropriate education consistent with the Individuals with Disabilities Education Act and state implementing laws, rules, and assurances and coordination of services for a child in care who has or is suspected of having a disability.¹⁷

Outcomes in Florida

While attention to the needs of children in care and young adults formerly in care has increased significantly over the past decade, the services intended to help prepare them to live independently upon aging out of the system appear to remain limited and fragmented.¹⁸ Concerns continue to be raised as to whether those services are adequate to prepare children in care to live independently as adults, whether all eligible children and young adults are being served, and whether the direction and oversight of community-based care lead agencies and providers are sufficient to ensure that the goals of the program are being met.¹⁹

In a recent audit of the DCF independent living transition services program conducted by the Auditor General, preliminary and tentative audit findings revealed the following:

- The department and CBC lead agencies did not require that actual living and educational expenses be utilized as a basis for determining the amounts of the RTI awards made to high school students. Additionally, for post-secondary students, the department and CBCs were unable to provide documentation supporting the appropriateness of the amounts of the RTI awards;
- DCF rules and guidelines did not specifically address the type of documentation that would be sufficient to demonstrate appropriate progress by students in GED programs;

¹⁷ *Id.* These services may include screening referrals, sharing of evaluations between the school district and the department where appropriate, provision of education and related services appropriate for the needs and abilities of a child in care, appointment of a surrogate parent, consistent with the Individuals with Disabilities Education Act for educational purposes for a child in care who qualifies, and for each child in care 14 years of age and older, transition planning by the department and all providers, including the department's independent living program staff, to meet the requirements of the local school district for educational purposes.

¹⁸ *Report of Independent Living Services for Florida's Foster Youth* (2008). Independent Living Services Advisory Council. Retrieved December 4, 2011, from <http://www.dcf.state.fl.us/indliving/docs/AdvisoryCouncil/2008%20ILSAC%20Report.pdf>; *Improved Fiscal and Quality Oversight Is Needed for the Independent Living Program*, Office of Program Policy Analysis and Government Accountability, Report No. 07-11. February 2007; and *The Independent Living Transitional Services Critical Checklist* (2008). A joint project by the Independent Living Services Advisory Council, the Community-Based Care lead agencies, and the Department of Children and Family Services. Retrieved December 4, 2011, from http://www.dcf.state.fl.us/indliving/docs/ILSurveyChartbook20090105_AdvanceCopy.pdf.

¹⁹ *Id.*

- The department and CBCs made payments for Aftercare Support Services to young adults in the same month during which the young adult received both RTI and Transitional Support Services payments. These payments in total were sometimes significant in amount, and in some cases, made to meet the same identified need. In addition, the department and CBCs did not always ensure that only eligible young adults received Aftercare and Transitional Support Services and that the payments for those services were documented by applications and properly coded;
- Federal funds totaling \$641,913 from the CFCIP and ETV Programs were paid to ineligible young adults. In addition, administrative and support services costs were not properly allocated to State General Revenue and Chafee Program funds. CBCs also did not properly code payments for young adult services to the correct funding source;
- ETV Program, RTI, and Subsidized Independent Living (SIL) payments were made to young adults and adolescents in excess of established spending caps;
- Specific to adolescents in SIL, the Department and CBCs were unable to provide documentation to support the required number of services worker visitations. In addition, the Department and applicable CBCs were unable to provide documentation showing that staffings, assessments, and judicial reviews had been completed;
- The department and CBCs did not properly conduct or provide supporting documentation showing that staffings, assessments, and case plans for adolescents ages 13 to 17 had been completed;
- DCF did not require CBCs to fully utilize the functionality of FSFN specific to the independent living (IL) program; and
- Department monitoring efforts were not sufficient to ensure IL program compliance.²⁰

An operational audit of the independent living transition services program performed by the Auditor General in 2005 reported almost identical findings.²¹

III. Effect of Proposed Changes:

The bill creates provisions designed to enable children in care who are 13 to 17 years of age to graduate from high school and live successfully as independent adults. Specifically, the bill provides for the following:

Children in middle school and high school

- **School stability** – provides that if a child’s living arrangement changes, the child must be allowed to remain in the school of origin if it’s in his or her best interests; requires that transportation be provided if necessary to maintain school placement;
- **School transitions** – provides that if a child must change schools, the transition must be as least disruptive if possible; provides safeguards for children who must change schools, including those relating to participation in athletics;

²⁰ Office of the Auditor General. *Preliminary And Tentative Audit Findings. Department Of Children And Family Services. Independent Living Transition Services Program.* March 3, 2011.

²¹ Office of the Auditor General. *Operational Audit. Department Of Children And Family Services. Independent Living Transition Services Program.* Report No. 2005-119. February, 2005.

- **Attendance** – requires children in care to attend school like any other child; requires that appointments be scheduled to allow the child to miss as little time in school as possible; provides same penalties for caregivers as for parents who fail or refuse to have a child in care attend school; and
- **Education advocacy** – stresses the importance of an education advocate for every child in care; requires the CBC to document in the case plan that an education advocate has been designated or that a surrogate parent has been appointed in the case of a child with a disability.

Children in middle school

- Provides that in addition, to the courses required to be promoted from middle school, attention should be focused on the course in career and education planning that is already required of every child in 7th or 8th grade. The class requires that :
 - Each child complete an electronic personal academic and career plan;
 - The plan inform students of high school graduation requirements, high school assessment and college entrance test requirements, Florida Bright Futures Scholarship Program requirements, state university and Florida college admission requirements, and programs through which a high school student can earn college credit, including Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, career academy opportunities, and courses that lead to national industry certification;
 - Caregivers are required to attend school meeting to inform parents about the class and its requirements;
 - A diploma decision is to be made for students with disabilities and the child, caregiver and other designated education advocate must be included in all IEP meetings;
 - All children be provided information on the RTI Program;
 - Caregivers access school resources available to enable children in care to achieve academic success; and
 - CBCs partner with school districts to deliver a curriculum designed to enable children in care to advocate for themselves.

Children in high school

- Details diploma choices available to high school students;
- Reiterates that children with disabilities may remain in school until age 22, under certain circumstances;
- Requires that academic planning and guidance in high school shall build on decisions and accomplishments made in middle school;
- Requires the CBCs to document academic progress in the case plan on a regular basis;
- Requires exposure to workforce readiness activities, particularly for students who plan to work after high school;

- Requires every child to be provided with opportunities to participate in enrichment activities, volunteer and service learning opportunities, and services provided by AWI; and
- Requires the development of a transition plan.

Road-to-Independence Program

The bill restructures the RTI program to include the following:

- Creates the **Foundations First Program** for young adults who have decided to remain in care for a period of time after reaching the age of 18. Young adults must be:
 - Completing high school or its equivalent;
 - Enrolled in post-secondary or vocational education;
 - Employed at least 80 hours per month;
 - Participating in a program designed to promote employment; or
 - Unable to participate in the above due to a disability.
- Provides criteria for eligibility, termination from, and re-entry to the program;
- Provides for a needs assessment;
- Requires a young adult may not be terminated without a judicial review with certain exceptions;
- Provides the court may issue a show cause order to the department or CBC for failure to meet their obligations under the case plan;
- Provides for the development of a transition plan within the 180 day period before the young adult leaves care;
- Provides for a stipend and a needs assessment;
- Specifies documentation that must be provided to the young adult before leaving care; and
- Provides for periodic judicial reviews while the young adult is in care.
- Creates the **College Bound Program** for young adults who have graduated from high school and have been accepted into a college or university and need financial resources in order to attend:
 - Provides criteria for eligibility, termination, and re-entry;
 - Provides for a stipend and a needs assessment; and
 - Provides for portability of services if a young adult moves to another county or another state.

In addition, the bill:

- Requires that all children in care be encouraged to participate in extracurricular and social activities and that transportation be provided;
- Requires the development of a transition plan during the 180 day period before a child leaves care (if not remaining in extended care);

- Provides requirements for the transition plan and requires that the child be provided with specified documentation;
- Requires that a child be informed of the option of remaining in care for an extended period of time;
- Provides for an appeals process;
- Provides for funding for emergency situations;
- Amends provisions relating to judicial review to incorporate changes made by the amendment;
- Specifies data that CBCs are required to submit to the department annually; the department must then submit that data to the legislature; and
- Provides for a transition period to allow young adults in the current RTI program to continue until their eligibility has ended – young adults entering after the effective date of the bill will be governed by the new requirements.

The bill makes no substantive changes to provisions related to the Independent Living Services Advisory Council, property acquired on behalf of clients in the program, or enrollment in Kidcare.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The fiscal impact to the private sector is unknown.

C. Government Sector Impact:

The following was provided by the department relating to the fiscal impact of the bill:

	AMOUNT YEAR 1 (FY 2012-2013)	AMOUNT YEAR 2 (FY 2013-2014)
Projected Program Cost	\$58,356,854	\$54,479,319
Existing Specific Appropriations	\$28,906,729	\$28,906,729
(minus reserve for independent living costs not included in proposed legislative changes)		
Net Appropriations Consequences	\$29,450,125	\$25,572,590

However, the proposed fiscal impact outlined above does not take into consideration other available funding:

- The funding that has been historically required from the CBC base budget and carry forward funds; and
- The additional federal funding that would result from the provisions of the bill that implement options from the federal Fostering Connections.

Factoring in those two sources of funding will result in no increase in funding:

	State FY 2012-2013	State FY 2013-2014
Projected Program Cost	\$ 58,356,854	\$ 54,479,319
IL Specific Funds	\$ 28,906,729	\$ 28,906,729
IL From Other CBC Contracted Funds and Carry Forward	\$ 25,535,402	\$ 18,173,914
New Federal Title IV-E Funding	\$ 3,914,723	\$ 7,398,676
Net Appropriation Consequences	\$ 0	\$ 0

Implementing provisions from Fostering Connections will have a positive effect on CBC lead agency spending over the long-term. As the amount of federal Title IV-E funding increases each year, the amount of additional funding required from the lead agencies will correspondingly decrease. The amount of the contribution from the lead agencies for FY 2012-2013 is projected to be the same as the projected contribution for the current FY. That amount will decrease in future years.

	State FY 2008-2009	State FY 2009- 2010	State FY 2010- 2011	State FY 2011-2012
IL Specific Funds	\$ 31,758,455	\$ 35,038,010	\$ 29,451,721	\$ 29,764,428
IL From Other CBC Contracted Funds and Carry Forward	\$ 6,774,642	\$16,842,089	\$ 22,828,865	\$ 25,315,901 (projected)
TOTAL Expenditures	\$ 38,533,096	\$ 51,880,099	\$ 52,280,586	\$ 55,080,329 (projected)

These funds largely support independent living services for the population aged 18 to 23, while about \$400,000 is used to serve 16-18 year old youth in subsidized independent living. An average of about 2,600 young adults receive RTI each month, while about 680 receive Transitional and about 100 receive Aftercare (recipients may be duplicated across these components of the program). This population is restricted to young adults who enter from licensed foster care under current program criteria.

Calculations for Projected Program Cost

There are three components to the fiscal analysis of the legislation, including:

- Support of the population existing at the time of implementation;
- Support of those young adults eligible for newly created Foundations First; and
- Support of those young adults eligible for newly created College Bound.

Costs for all three of these groups depend on two primary estimating factors; the monthly estimated payment for each individual, and the cost of case management. These costs are estimated to be similar to that for the current program. However, the proposed legislation places no upper limit on service rates, whereas statute currently does impose an upper limit.

For Existing Population and College Bound – The average cost of \$1,109 per participant per month as projected by the CBCs for SFY 2011-2012 has been used. This average is predicated on the current upper limit of \$1,256/month. If this upper limit is removed, average cost is likely to increase. For new Foundations First participants, the needs-based cost is projected to be about 15% less than for College Bound, since these are for the most part high school or GED students who will not need such additional supports as tuition; therefore, a per-participant monthly rate of \$943 has been used. Case management cost of \$261 per participant per month is estimated on the basis of an anticipated caseload of 30 participants per case manager.

For the existing services cohort, six months of the first implementation year (FY 2012-13) will be under the current program and six months will be under the proposed RTI program, with restrictions placed on changes to stipend, method of payment, and living arrangement. Under these restrictions the cost remains the same whether individuals move into Foundations First or College Bound upon the implementation date. Projected cost for the year for this component equals **\$50,030,977** (including case management) for the estimated 3,043 participants who will be in the current RTI program during FY 2012-2013. This cost is estimated to be what would be incurred for this population regardless of the implementation of changes to RTI, at the current average cost per month per participant of \$1,109. For FY 2013-14, the annual cost for the existing population (an estimated 2,415 participants) would total \$39,700,888.

Foundations First participants – The costs for FY 2012-2013 are based on the estimated number of children in the child welfare system who turn 18 during the year, who are eligible, and who elect to participate. This number is estimated at 406, and the

associated cost is **\$5,862,580** (including case management). For FY 2013-2014, the total population (newly joining, and ongoing from the first year) is estimated to be 720 participants for a total cost of \$10,406,079. The population for Foundations First is estimated at the proportion of the incoming participants not anticipated to be eligible for College Bound. The primary difference between the existing RTI program and that under the proposed legislation is that the portion of the population participating in Foundations First is limited to ages 18 to 21. In order to remain in the program longer, once they reach age 21 they must either become eligible for College Bound (to age 23) or be disabled (to age 22). One provision of the proposed legislation, in Section 5 (s. 409.1451(1)(a)2.e., F.S., revised) requires the extension of Foundations First program services to young adults up to age 22 rather than 21 if they have a disability. This provision is not projected to affect program cost until the fourth year of implementation, after the first new group reaches age 21.

College Bound participants – The costs for FY 2012-2013 are based on the estimated number of children in the child welfare system who turn 18 during the year who are eligible and elect to participate. This number is estimated at 150, and the associated cost is **\$2,463,297** (including case management). For FY 2013-2014, the total population (newly joining, and ongoing from the first year) is projected at 266 for a total cost of \$4,372,353.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

By Senator Rich

34-00043A-12

2012434

1 A bill to be entitled
 2 An act relating to independent living; amending s.
 3 39.013, F.S.; requiring the court to retain
 4 jurisdiction over a child until the child is 21 years
 5 of age if the child elects to receive Foundations
 6 First Program services; providing for an annual
 7 judicial review; amending s. 39.6012, F.S.; requiring
 8 assurance in a child's case plan that efforts were
 9 made to avoid a change in the child's school;
 10 requiring that the case plan contain procedures for an
 11 older child to directly access and manage a personal
 12 allowance; creating s. 39.6015, F.S.; providing
 13 purpose and legislative intent with respect to the
 14 provision of services for older children who are in
 15 licensed care; requiring the documentation of
 16 assurances that school stability is considered when a
 17 child in care is moved; providing for the same
 18 assurances for children with disabilities; defining
 19 the term "school of origin"; requiring the Department
 20 of Children and Family Services or the community-based
 21 provider to provide reimbursement for the costs of
 22 transportation provided for a child in care; requiring
 23 changes in a child's school to be minimally
 24 disruptive; specifying criteria to be considered by
 25 the department and community-based provider during the
 26 transition of a child to another school; requiring
 27 children in care to attend school; requiring scheduled
 28 appointments to consider the child's school
 29 attendance; providing penalties for caregivers who

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30 refuse or fail to ensure that the child attends school
 31 regularly; specifying who may serve as an education
 32 advocate; requiring documentation that an education
 33 advocate or surrogate parent has been designated or
 34 appointed for a child in care; requiring a child in
 35 middle school to complete an electronic personal
 36 academic and career plan; requiring caregivers to
 37 attend school meetings; specifying requirements for
 38 individual education transition plan meetings for
 39 children with disabilities; requiring that a child be
 40 provided with information relating to the Road-to-
 41 Independence Program; requiring that the caregiver or
 42 education advocate attend parent-teacher conferences;
 43 requiring that a caregiver be provided with access to
 44 school resources in order to enable a child to achieve
 45 educational success; requiring the delivery of a
 46 curriculum model relating to self-advocacy; requiring
 47 documentation of a child's progress, the services
 48 needed, and the party responsible for providing
 49 services; specifying choices for a child with respect
 50 to diplomas and certificates for high school
 51 graduation or completion; providing that a child with
 52 a disability may stay in school until 22 years of age
 53 under certain circumstances; requiring caregivers to
 54 remain involved in the academic life of a child in
 55 high school; requiring documentation of a child's
 56 progress, the services needed, and the party who is
 57 responsible for providing services; providing for a
 58 child to be exposed to job-preparatory instruction,

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59 enrichment activities, and volunteer and service
 60 opportunities, including activities and services
 61 offered by the Department of Economic Opportunity;
 62 requiring that children in care be afforded
 63 opportunities to participate in the usual activities
 64 of school, community, and family life; requiring
 65 caregivers to encourage and support a child's
 66 participation in extracurricular activities; requiring
 67 that transportation be provided for a child; providing
 68 for the development of a transition plan; specifying
 69 the contents of a transition plan; requiring that the
 70 plan be reviewed by the court; requiring that a child
 71 be provided with specified documentation; requiring
 72 that the transition plan be coordinated with the case
 73 plan and a transition plan prepared pursuant to the
 74 Individuals with Disabilities Education Act for a
 75 child with disabilities; requiring the creation of a
 76 notice that specifies the options that are available
 77 to the child; requiring that community-based care lead
 78 agencies and contracted providers report specified
 79 data to the department and Legislature; amending s.
 80 39.701, F.S.; conforming terminology; specifying the
 81 required considerations during judicial review of a
 82 child under the jurisdiction of the court; specifying
 83 additional documents that must be provided to a child
 84 and that must be verified at the judicial review;
 85 requiring judicial review of a transition plan;
 86 amending s. 409.1451, F.S., relating to the Road-to-
 87 Independence Program; creating the Foundations First

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88 Program for young adults who want to remain in care
 89 after reaching 18 years of age; providing eligibility,
 90 termination, and reentry requirements for the program;
 91 requiring a court hearing before termination;
 92 providing for the development of a transition plan;
 93 specifying the contents of the transition plan;
 94 requiring that a young adult be provided with
 95 specified documentation; requiring that the transition
 96 plan be coordinated with the case plan and a
 97 transition plan prepared pursuant to the Individuals
 98 with Disabilities Education Act for a young adult with
 99 disabilities; requiring the creation of a notice that
 100 specifies the options that are available to the young
 101 adult; requiring annual judicial reviews; creating the
 102 College Bound Program for young adults who have
 103 completed high school and have been admitted to an
 104 eligible postsecondary institution; providing
 105 eligibility requirements; providing for a stipend;
 106 requiring satisfactory academic progress for
 107 continuation of the stipend; providing for
 108 reinstatement of the stipend; providing for
 109 portability of services for a child or young adult who
 110 moves out of the county or out of state; specifying
 111 data required to be reported to the department and
 112 Legislature; conforming terminology relating to the
 113 Independent Living Services Advisory Council;
 114 providing rulemaking authority to the Department of
 115 Children and Family Services; amending s. 409.903,
 116 F.S.; conforming a cross-reference; requiring the

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117 department to amend the case plan and judicial social
 118 service review formats; providing for young adults
 119 receiving transition services to continue to receive
 120 existing services until December 31, 2011; providing
 121 exceptions; providing an effective date.

122
 123 Be It Enacted by the Legislature of the State of Florida:

124
 125 Section 1. Subsection (2) of section 39.013, Florida
 126 Statutes, is amended to read:

127 39.013 Procedures and jurisdiction; right to counsel.-

128 (2) The circuit court has exclusive original jurisdiction
 129 of all proceedings under this chapter, of a child voluntarily
 130 placed with a licensed child-caring agency, a licensed child-
 131 placing agency, or the department, and of the adoption of
 132 children whose parental rights have been terminated under this
 133 chapter. Jurisdiction attaches when the initial shelter
 134 petition, dependency petition, or termination of parental rights
 135 petition is filed or when a child is taken into the custody of
 136 the department. The circuit court may assume jurisdiction over
 137 any such proceeding regardless of whether the child was in the
 138 physical custody of both parents, was in the sole legal or
 139 physical custody of only one parent, caregiver, or some other
 140 person, or was in the physical or legal custody of no person
 141 when the event or condition occurred that brought the child to
 142 the attention of the court. When the court obtains jurisdiction
 143 of any child who has been found to be dependent, the court shall
 144 retain jurisdiction, unless relinquished by its order, until the
 145 child reaches 18 years of age. However, if a young adult youth

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146 petitions the court at any time before his or her 19th birthday
 147 requesting the court's continued jurisdiction, the juvenile
 148 court may retain jurisdiction under this chapter for a period
 149 not to exceed 1 year following the young adult's youth's 18th
 150 birthday for the purpose of determining whether appropriate
 151 ~~aftercare support, Road to Independence Program, transitional~~
 152 ~~support, mental health, and developmental disability~~ services
 153 that were required to be provided to the young adult before
 154 reaching 18 years of age, to the extent otherwise authorized by
 155 law, have been provided ~~to the formerly dependent child who was~~
 156 ~~in the legal custody of the department immediately before his or~~
 157 ~~her 18th birthday~~. If a young adult chooses to participate in
 158 the Foundations First Program, the court shall retain
 159 jurisdiction until the young adult leaves the program as
 160 provided for in s. 409.1451(4). The court shall review the
 161 status of the young adult at least every 12 months or more
 162 frequently if the court deems it necessary. If a petition for
 163 special immigrant juvenile status and an application for
 164 adjustment of status have been filed on behalf of a foster child
 165 and the petition and application have not been granted by the
 166 time the child reaches 18 years of age, the court may retain
 167 jurisdiction over the dependency case solely for the purpose of
 168 allowing the continued consideration of the petition and
 169 application by federal authorities. Review hearings for the
 170 child shall be set solely for the purpose of determining the
 171 status of the petition and application. The court's jurisdiction
 172 terminates upon the final decision of the federal authorities.
 173 Retention of jurisdiction in this instance does not affect the
 174 services available to a young adult under s. 409.1451. The court

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175 may not retain jurisdiction of the case after the immigrant
176 child's 22nd birthday.

177 Section 2. Subsections (2) and (3) of section 39.6012,
178 Florida Statutes, are amended, and subsection (4) is added to
179 that section, to read:

180 39.6012 Case plan tasks; services.—

181 (2) The case plan must include all available information
182 that is relevant to the child's care including, at a minimum:

183 (a) A description of the identified needs of the child
184 while in care.

185 (b) A description of the plan for ensuring that the child
186 receives safe and proper care and that services are provided to
187 the child in order to address the child's needs. To the extent
188 available and accessible, the following health, mental health,
189 and education information and records of the child must be
190 attached to the case plan and updated throughout the judicial
191 review process:

192 1. The names and addresses of the child's health, mental
193 health, and educational providers;

194 2. The child's grade level performance;

195 3. The child's school record;

196 4. Assurances that the child's placement takes into account
197 proximity to the school in which the child is enrolled at the
198 time of placement and that efforts were made to allow the child
199 to remain in that school if it is in the best interest of the
200 child;

201 5. A record of the child's immunizations;

202 6. The child's known medical history, including any known
203 problems;

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204 7. The child's medications, if any; and

205 8. Any other relevant health, mental health, and education
206 information concerning the child.

207 (3) In addition to any other requirement, if the child is
208 in an out-of-home placement, the case plan must include:

209 (a) A description of the type of placement in which the
210 child is to be living.

211 (b) A description of the parent's visitation rights and
212 obligations and the plan for sibling visitation if the child has
213 siblings and is separated from them.

214 (c) When appropriate, for a child who is in middle school
215 or high school 13 years of age or older, a written description
216 of the programs and services that will help the child prepare
217 for the transition from ~~foster~~ care to independent living.

218 (d) A discussion of the safety and the appropriateness of
219 the child's placement, which placement is intended to be safe,
220 and the least restrictive and the most family-like setting
221 available consistent with the best interest and special needs of
222 the child and in as close proximity as possible to the child's
223 home.

224 (4) The case plan must contain procedures for an older
225 child to directly access and manage the personal allowance he or
226 she receives from the department in order to learn
227 responsibility and participate, to the extent feasible, in age-
228 appropriate life skills activities.

229 Section 3. Section 39.6015, Florida Statutes, is created to
230 read:

231 39.6015 Services for older children in care.—

232 (1) PURPOSE AND INTENT.—The Legislature recognizes that

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233 education and the other positive experiences of a child are key
 234 to a successful future as an adult and that it is particularly
 235 important for a child in care to be provided with opportunities
 236 to succeed. The Legislature intends that individuals and
 237 communities become involved in the education of a child in care,
 238 address issues that will improve the educational outcomes for
 239 the child, and find ways to ensure that the child values and
 240 receives a high-quality education. Many professionals in the
 241 local community understand these issues, and it is the intent of
 242 the Legislature that biological parents, caregivers, educators,
 243 advocates, the department and its community-based care
 244 providers, guardians ad litem, and judges, in fulfilling their
 245 responsibilities to the child, work together to ensure that an
 246 older child in care has access to the same academic resources,
 247 services, and extracurricular and enrichment activities that are
 248 available to all children. Engaging an older child in a broad
 249 range of the usual activities of family, school, and community
 250 life during adolescence will help to empower the child in his or
 251 her transition into adulthood and in living independently. The
 252 Legislature intends for services to be delivered in an age-
 253 appropriate and developmentally appropriate manner, along with
 254 modifications or accommodations as may be necessary to include
 255 every child, specifically including a child with a disability.
 256 It is also the intent of the Legislature that while services to
 257 prepare an older child for life on his or her own are important,
 258 these services will not diminish efforts to achieve permanency
 259 goals of reunification, adoption, or permanent guardianship.

260 (2) EDUCATION PROVISIONS.—Perhaps more than any other
 261 population, an older child in care is in need of a quality

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262 education. The child depends on the school to provide positive
 263 role models, to provide a network of relationships and
 264 friendships that will help the child gain social and personal
 265 skills, and to provide the educational opportunities and other
 266 activities that are needed for a successful transition into
 267 adulthood.

268 (a) Definitions.—As used in this section, the term:

269 1. "Caregiver" has the same meaning as provided in s.
 270 39.01(10) and also includes a staff member of the group home or
 271 facility in which the child resides.

272 2. "School of origin" means the school that the child
 273 attended before coming into care or the school in which the
 274 child was last enrolled. If the child is relocated outside the
 275 area of the school of origin, the department and its community-
 276 based providers shall provide the necessary support to the
 277 caregiver so that the child can continue enrollment in the
 278 school of origin if it is in the best interest of the child.

279 (b) School stability.—The mobility of a child in care can
 280 disrupt the educational experience. Whenever a child enters
 281 care, or is moved from one home to another, the proximity of the
 282 new home to the child's school of origin shall be considered.
 283 The case plan must include tasks or a plan for ensuring the
 284 child's educational stability while in care. As part of this
 285 plan, the community-based care provider shall document
 286 assurances that:

287 1. The appropriateness of the current educational setting
 288 and the proximity to the school in which the child is enrolled
 289 at the time of coming into care have been taken into
 290 consideration.

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- 291 2. The community-based care provider has coordinated with
 292 the appropriate local school district to determine if the child
 293 can remain in the school in which he or she is enrolled.
 294 3. The child in care has been asked about his or her
 295 educational preferences and needs, including his or her view on
 296 whether to change schools when the living situation changes.
 297 4. A child with a disability is allowed to continue in an
 298 appropriate educational setting, regardless of changes to the
 299 location of the home, and transportation is addressed and
 300 provided in accordance with the child's individualized education
 301 program. A child with a disability shall receive the protections
 302 provided in federal and state law, including timelines for
 303 evaluations, implementation of an individualized education plan
 304 or an individual family service plan, and placement in the least
 305 restrictive environment, even when the child changes school
 306 districts.
 307 5. The department and its community-based providers shall
 308 provide special reimbursement for expenses associated with
 309 transporting a child to his or her school of origin if the
 310 school district does not provide transportation or the
 311 individualized education plan does not include transportation as
 312 a service. Transportation arrangements shall follow a route that
 313 is as direct and expedient for the child as is reasonably
 314 possible.
 315 (c) School transitions.—A change in schools, if necessary,
 316 shall be as least disruptive as possible, and the support
 317 necessary for a successful transition shall be provided by the
 318 department, the community-based provider, and the caregiver. The
 319 department and the community-based providers shall work with

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- 320 school districts to develop and implement procedures to ensure
 321 that a child in care:
 322 1. Is enrolled immediately in a new school and can begin
 323 classes promptly.
 324 2. Does not experience a delay in enrollment and delivery
 325 of appropriate services due to school or record requirements as
 326 required by s. 1003.22.
 327 3. Has education records that are comprehensive and
 328 accurate and that promptly follow the child to a new school.
 329 4. Is allowed to participate in all academic and
 330 extracurricular programs, including athletics, when arriving at
 331 a new school in the middle of a school term, even if normal
 332 timelines have passed or programs are full. A district school
 333 board or school athletic association, including the Florida High
 334 School Athletic Association or its successor, may not prevent,
 335 or create barriers to, the ability of a child in care to
 336 participate in age-appropriate extracurricular, enrichment, or
 337 social activities.
 338 5. Receives credit or partial credit for coursework
 339 completed at the prior school.
 340 6. Has the ability to receive a high school diploma even
 341 when the child has attended multiple schools that have varying
 342 graduation requirements.
 343 (d) School attendance.—A child in care shall attend school
 344 as required by s. 1003.26.
 345 1. The community-based care provider and caregiver shall
 346 eliminate any barriers to attendance such as required school
 347 uniforms or school supplies.
 348 2. Appointments and court appearances for a child in care

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349 shall be scheduled to minimize the effect on the child's
 350 education and to ensure that the child is not penalized for
 351 school time or work missed because of court hearings or
 352 activities related to the child welfare case.

353 3. A caregiver who refuses or fails to ensure that a child
 354 who is in his or her care attends school regularly is subject to
 355 the same procedures and penalties as a parent under s. 1003.27.

356 (e) Education advocacy.—

357 1. A child in care shall have an adult caregiver who is
 358 knowledgeable about schools and children in care and who serves
 359 as an education advocate to reinforce the value of the child's
 360 investment in education, to ensure that the child receives a
 361 high-quality education, and to help the child plan for middle
 362 school, high school, and postschool training, employment, or
 363 college. The advocate may be a caregiver, care manager, guardian
 364 ad litem, educator, or individual hired and trained for the
 365 specific purpose of serving as an education advocate.

366 2. A child in care with disabilities who is eligible for
 367 the appointment of a surrogate parent, as required in s.
 368 39.0016, shall be assigned a surrogate in a timely manner, but
 369 no later than 30 days after a determination that a surrogate is
 370 needed.

371 3. The community-based provider shall document in the
 372 child's case plan that an education advocate has been identified
 373 for each child in care or that a surrogate parent has been
 374 appointed for each child in care with a disability.

375 (f) Academic requirements and support; middle school
 376 students.—A child must complete the required courses that
 377 include mathematics, English, social studies, and science in

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378 order to be promoted from a state school composed of middle
 379 grades 6, 7, and 8.

380 1. In addition to other academic requirements, a child must
 381 complete one course in career and education planning in 7th or
 382 8th grade. The course, as required by s. 1003.4156, must include
 383 career exploration using Florida CHOICES Explorer or Florida
 384 CHOICES Planner and must include educational planning using the
 385 online student advising system known as Florida Academic
 386 Counseling and Tracking for Students at the Internet website
 387 FACTS.org.

388 a. Each child shall complete an electronic personalized
 389 academic and career plan that must be signed by the child, the
 390 child's teacher, guidance counselor, or academic advisor, and
 391 the child's parent, caregiver, or other designated education
 392 advocate. Any designated advocate must have the knowledge and
 393 training to serve in that capacity.

394 b. The required personalized academic and career plan must
 395 inform students of high school graduation requirements, high
 396 school assessment and college entrance test requirements,
 397 Florida Bright Futures Scholarship Program requirements, state
 398 university and Florida College System institution admission
 399 requirements, and programs through which a high school student
 400 may earn college credit, including Advanced Placement,
 401 International Baccalaureate, Advanced International Certificate
 402 of Education, dual enrollment, career academy opportunities, and
 403 courses that lead to national industry certification.

404 c. A caregiver shall attend the parent meeting held by the
 405 school to inform parents about the career and education planning
 406 course curriculum and the activities associated with the

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407 curriculum.

408 2. For a child with a disability, the decision whether to
 409 work toward a standard diploma or a special diploma shall be
 410 addressed at the meeting on the individual education transition
 411 plan conducted during the child's 8th grade or the year the
 412 child turns 14 years of age, whichever occurs first. The child
 413 shall be invited to participate in this and each subsequent
 414 transition plan meeting. At this meeting, the individual
 415 education transition plan team, including the child, the
 416 caregiver, and other designated education advocate, shall
 417 determine whether a standard or special diploma best prepares
 418 the child for his or her education and career goals after high
 419 school.

420 a. The team shall plan the appropriate course of study,
 421 which may include basic education courses, career education
 422 courses, and exceptional student education courses.

423 b. The team shall identify any special accommodations,
 424 modifications, and related services needed to help the child
 425 participate fully in the educational program.

426 c. All decisions shall be documented on the individual
 427 education transition plan, and this information shall be used to
 428 guide the child's educational program as he or she enters high
 429 school.

430 3. A caregiver or the community-based care provider shall
 431 provide the child with all information related to the Road-to-
 432 Independence Program as provided in s. 409.1451.

433 4. A caregiver or another designated education advocate
 434 shall attend parent-teacher conferences and monitor each child's
 435 academic progress.

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436 5. Each district school board, as required by s. 1002.23,
 437 shall develop and implement a well-planned, inclusive, and
 438 comprehensive program to assist parents and families in
 439 effectively participating in their child's education. A school
 440 district shall have available resources and services for parents
 441 and their children, such as family literacy services; mentoring,
 442 tutorial, and other academic reinforcement programs; college
 443 planning, academic advisement, and student counseling services;
 444 and after-school programs. A caregiver shall access these
 445 resources as necessary to enable the child in his or her care to
 446 achieve educational success.

447 6. A child in care, particularly a child with a disability,
 448 shall be involved and engaged in all aspects of his or her
 449 education and educational planning and must be empowered to be
 450 an advocate for his or her education needs. Community-based care
 451 providers shall enter into partnerships with school districts to
 452 deliver curriculum on self-determination or self-advocacy to
 453 engage and empower the child to be his or her own advocate,
 454 along with support from the caregiver, community-based care
 455 provider, guardian ad litem, teacher, school guidance counselor,
 456 and other designated education advocate.

457 7. The community-based care provider shall document in the
 458 case plan evidence of the child's progress toward, and
 459 achievement of, academic, life, social, and vocational skills.
 460 The case plan shall be amended to fully and accurately reflect
 461 the child's academic and career plan, identify the services and
 462 tasks needed to support that plan, and identify the party
 463 responsible for accomplishing the tasks or providing the needed
 464 services.

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465 8. The community-based care provider shall conduct an
 466 annual staff meeting for each child who is enrolled in middle
 467 school. The community-based care provider shall complete an
 468 independent living assessment to determine the child's skills
 469 and abilities to become self-sufficient and live independently
 470 after the first staff meeting conducted after the child enters
 471 middle school. The assessment must consider those skills that
 472 are expected to be acquired by a child from his or her school
 473 setting and living arrangement. The community-based care
 474 provider must provide the needed services if additional services
 475 are necessary to ensure that the child obtains the appropriate
 476 independent living skills. The community-based care provider
 477 shall document in the case plan evidence of the child's progress
 478 toward developing independent living skills.

479 (g) Academic requirements and support; high school
 480 students.—Graduation from high school is essential for a child
 481 to be able to succeed and live independently as an adult. In
 482 Florida, 70 percent of children in care reach 18 years of age
 483 without having obtained a high school diploma. It is the
 484 responsibility of the department, its community-based providers,
 485 and caregivers to ensure that a child in care is able to take
 486 full advantage of every resource and opportunity in order to be
 487 able to graduate from high school and be adequately prepared to
 488 pursue postsecondary education at a college or university or to
 489 acquire the education and skills necessary to enter the
 490 workplace. In preparation for accomplishing education and career
 491 goals after high school, the child shall select the appropriate
 492 course of study which best meets his or her needs.

493 1. An older child who plans to attend a college or

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494 university after graduation must take certain courses to meet
 495 state university admission requirements. The course requirements
 496 for state university admission are the same for two Bright
 497 Futures Scholarship awards, the Florida Academic Scholars award,
 498 and the Florida Medallion Scholars award. By following this
 499 course of study, which is required for state university
 500 admission and recommended if the child intends to pursue an
 501 associate in arts degree at a Florida College System institution
 502 and transfer to a college or university to complete a bachelor's
 503 degree, the child will meet the course requirements for high
 504 school graduation, state university admission, and two Bright
 505 Futures Scholarship awards.

506 2. An older child who plans on a career technical program
 507 in high school to gain skills for work or continue after
 508 graduation at a Florida College System institution, technical
 509 center, or registered apprenticeship program should choose a
 510 course of study that meets the course requirements for high
 511 school graduation, the third Bright Futures Scholarship award,
 512 and the Florida Gold Seal Vocational Scholars award. This course
 513 of study is recommended if the child intends to pursue a
 514 technical certificate or license, an associate degree, or a
 515 bachelor's degree, or wishes to gain specific career training.

516 3. An older child with a disability may choose to work
 517 toward a standard diploma, a special diploma, or a certificate
 518 of completion. The child shall be assisted in choosing a diploma
 519 option by school and district staff through the development of
 520 the individual education plan. The diploma choice shall be
 521 reviewed each year at the child's individual education plan
 522 meeting.

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523 a. An older child or young adult with a disability who has
 524 not earned a standard diploma or who has been awarded a special
 525 diploma, certificate of completion, or special certificate of
 526 completion before reaching 22 years of age may stay in school
 527 until he or she reaches 22 years of age.

528 b. The school district shall continue to offer services
 529 until the young adult reaches 22 years of age or until he or she
 530 earns a standard diploma, whichever occurs first, as required by
 531 the Individuals with Disabilities Education Act.

532 4. This paragraph does not preclude an older child from
 533 seeking the International Baccalaureate Diploma or the Advanced
 534 International Certificate of Education Diploma.

535 5. Educational guidance and planning for high school shall
 536 be based upon the decisions made during middle school.
 537 Caregivers shall remain actively involved in the child's
 538 academic life by attending parent-teacher conferences and by
 539 taking advantage of available resources to enable the child to
 540 achieve academic success.

541 6. The community-based care provider shall document in the
 542 case plan evidence of the child's progress toward, and
 543 achievement of, academic, life, social, and vocational skills.
 544 The case plan shall be amended to completely reflect the child's
 545 academic and career plan, identify the services and tasks needed
 546 to support that plan, and identify the party responsible for
 547 accomplishing the tasks or providing the needed services.

548 7. The community-based care provider shall conduct a staff
 549 meeting at least every 6 months for each child who is enrolled
 550 in high school. The community-based care provider shall complete
 551 an independent living assessment to determine the child's skills

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552 and abilities to become self-sufficient and live independently
 553 after the first staff meeting conducted after the child enters
 554 high school. The assessment must consider those skills that are
 555 expected to be acquired by a child from his or her school
 556 setting and living arrangement. The community-based care
 557 provider must provide the needed services if additional services
 558 are necessary to ensure that the child obtains the appropriate
 559 independent living skills. Such additional independent living
 560 skills may include, but not be limited to, training to develop
 561 banking and budgeting skills, interviewing skills, parenting
 562 skills, time management or organizational skills, educational
 563 support, employment training, and personal counseling. The
 564 community-based care provider shall document in the case plan
 565 evidence of the child's progress toward developing independent
 566 living skills.

567 8. Participation in workforce readiness activities is
 568 essential for a child in care at the high school level to
 569 prepare himself or herself to be a self-supporting and
 570 productive adult. The caregiver and the community-based care
 571 provider shall ensure that each child:

572 a. Who is interested in pursuing a career after high school
 573 graduation is exposed to job-preparatory instruction in the
 574 competencies that prepare students for effective entry into an
 575 occupation, including diversified cooperative education, work
 576 experience, and job-entry programs that coordinate directed
 577 study and on-the-job training.

578 b. Is provided with the opportunity to participate in
 579 enrichment activities that increase the child's understanding of
 580 the workplace, to explore careers, and to develop goal-setting,

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581 decisionmaking, and time-management skills.

582 c. Is provided with volunteer and service learning
 583 opportunities in order to develop workplace and planning skills,
 584 self esteem, and personal leadership skills.

585 d. Is provided with an opportunity to participate in
 586 activities and services provided by the Department of Economic
 587 Opportunity and the regional workforce boards within the
 588 Division of Workforce Services which prepare all young adults,
 589 including those with a disability, for the workforce.

590 (3) EXTRACURRICULAR ACTIVITIES.—An older child in care
 591 shall be accorded to the fullest extent possible the opportunity
 592 to participate in the activities of community, school, and
 593 family life.

594 (a) A caregiver shall encourage and support participation
 595 in age-appropriate extracurricular and social activities for an
 596 older child, including a child with a disability.

597 (b) A caregiver shall provide transportation for such
 598 activities, and community-based care providers shall reimburse
 599 the caregiver for the expenses associated with such activities.

600 (c) The department and its community-based providers may
 601 not place an older child in a home if the caregiver does not
 602 encourage or facilitate participation in and provide
 603 transportation to the extracurricular activities of the child's
 604 choice, unless other arrangements can be made by the community-
 605 based care provider to enable the child's participation in such
 606 activities.

607 (d) A caregiver's license or licensure status is not
 608 affected by the age-appropriate actions of a child engaging in
 609 activities while in his or her care.

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610 (4) DEVELOPMENT OF THE TRANSITION PLAN.—If a child is
 611 planning to leave care upon reaching 18 years of age, during the
 612 180-day period before the child reaches 18 years of age, the
 613 department and community-based care provider, in collaboration
 614 with the caregiver, any other designated education advocate, and
 615 any other individual whom the child would like to have included,
 616 shall assist and support the older child in developing a
 617 transition plan. The transition plan must take into account all
 618 of the education and other skills achieved by the child in
 619 middle and high school, must include specific options for the
 620 child on housing, health insurance, education, local
 621 opportunities for mentors and continuing support services, and
 622 workforce support and employment services, and must be reviewed
 623 by the court during the last review hearing before the child
 624 reaches 18 years of age. In developing the plan, the department
 625 and community-based provider shall:

626 (a) Provide the child with the documentation required in s.
 627 39.701(7);

628 (b) Coordinate with local public and private entities in
 629 designing the transition plan as appropriate;

630 (c) Coordinate the transition plan with the independent
 631 living provisions in the case plan and the Individuals with
 632 Disabilities Education Act transition plan for a child with a
 633 disability; and

634 (d) Create a clear and developmentally appropriate notice
 635 specifying the options available for a young adult who chooses
 636 to remain in care for a longer period. The notice must include
 637 information about what services the child is eligible for and
 638 how such services may be obtained.

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639 (5) ACCOUNTABILITY.--640 (a) The community-based care lead agencies and its
641 contracted providers shall report to the department the
642 following information:643 1. The total number of children in care who are enrolled in
644 middle school, high school, adult high school, and GED programs
645 and, in a breakdown by age, how many had their living
646 arrangements change one time and how many were moved two or more
647 times. For the children who were moved, how many had to change
648 schools and how many of those changes were due to a lack of
649 transportation.650 2. For those children for whom transportation was provided,
651 how many children were provided transportation, how the
652 transportation was provided, how it was paid for, and the amount
653 of the total expenditure by the lead agency.654 3. The same information required in subparagraphs 1. and
655 2., specific to children in care with a disability.656 4. In a breakdown by age, for those children who changed
657 schools at least once, how many children experienced problems in
658 the transition, what kinds of problems were encountered, and
659 what steps the lead agency and the caregiver took to remedy
660 those problems.661 5. In a breakdown by age, out of the total number of
662 children in care, the number of children who were absent from
663 school more than 10 days in a semester and the steps taken by
664 the lead agency and the caregiver to reduce absences.665 6. Evidence that the lead agency has established a working
666 relationship with each school district in which a child in care
667 attends school.

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668 7. In a breakdown by age, out of the total number of
669 children in care, the number who have documentation in the case
670 plan that either an education advocate or a surrogate parent has
671 been designated or appointed.672 8. In a breakdown by age, out of the total number of
673 children in care, the number of children who have documentation
674 in the case plan that they have an education advocate who
675 regularly participates in parent-teacher meetings and other
676 school-related activities.677 9. For those children in care who have finished 8th grade,
678 the number of children who have documentation in the case plan
679 that they have completed the academic and career plan required
680 by s. 1003.4156 and that the child and the caregiver have signed
681 the plan.682 10. For those children in care who have a disability and
683 have finished 8th grade, the number of children who have
684 documentation in the case plan that they have had an individual
685 education transition plan meeting.686 11. In a breakdown by age, the total number of children in
687 care who are in middle school or high school. For each age, the
688 number of children who are reading at or above grade level, the
689 number of children who have successfully completed the FCAT and
690 end-of-course assessments, the number of children who have
691 dropped out of school, the number of children who have enrolled
692 in any dual enrollment or advanced placement courses, and the
693 number of children completing the required number of courses,
694 assessments, and hours needed to be promoted to the next grade
695 level.696 12. With a breakdown by age, the total number of children

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 697 in care who are in middle school or high school. For each age,
 698 the number of children who have documentation in the case plan
 699 that they are involved in at least one extracurricular activity,
 700 whether it is a school-based or community-based activity,
 701 whether they are involved in at least one service or volunteer
 702 activity, and who provides the transportation.

703 13. The total number of children in care who are 17 years
 704 of age and who are obtaining services from the lead agency or
 705 its contracted providers and how many of that total number have
 706 indicated that they plan to remain in care after turning 18
 707 years of age, and for those children who plan to leave care, how
 708 many children have a transition plan.

709 14. A breakdown of documented expenses for children in
 710 middle and high school.

711 (b) Each community-based care lead agency shall provide its
 712 report to the department by September 30 of each year. The
 713 department shall compile the reports from each community-based
 714 care lead agency and provide them to the Legislature by December
 715 31 of each year, with the first report due to the Legislature on
 716 December 31, 2012.

717 Section 4. Subsections (7), (8), and (9) of section 39.701,
 718 Florida Statutes, are amended to read:

719 39.701 Judicial review.—

720 (7) (a) In addition to paragraphs (1) (a) and (2) (a), the
 721 court shall hold a judicial review hearing within 90 days after
 722 a child's youth's 17th birthday. The court shall also issue an
 723 order, separate from the order on judicial review, that the
 724 disability of nonage of the child youth has been removed
 725 pursuant to s. 743.045. The court shall continue to hold timely

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 726 judicial review hearings thereafter. In addition, the court may
 727 review the status of the child more frequently during the year
 728 prior to the child's youth's 18th birthday if necessary. At each
 729 review held under this subsection, in addition to any
 730 information or report provided to the court, the caregiver
 731 ~~foster parent~~, legal custodian, guardian ad litem, and the child
 732 shall be given the opportunity to address the court with any
 733 information relevant to the child's best interests, particularly
 734 as it relates to the requirements of s. 39.6015 and the Road-to-
 735 Independence Program under s. 409.1451 independent living
 736 transition services. In addition to any information or report
 737 provided to the court, the department shall include in its
 738 judicial review social study report written verification that
 739 the child has been provided with:

740 1. ~~Has been provided with~~ A current Medicaid card and ~~has~~
 741 ~~been provided~~ all necessary information concerning the Medicaid
 742 program sufficient to prepare the child youth to apply for
 743 coverage upon reaching age 18, if such application would be
 744 appropriate.

745 2. ~~Has been provided with~~ A certified copy of his or her
 746 birth certificate and, if the child does not have a valid
 747 driver's license, a Florida identification card issued under s.
 748 322.051.

749 3. A social security card and ~~Has been provided~~ information
 750 relating to Social Security Insurance benefits if the child is
 751 eligible for these benefits. If the child has received these
 752 benefits and they are being held in trust for the child, a full
 753 accounting of those funds must be provided and the child must be
 754 informed about how to access those funds.

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755 ~~4. Has been provided with information and training related~~
756 ~~to budgeting skills, interviewing skills, and parenting skills.~~

757 ~~4.5. Has been provided with~~ All relevant information
758 related to the Road-to-Independence Program, including, but not
759 limited to, eligibility requirements, information on how forms
760 ~~necessary to participate~~ apply, and assistance in gaining
761 admission to the program ~~completing the forms~~. The child shall
762 also be informed that, if he or she is eligible for the Road-to-
763 Independence Program, he or she may reside with the licensed
764 ~~foster~~ family or group care provider with whom the child was
765 residing at the time of attaining his or her 18th birthday or
766 may reside in another licensed ~~foster~~ home or with a group care
767 provider arranged by the department.

768 ~~5.6. An opportunity to~~ Has an open a bank account, or
769 obtain ~~has~~ identification necessary to open an account, and has
770 been provided with essential banking and budgeting skills.

771 ~~6.7. Has been provided with~~ Information on public
772 assistance and how to apply.

773 ~~7.8. Has been provided~~ A clear understanding of where he or
774 she will be living on his or her 18th birthday, how living
775 expenses will be paid, and in what educational program or school
776 he or she will be enrolled ~~in~~.

777 ~~8.9. Information related to the ability~~ Has been provided
778 with notice of the child youth's right to remain in care until
779 he or she reaches 21 years of age ~~petition for the court's~~
780 ~~continuing jurisdiction for 1 year after the youth's 18th~~
781 ~~birthday~~ as specified in s. 39.013(2) and ~~with~~ information on
782 how to participate in the Road-to-Independence Program ~~obtain~~
783 ~~access to the court.~~

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784 9. A letter providing the dates that the child was under
785 the jurisdiction of the court.

786 10. A letter stating that the child was in care, in
787 compliance with financial aid documentation requirements.

788 11. His or her entire educational records.

789 12. His or her entire health and mental health records.

790 13. The process for accessing his or her case file.

791 ~~14.10. Encouragement~~ Has been encouraged to attend all
792 judicial review hearings occurring after his or her 17th
793 birthday.

794 (b) At the first judicial review hearing held subsequent to
795 the child's 17th birthday, in addition to the requirements of
796 subsection (8), the department shall provide the court with an
797 updated case plan that includes specific information related to
798 the provisions of s. 39.6015, independent living services that
799 ~~have been provided~~ since the child entered middle school ~~child's~~
800 ~~13th birthday~~, or since the date the child came into ~~foster~~
801 care, whichever came later.

802 (c) At the last judicial review hearing held before the
803 child's 18th birthday, in addition of the requirements of
804 subsection (8), the department shall provide to the court for
805 review the transition plan for a child who is planning to leave
806 care after reaching his or her 18th birthday.

807 ~~(d)(e)~~ At the time of a judicial review hearing held
808 pursuant to this subsection, if, in the opinion of the court,
809 the department has not complied with its obligations as
810 specified in the written case plan or in the provision of
811 ~~independent living services as required by s. 39.6015, s.~~
812 409.1451, and this subsection, the court shall issue a show

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 813 cause order. If cause is shown for failure to comply, the court
 814 shall give the department 30 days within which to comply and, on
 815 failure to comply with this or any subsequent order, the
 816 department may be held in contempt.

817 (8) (a) Before every judicial review hearing or citizen
 818 review panel hearing, the social service agency shall make an
 819 investigation and social study concerning all pertinent details
 820 relating to the child and shall furnish to the court or citizen
 821 review panel a written report that includes, but is not limited
 822 to:

823 1. A description of the type of placement the child is in
 824 at the time of the hearing, including the safety of the child
 825 and the continuing necessity for and appropriateness of the
 826 placement.

827 2. Documentation of the diligent efforts made by all
 828 parties to the case plan to comply with each applicable
 829 provision of the plan.

830 3. The amount of fees assessed and collected during the
 831 period of time being reported.

832 4. The services provided to the caregiver ~~foster family~~ or
 833 legal custodian in an effort to address the needs of the child
 834 as indicated in the case plan.

835 5. A statement that either:

836 a. The parent, though able to do so, did not comply
 837 substantially with the case plan, and the agency
 838 recommendations;

839 b. The parent did substantially comply with the case plan;
 840 or

841 c. The parent has partially complied with the case plan,

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 842 with a summary of additional progress needed and the agency
 843 recommendations.

844 6. A statement from the caregiver ~~foster parent~~ or legal
 845 custodian providing any material evidence concerning the return
 846 of the child to the parent or parents.

847 7. A statement concerning the frequency, duration, and
 848 results of the parent-child visitation, if any, and the agency
 849 recommendations for an expansion or restriction of future
 850 visitation.

851 8. The number of times a child has been removed from his or
 852 her home and placed elsewhere, the number and types of
 853 placements that have occurred, and the reason for the changes in
 854 placement.

855 9. The number of times a child's educational placement has
 856 been changed, the number and types of educational placements
 857 which have occurred, and the reason for any change in placement.

858 10. If the child has entered middle school ~~reached 13 years~~
 859 ~~of age~~ but is not yet 18 years of age, the specific information
 860 contained in the case plan related to the provisions of s.
 861 39.6015 results of the preindependent living, life skills, or
 862 independent living assessment; the specific services needed; and
 863 the status of the delivery of the identified services.

864 11. Copies of all medical, psychological, and educational
 865 records that support the terms of the case plan and that have
 866 been produced concerning the parents or any caregiver since the
 867 last judicial review hearing.

868 12. Copies of the child's current health, mental health,
 869 and education records as identified in s. 39.6012.

870 (b) A copy of the social service agency's written report

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871 and the written report of the guardian ad litem must be served
 872 on all parties whose whereabouts are known; to the caregivers
 873 ~~foster parents~~ or legal custodians; and to the citizen review
 874 panel, at least 72 hours before the judicial review hearing or
 875 citizen review panel hearing. The requirement for providing
 876 parents with a copy of the written report does not apply to
 877 those parents who have voluntarily surrendered their child for
 878 adoption or who have had their parental rights to the child
 879 terminated.

880 (c) In a case in which the child has been permanently
 881 placed with the social service agency, the agency shall furnish
 882 to the court a written report concerning the progress being made
 883 to place the child for adoption. If the child cannot be placed
 884 for adoption, a report on the progress made by the child towards
 885 alternative permanency goals or placements, including, but not
 886 limited to, guardianship, long-term custody, long-term licensed
 887 custody, or independent living, must be submitted to the court.
 888 The report must be submitted to the court at least 72 hours
 889 before each scheduled judicial review.

890 (d) In addition to or in lieu of any written statement
 891 provided to the court, the caregiver ~~foster parent~~ or legal
 892 custodian, or any preadoptive parent, shall be given the
 893 opportunity to address the court with any information relevant
 894 to the best interests of the child at any judicial review
 895 hearing.

896 (9) The court and any citizen review panel shall take into
 897 consideration the information contained in the social services
 898 study and investigation and all medical, psychological, and
 899 educational records that support the terms of the case plan;

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900 testimony by the social services agency, the parent, the
 901 caregiver ~~foster parent~~ or legal custodian, the guardian ad
 902 litem or surrogate parent for educational decisionmaking if one
 903 has been appointed for the child, and any other person deemed
 904 appropriate; and any relevant and material evidence submitted to
 905 the court, including written and oral reports to the extent of
 906 their probative value. These reports and evidence may be
 907 received by the court in its effort to determine the action to
 908 be taken with regard to the child and may be relied upon to the
 909 extent of their probative value, even though not competent in an
 910 adjudicatory hearing. In its deliberations, the court and any
 911 citizen review panel shall seek to determine:

912 (a) If the parent was advised of the right to receive
 913 assistance from any person or social service agency in the
 914 preparation of the case plan.

915 (b) If the parent has been advised of the right to have
 916 counsel present at the judicial review or citizen review
 917 hearings. If not so advised, the court or citizen review panel
 918 shall advise the parent of such right.

919 (c) If a guardian ad litem needs to be appointed for the
 920 child in a case in which a guardian ad litem has not previously
 921 been appointed or if there is a need to continue a guardian ad
 922 litem in a case in which a guardian ad litem has been appointed.

923 (d) Who holds the rights to make educational decisions for
 924 the child. If appropriate, the court may refer the child to the
 925 district school superintendent for appointment of a surrogate
 926 parent or may itself appoint a surrogate parent under the
 927 Individuals with Disabilities Education Act and s. 39.0016.

928 (e) The compliance or lack of compliance of all parties

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929 with applicable items of the case plan, including the parents'
930 compliance with child support orders.

931 (f) The compliance or lack of compliance with a visitation
932 contract between the parent and the social service agency for
933 contact with the child, including the frequency, duration, and
934 results of the parent-child visitation and the reason for any
935 noncompliance.

936 (g) The compliance or lack of compliance of the parent in
937 meeting specified financial obligations pertaining to the care
938 of the child, including the reason for failure to comply if such
939 is the case.

940 (h) Whether the child is receiving safe and proper care
941 according to s. 39.6012, including, but not limited to, the
942 appropriateness of the child's current placement, including
943 whether the child is in a setting that is as family-like and as
944 close to the parent's home as possible, consistent with the
945 child's best interests and special needs, and including
946 maintaining stability in the child's educational placement, as
947 documented by assurances from the community-based care provider
948 that:

949 1. The placement of the child takes into account the
950 appropriateness of the current educational setting and the
951 proximity to the school in which the child is enrolled at the
952 time of placement.

953 2. The community-based care agency has coordinated with
954 appropriate local educational agencies to ensure that the child
955 remains in the school in which the child is enrolled at the time
956 of placement.

957 (i) A projected date likely for the child's return home or

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958 other permanent placement.

959 (j) When appropriate, the basis for the unwillingness or
960 inability of the parent to become a party to a case plan. The
961 court and the citizen review panel shall determine if the
962 efforts of the social service agency to secure party
963 participation in a case plan were sufficient.

964 (k) For a child who has entered middle school ~~reached 13~~
965 ~~years-of-age~~ but is not yet 18 years of age, the progress the
966 child has made in achieving the goals outlined in s. 39.6015
967 ~~adequacy of the child's preparation for adulthood and~~
968 ~~independent living.~~

969 Section 5. Section 409.1451, Florida Statutes, is amended
970 to read:

971 (Substantial rewording of section. See
972 s. 409.1451, F.S., for present text).

973 409.1451 The Road-to-Independence Program.—The Legislature
974 recognizes that most children and young adults are resilient
975 and, with adequate support, can expect to be successful as
976 independent adults. Not unlike all young adults, some young
977 adults who have lived in care need additional resources and
978 support for a period of time after reaching 18 years of age. The
979 Legislature intends for these young adults to receive the
980 education, training, and health care services necessary for them
981 to become self-sufficient through the Road-to-
982 Independence Program. A young adult who participates in the Road-to-
983 Independence Program may choose to remain in care until 21 years
984 of age and receive help achieving his or her postsecondary goals
985 by participating in the Foundations First Program, or he or she
986 may choose to receive financial assistance to attend college

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987 through the College Bound Program.
 988 (1) THE FOUNDATIONS FIRST PROGRAM.—The Foundations First
 989 Program is designed for young adults who have reached 18 years
 990 of age but are not yet 21 years of age, and who need to finish
 991 high school or who have a high school diploma, or its
 992 equivalent, and want to achieve additional goals. These young
 993 adults are ready to try postsecondary or vocational education,
 994 try working part-time or full-time, or need help with issues
 995 that might stand in their way of becoming employed. Young adults
 996 who are unable to participate in any of these programs or
 997 activities full time due to an impairment, including behavioral,
 998 developmental, and cognitive disabilities, might also benefit
 999 from remaining in care longer. The provision of services under
 1000 this subsection is intended to supplement, not supplant,
 1001 services available under any other program for which the young
 1002 adult is eligible, including, but not limited to, Medicaid
 1003 waiver services, vocational rehabilitation programs, or school
 1004 system programs. For purposes of this section, the term “child”
 1005 means an individual who has not attained 21 years of age, and
 1006 the term “young adult” means a child who has attained 18 years
 1007 of age but who has not attained 21 years of age.
 1008 (a) Eligibility; termination; and reentry.—
 1009 1. A young adult who was living in licensed care on his or
 1010 her 18th birthday or who is currently living in licensed care,
 1011 or who after reaching 16 years of age was adopted from licensed
 1012 care or placed with a court-approved dependency guardian, and
 1013 has spent a minimum of 6 months in licensed care within the 12
 1014 months immediately preceding such placement or adoption, is
 1015 eligible for the Foundations First Program if he or she is:

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1016 a. Completing secondary education or a program leading to
 1017 an equivalent credential;
 1018 b. Enrolled in an institution that provides postsecondary
 1019 or vocational education;
 1020 c. Participating in a program or activity designed to
 1021 promote, or eliminate barriers to, employment;
 1022 d. Employed for at least 80 hours per month; or
 1023 e. Unable to participate in these programs or activities
 1024 full time due to a physical, intellectual, emotional, or
 1025 psychiatric condition that limits participation. Any such
 1026 restriction to participation must be supported by information in
 1027 the young adult’s case file or school or medical records of a
 1028 physical, intellectual, or psychiatric condition that impairs
 1029 the young adult’s ability to perform one or more life
 1030 activities.
 1031 2. The young adult in care must leave the Foundations First
 1032 Program on the earliest of the date the young adult:
 1033 a. Knowingly and voluntarily withdraws his or her consent
 1034 to participate;
 1035 b. Leaves care to live in a permanent home consistent with
 1036 his or her permanency plan;
 1037 c. Reaches 21 years of age;
 1038 d. Becomes incarcerated in an adult or juvenile justice
 1039 facility; or
 1040 e. In the case of a young adult with a disability, reaches
 1041 22 years of age.
 1042 3. Notwithstanding the provisions of this paragraph, the
 1043 department may not close a case and the court may not terminate
 1044 its jurisdiction until it finds, following a hearing held after

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1045 notice to all parties, that the following criteria have been
1046 met:

1047 a. Attendance of the young adult at the hearing; or

1048 b. Findings by the court that:

1049 (I) The young adult has been informed by the department of
1050 his or her right to attend the hearing and has provided written
1051 consent to waive this right;

1052 (II) The young adult has been informed of the potential
1053 negative effects of terminating care early, the option to
1054 reenter care before reaching 21 years of age, the procedure to,
1055 and limitations on, reentering care, the availability of
1056 alternative services, and that the young adult has signed a
1057 document attesting that he or she has been so informed and
1058 understands these provisions;

1059 (III) The young adult has voluntarily left the program, has
1060 not signed the document in sub-sub-subparagraph (II), and is
1061 unwilling to participate in any further court proceedings; and

1062 (IV) The department and the community-based care provider
1063 have complied with the case plan and any individual education
1064 plan. At the time of this judicial hearing, if, in the opinion
1065 of the court, the department and community-based provider have
1066 not complied with their obligations as specified in the case
1067 plan and any individual education plan, the court shall issue a
1068 show cause order. If cause is shown for failure to comply, the
1069 court shall give the department and community-based provider 30
1070 days within which to comply and, upon failure to comply with
1071 this or any subsequent order, the department and community-based
1072 provider may be held in contempt.

1073 4. A young adult who left care at or after reaching his or

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1074 her 18th birthday, but before reaching age 21, may be
1075 automatically readmitted to the program by applying to the
1076 community-based care provider. The community-based care provider
1077 shall readmit the young adult if he or she is engaged in the
1078 programs or activities described in this paragraph. Any
1079 additional readmissions require that the young adult petition
1080 the court to resume jurisdiction. The department and community-
1081 based provider shall update the case plan within 30 days after
1082 the young adult comes back into the Foundations First Program.

1083 (b) Benefits and requirements.-

1084 1. A stipend shall be available to a young adult who is
1085 considered a full-time student or its equivalent by the
1086 educational institution in which he or she is enrolled, unless
1087 that young adult has a recognized disability preventing full-
1088 time attendance. The amount of the award, whether it is being
1089 used by a young adult working toward completion of a high school
1090 diploma or its equivalent or working toward completion of a
1091 postsecondary education program, shall be determined based on an
1092 assessment of the funding needs of the young adult. This
1093 assessment must consider the young adult's living and
1094 educational costs based on the actual cost of attendance, and
1095 other grants, scholarships, waivers, earnings, or other income
1096 to be received by the young adult. An award shall be available
1097 only to the extent that other grants and scholarships are not
1098 sufficient to meet the living and educational needs of the young
1099 adult, but an award may not be less than \$25 in order to
1100 maintain Medicaid eligibility for the young adult as provided in
1101 s. 409.903.

1102 2. The young adult must reside in a semi-supervised living

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1103 arrangement. For the purposes of this requirement, a "semi-
 1104 supervised living arrangement" includes foster homes, college
 1105 dormitories, shared housing, semi-supervised apartments,
 1106 supervised apartments, or another housing arrangement approved
 1107 by the provider and acceptable to the young adult.

1108 3. Payment of the stipend shall be made directly on the
 1109 recipient's behalf in order to secure housing and utilities,
 1110 with the balance being paid directly to the young adult.

1111 4. A young adult who so desires may continue to reside with
 1112 the licensed foster family or group care provider with whom he
 1113 or she was residing at the time he or she attained his or her
 1114 18th birthday. The department shall pay directly to the foster
 1115 parent the recipient's costs for room and board services, with
 1116 the balance paid directly to the young adult.

1117 (c) Transition plan.—For all young adults during the 180-
 1118 day period immediately before leaving care, before reaching 21
 1119 years of age, or after leaving care on or after reaching 21
 1120 years of age, the department and the community-based care
 1121 provider, in collaboration with the caregiver, any other
 1122 designated education advocate, or any other individual whom the
 1123 young adult would like to include, shall assist and support the
 1124 young adult in developing a transition plan. The transition plan
 1125 must take into account all of the education and other
 1126 achievements of the young adult, include specific options for
 1127 the young adult for housing, health insurance, education, local
 1128 opportunities for mentors and continuing support services, and
 1129 workforce support and employment services, and must be reviewed
 1130 by the court during the last review hearing before the child
 1131 leaves care. In developing the plan, the department and

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1132 community-based provider shall:

1133 1. Provide the young adult with the documentation required
 1134 in s. 39.701(7);

1135 2. Coordinate with local public and private entities in
 1136 designing the transition plan as appropriate;

1137 3. Coordinate the transition plan with the independent
 1138 living provisions in the case plan and the Individuals with
 1139 Disabilities Education Act transition plan for a young adult
 1140 with disabilities; and

1141 4. Create a clear and developmentally appropriate notice
 1142 specifying the rights of a young adult who is leaving care. The
 1143 notice must include information about what services the young
 1144 adult may be eligible for and how such services may be obtained.
 1145 The plan must clearly identify the young adult's goals and the
 1146 work that will be required to achieve those goals.

1147 (d) Periodic reviews for young adults.—

1148 1. For any young adult who continues to remain in care on
 1149 or after reaching 18 years of age, the department and community-
 1150 based provider shall implement a case review system that
 1151 requires:

1152 a. A judicial review at least once a year;

1153 b. The court to maintain oversight to ensure that the
 1154 department is coordinating with the appropriate agencies, and,
 1155 as otherwise permitted, maintains oversight of other agencies
 1156 involved in implementing the young adult's case plan and
 1157 individual education plan;

1158 c. The department to prepare and present to the court a
 1159 report, developed in collaboration with the young adult,
 1160 addressing the young adult's progress in meeting the goals in

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1161 the case plan and individual education plan, and shall propose
 1162 modifications as necessary to further those goals;

1163 d. The court to determine whether the department and any
 1164 service provider under contract with the department is providing
 1165 the appropriate services as identified in the case plan and any
 1166 individual education plan. If the court decides that the young
 1167 adult is entitled to additional services in order to achieve the
 1168 goals enumerated in the case plan, under the department's
 1169 policies, or under a contract with a service provider, the court
 1170 may order the department to take action to ensure that the young
 1171 adult receives the identified services and remediation for any
 1172 failure to timely provide identified services; and

1173 e. The young adult or any other party to the dependency
 1174 case may request an additional hearing or review.

1175 2. In all permanency hearings or hearings regarding the
 1176 transition of the young adult from care to independent living,
 1177 the court shall consult, in an age-appropriate manner, with the
 1178 young adult regarding the proposed permanency, case plan, and
 1179 individual education plan for the young adult.

1180 3. For any young adult who continues to remain in care on
 1181 or after reaching 18 years of age, the community-based care
 1182 provider shall provide regular case management reviews that must
 1183 include at least monthly contact with the case manager.

1184 (e) Early entry into Foundations First.—A child who has
 1185 reached 16 years of age but is not yet 18 years of age is
 1186 eligible for early entry into the program, if he or she meets
 1187 the eligibility requirements, as determined by the case manager
 1188 and the department, using procedures and assessments established
 1189 by rule.

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1190 (2) THE COLLEGE BOUND PROGRAM.—

1191 (a) Purpose.—This program is designed for young adults who
 1192 are 18 years of age but are not yet 23 years of age, have
 1193 graduated from high school, have been accepted into a college, a
 1194 Florida College System institution, or a vocational school, and
 1195 need minimal support from the state other than the financial
 1196 resources to attend college.

1197 (b) Eligibility; termination; and reentry.—

1198 1. A young adult who has earned a standard high school
 1199 diploma or its equivalent as described in s. 1003.43 or s.
 1200 1003.435, has earned a special diploma or special certificate of
 1201 completion as described in s. 1003.438, or has been admitted for
 1202 full-time enrollment in an eligible postsecondary educational
 1203 institution as defined in s. 1009.533, and is 18 years of age
 1204 but is not yet 23 years of age is eligible for the College Bound
 1205 Program if he or she:

1206 a. Was living in care on his or her 18th birthday or is
 1207 currently living in care, or, after reaching 16 years of age,
 1208 was adopted from care or placed with a court-approved dependency
 1209 guardian and has spent a minimum of 6 months in care within the
 1210 12 months immediately preceding such placement or adoption; and
 1211 b. Spent at least 6 months in care before reaching his or
 1212 her 18th birthday.

1213 2. A young adult with a disability may attend school part
 1214 time and be eligible for this program.

1215 3. A stipend is available to a young adult who is
 1216 considered a full-time student or its equivalent by the
 1217 educational institution in which he or she is enrolled, unless
 1218 that young adult has a recognized disability preventing full-

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1219 time attendance. The amount of the award shall be determined
 1220 based on an assessment of the funding needs of the young adult.
 1221 This assessment must consider the young adult's living and
 1222 educational costs based on the actual cost of attendance, and
 1223 other grants, scholarships, waivers, earnings, or other income
 1224 to be received by the young adult. An award is available only to
 1225 the extent that other grants and scholarships are not sufficient
 1226 to meet the living and educational needs of the young adult, but
 1227 an award may not be less than \$25 in order to maintain Medicaid
 1228 eligibility for the young adult as provided in s. 409.903.

1229 4. An eligible young adult may receive a stipend for the
 1230 subsequent academic years if, for each subsequent academic year,
 1231 the young adult meets the standards by which the approved
 1232 institution measures a student's satisfactory academic progress
 1233 toward completion of a program of study for the purposes of
 1234 determining eligibility for federal financial aid under the
 1235 Higher Education Act. Any young adult who is placed on academic
 1236 probation may continue to receive a stipend for one additional
 1237 semester if the approved institution allows the student to
 1238 continue in school. If the student fails to make satisfactory
 1239 academic progress in the semester or term subsequent to the term
 1240 in which he received academic probation, the stipend assistance
 1241 is discontinued for the period required for the young adult to
 1242 be reinstated by the college or university. Upon reinstatement,
 1243 a young adult who has not yet reached 23 years of age may
 1244 reapply for financial assistance.

1245 (3) EMERGENCY ASSISTANCE.—

1246 (a) Emergency assistance is available to assist young
 1247 adults who were formerly in the care of the department in their

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1248 efforts to continue to develop the skills and abilities
 1249 necessary for independent living. Such assistance includes, but
 1250 is not limited to, the following:

- 1251 1. Mentoring and tutoring.
- 1252 2. Mental health services and substance abuse counseling.
- 1253 3. Life skills classes, including credit management and
 1254 preventive health activities.
- 1255 4. Parenting classes.
- 1256 5. Job and career skills training.
- 1257 6. Counselor consultations.
- 1258 7. Temporary financial assistance.
- 1259 8. Financial literacy skills training.

1260
 1261 The specific services to be provided under this subparagraph
 1262 shall be determined by an assessment of the young adult and may
 1263 be provided by the community-based care provider or through
 1264 referrals in the community.

1265 (b) Temporary assistance provided to prevent homelessness
 1266 shall be provided as expeditiously as possible and within the
 1267 limitations defined by the department.

1268 (c) A young adult who is 18 years of age or older but is
 1269 not yet 23 years of age who leaves care but requests services
 1270 before reaching 23 years of age is eligible to receive such
 1271 services.

1272 (4) APPEAL PROCESS.—

1273 (a) The Department of Children and Family Services shall
 1274 adopt a procedure by which a young adult may appeal an
 1275 eligibility determination, the department's failure to provide
 1276 Road-to-Independence Program services, or the termination of

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1277 such services, if funds for such services or stipend are
1278 available.

1279 (b) The procedure must be readily accessible to young
1280 adults, must provide for timely decisions, and must provide for
1281 an appeal to the department. The decision of the department
1282 constitutes final agency action and is reviewable by the court
1283 as provided in s. 120.68.

1284 (5) PORTABILITY.—The services provided under this section
1285 are portable across county and state lines.

1286 (a) The services provided for in the original transition
1287 plan shall be provided by the county where the young adult
1288 resides but shall be funded by the county where the transition
1289 plan was initiated. The care managers of the county of residence
1290 and the county of origination must coordinate to ensure a smooth
1291 transition for the young adult.

1292 (b) If a child in care under 18 years of age is placed in
1293 another state, the sending state is responsible for care
1294 maintenance payments, case planning, including a written
1295 description of the programs and services that will help a child
1296 16 years of age or older prepare for the transition from care to
1297 independence, and a case review system as required by federal
1298 law. The sending state has placement and care responsibility for
1299 the child.

1300 (c) If a young adult formerly in care moves to another
1301 state from the state in which he or she has left care due to
1302 age, the state shall certify that it will provide assistance and
1303 federally funded independent living services to the young adult
1304 who has left care because he or she is 18 years of age. The
1305 state in which the young adult resides is responsible for

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1306 services if the state provides the services needed by the young
1307 adult.

1308 (6) ACCOUNTABILITY.—

1309 (a) The community-based care lead agencies and their
1310 contracted providers shall report the following information to
1311 the department:

1312 1. Out of the total number of young adults who remain in
1313 care upon reaching 18 years of age, the number of young adults
1314 who do not have a high school diploma or its equivalent, a
1315 special diploma, or a certificate of completion. Out of those
1316 young adults without a diploma or its equivalent, a special
1317 diploma, or a certificate of completion, the number of young
1318 adults who are receiving assistance through tutoring and other
1319 types of support.

1320 2. Out of the total number of young adults who decided to
1321 remain in care after reaching 18 years of age, a breakdown of
1322 academic and career goals and type of living arrangement.

1323 3. The same information required in subparagraphs 1. and
1324 2., specific to young adults in care with a disability.

1325 4. Out of the total number of young adults remaining in
1326 care, the number of young adults who are enrolled in an
1327 educational or vocational program and a breakdown of the types
1328 of programs.

1329 5. Out of the total number of young adults remaining in
1330 care, the number of young adults who are working and a breakdown
1331 of the types of employment held.

1332 6. Out of the total number of young adults remaining in
1333 care, the number of young adults who have a disability and a
1334 breakdown of how many young adults are in school, are training

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1335 for employment, are employed, or are unable to participate in
 1336 any of these activities.

1337 7. Evidence that the lead agency has established a working
 1338 relationship with the Department of Economic Opportunity and the
 1339 regional workforce boards within the Division of Workforce
 1340 Services, the Able Trust, and other entities that provide
 1341 services related to gaining employment.

1342 8. Out of the total number of young adults in care upon
 1343 reaching 18 years of age, the number of young adults who are in
 1344 the Road-to-Independence Program and a breakdown by the schools
 1345 or other programs they are attending.

1346 9. Out of the total number of young adults who are in
 1347 postsecondary institutions, a breakdown of the types and amounts
 1348 of financial support received from sources other than the Road-
 1349 to-Independence Program.

1350 10. Out of the total number of young adults who are in
 1351 postsecondary institutions, a breakdown of the types of living
 1352 arrangements.

1353 (b) Each community-based care lead agency shall provide its
 1354 report to the department and to the Independent Living Services
 1355 Advisory Council by September 30 of each year. The department
 1356 shall compile the reports from each community-based care lead
 1357 agency and provide them to the Legislature by December 31 of
 1358 each year, with the first report due to the Legislature on
 1359 December 31, 2012.

1360 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The
 1361 secretary shall establish the Independent Living Services
 1362 Advisory Council for the purpose of reviewing and making
 1363 recommendations concerning the implementation and operation of

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1364 the provisions of s. 39.6015 and the Road-to-Independence
 1365 Program. The advisory council shall function as specified in
 1366 this subsection until the Legislature determines that the
 1367 advisory council can no longer provide a valuable contribution
 1368 to the department's efforts to achieve the goals of the services
 1369 designed to enable a young adult to live independently.

1370 (a) Specifically, the advisory council shall assess the
 1371 implementation and operation of the provisions of s. 39.6015 and
 1372 the Road-to-Independence Program and advise the department on
 1373 actions that would improve the ability of those Road-to-
 1374 Independence Program services to meet the established goals. The
 1375 advisory council shall keep the department informed of problems
 1376 being experienced with the services, barriers to the effective
 1377 and efficient integration of services and support across
 1378 systems, and successes that the system of services has achieved.
 1379 The department shall consider, but is not required to implement,
 1380 the recommendations of the advisory council.

1381 (b) The advisory council shall report to the secretary on
 1382 the status of the implementation of the Road-To-Independence
 1383 Program; efforts to publicize the availability of the Road-to-
 1384 Independence Program; the success of the services; problems
 1385 identified; recommendations for department or legislative
 1386 action; and the department's implementation of the
 1387 recommendations contained in the Independent Living Services
 1388 Integration Workgroup Report submitted to the appropriate
 1389 substantive committees of the Legislature by December 31, 2013.
 1390 The department shall submit a report by December 31 of each year
 1391 to the Governor and the Legislature which includes a summary of
 1392 the factors reported on by the council and identifies the

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 1393 recommendations of the advisory council and either describes the
 1394 department's actions to implement the recommendations or
 1395 provides the department's rationale for not implementing the
 1396 recommendations.

1397 (c) Members of the advisory council shall be appointed by
 1398 the secretary of the department. The membership of the advisory
 1399 council must include, at a minimum, representatives from the
 1400 headquarters and district offices of the Department of Children
 1401 and Family Services, community-based care lead agencies, the
 1402 Department of Economic Opportunity, the Department of Education,
 1403 the Agency for Health Care Administration, the State Youth
 1404 Advisory Board, Workforce Florida, Inc., the Statewide Guardian
 1405 Ad Litem Office, foster parents, recipients of services and
 1406 funding through the Road-to-Independence Program, and advocates
 1407 for children in care. The secretary shall determine the length
 1408 of the term to be served by each member appointed to the
 1409 advisory council, which may not exceed 4 years.

1410 (d) The department shall provide administrative support to
 1411 the Independent Living Services Advisory Council to accomplish
 1412 its assigned tasks. The advisory council shall be afforded
 1413 access to all appropriate data from the department, each
 1414 community-based care lead agency, and other relevant agencies in
 1415 order to accomplish the tasks set forth in this section. The
 1416 data collected may not include any information that would
 1417 identify a specific child or young adult.

1418 (e) The advisory council report required under paragraph
 1419 (b), shall include an analysis of the system of independent
 1420 living transition services for young adults who reach 18 years
 1421 of age while in care prior to completing high school or its

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 1422 equivalent and recommendations for department or legislative
 1423 action. The council shall assess and report on the most
 1424 effective method of assisting these young adults to complete
 1425 high school or its equivalent by examining the practices of
 1426 other states.

1427 (8) PERSONAL PROPERTY.—Property acquired on behalf of a
 1428 young adult of this program shall become the personal property
 1429 of the young adult and is not subject to the requirements of
 1430 chapter 273 relating to state-owned tangible personal property.
 1431 Such property continues to be subject to applicable federal
 1432 laws.

1433 (9) MEDICAL ASSISTANCE FOR YOUNG ADULTS FORMERLY IN CARE.—
 1434 The department shall enroll in the Florida Kidcare program,
 1435 outside the open enrollment period, each young adult who is
 1436 eligible as described in paragraph (1)(a) and who has not yet
 1437 reached his or her 19th birthday.

1438 (a) A young adult who was formerly in care at the time of
 1439 his or her 18th birthday and who is 18 years of age but not yet
 1440 19 years of age, shall pay the premium for the Florida Kidcare
 1441 program as required in s. 409.814.

1442 (b) A young adult who has health insurance coverage from a
 1443 third party through his or her employer or who is eligible for
 1444 Medicaid is not eligible for enrollment under this subsection.

1445 (10) RULEMAKING.—The department shall adopt rules to
 1446 administer this section. The rules shall provide the procedures
 1447 and requirements necessary to administer the Road-to-
 1448 Independence Program. In developing the rules, the department
 1449 shall consider that the program is for young adults who remain
 1450 in care for an extended period of time or who are planning to

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1451 attain postsecondary education and accommodate a young adult's
 1452 busy life and schedule. The rules shall make the program easy
 1453 for a qualified young adult to access and facilitate and
 1454 encourage his or her participation.

1455 Section 6. Subsection (4) of section 409.903, Florida
 1456 Statutes, is amended to read:

1457 409.903 Mandatory payments for eligible persons.—The agency
 1458 shall make payments for medical assistance and related services
 1459 on behalf of the following persons who the department, or the
 1460 Social Security Administration by contract with the Department
 1461 of Children and Family Services, determines to be eligible,
 1462 subject to the income, assets, and categorical eligibility tests
 1463 set forth in federal and state law. Payment on behalf of these
 1464 Medicaid eligible persons is subject to the availability of
 1465 moneys and any limitations established by the General
 1466 Appropriations Act or chapter 216.

1467 (4) A child who is eligible under Title IV-E of the Social
 1468 Security Act for subsidized board payments, foster care, or
 1469 adoption subsidies, and a child for whom the state has assumed
 1470 temporary or permanent responsibility and who does not qualify
 1471 for Title IV-E assistance but is in foster care, shelter or
 1472 emergency shelter care, or subsidized adoption. This category
 1473 includes a young adult who is eligible to receive services under
 1474 s. 409.1451(5), until the young adult reaches 21 years of age,
 1475 without regard to any income, resource, or categorical
 1476 eligibility test that is otherwise required. This category also
 1477 includes a person who as a child was eligible under Title IV-E
 1478 of the Social Security Act for foster care or the state-provided
 1479 foster care and who is a participant in the Road-to-Independence

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1480 Program.

1481 Section 7. The Department of Children and Family Services
 1482 shall format the case plan and the judicial review social
 1483 service report consistent with the provisions of ss. 39.6015 and
 1484 409.1451, Florida Statutes.

1485 Section 8. Effective October 1, 2012, a child or young
 1486 adult who is a participant in the Road-to-Independence Program
 1487 may continue in the program as it exists through December 31,
 1488 2012. Effective January 1, 2013, a child or young adult who is a
 1489 participant in the program shall transfer to the program
 1490 services provided in this act and his or her monthly stipend may
 1491 not be reduced, the method of payment of the monthly stipend may
 1492 not be changed, and the young adult may not be required to
 1493 change his or her living arrangement. These conditions shall
 1494 remain in effect for a child or young adult until he or she
 1495 ceases to meet the eligibility requirements under which he or
 1496 she entered the Road-to-Independence Program. A child or young
 1497 adult applying or reapplying for the Road-to-Independence
 1498 Program on or after October 1, 2012, may apply for program
 1499 services only as provided in this act.

1500 Section 9. This act shall take effect July 1, 2012.



The Florida Senate

Committee Agenda Request

RECEIVED

NOV 09 2011

Senate Committee
Children and Families

To: Senator Ronda Storms, Chair
Committee on Children, Families, and Elder Affairs

Subject: Committee Agenda Request

Date: November 9, 2011

I respectfully request that **Senate Bill # 434**, relating to Independent Living, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

Nan Rich

Senator Nan H. Rich
Florida Senate, District 34

THE FLORIDA SENATE
APPEARANCE RECORD

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

12-7-11

Meeting Date

Topic Indep. Living Bill Number 434
Name CHRISTINA SPAUDEAS Amendment Barcode _____
Job Title EX. DIR.

Address 1801 N. University Drive Ste. 3B Phone _____
CORAL SPRING, FL 33071 E-mail CHRISTINA.SPAUDEAS@FLORIDASCHILDRENFMST.ORG
City State Zip

Speaking: For Against Information

Representing Florida's Children FMST

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

12/7/11

Meeting Date

Topic Independent Living Bill Number 434
Name Tammy Workman Amendment Barcode _____
Job Title External Affairs + Youth Development - DEF

Address 1802 Sylvan Court #C Phone 954-657-3407
Tallahassee FL 32306 E-mail Tammy-Workman@def.state.fl.us
City State Zip

Speaking: For Against Information

Representing Florida Youth SHINE Statewide + Local Tallahassee Chapter

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

12/7/11
Meeting Date

Topic Independent Living
Name Becky Pengelley
Job Title Fostering Achievement Fellowship Coordinator
Address 444 Appyard Dr.
Street
Tallahassee FL 32302
City State Zip

Bill Number 434 (if applicable)
Amendment Barcode _____ (if applicable)
Phone 561-309-9746
E-mail pengellb@tcc.fl.edu

Speaking: For Against Information

Representing Florida Youth SHINE Statewide & local Tallahassee Chapter

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
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12/7/11
Meeting Date

Topic Independent Living
Name Alejita Rodriguez
Job Title Director of Independent Living Services
Address 401 E. Palm Ave
Street
Tampa FL 33602
City State Zip

Bill Number 434 (if applicable)
Amendment Barcode _____ (if applicable)
Phone 813 310-4185
E-mail Amrodriguez@camelotcommunitycare.org

Speaking: For Against Information

Representing Florida Youth Shine

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

12/7/2011
Meeting Date

Topic Independent Living
Name Amy Guinan
Job Title _____

Bill Number SB 434 (if applicable)
Amendment Barcode _____ (if applicable)

Address 2425 Torrey Dr.
Street
Tallahassee FL 32303
City State Zip

Phone 850-385-7960
E-mail _____

Speaking: For Against Information

Representing Florida Legal Services, Inc.

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)

12-7-2011
Meeting Date

Topic _____
Name ANDREA MOORE
Job Title CHILD ADVOCATE

Bill Number 434 (if applicable)
Amendment Barcode _____ (if applicable)

Address 10665 NW 7PL
Street
Coral Springs, FL 33071
City State Zip

Phone _____
E-mail ANDREASLAWOFFICE@AOL.COM

Speaking: For Against Information

Representing SELF WAIVE IV SUPPORT

Appearing at request of Chair: Yes No
Lobbyist registered with Legislature: Yes No

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

This form is part of the public record for this meeting. S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

12-7-11

Meeting Date

Topic Independent Living

Bill Number 434
(if applicable)

Name April White

Amendment Barcode _____
(if applicable)

Job Title FYS Legislative Chair

Address 2251 West Terrace S. #460

Phone 727-479-4944

Street

St. Petersburg FL 33712

City

State

Zip

E-mail legislation@floridayouthshine.org

Speaking: For Against Information

Representing Florida Youth SHINE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

12/7/2011

Meeting Date

Topic Independent Living

Bill Number SB 434
(if applicable)

Name Georgina Rodriguez

Amendment Barcode _____
(if applicable)

Job Title Youth Advocate

Address 510 East Harrison Street Apt 521

Phone (813) 850-4739

Street

Tampa FL 33602

City

State

Zip

E-mail Hillsborough@floridayouthshine.org

Speaking: For Against Information

Representing Florida Youth SHINE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

12/7/11
Meeting Date

Topic Independent Living
Name Andrea Cowart
Job Title Youth Advocate

Bill Number 434 (if applicable)
Amendment Barcode _____ (if applicable)

Address _____
Street
City _____ State _____ Zip _____

Phone _____
E-mail _____

Speaking: For Against Information

Representing Florida Youth Shine

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

12/7/11
Meeting Date

Topic Independent Living
Name Kay Graham
Job Title Youth Advocate

Bill Number 434 (if applicable)
Amendment Barcode _____ (if applicable)

Address _____
Street
City Tallahassee State FL Zip 32303

Phone 850-339-9899
E-mail gkeyonia@yahoo.com

Speaking: For Against Information

Representing Florida Youth SHINE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

12.7.11

Meeting Date

Topic Independent Living

Bill Number 434
(if applicable)

Name Lindsay Baach

Amendment Barcode _____
(if applicable)

Job Title FYS Youth Coordinator

Address 1801 N. UNIVERSITY DRIVE SUITE 3B

Phone 954.857.9597

Coral Springs FL 33071
Street City State Zip

E-mail lindsay.baach@floridaschildrenfirst.org

Speaking: For Against Information

Representing Florida Youth Shine

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

12/7/11

Meeting Date

Topic Independent Living

Bill Number 434
(if applicable)

Name Brian Williams

Amendment Barcode _____
(if applicable)

Job Title Youth advocate

Address 475 Appleyard Dr Apt. 232

Phone 850-524-5390

Tallahassee FL 32304
Street City State Zip

E-mail Brian.williamsfys@yahoo.com

Speaking: For Against Information

Representing Florida youth shine

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

12/7/11
Meeting Date

Topic Independent Living

Bill Number 434
(if applicable)

Name John Fair

Amendment Barcode _____
(if applicable)

Job Title Youth Advocate - Resource Manager

Address 2389 Sandpiper
Street

Phone 850-590-1808

Tallahassee, Fl. 32303
City State Zip

E-mail fair642@my.mail.tcc.fl.edu

Speaking: For Against Information

Representing statewide Florida Youth SHINE + Tallahassee local chapter

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

12/7/11
Meeting Date

Topic Independent Living

Bill Number 434
(if applicable)

Name Jesse Wilson

Amendment Barcode _____
(if applicable)

Job Title Chair of Florida Youth SHINE

Address 3618 Cedarcrest dr
Street

Phone (904) 608-5997

Jacksonville Fl 32210
City State Zip

E-mail Jessewilson@rocketmail.com

Speaking: For Against Information

Representing Florida Youth SHINE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

12/7/11
Meeting Date

Topic _____

Bill Number SB 434
(if applicable)

Name Kadie Black

Amendment Barcode _____
(if applicable)

Job Title Community Affairs (our kids)

Address 401 NW 2nd Ave
Street

Phone 786 344-5077

miami FL 33128
City State Zip

E-mail Kadie@ourkids.us

Speaking: For Against Information

Representing OUR Kids of Miami-Dade/Monroe Inc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

December 7, 2011
Meeting Date

Topic Independent Living

Bill Number SB 434
(if applicable)

Name Thomas J. (Jeff) Bates

Amendment Barcode _____
(if applicable)

Job Title Advocate

Address 2125 Upper Cody Road
Street

Phone 850-212-9928

Monticello FL 32344
City State Zip

E-mail rm3bates@gmail.com

Speaking: For Against Information

Representing Myself, an adult who grew up in the Florida foster care system.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 446

INTRODUCER: Children, Families, and Elder Affairs Committee

SUBJECT: Open Government Sunset Review of Section 409.25661, F.S., Insurance Claim Data Exchange Information

DATE: December 5, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Daniell	Farmer	CF	Favorable
2.	_____	_____	GO	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill is the result of the Children, Families, and Elder Affairs Committee’s Open Government Sunset Review of the public-records exemption for personal information obtained during an insurance claim data exchange. The exemption will expire October 2, 2012, unless saved from repeal through reenactment by the Legislature.

Currently, s. 409.25659, F.S., requires the Department of Revenue (DOR or department) to develop and operate a data match system in which an insurer may voluntarily provide DOR with the name, address, and, if known, date of birth and Social Security number or other taxpayer identification number for each noncustodial parent who has a claim with the insurer and who owes past-due child support. Section 409.25661, F.S., provides that specified information regarding a noncustodial parent who owes past-due child support, collected by DOR pursuant to s. 409.25659, F.S., is confidential and exempt from public records. This bill reenacts this public-records exemption.

This bill amends section 409.25661, Florida Statutes.

II. Present Situation:

Florida Public-Records Law

Florida has a long history of providing public access to government records. The Legislature

enacted the first public-records law in 1892.¹ In 1992, Floridians adopted an amendment to the state constitution that raised the statutory right of access to public records to a constitutional level.² Article I, section 24 of the Florida Constitution guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government.

The Public-Records Act³ specifies conditions under which public access must be provided to records of the executive branch and other agencies. Unless specifically exempted, all agency⁴ records are available for public inspection. Section 119.011(12), F.S., defines the term “public records” very broadly to include “all documents, ... tapes, photographs, films, sounds recordings ... made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Unless made exempt, all such materials are open for public inspection at the moment they become records.⁵

Only the Legislature is authorized to create exemptions to open-government requirements. Exemptions must be created by general law, and such law must specifically state the public necessity justifying the exemption. Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption or substantially amending an existing exemption may not contain other substantive provisions, although it may contain multiple exemptions that relate to one subject.⁶

Records may be identified as either exempt from public inspection or exempt and confidential. If the Legislature makes a record exempt and confidential, the information may not be released by an agency to anyone other than to the persons or entities designated in the statute.⁷ If a record is simply made exempt from public inspection, the exemption does not prohibit the showing of such information at the discretion of the agency holding it.⁸

Open Government Sunset Review Act

The Open Government Sunset Review Act⁹ provides for the systematic review of exemptions from the Public-Records Act in the fifth year after the exemption’s enactment. By June 1 of each year, the Division of Statutory Revision of the Office of Legislative Services is required to certify to the President of the Senate and the Speaker of the House of Representatives the language and statutory citation of each exemption scheduled for repeal the following year. The act states that an exemption may be created, revised, or maintained only if it serves an identifiable public purpose and if the exemption is no broader than necessary to meet the public purpose it serves.¹⁰ An identifiable public purpose is served if the Legislature finds that the

¹ Sections 1390, 1391, F.S. (Rev. 1892).

² FLA. CONST. art. I, s. 24.

³ Chapter 119, F.S.

⁴ An agency includes any state, county, or municipal officer, department, or other separate unit of government that is created or established by law, as well as any other public or private agency or person acting on behalf of any public agency. Section 119.011(2), F.S.

⁵ *Tribune Co. v. Cannella*, 458 So. 2d 1075, 1077 (Fla. 1984).

⁶ FLA. CONST. art. I, s. 24(c).

⁷ *WFTV, Inc. v. School Bd. of Seminole*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004), *review denied*, 892 So. 2d 1015 (Fla. 2004).

⁸ *Id.* at 54.

⁹ Section 119.15, F.S.

¹⁰ Section 119.15(6)(b), F.S.

purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption. An identifiable public purpose is served if the exemption:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- Protects information of a sensitive personal nature concerning individuals, the release of which information would be defamatory to such individuals or cause unwarranted damage to the good name or reputation of such individuals or would jeopardize the safety of such individuals; or
- Protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or combination of information which is used to protect or further a business advantage over those who do not know or use it, the disclosure of which information would injure the affected entity in the marketplace.¹¹

The act also requires the Legislature, as part of the review process, to consider the following six questions that go to the scope, public purpose, and necessity of the exemption:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?¹²

Insurance Claim Data Exchange

Section 409.25659, F.S., was established during the 2004 Regular Session to provide for the identification of claims¹³ on liability insurance which could potentially be applied to child support arrearages in Title IV-D cases.¹⁴

The department was directed by statute to develop and operate a data match system to identify noncustodial parents who owe past-due child support and who also have a claim with an insurer.

¹¹ *Id.*

¹² Section 119.15(6)(a), F.S.

¹³ A “claim” is considered an open, unresolved bodily injury claim on liability coverage in excess of \$3,000 in an insurance contract payable to an individual, or to a third party for the benefit of the individual, who is a Florida resident or who had an accident or loss that occurred in Florida, or who has an outstanding child support obligation in Florida. Section 409.24659(1), F.S.

¹⁴ Chapter 2004-334, Laws of Fla. The term “Title IV-D” refers to state-run child support enforcement programs which are funded through grants provided for by the Social Security Act of 1975. Title IV of the Social Security Act covers grants to states for the purpose of providing aid and services to needy families with children and for child-welfare services. Part “D” of that law covers child support and the establishment of paternity.

This process allows insurers to voluntarily provide DOR with the name, address, and, if known, date of birth and Social Security number or other taxpayer identification number for each noncustodial parent identified as having a claim.¹⁵ This data can only be used for purposes of child support enforcement.¹⁶

Within the data match system, an insurer may provide DOR with the needed information in one of three ways:

- An insurer may provide the required data for each claim directly to DOR electronically so that the department can conduct a data match;
- An insurer may receive or access data from DOR and conduct a data match of all noncustodial parents who have a claim with the insurer and who owe past-due child support, and submit the match data regarding each noncustodial parent to DOR; or
- An insurer may authorize an insurance claim data collection organization to complete one of the two options mentioned above.¹⁷

Due to the variety of data submission methods provided within the system, it would be possible for DOR to receive information on individuals having a claim with an insurer, who do not owe child support.¹⁸

In 2004, DOR contacted most of the top 25 insurers in the state to begin implementation of the statute. However, during this time insurers were responding to claims resulting from damage caused by the 2004 hurricane season so DOR decided to postpone working on the insurance claim data exchange initiative.¹⁹

In February 2006 Congress passed the Deficit Reduction Act of 2005 (the Act), which authorized the Federal Department of Health and Human Services (HHS) to compare information concerning individuals owing past-due child support with information maintained by insurers concerning insurance claims, settlements, awards, and payments. The Act further allows HHS to furnish information resulting from the data matches to state agencies responsible for child support enforcement.²⁰ A federal workgroup was established to implement this provision. The department monitored the activities of the federal workgroup charged with implementing the nationwide insurance data match program and began implementing the changes necessary to receive data from the federal program.²¹

¹⁵ Section 409.25659(2), F.S.

¹⁶ Section 409.25659(5), F.S.

¹⁷ Section 409.25659(2)(a)-(c), F.S.

¹⁸ Conversation with representatives from the Fla. Dep't of Revenue (July 12, 2011).

¹⁹ Comm. on Children, Families, and Elder Affairs, The Florida Senate, *Open Government Sunset Review Regarding Noncustodial Parents Owing Past-Due Child Support*, 4 (Interim Report 2009-202) (Sept. 2008), available at http://archive.flsenate.gov/data/Publications/2009/Senate/reports/interim_reports/pdf/2009-202cf.pdf (last visited June 15, 2011).

²⁰ *Id.*

²¹ *Id.*

In November 2008, DOR began data matching activities with the federal program and began issuing income deduction notices on matches.²² Between November 2008 and October 2009, the department received 2,996 data matches from the federal program.²³ Of those matches, 422 were previously made by the department through other means.²⁴ According to department representatives, approximately \$2 million has been collected since the department implemented the federal matching program.²⁵

During the 2009 Regular Session, there was discussion over whether the federal voluntary insurance data match program would replace the state's voluntary program. The department sent 84 letters to Florida-based insurance companies from November 2009 through February 2010 inviting them to participate in the voluntary state program. The department received responses from two companies, both of which stated they do not handle personal liability insurance. In February 2011, DOR sent an additional 135 letters to Florida-based insurance companies and as of June 1, 2011, they had received only three responses, including one from Citizens Property Insurance Corporation (Citizens).²⁶ The department has been working with Citizens to design a data match system and by 2012, DOR should begin receiving data from Citizens.²⁷ The department continues to encourage voluntary participation in the state insurance claim data match through annual contact letters to Florida-based insurers.²⁸

The department reports that as of May 2011, the number of noncustodial parents eligible to be matched using the insurance claim data exchange is 448,965.²⁹

Public-Records Exemption for Insurance Claim Data Exchange

Section 409.25661, F.S., provides that information obtained by DOR during an insurance claim data exchange pursuant to s. 409.25659, F.S., is confidential and exempt from public disclosure until the department determines whether a match exists. If a match does exist, the matched data is no longer considered confidential and exempt and becomes available for public disclosure unless otherwise exempt. If a match does not exist, the information must be destroyed.

This public-records exemption was created in 2004 and during the 2009 and 2010 Regular Sessions, the Legislature extended the repeal date of the exemption to provide DOR with ample time to determine the success of the provisions contained in the federal Deficit Reduction Act of 2005. This exemption stands repealed on October 2, 2012, unless reviewed and saved from repeal through reenactment by the Legislature.

²² E-mail from Debbie Thomas, Dep't of Revenue, to staff of the Senate Committee on Children, Families, and Elder Affairs (June 14, 2011) (on file with the Senate Committee on Children, Families, and Elder Affairs).

²³ Governmental Affairs Policy Committee, The Florida House of Representatives, *House of Representatives Staff Analysis HB 7091* (Mar. 5, 2010), available at <http://archive.flsenate.gov/data/session/2010/House/bills/analysis/pdf/h7091.GAP.pdf> (last visited July 13, 2011).

²⁴ *Id.*

²⁵ Conversation with representatives from the Fla. Dep't of Revenue (July 12, 2011).

²⁶ Dep't of Revenue, *CSE Insurance Data Match Public Records Exemption* (June 14, 2011) (on file with the Senate Committee on Children, Families, and Elder Affairs).

²⁷ Conversation with representatives from the Fla. Dep't of Revenue (July 12, 2011).

²⁸ Dep't of Revenue, *supra* note 27.

²⁹ E-mail from Debbie Thomas, Dep't of Revenue, to staff of the Committee on Children, Families, and Elder Affairs (June 24, 2011) (on file with the Senate Committee on Children, Families, and Elder Affairs).

Committee on Children, Families, and Elder Affairs' Open Government Sunset Review

Based on an Open Government Sunset Review of this exemption, Senate professional staff of the Children, Families, and Elder Affairs Committee recommended in September 2011 that the Legislature retain the public-records exemption established in s. 409.25661, F.S., which makes personal information obtained by DOR during an insurance claim data exchange pursuant to s. 409.25659, F.S., confidential and exempt from public disclosure until the department determines whether a match exists.³⁰

This recommendation was made in light of the information gathered for the Open Government Sunset Review, which indicated there is a public necessity in maintaining the confidential nature of personal information gathered by the department relating to persons having open liability claims with participating insurers. Additionally, the department reports that insurance providers may be less likely to participate in the insurance claim data exchange program without the exemption, making the exemption vital to the effective administration of the program.

III. Effect of Proposed Changes:

The bill reenacts and saves from repeal s. 409.25661, F.S., allowing the information obtained by the Department of Revenue (DOR) during an insurance claim data exchange pursuant to s. 409.25659, F.S., to remain confidential and exempt from public disclosure until such time as the department determines whether a match exists.

Other Potential Implications:

If the Legislature chooses not to retain the public-records exemption for the information obtained by DOR during an insurance claim data exchange, the exemption will expire on October 2, 2012. Without the exemption, the names, addresses, dates of birth, social security numbers, and claim numbers of noncustodial parents will become public.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

The legislation retains an existing public records exemption. This bill complies with the requirement of article I, section 24 of the Florida Constitution that public-records exemptions be addressed in legislation separate from substantive law changes.

³⁰ Committee on Children, Families, and Elder Affairs, Fla. Senate, *Open Government Sunset Review of Section 409.25661, Relating to Insurance Claim Data Exchange Information* (Interim Report 2012-301) (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-301CF.pdf> (last visited Sept. 27, 2011).

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

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

None.

B. Amendments:

None.

By the Committee on Children, Families, and Elder Affairs

586-00539-12

2012446__

1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 409.25661, F.S.,
4 relating to a public records exemption for insurance
5 claim data exchange information used for identifying
6 parents who owe past due child support; saving the
7 exemption from repeal under the Open Government Sunset
8 Review Act; removing the scheduled repeal of the
9 exemption; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Section 409.25661, Florida Statutes, is amended
14 to read:

15 409.25661 Public records exemption for insurance claim data
16 exchange information.-

17 ~~(1)~~ Information obtained by the Department of Revenue
18 pursuant to s. 409.25659 is confidential and exempt from s.
19 119.07(1) and s. 24(a), Art. I of the State Constitution until
20 such time as the department determines whether a match exists.
21 If a match exists, such information becomes available for public
22 disclosure. If a match does not exist, the nonmatch information
23 shall be destroyed as provided in s. 409.25659.

24 ~~(2) This section is subject to the Open Government Sunset~~
25 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
26 ~~on October 2, 2012, unless reviewed and saved from repeal~~
27 ~~through reenactment by the Legislature.~~

28 Section 2. This act shall take effect October 1, 2012.

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 Children, Families, and Elder Affairs Committee

BILL: CS/SB 202

INTRODUCER: Senator Flores

SUBJECT: Sexual Exploitation

DATE: December 7, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Farmer	CF	Fav/CS
2.			BC	
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

The bill creates the “Florida Safe Harbor Act” intended to provide a more coordinated response to address the child welfare service needs of sexually exploited children. Specifically, the bill:

- Provides legislative findings and intent and establishes legislative goals relating to the status and treatment of sexually exploited children in the dependency system;
- Amends the definitions of the terms “child who is found to be dependent” and “sexual abuse of a child” to reference sexual exploitation;
- Provides the option for a law enforcement officer who takes a child for whom there is probable cause to believe that he or she has been sexually exploited into custody to deliver the child to a short-term safe house if one is available;
- Provides for a rebuttable presumption that placement of a child in a short-term safe house who is alleged to have been sexually exploited is necessary;
- Provides a process for the assessment and placement of sexually exploited children in a safe house, if available; provides for placement updates to the court during judicial review hearings; requires the establishment of special permanency teams; and provides for data collection relating to these placements by the Department of Children and Family Services (DCF or department);

- Provides definition for the terms, “child advocate,” “safe house,” “secure,” “sexually exploited child” and “short-term safe house”;
- Provides for services for sexually exploited children residing in a safe house;
- Increases the civil penalty for crimes related to prostitution to \$5,000 and provides for \$4,500 of that amount to be paid to the department to be used to fund safe houses and short-term safe houses; and
- Provides that a victim of child sexual exploitation shall not be ineligible for victim compensation.

This bill substantially amends ss. 39.001, 39.01, 39.401, 39.402, 39.521, 796.07, 960.065, and 985.115 and creates ss. 39.524 and 409.1678 of the Florida Statutes.

II. Present Situation:

Background

The United Nations defines human trafficking as the recruitment, transportation, transfer, harboring, or receipt of persons by improper means such as force, abduction, fraud, or coercion for an improper purpose including forced labor or sexual exploitation. The U.S. Government defines severe form of human trafficking as:

- Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.¹

A victim need not be physically transported from one location to another in order for the crime to fall within these definitions.

While the annual Trafficking in Persons report addresses three main types of exploitation of children,² the National Center for Missing and Exploited Children states that there are many types of sexual exploitation involving children, including:

- Possession, manufacture, and distribution of child pornography;
- Child prostitution;
- Sex tourism involving children;
- Extra-familial child sexual molestation;
- Online enticement of children for sexual acts;
- Unsolicited obscene material sent to a child;
- Misleading domain names; and
- Misleading words or digital images on the internet.³

¹ Trafficking Victims Protection Act of 2000. Public Law No. 106-386.

² Those include child sex trafficking, forced child labor and child soldiers. U.S. Department of State, Trafficking in Persons Report 2011. Retrieved December 2, 2011, from <http://www.state.gov/g/tip/rls/tiprpt/2011/>.

The United States not only faces an influx of international victims of sex trafficking, but also has its own problem of interstate sex trafficking of minors. While comprehensive research to document the number of children engaged in prostitution in the United States is lacking, it is estimated that about 293,000 American youth are currently at risk of becoming victims of commercial sexual exploitation.⁴ The majority of American victims of commercial sexual exploitation tend to be runaway or thrown away youth who live on the streets and become victims of prostitution.⁵ These children generally come from homes where they have been abused, or from families that have abandoned them, and often become involved in prostitution as a way to support themselves financially or to get the things they want or need.⁶

Other young people are recruited into prostitution through forced abduction, pressure from parents, or through deceptive agreements between parents and traffickers.⁷ Once these children become involved in prostitution, they are often forced to travel far from their homes and as a result are isolated from their friends and family.⁸ Few children in this situation are able to develop new relationships with peers or adults other than the person who is victimizing them.⁹ The lifestyle of such children revolves around violence, forced drug use and constant threats.¹⁰

Among children and teens living on the streets in the United States, involvement in commercial sex activity is a problem of epidemic proportion. Approximately 55% of street girls engage in formal prostitution.¹¹ Of the girls engaged in formal prostitution, about 75% worked for a pimp. Pimp-controlled commercial sexual exploitation of children is linked to escort and massage services, private dancing, drinking and photographic clubs, major sporting and recreational events, major cultural events, conventions, and tourist destinations.¹² About one-fifth of these children become entangled in nationally organized crime networks and are trafficked nationally. They are transported around the United States by a variety of means – cars, buses, vans, trucks or planes, and are often provided counterfeit identification to use in the event of arrest.¹³ The average age at which girls first become victims of prostitution is 12-14. It is not only the girls on the streets that are affected. For boys and transgender youth, the average age of entry into prostitution is 11-13.¹⁴

³ National Center for Missing and Exploited Children. Exploited Children Division. Retrieved December 2, 2011, from http://www.missingkids.com/missingkids/servlet/PageServlet?LanguageCountry=en_US&PageId=218.

⁴ Estes, R.J. and Weiner, N.A. *Commercial Sexual Exploitation of Children in the U.S, Canada and Mexico*, University of Pennsylvania, 2002. Retrieved December 2, 2011 from http://www.sp2.upenn.edu/restes/CSEC_Files/Exec_Sum_020220.pdf.

⁵ *Id.*

⁶ *Id.*

⁷ U.S. Department of Justice, Child Exploitation and Obscenity Section. Domestic Sex Trafficking of Minors. Retrieved December 3, 2011 from <http://www.justice.gov/criminal/ceos/prostitution.html>. Also see Miko, F.T. *Trafficking in Women and Children: The U.S. and International Response*, (Updated July 7, 2006). Retrieved December 3, 2011, from <http://www.usembassy.it/pdf/other/RL30545.pdf>.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ Estes, R.J. and Weiner, N.A. *Commercial Sexual Exploitation of Children in the U.S, Canada and Mexico*, University of Pennsylvania, 2002. Retrieved December 2, 2011 from http://www.sp2.upenn.edu/restes/CSEC_Files/Exec_Sum_020220.pdf.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

National Center for Missing and Exploited Children

The National Center for Missing & Exploited Children (NCMEC) was started in 1984 as a not-for-profit corporation, mandated by Congress and working in partnership with the U.S. Department of Justice to serve as the national resource center and clearinghouse on missing and exploited children. NCMEC operates the national missing children's hotline, which has handled more than 2.4 million calls for service. NCMEC also operates the Congressionally-mandated CyberTipline, the "911 for the Internet," which has handled more than 793,900 reports of child sexual exploitation, and operates the Child Victim Identification Program, which has reviewed more than 31 million child pornography images and videos in order to identify and rescue child victims, and has disseminated more than 22,000 reports to prosecutors in support of their cases against child sexual predators. With regard to child prostitution and trafficking specifically, the center has received 8,408 leads and reports from the public through the CyberTipline, including 1,703 reports of known missing children being prostituted.¹⁵

In June 2003, the FBI in conjunction with the Department of Justice Child Exploitation and Obscenity Section and NCMEC launched the Innocence Lost National Initiative. Combined efforts were aimed at addressing the growing problem of domestic sex trafficking of children in the U. S. In the seven years since its inception, the initiative has resulted in the development of 39 dedicated task forces and working groups throughout the U.S. involving federal, state and local law enforcement agencies working in tandem with U.S. Attorney's Offices.¹⁶

To date, these groups have worked successfully to rescue nearly 1,200 children. Investigations have successfully led to the conviction of more than 600 pimps, madams, and their associates who exploit children through prostitution. These convictions have resulted in lengthy sentences including multiple 25-year-to-life sentences and the seizure of real property, vehicles, and monetary assets.¹⁷

Federal Law

In October 2000, the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA)¹⁸ made human trafficking a federal crime and made certain victims of a severe form of human trafficking¹⁹ eligible for federally funded or administered benefits and services to the same extent as refugees. Prior to that, no comprehensive federal law existed to protect victims of trafficking or to prosecute their traffickers. The VTVPA was reauthorized and amended in 2003.²⁰ Effective December 2003, the act extended the eligibility for federally-funded or administered benefits and services to certain family members of victims.

¹⁵ Statement Of Ernie Allen, President & CEO, The National Center For Missing & Exploited Children, to the Congressional Human Trafficking Caucus. *Child Sex Trafficking in America*. February 18, 2010

¹⁶ Federal Bureau of Investigation. Innocence Lost National Initiative, Retrieved December 3, 2011, from http://www.fbi.gov/about-us/investigate/vc_majorthefts/cac/innocencelost.

¹⁷ *Id.*

¹⁸ Victims of Trafficking and Violence Protection Act of 2000. Public Law No. 106-386.

¹⁹ *Id.*

²⁰ Trafficking Victims Protection Reauthorization Act of 2003. Public Law No. 108-193.

To be eligible for benefits and services, an individual must be certified as a victim of a severe form of human trafficking. The U.S. Department of Health and Human Services, Administration for Children & Families (ACF), Office of Refugee Resettlement (ORR) is the federal agency responsible for certifying trafficking victims. To receive certification, victims of trafficking must be willing to assist with the investigation and prosecution of traffickers. In addition, they must have completed a bona fide application for a T-Visa or they must have been granted continued presence status by U.S. Citizenship and Immigration Services for the purpose of contributing to the prosecution of the traffickers.²¹

Children under 18 years of age who have been subjected to a severe form of trafficking do not need to be certified to receive benefits; ORR will issue them a letter declaring them victims of a severe form of trafficking. The ORR provides information to state and local governments and service providers on the requirements for certification, the documents that victims of severe forms of trafficking are issued, and the procedures agencies should follow in confirming eligibility for benefits.²²

Florida Law

Criminal Law

Florida law defines “prostitution” as the giving or receiving of the body for sexual activity for hire but excludes sexual activity between spouses.²³ Current law also provides that:

- Any parent, legal guardian, or other person having custody or control of a minor who sells or otherwise transfers custody or control of such minor, or offers to sell or otherwise transfer custody of such minor, with knowledge that, as a consequence of the sale or transfer, the minor will engage in prostitution, perform naked for compensation, or otherwise participate in the trade of sex trafficking, commits a felony of the first degree.²⁴
- Any person who knowingly recruits, entices, harbors, transports, provides, or obtains by any means a person, knowing that force, fraud, or coercion will be used to cause that person to engage in prostitution, commits the offense of sex trafficking, a felony of the second degree. A person commits a felony of the first degree if the offense of sex trafficking is committed against a person who is under the age of 14 or if such offense results in death.²⁵

In addition, there are a number of provisions in current law relating to penalties for crimes involving sexually related crimes and children, including, but not limited to:

- It is a second degree felony to procure a minor for prostitution or cause the minor to be prostituted;²⁶

²¹ U.S. Department of Health and Human Services. Administration for Children and Families. Certification for Victims of Trafficking. Retrieved December 3, 2011 from http://www.acf.hhs.gov/trafficking/about/cert_victims.pdf.

²² *Id.*

²³ s. 796.07, F.S.

²⁴ s. 796.035, F.S.

²⁵ s. 796.045, F.S.

²⁶ s. 796.03, F.S.

- It is a first degree misdemeanor to commit any act which causes, tends to cause, encourages, or contributes to a child becoming a delinquent or dependent child or a child in need of services; or induces or endeavors to induce, by act, threat, command, or persuasion, a child to commit or perform any act, follow any course of conduct, or live in a manner that causes or tends to cause such child to become or to remain a dependent or delinquent child or a child in need of services;²⁷
- It is a second degree felony for any person who, knowing the character and content thereof, employs, authorizes, or induces a minor to engage in a sexual performance or, being a parent, legal guardian, or custodian of such child, consents to the participation by such child in a sexual performance. It is also a second degree felony for any person who, knowing the character and content thereof, to produce, direct, or promote any performance which includes sexual conduct by a child less than 18 years of age;²⁸
- It is first degree felony for any parent, legal guardian, or other person having custody or control of a minor who sells or otherwise transfers custody or control of the minor, or offers to sell or otherwise transfer custody of the minor, either: (1) with knowledge that, as a consequence of the sale or transfer, the minor will be portrayed in a visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct; or (2) with intent to promote either the engaging in of sexually explicit conduct by such minor for the purpose of producing any visual depiction of such conduct or the rendering of assistance by the minor to any other person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct; and²⁹
- A person who encourages, forces, or entices any person less than 16 years of age to engage in sadomasochistic abuse, sexual bestiality, prostitution, or any other act involving sexual activity commits a second degree felony.³⁰

Children

Dependent Child

The purposes of Chapter 39, F.S., proceedings relating to children, include, but are not limited to:

- Providing for the care, safety, and protection of children in an environment that fosters healthy social, emotional, intellectual, and physical development; to ensure secure and safe custody; to promote the health and well-being of all children under the state's care; and to prevent the occurrence of child abuse, neglect, and abandonment.;
- Preserving and strengthening the child's family ties whenever possible, removing the child from parental custody only when his or her welfare cannot be adequately safeguarded without such removal; and
- Securing for the child, when removal of the child from his or her own family is necessary, custody, care, and discipline as nearly as possible equivalent to that which should have been given by the parents; and to ensure, in all cases in which a child must

²⁷ s. 827.04, F.S.

²⁸ s. 827.071, F.S.

²⁹ s. 847.0145, F.S.

³⁰ s. 800.04, F.S.

be removed from parental custody, that the child is placed in an approved relative home, licensed foster home, adoptive home, or independent living program that provides the most stable and potentially permanent living arrangement for the child, as determined by the court. All placements shall be in a safe environment where drugs and alcohol are not abused.³¹

Florida law defines a "child who is found to be dependent" as a child who is found by the court:

- To have been abandoned, abused, or neglected by the child's parent or parents or legal custodians;
- To have been surrendered to the department, the former HRS, or a licensed child-placing agency for purpose of adoption;
- To have been voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, an adult relative, the department, or the former HRS, after which placement, under the requirements of this chapter, a case plan has expired and the parent or parents or legal custodians have failed to substantially comply with the requirements of the plan;
- To have been voluntarily placed with a licensed child-placing agency for the purposes of subsequent adoption, and a parent or parents have signed a consent pursuant to the Florida Rules of Juvenile Procedure;
- To have no parent or legal custodians capable of providing supervision and care; or
- To be at substantial risk of imminent abuse, abandonment, or neglect by the parent or parents or legal custodians.³²

In addition, current Florida law addresses the needs of immigrant children who may be eligible for special immigrant juvenile status under federal law and who are defined as a child who:

- Has been found dependent based on allegations of abuse, neglect, or abandonment;
- Is eligible for long-term foster care;
- Will have his or her best interest served by remaining in the United States; and
- Remains under the jurisdiction of the juvenile court.³³

Child in Need of Services (CINS)

Current Florida law defines a "child in need of services" as a child for whom there is no pending investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral alleging the child is delinquent; or no current supervision by the Department of Juvenile Justice (DJJ) or the DCF for an adjudication of dependency or delinquency. The child must also, under this chapter, be found by the court:

- To have persistently run away from the child's parents or legal custodians despite reasonable efforts of the child, the parents or legal custodians, and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts shall include

³¹ s. 39.001, F.S.

³² s. 39.01(15), F.S.

³³ s. 39.5075, F.S.

- voluntary participation by the child's parents or legal custodians and the child in family mediation, services, and treatment offered by DJJ or DCF;
- To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation under ss. 1003.26 and 1003.27, F.S., and through voluntary participation by the child's parents or legal custodians and by the child in family mediation, services, and treatment offered by DJJ or DCF; or
 - To have persistently disobeyed the reasonable and lawful demands of the child's parents or legal custodians, and to be beyond their control despite efforts by the child's parents or legal custodians and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in family or individual counseling.³⁴

Delinquent Child

Current Florida law defines a “child who has been found to have committed a delinquent act” as a child who is found by a court to have committed a violation of law or to be in contempt of court, except that this does not include an act constituting contempt of court arising out of a dependency proceeding or a proceeding concerning a child or family in need of services.³⁵

Current Placement Options in Florida

Foster Care – The department licenses family foster homes to be used as placements for children who have been adjudicated dependent and cannot safely remain in their own homes. These are private residences in which children are provided 24-hour care. Such homes include emergency shelter family homes and specialized foster homes for children with special needs.³⁶

Group Homes and Shelters – The department also licenses residential child-caring agencies to be used as placements for dependent children. These placements provide staffed 24-hour care and include, but are not limited to, maternity homes, runaway shelters, group homes that are administered by an agency, emergency shelters that are not in private residences, and wilderness camps. Residential child-caring agencies do not include facilities operated by a governmental agency for the training, treatment, or secure care of delinquent youth.³⁷

State Inpatient Psychiatric Placement (SIPP) – SIPP services are provided to children under 18 years of age in an intensive residential setting and include: crisis intervention; bio-social and or psychiatric evaluation; close monitoring by staff; medication management; individual, family, and group therapy; and connection to community based services. These services are expected to be relatively short termed (less than six-months). Children must have a Diagnostic and Statistical Manual of Mental Disorders-IV (DSM-IV) diagnosis other than substance abuse, developmental disability, or autism. The youth must be expected to benefit from residential treatment and a less restrictive setting is not available.³⁸

³⁴ ss. 984.03(9) and 985.03(7), F.S.

³⁵ ss. 984.03(11) and 985.03(8), F.S.

³⁶ s. 409.175(2)(e), F.S.

³⁷ s. 409.175(2)(j), F.S.

³⁸ Advocacy Center for Persons with Disabilities, Florida's Youth Inpatient Psychiatric Program. Retrieved December 3, 2011, from

Children In Need of Services /Families in Need of Services (CINS/FINS) -CINS/FINS services are available for children and families for which services are needed but are not part of the formal delinquency or dependency systems. Currently DJJ has contracts for 28 youth shelters statewide. These shelter services are intended to be short-term, are primarily voluntary and include meeting the basic needs of the child and providing services, such as case management, and counseling. The purpose and function of the shelter is to provide respite from volatile family situations, to offer a safe place for children on the street and to work with the family for the child's safe return and improve family relationships. As a result of CINS petitions, the court may order the child to a longer stay in shelter-up to 120 days. There are 10 longer stay placements available statewide, one bed in each of 10 shelters, that have an additional youth care worker who provides one-to-one assistance and focus on the child's case plan. More intensive case management and counseling also occurs. These 10 placements are staff secure placements.^{39,40} Children who have been adjudicated dependent are not eligible for CINS/FINS services, therefore children in foster care would not be eligible for these services.⁴¹

Physically Secure Placements - These placements are provided through independent rate agreements with adolescent/child mental health treatment facilities. However, in recent years, funding to this service has been dramatically reduced, resulting in fewer than 10 children served per year, with no room currently to house additional children. **In Florida, dependent children cannot be sheltered within a physically secure settings either long or short term.**⁴²

Criminal Justice Placement Options – The Department of Juvenile Justice maintains detention centers which are facilities used for the placement of children pending court adjudication or disposition or execution of court order for the temporary care of a child alleged or found to have committed a violation of law. A detention center or facility may provide secure or nonsecure custody.⁴³ Facilities are also available for the commitment of adjudicated delinquents and range from low-risk to maximum risk residential placements.⁴⁴

Other States

Community-based initiatives

The Prosecution Model

Las Vegas, Nevada has one of the highest rates of teen prostitution in the U.S.,⁴⁵ and police arrest and detain hundreds of children on prostitution charges each year. In Las Vegas, arrest and detention are the primary means for linking prostituted girls to services and getting their pimps

http://advocacycenter.org/resources/disability_topic_info/category/floridas_youth_inpatient_psychiatric_program/. Florida currently has 15 SIPP programs.

³⁹ ss. 984.225 and 984.226, F.S.

⁴⁰ Department of Children and Families Staff Analysis and Economic Impact, SB 202. September 15, 2011.

⁴¹ *Id.*

⁴² *Id.*

⁴³ s. 985.03(19), F.S.

⁴⁴ s. 985.03(45), F.S.

⁴⁵ Las Vegas Review-Journal. *Juvenile Prostitution: Trafficking in children on increase; Las Vegas among 14 U.S. cities where problem is most severe*. March 19, 2006. Retrieved December 3, 2011, from http://www.reviewjournal.com/lvrj_home/2006/Mar-19-Sun-2006/news/6434154.html.

off the streets.⁴⁶ While prostitution is a misdemeanor in Nevada⁴⁷ and youths picked up for misdemeanors are not usually held in detention, juvenile justice officials believe that the practice of detaining child prostitutes is necessary to protect the girls from the dangers of the streets and to obtain information that will lead to the arrest of their pimps.⁴⁸

In 1994, in collaboration with both governmental and nonprofit social service organizations, the Las Vegas Metropolitan Police Department started a program known as S.T.O.P. (Stop Turning Out Child Prostitutes) for the purposes of identifying, locating, arresting and prosecuting any individual responsible for pandering a child and to remove the child victim from the life of prostitution and provide them with an avenue to a successful life.⁴⁹

- In Las Vegas, children involved in prostitution are picked up by police and charged with prostitution or status offenses. A special unit of vice officers who work for the S.T.O.P. program interview every child who is suspected of being involved in prostitution within a half-hour of the time the child is booked into detention to assess whether the child is a victim of commercial sexual exploitation. Vice officers have long had an agreement with the detention center to automatically detain juveniles arrested for prostitution on a “vice hold.”
- If a child is willing to leave the streets and cooperate in the prosecution of her pimp, the charge of prostitution is usually dropped and she is released from detention to a specialized program for victims of commercial sexual exploitation, such as Children of the Night⁵⁰ located in California.

⁴⁶ The Barton Child Law and Policy Clinic. Emory University School of Law, *Commercial Exploitation of Children in Georgia: Service delivery and legislative recommendations for state and local policy makers*. January 2008. Retrieved December 3, 2011, from http://bartoncenter.net/uploads/fall2011updates/status_other/CSEC-recs-for-policy-makers.pdf.

⁴⁷ Nev. Rev Stat. s.201.354 (2009).

⁴⁸ The Barton Child Law and Policy Clinic. Emory University School of Law, *Commercial Exploitation of Children in Georgia: Service delivery and legislative recommendations for state and local policy makers*. January 2008. Retrieved December 3, 2011, from http://bartoncenter.net/uploads/fall2011updates/status_other/CSEC-recs-for-policy-makers.pdf.

⁴⁹ *Id.* It is unclear whether this program is still in existence.

⁵⁰ Children of the Night (COTN) is the oldest and appears to be one of the most influential treatment programs in the nation that works with children who are victims of prostitution. It is a private, non-profit program for children between the ages of 11 and 17 that receives referrals from governmental and non-governmental agencies across the country and only accepts those children whom it believes are willing to leave prostitution and participate in long-term, comprehensive treatment. COTN provides services that help children testify in cases against their pimps, as well as services that help them recover from commercial sexual exploitation. COTN’s treatment services are extensive and the secure residence is a comfortable, homelike environment with 24 beds. Upon arrival, children receive fresh clothing and hygiene kits and are assigned to a bedroom with bath. They meet with a caseworker to develop an individual life plan. The caseworker coordinates medical care, psychological care, academic assessments and other social services that the child needs. The children follow a highly structured program that includes attending an on-site school, where they study individually-tailored curricula that help them reach appropriate grade levels in all subjects before they leave COTN. They attend independent living classes, 12-step substance abuse meetings, and AIDS education classes, as well as craft and poetry workshops, yoga classes and varied sporting and recreational activities.

Because COTN is a purely voluntary, private program, a child may stay at the home for as long as she needs. Many opt to stay for a year for optimum treatment. Once she turns eighteen, the youth can receive assistance in leasing apartments, getting into college or trade school, or securing jobs. All those who leave COTN are considered “alumni” and can re-contact the group for services, such as free books and school supplies while they are in college, job recommendations, or crisis intervention. Children of the Night has existed since its inception through the sole support of private contributions from individuals, corporations, and foundations and runs on an annual budget of \$2 M. Retrieved December 3, 2011, from <http://www.childrenofthenight.org/index.html>.

Pros and Cons of the Prosecution Model

Proponents of the prosecution model argue that, while it is not ideal to prosecute young girls who have been victimized by pimps, the ability to prosecute the girls is an essential tool in the fight against child prostitution. First, they believe arrest and detention is necessary to force prostituted children off the streets and link them to services. Second, they believe that the threat of prosecution, coupled with arrest and detention, is the only way to get most girls to cooperate in investigations of the pimps.⁵¹

Opponents believe that detention sends the message that the girls are criminals deserving of punishment, rather than victims of sexual exploitation in need of help, and that the increase in the use of detention for girls over the past decade has magnified longstanding problems within detention systems:⁵²

The underlying assumptions of the prosecution model—that detention is helpful in keeping girls safe, providing services, and prosecuting pimps—remain unproven. While advocates of the prosecution model argue that detention increases the likelihood that girls will leave the streets and accept long-term treatment, independent, objective verification of this claim is needed. Additional research is also needed to determine whether girls are truly more likely to cooperate in the prosecution of their pimps when they are criminally charged than when they are not. Finally, by focusing on prostituted children who are arrested and detained, the prosecution model may allow children outside the juvenile justice system to fall through the cracks. At-risk children, as well as children who are already involved in prostitution, but have escaped arrest, may not receive the services they need. Youth-serving agencies that have contact with these children may be reluctant to identify them out of fear of subjecting the children to prosecution. Thus, even though the prosecution model allows authorities to force children off the streets who would not leave otherwise, a lack of inter-agency collaboration might actually result in fewer, rather than more, children being served.⁵³

The Child Abuse Model

In Boston, Massachusetts, children involved in prostitution are now being treated as victims of child abuse, rather than as perpetrators of a crime. Although prostitution by a child is still a crime in Massachusetts,⁵⁴ instead of pursuing prosecutions of these children, the District Attorney's

⁵¹ The Barton Child Law and Policy Clinic. Emory University School of Law, *Commercial Exploitation of Children in Georgia: Service delivery and legislative recommendations for state and local policy makers*. January 2008. Retrieved December 3, 2011, from http://bartoncenter.net/uploads/fall2011updates/status_other/CSEC-recs-for-policy-makers.pdf.

⁵² Francine T. Sherman, Annie E. Casey Foundation, *Detention Reform and Girls, 13 Pathways To Juvenile Detention Reform*, p. 10 (2005). Retrieved December 3, 2011, from http://www.aecf.org/upload/publicationfiles/jdai_pathways_girls.pdf.

⁵³ The Barton Child Law and Policy Clinic. Emory University School of Law, *Commercial Exploitation of Children in Georgia: Service delivery and legislative recommendations for state and local policy makers*. January 2008. Retrieved December 3, 2011, from http://bartoncenter.net/uploads/fall2011updates/status_other/CSEC-recs-for-policy-makers.pdf.

⁵⁴ Mass. Gen. Laws ch 272, s. 53A (2007).

Office is now working with more than 30 community-based and government agencies, including the state's child protective agency, juvenile justice services, law enforcement, health care providers and interested non-profit groups to create a model for dealing with prostituted children based on the model used for child abuse victims.⁵⁵

In early 2000, the District Attorney's Office began to take steps toward providing better services to all victims of abuse, including child victims of prostitution, and better prosecution of their abusers. In 2001, it created the Teen Prostitution Prevention Project (TPPP) to foster collaboration among the key players involved in serving prostituted children in Suffolk County and "achieve prevention, intervention and prosecution of [adult] offenders." Drawing on a multidisciplinary model that has been successful in helping other victims of child abuse, the TPPP recognizes that collaboration between agencies is the key to successfully diverting prostituted youth away from those who would exploit them.⁵⁶

A memorandum of understanding signed by various Massachusetts from all branches of government and social service calls for the rapid referral of teen exploitation to the Department of Social Services - and subsequently to the district attorney's office - akin to the procedure for suspected neglect or abuse of a child. It also calls for treatment and services for the victim that are specifically intended to secure the victim's physical and emotional well-being.

As a result, when prosecutors receive a child prostitution case, they treat the child as a victim/witness rather than as a defendant. Prosecutors work as part of a multidisciplinary team to provide services to the child and, if the child is willing, to build a case against her pimp. Because they work from a child abuse model, they do not use threats of criminal charges to pressure the child to cooperate in the prosecution of her pimp or withhold services until she does.⁵⁷

Pros and Cons of the Child Abuse Model

One benefit that is already apparent in Boston is better identification of children involved in prostitution. By agreeing to treat prostituted children as victims rather than defendants, the District Attorney's Office appears to have strengthened its relationship with child welfare agencies. In 2007, it was reported that this new collaboration has led to a dramatic increase in the number of child abuse cases involving prostituted teens. Before the collaborative initiative

⁵⁵ The Barton Child Law and Policy Clinic. Emory University School of Law, *Commercial Exploitation of Children in Georgia: Service delivery and legislative recommendations for state and local policy makers*. January 2008. Retrieved December 3, 2011, from http://bartoncenter.net/uploads/fall2011updates/status_other/CSEC-recs-for-policy-makers.pdf.

⁵⁶ Suffolk County District Attorney's Office. *Teen Prostitution Prevention Project Named Among Top 50 Innovative Government Programs*. April 4, 2007. Retrieved December 3, 2011, from <http://www.mass.gov/dasuffolk/docs/4.4.07C.html>.

⁵⁷ In Boston, it is the filing of a mandatory child abuse reports that is the gateway to services for children victimized by commercial sexual exploitation. Like Florida, Massachusetts requires the reporting of suspected child abuse. Until recently, however, mandatory reporters were not filing reports when they suspected that a child was being prostituted. One of TPPP's ongoing initiatives has been to educate mandated reporters that prostitution creates "physical or emotional injury...which causes harm or substantial risk of harm to the child's health or welfare..." and thus is child abuse. See Mass. Gen. Laws ch. 119, s. 51A.

began, the state social services agency would rarely send cases to the district attorney because they were worried the girls would be prosecuted.⁵⁸

One challenge of the child abuse model is that it can only serve children who want help. For the child abuse model to work, therefore, it requires strong education and outreach efforts, and a staff-secured safe house and treatment facility.⁵⁹ Because children involved in prostitution are not brought to services through arrest, they must be brought to services through education and outreach. The process of removing the pimp's psychological hold on the child must take place on the streets, rather than in a holding cell.⁶⁰

Another concern with the child abuse model is that it may hinder the prosecution of pimps. Some argue that the threat of being prosecuted for prostitution is the only thing that will motivate many children to testify against their pimps. However, because the Boston model is so new, it may be too soon to know whether treating child prostitutes as victims rather than as offenders really results in fewer successful prosecutions of pimps.⁶¹

The Hybrid Model

San Francisco, like Las Vegas, uses arrest and detention as a way to remove prostituted children from the dangers of the street, link them to services, and build a case against their abusers. San Francisco differs, however, in that authorities have contracted with specialized community-based organizations to assess and counsel children who have been involved in prostitution while they are still in custody and upon their release. Because San Francisco relies on arrest and detention to bring children into the system, and couples that practice with a wide range of victim-centered services, it is referred to as a hybrid model.⁶²

In the past, children who live in San Francisco and were arrested on prostitution charges were only detained if they had committed other crimes or violated their probation. In 2003, when a young victim of prostitution was murdered on the street after being released by police, authorities instituted a new protocol. Today, all children arrested on prostitution are detained "for their own safety."

Authorities use a procedure of "informal probation" by which they drop the charges against the child in exchange for the child's agreement to be held for up to 90 days and enter into probation. As part of her probation, the child must participate in gender-specific services provided by programs while in custody and after release that, according to the probation department, are "designed both to hold girls accountable for their actions but also to help them heal." One such program is offered by an organization known as Standing Against Global Exploitation (SAGE), a

⁵⁸ The Barton Child Law and Policy Clinic. Emory University School of Law, *Commercial Exploitation of Children in Georgia: Service delivery and legislative recommendations for state and local policy makers*. Retrieved December 3, 2011, from http://bartoncenter.net/uploads/fall2011updates/status_other/CSEC-recs-for-policy-makers.pdf.

⁵⁹ *Id.* In keeping with the child abuse model, Boston's residential treatment facility will not be locked, but located far from the city with electronically monitored entrances and exits and round-the-clock staff who can discourage the children from leaving when the urge to run strikes.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

non-profit group founded by a prostitution survivor, staffed by prostitution survivors, and dedicated to serving victims of commercial sexual exploitation.⁶³

In contrast to the Las Vegas detention model, this more victim-centered or “survivor-focused” model in San Francisco relies on peer counselors who are former prostitutes, rather than vice officers, to assess and counsel the girls while they are detained.⁶⁴ Children who are victims of commercial sexual exploitation continue to work with SAGE upon their release.

The Benefits and Drawbacks of the Hybrid Model

San Francisco’s hybrid model has many of the same drawbacks as the detention model used in Las Vegas. As mentioned earlier, detention of children who have been used by adults in the sex trade punishes the victim. The San Francisco model mitigates this problem by inserting a strong therapeutic element into the detention facility. The addition of these wraparound services may make San Francisco’s “hybrid” model better-suited to meeting the needs of child victims of prostitution than Las Vegas’ prosecution model.⁶⁵

The San Francisco model, however, still struggles with the same problem faced in Boston through the use of the child abuse model: that of identifying child victims of prostitution who are not brought to attention through arrest.⁶⁶

Legislative initiatives

Very few states⁶⁷ have enacted legislation relating to the sexual exploitation of children. However, New York has in recent years adopted two specific pieces of legislation designed to better protect and serve children who are victims of sexual exploitation:

- In June 2007, the New York State Legislature made many changes to New York law relevant to the commercial sexual exploitation of children, including defining the crime of sex trafficking without regard to the age of the victim; requiring anyone convicted of sex trafficking or attempting sex trafficking to register as a sex offender; requiring notification of social services for assessment if the victim is under the age of 18; and

⁶³ SAGE website. Retrieved December 3, 2011, from <http://www.sagesf.org/>.

⁶⁴ In addition to its in-custody program, SAGE offers a number of other programs for prostituted youth, including an intensive case management program. Each girl works with a case manager to develop an individualized service plan with measurable objectives. The girls work with peer counselors in individual and group sessions, addressing such issues as sexual exploitation, relationships, neighborhood safety, substance abuse, anger management, vocational preparation, and communication. GED and computer training is available. Most girls participate in the program for between 6 and 14 months. SAGE also offers medical screening, vocational rehabilitation, a transgender program, and an arts collective and creative writing program. In 2005, SAGE opened a six-bed safe house to provide prostituted girls, ages 12 through 17, with a “safe, nurturing environment that specializes in trauma recovery.” SAGE accepts referrals from juvenile probation, as well as from the child protective services’ shelter, family courts, defense attorneys and others. Girls must be “interested in escaping prostitution.”

⁶⁵ The Barton Child Law and Policy Clinic. Emory University School of Law, *Commercial Exploitation of Children in Georgia: Service delivery and legislative recommendations for state and local policy makers*. Retrieved December 3, 2011, from http://bartoncenter.net/uploads/fall2011updates/status_other/CSEC-recs-for-policy-makers.pdf.

⁶⁶ *Id.*

⁶⁷ Illinois and California have enacted legislation related to the protection of children who are victims of sexual exploitation.

- making victims of sex trafficking eligible for victim compensation funds. The legislation also created an interagency task force on human trafficking.⁶⁸
- In June 2008, the New York Legislature enacted what is known as the Safe Harbor Act. The Safe Harbor Act would allow for the presumption that a person under 16 years of age, who is charged as a juvenile delinquent for a prostitution offense, is a severely trafficked person. This presumption permits the child to avoid criminal charges of prostitution and instead be considered a “person in need of supervision.” The statute also provides support and services to sexually exploited youth who are under the age of 18. These services include safe houses, crisis intervention programs, community-based programs, and law-enforcement training to help officers identify sexually exploited youth.⁶⁹

While child advocates have praised New York’s Safe Harbor Act for its recognition of the specialized service needs of commercially sexually exploited children, critics allege that the statute is too narrowly drawn and will not cover all child victims of sexual exploitation, and that the commercial sexual exploitation of children has not been destigmatized by removing it from the definition of prostitution altogether. Also, while allowing courts to classify these children as persons in need of supervision rather than as delinquents, they can still be arrested and suffer the ill-effects of secure detention before that change in status is made.⁷⁰ Although the Safe Harbor legislation was enacted in June 2008, the April 1, 2010 effective date means it is too early to tell how effective it will be.⁷¹

III. Effect of Proposed Changes:

The bill creates the Florida Safe Harbor Act in s. 39.001(4), F.S., to provide special care and services to all sexually exploited children in the dependency process.

Legislative findings, intent, and establishment of goals for sexually exploited children – The bill provides that it is the intent of the legislature that children who are victims of sexual exploitation should be cared for through the dependency system rather than the delinquency system and that the state shall provide dependency services to all children not receiving comparable services under the federal Trafficking Victims Protection Act.

Lines 71-72 of the bill state that it is a goal of the legislature to provide for the treatment of sexually exploited children as dependent children rather than as delinquents. The prostitution of children occurs in a variety of contexts, including parents advertising and prostituting their children over the Internet, runaway and homeless children on city streets being recruited by pimps or engaging in “survival sex,” and drug pushers forcing addicted teenagers to prostitute themselves as a condition for receiving drugs or a place to stay. But also, acting on their own initiative or in the company of friends, young people may engage in casual or even frequent

⁶⁸ The Barton Child Law and Policy Clinic. Emory University School of Law, *Commercial Exploitation of Children in Georgia: Service delivery and legislative recommendations for state and local policy makers*. January 2008. Retrieved December 3, 2011, from http://bartoncenter.net/uploads/fall2011updates/status_other/CSEC-recs-for-policy-makers.pdf.

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

prostitution for money or for adventure.⁷² Children in the latter category may need intervention and services, but not as dependent children.

Definitions – The bill amends a number of definitions in chapter 39, F.S.:

- The term “child who is found to be dependent” is amended to include children that have been sexually exploited and have no parent, legal custodian, or responsible adult relative currently known and capable of providing the necessary and appropriate supervision and care. The effect of this change will be to place children meeting those criteria within the dependency system.
- The term “sexual abuse of a child” is amended so that sexual exploitation includes the act of a child offering to engage in or engaging in prostitution or sexual acts. The definition is also amended to include participation in sex trafficking as an act of sexual exploitation of a child.

FDLE reported concerns relating to removing the “third party” requirement for exploitation:

New language adding "the act of a child offering to engage in or engaging in prostitution; or" at lines 209-211 should be removed to retain current law's requirements that sexual exploitation of a child includes "allowing, encouraging, or forcing" of the child to engage in the behavior – that there is the involvement of another in causing the child to engage in prostitution behavior. The proposed change assumes every minor engaged in sexual conduct is doing it as a result of exploitation and as noted earlier, there is no consensus of opinion among Florida law enforcement that this is always the case. Including "the act of a child offering to engage in or engaging in prostitution" with no restrictions, modifications or limitations removes discretion from law enforcement to treat each case individually and brings all prostitution activity by a child into the "protected status" for sexual exploitation.⁷³

Children are adjudicated dependent as a result of action or inaction on the part of a parent, legal custodian, caregiver, or other person responsible for the child's welfare, as defined in ch. 39, F.S. Including "the act of a child offering to engage in or engaging in prostitution" in the definition of “sexual abuse of a child” removes a caregiver as perpetrator and in so doing creates an inconsistency in the Florida dependency system.

Delivery to a short-term safe house – The bill provides the option for a law enforcement officer who takes a child alleged to be dependent into custody to deliver a child for whom there is

⁷² Finkelhor, D. and Ormrod, R. *Delinquency Prevention. Prostitution of Juveniles: Patterns From NIBRS*, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. June 2004. Retrieved December 2, 2011, from <http://www.ncjrs.gov/pdffiles1/ojjdp/203946.pdf>. Also see Rasmusson, A. (1999). *Commercial Sexual Exploitation of Children: A Literature Review*. Minneapolis, MN: The Alliance for Speaking Truths on Prostitution and The Center for Urban and Regional Affairs. Retrieved December 3, 2011, from <http://www.adultssavingkids.org/LitRev.html>.

⁷³ Florida Department of Law Enforcement. Analysis for HB 99, August 19, 2011. SB 202 is identical to HB 99.

probable cause to believe he or she has been sexually exploited to a short-term safe house if one is available.

Shelter placement – The bill creates a rebuttable presumption that placement of a sexually exploited child in a short-term safe house is necessary. The bill requires DCF, at the hearing to continue shelter care, to establish probable cause that the child has been sexually exploited, and that placement in a short-term safe house is the most appropriate placement. The bill also adds the fact that a child has been sexually exploited to the list of conditions which show reasonable efforts by DCF to prevent or eliminate the need for removal of the child from the home. (Similar changes are made to provisions relating to disposition hearings).

The change related to reasonable efforts would appear to mean that a sexually exploited child would be placed in shelter regardless of any additional circumstances in his or her home.

Safe-harbor placement – The bill creates a new section of law relating to safe-harbor placement. The section requires any child 6 years of age or older who has been found to be a victim of sexual exploitation to be assessed for placement in a safe house, and if such placement is determined to be appropriate, the child shall be so placed, if a safe house is available. A definition for the term “available” is provided. The section also provides for:

- Criteria to be included in the initial assessment for placement;
- Information relating to the placement to be included in each judicial review;
- Special permanency teams to be established to work with these children;
- Specific data to be maintained related to referrals for safe house placement; and
- An annual report to the legislature related to placement of sexually exploited children;

Safe harbor for sexually exploited children – The bill also creates a new section of law relating to safe harbor for children who are victims of sexual exploitation. Specifically, the section:

- Creates a definition for “child advocate” to mean an employee of a short term safe house who has been trained to work with and advocate for sexually exploited children;
- Creates definitions for the terms “safe house” and “short-term safe house.” Both facilities would be required to be operated by a licensed residential child-caring agency under s. 409.175, F.S. A “safe house” differs from a “short-term safe house” in that the former has gender specific and separate living quarters for sexually exploited children who have been adjudicated dependent or delinquent and need to reside in a secure facility with 24-hour-awake staff.
- Creates a definition for the term “sexually exploited child” to mean a dependent child who has suffered sexual abuse and who is ineligible for services under the federal Trafficking Victims Protection Act;
- Creates a definition for the term “secure” to mean that a child is supervised 24 hours a day by staff members who are awake while on duty;
- Requires every circuit of the department to address the child welfare service needs of sexually exploited children as a component of the circuit’s master plan. This determination shall be made in consultation with local law enforcement, runaway and

- homeless youth program providers, local probation departments, local community-based care and social services, local guardians ad litem, public defenders, state attorney's offices, and child advocates and services providers who work directly with sexually exploited youth;
- Requires the lead agency, not-for-profit agency, or local government entity that is providing safe-house services to be responsible for security, crisis intervention services, general counseling and victim-witness counseling, a comprehensive assessment, residential care, transportation, access to behavioral health services, recreational activities, food, clothing, supplies, infant care, and miscellaneous expenses associated with caring for these children; for necessary arrangement for or provision of educational services, including life skills services and planning services to successfully transition residents back to the community; and for ensuring necessary and appropriate health and dental care;
 - Does not prohibit the safe house provider from billing Medicaid for services rendered, from contracting with local school districts for services, or from obtaining funding from additional sources;
 - Provides that the lead agency, not-for-profit agency, or local government entity providing safe-house services has the legal authority for children served in a safe-house program, as provided in chapter 39 or this chapter, as appropriate, to enroll the child in school, to sign for a driver's license for the child, to cosign loans and insurance for the child, to sign for medical treatment of the child, and to authorize other such activities;
 - Requires that all of the services created under this section may, to the extent possible provided by law, be available to all sexually exploited children whether they are accessed voluntarily, as a condition of probation, through a diversion program, through a proceeding under chapter 39, or through a referral from a local community-based care or social service agency; and
 - Provides that the local circuit administrator **may**, to the extent that funds are available, in conjunction with local law enforcement officials, contract with an appropriate not-for-profit agency having experience working with sexually exploited children to train law enforcement officials who are likely to encounter sexually exploited children in the course of their law enforcement duties on the provisions of this section and how to identify and obtain appropriate services for sexually exploited children.

The creation of the definition for the term "secure" to mean that a child is supervised 24 hours a day by staff members who are awake while on duty is problematic.

24 hour-awake staff is not currently part of the department's operations for children unless they are housed due to mental health or substance abuse issues.

In addition, children who are adjudicated dependent cannot be sheltered within a physically secure setting either long or short term in Florida.⁷⁴

In addition, a recent Florida District Court of Appeal opinion held that a dependent child cannot be placed in secure detention for his or her own best interest. This ruling would suggest that safe house placement would not be an option for these children.⁷⁵

⁷⁴ Department of Children and Families. Staff Analysis and Economic Impact. SB 202. September 15, 2011.

⁷⁵ *J.J. v. State of Florida*. 2010 WL 1222667 (Fla.App. 3 Dist.).

The permissive language relating to law enforcement training could be problematic. It is generally agreed upon that one of the most important facets of efforts to successfully work with children who are victims of sexual exploitation is adequate training of all disciplines involved:

Lois Lee, founder and president of Children of the Night, endorses the Las Vegas prosecution model and works closely with Las Vegas police and juvenile probation. However, while she believes detention is an appropriate way to get children off the streets and improve prosecution of pimps, she notes that the **model only works if the police are specially trained**, honest and compassionate—as she believes is the case in Las Vegas—and the charge of prostitution is eventually dropped, and the child linked to services. In her words, COTN is the “carrot” and law enforcement is the “stick” that leads to the arrest of “vile pimps that force the children to prostitution for food and a place to sleep.”⁷⁶

A model state law drafted by the Freedom Network⁷⁷ includes the following provision: **Training** shall be made available in all relevant local and state agencies, including, but not limited to, healthcare, hospital, law enforcement, labor, agriculture, housing, and social service, to educate officials on:

- The phenomenon of human trafficking, state and federal laws on human trafficking, the rights and needs of trafficked persons, and the tools necessary to provide effective services to trafficked persons;
- How to recognize and identify trafficking victims;
- Methods for protecting trafficking victims and advising them of their rights; and
- Procedures and techniques for handling specialized needs of victims who may face cultural, language and other barriers that impede ability to request and obtain available services.⁷⁸

Civil penalties – The bill increases the civil penalty for violations related to prostitution from \$500 to \$5,000 with \$500 of the proceeds to be paid to the court and the remaining \$4,500 to be paid to DCF for the sole purpose of funding safe houses and short-term safe houses. FDLE believes the proposed funding may in fact be “phantom funding.” The bill proposes to fund the “safe harbor” approach by increasing the civil penalty from \$500 to \$5,000 and

⁷⁶ The Barton Child Law and Policy Clinic. Emory University School of Law, *Commercial Exploitation of Children in Georgia: Service delivery and legislative recommendations for state and local policy makers*. January 2008. Retrieved December 3, 2011, from http://bartoncenter.net/uploads/fall2011updates/status_other/CSEC-recs-for-policy-makers.pdf.

⁷⁷ The Freedom Network USA established in 2001 is a coalition of 25 non-governmental organizations that provide services to, and advocate for the rights of, trafficking survivors in the United States. Their mission is to ensure that trafficked persons are treated as victims and not criminals, are able to have full access to justice, including the right to full compensation and restitution from the traffickers, and are provided with access to linguistically-appropriate and culturally-sensitive, victim-centered social, mental health, medical, legal, educational, vocational and other services and to increase public awareness of the crime of trafficking through education, research, **training** and community outreach and organizing for the purpose of preventing trafficking and supporting the rights of trafficked persons.

⁷⁸ State Model Law on Protection for Victims of Human Trafficking. Retrieved December 3, 2011, from <http://www.urbanjustice.org/pdf/publications/FNStateModelLaw.pdf>.

diverting \$4,500 to fund “safe harbor” when one is guilty of solicitation of prostitution or when one has a weapon during the commission of a prostitution related offense.

It has been reported to FDLE that the experience statewide is that the current \$500 is rarely successfully collected. If this is true, then increasing the penalty ten-fold will likely not make the rate of collection higher, and in reality the anticipated funds to fund the “safe harbor” approach may be illusory. An analysis of current collection rates of the \$500 penalty should be completed before assuming extra funds will be raised by the proposed ten-fold increase in the penalty.⁷⁹

Eligibility for Award under Victims Assistance Program

The bill allows victims of sexual exploitation to be eligible for compensation (awards), regardless of whether or not the child is willfully engaging in prostitution. The Victims Assistance⁸⁰ program is overseen by the Attorney General’s office and provides financial assistance for medical care, lost income, mental health services, funeral expenses and other out-of-pocket expenses directly related to the injury, to persons who are eligible.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

⁷⁹ *Id.*

⁸⁰ State of Florida. Office of the Attorney General. Retrieved December 2, 2011 from <http://myfloridalegal.com/pages.nsf/main/1c7376f380d0704c85256cc6004b8ed3!OpenDocument>.

C. Government Sector Impact:

- FDLE reports there will be minimal fiscal impact on the agency.
- The Department of Juvenile Justice (DJJ) reports no fiscal impact on the agency.
- DCF reports that it is unable to determine an estimated fiscal impact due to the lack of specificity in the bill.

While the proposed legislation is very specific in stating that implementation is contingent upon available funding, initial acquisition, construction, and start-up costs for a standard 15-20 bed specialized sexual exploitation facility has proven to be approximately \$1,500,000-\$2,000,000 (see Las Vegas, NV, and Oakland, CA). The department does have experience in procuring highly specialized residential placement. As such the department estimates that the daily operating cost minus the initial acquisition, construction, and start-up costs for a sexual exploitation bed is estimated to be somewhere around \$350.00 per day per child. Approximately \$180.00 of the estimated \$350.00 daily cost could be covered through Medicare reimbursement for intensive mental health therapy in a therapeutic group home setting. However, this assumes that all of these children will have an assessed mental health diagnosis that requires placement into a therapeutic group home setting.

In short, there is the potential for a minimum estimated \$170.00 dollar per day short fall in funding for these victims based on the current funding structure. If the estimate number of identified victims falls within the estimated annual 200-300 range that would mean that in approximately 2 years there is the potential for a minimum additional annual outlay of **\$12,410,000** to **\$18,615,000** in additional funds to meet the intensive service needs of this population in a highly specialized treatment environment.

Additionally, any child who spends at least 6 months living in the foster care system before reaching his or her 18th birthday is currently eligible for financial assistance up to the age of 23 through independent living transition services.⁸¹ Given that initial identification of most victims occurs when a child is between the ages of 16 -17 and that most established residential domestic minor sex trafficking programs currently operate a 12-18 month residential placement program there is a strong probability that most identified victims will become eligible for Road to Independence funding when they age out of the foster care system. If the estimated number of annual identified victims falls within the expected 200-300 within 2 years it is expected that 200-300 young adults who were a victim of Domestic Minor Sex Trafficking will have aged out of Florida foster care system and will/could be eligible to receive a maximum monthly stipend of \$1254.00 per month so long as they enrolled full time educational program and remain in good standing within that educational program. This could potentially mean that state Independent Living funding for young adults who have

⁸¹ s. 409.1451, F.S.

aged out of the foster care system might require a minimum of additional annual funds in the **\$3,000,000** to **\$4,500,000** range to cover this new eligible population.

The cost associated with this bill is not anticipated to have a direct fiscal impact on the department. However, it could have an impact on community based care (CBC) lead agencies when safe houses and short-term safe houses are available. CBCs are required to serve all dependent children referred to their agency. Therefore any additional cost would have to be absorbed by current contract funds to the CBC. However, at the time of this analysis neither of these facilities are available, which render the provisions of the bill moot.

VI. Technical Deficiencies:

There are a number of technical deficiencies and inconsistencies in the bill, including, but not limited to:

- Lines 83-90 of the bill create legislative intent for the state to provide services to **all** sexually exploited children in the state who are not otherwise receiving comparable services, such as those under the federal Trafficking Victims Protection Act. Benefits and services under the federal act are for certified trafficking victims who are non-U.S. citizens and their children who have been issued a letter by ORR declaring them victims of a severe form of trafficking. It is unclear how these children will come to the attention of law enforcement or social services and, if they do, whether they will automatically be placed in a safe house according to the provisions of the bill.
- Lines 437-440 of the bill create a rebuttable presumption that a child found to be a victim of sexual exploitation be committed to a safe house. This language appears to be inappropriately placed in the middle of a paragraph dealing with court approved visitation. Use of the term “committed” when referring to placement in a safe house is inappropriate in the dependency context.
- Lines 467-471 of the bill, relating to assessment of a child who has been found to be a victim of sexual exploitation, is unclear. The child is to be assessed by the department or its agent for placement in a safe house if appropriate. If the department is performing the assessment, it would have to be done by a child protective investigator (CPI). It is unclear if this is part of a child protective investigation, although it would appear to be a different assessment that would require skills other than those typically possessed CPIs.
- Lines 500-513 of the bill require data collection by the department relating to safe house placements. It is unclear whether this data is to be captured in the Florida Safe Families Network (FSFN) system.
- Lines 519-524 of the bill create a definition for the term “child advocate.” Since this individual is not a party to a dependency proceeding it would be impossible for him or her to serve as a liaison with the court. It is unclear why such an advocate would be necessary in a short-term safe house and not a safe house. The responsibilities of the advocate may be duplicative of those of a guardian ad litem.
- Lines 525-528 of the bill define a safe house as living quarters for sexually exploited children who have been adjudicated dependent or **delinquent**. This

appears to conflict with the goal of the bill to treat all sexually exploited children as dependent.

- Lines 530-531 of the bill require safe houses to be operated **by** a licensed family foster home or a residential child-caring agency. It is unclear whether “by” should be “as.”
- Lines 533-535 of the bill require safe houses to be licensed residential child-caring agencies and be accredited. There is currently no requirement for licensed residential child-caring agencies to be accredited, nor does the bill specify what accrediting entity must be used.
- Lines 586-593 of the bill provide authority to the entity providing safe house services to enroll the child in school, sign for a driver’s license, cosign loans and insurance, sign for medical treatment and authorize other such activities. This language is not specific as to what kinds of medical treatment may be authorized without parental permission, and it is unclear why a child who is placed in a secure safe house would need a driver’s license. It is also unclear what entity would assume the liability of cosigning a loan for a minor.

VII. Related Issues:

The bill provides for a significant change in statewide policy related to minors involved in prostitution that removes a minor under the age of 16 from criminal/delinquency options and instead would treat them as victims to be addressed through the dependency court system.⁸² A number of entities are currently examining this issue in an attempt to find the best solution for these children in Florida:

- DCF and DJJ are working on draft legislation that will not be ready for introduction until the 2013 legislative session;
- The Human Trafficking Task Force⁸³ appointed a subcommittee to deal with this policy issue as well as the approach taken by SB 718 from the 2010 session. After numerous meetings, there was no clear consensus on how this significant problem should be addressed and concerns raised over the 2010 legislation (which equally apply to 2011’s SB 718 and the 2012 SB 202) were not resolved nor were recommendations for resolution made. Most serving on the group believed some sort of limited “pilot project” approach would be wise before effecting a statewide significant policy change; and
- The Legal Needs of Children Committee of the Florida Bar has formed a subcommittee on human trafficking with the goal of vetting and endorsing legislation.

Comments from the Office of the State Courts Administrator (OSCA)

OSCA reported that there will be an increase in judicial or court workload. The amount of the increase and the resulting fiscal impact are indeterminate.

⁸² Any debate of this proposal must recognize that there are few facilities statewide that could meet the demands of treating minors as proposed by this bill.

⁸³ The State Legislature created the Task Force in 2009 "to examine and analyze the problem of human trafficking and to plan for a coordinated, humane response for victims of human trafficking through a review of existing programs, a clarification of existing options for such victims, and revised policy efforts to coordinate governmental and private efforts."

Comments from the Florida Sheriff's Association (FSA)

While the FSA has not taken a position on the issue of sexual exploitation of children, the association has reported a number of concerns:

- The fact that the legislation creates a presumption that all minors engaging in sexual activity do so “involuntarily” does not reflect what can and does happen on the street; and
- The fact that the bill proposes a “one size fits all” solution to a complex problem. Law enforcement believes retaining the current flexibility of making a determination on a case-by-case basis is the best option.⁸⁴

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Children, Families, and Elder Affairs on December 7, 2011:

- Removes a provision related to legislative intent;
- Makes the requirement that law enforcement deliver a child for whom there is probable cause to believe he or she has been sexually exploited to a safe house permissive; and
- Removes the provisions relating to prohibiting juvenile probation officers and the state attorney from filing a petition for delinquency for an act related to prostitution unless the child has been previously adjudicated delinquent.

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

⁸⁴ Florida Sheriff's Association. Comments on HB 99. HB 99 is identical to SB 202.



553924

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/08/2011	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs (Latvala) recommended the following:

Senate Amendment

Delete lines 69 - 74
and insert:
rehabilitate.



668470

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/08/2011	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs (Latvala) recommended the following:

Senate Amendment (with title amendment)

Delete line 239
and insert:
sexually exploited, the law enforcement officer may deliver

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 8
and insert:
amending s. 39.401, F.S.; authorizing delivery of



589784

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/08/2011	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs (Latvala) recommended the following:

Senate Amendment (with title amendment)

Delete lines 767 - 830.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 39 - 43

and insert:

provision to changes made by the act; providing an effective date.

By Senator Flores

38-00292-12

2012202__

1 A bill to be entitled
 2 An act relating to sexual exploitation; providing a
 3 short title; amending s. 39.001, F.S.; providing
 4 legislative intent and goals; conforming cross-
 5 references; amending s. 39.01, F.S.; revising the
 6 definitions of the terms "abuse," "child who is found
 7 to be dependent," and "sexual abuse of a child";
 8 amending s. 39.401, F.S.; requiring delivery of
 9 children alleged to be dependent and sexually
 10 exploited to short-term safe houses; amending s.
 11 39.402, F.S.; providing for a presumption that
 12 placement of a child alleged to have been sexually
 13 exploited in a short-term safe house is necessary;
 14 providing requirements for findings in a shelter
 15 hearing relating to placement of an allegedly sexually
 16 exploited child in a short-term safe house; amending
 17 s. 39.521, F.S.; providing for a presumption that
 18 placement of a child alleged to have been sexually
 19 exploited in a safe house is necessary; creating s.
 20 39.524, F.S.; requiring assessment of certain children
 21 for placement in a safe house; providing for use of
 22 such assessments; providing requirements for safe
 23 houses receiving such children; requiring an annual
 24 report concerning safe-house placements; creating s.
 25 409.1678, F.S.; providing definitions; requiring
 26 circuits of the Department of Children and Family
 27 Services to address child welfare service needs of
 28 sexually exploited children as a component of their
 29 master plans; providing duties, responsibilities, and

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

38-00292-12

2012202__

30 requirements for safe houses and their operators;
 31 providing for training for law enforcement officials
 32 who are likely to encounter sexually exploited
 33 children; amending s. 796.07, F.S.; providing for an
 34 increased civil penalty for soliciting another to
 35 commit prostitution or related acts; providing for
 36 disposition of proceeds; amending s. 960.065, F.S.;
 37 allowing victim compensation for sexually exploited
 38 children; amending s. 985.115, F.S.; conforming a
 39 provision to changes made by the act; amending ss.
 40 985.145 and 985.15, F.S.; providing a presumption
 41 against filing a delinquency petition for certain
 42 prostitution-related offenses in certain
 43 circumstances; providing an effective date.
 44

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

46
 47 Section 1. This act may be cited as the "Florida Safe
 48 Harbor Act."

49 Section 2. Subsections (4) through (12) of section 39.001,
 50 Florida Statutes, are renumbered as subsections (5) through
 51 (13), respectively, paragraph (c) of present subsection (7) and
 52 paragraph (b) of present subsection (9) are amended, and a new
 53 subsection (4) is added to that section, to read:

54 39.001 Purposes and intent; personnel standards and
 55 screening.-

56 (4) SEXUAL EXPLOITATION SERVICES.-

57 (a) The Legislature recognizes that child sexual
 58 exploitation is a serious problem nationwide and in this state.

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

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59 The children at greatest risk of being sexually exploited are
 60 runaways and throwaways. Many of these children have a history
 61 of abuse and neglect. The vulnerability of these children starts
 62 with isolation from family and friends. Traffickers maintain
 63 control of child victims through psychological manipulation,
 64 force, drug addiction, or the exploitation of economic,
 65 physical, or emotional vulnerability. Children exploited through
 66 the sex trade often find it difficult to trust adults because of
 67 their abusive experiences. These children make up a population
 68 that is difficult to serve and even more difficult to
 69 rehabilitate. Although minors are by law unable to consent to
 70 sexual activity, they are most often treated as perpetrators of
 71 crime rather than victims. Moreover, the historical treatment of
 72 such children as delinquents has too often resulted in the
 73 failure to successfully prosecute the trafficker, who is the
 74 true wrongdoer and threat to society.

75 (b) The Legislature establishes the following goals for the
 76 state related to the status and treatment of sexually exploited
 77 children in the dependency process:

- 78 1. To ensure the safety of children.
- 79 2. To provide for the treatment of such children as
 80 dependent children rather than as delinquents.
- 81 3. To sever the bond between exploited children and
 82 traffickers and to reunite these children with their families or
 83 provide them with appropriate guardians.
- 84 4. To enable such children to be willing and reliable
 85 witnesses in the prosecution of traffickers.

86 (c) The Legislature finds that sexually exploited children
 87 need special care and services in the dependency process,

38-00292-12 2012202__

88 including counseling, health care, substance abuse treatment,
 89 educational opportunities, and a safe environment secure from
 90 traffickers.

91 (d) The Legislature further finds that sexually exploited
 92 children need the special care and services described in
 93 paragraph (c) independent of their citizenship, residency,
 94 alien, or immigrant status. It is the intent of the Legislature
 95 that this state provide such care and services to all sexually
 96 exploited children in this state who are not otherwise receiving
 97 comparable services, such as those under the federal Trafficking
 98 Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

99 (8) ~~(7)~~ OFFICE OF ADOPTION AND CHILD PROTECTION.-

100 (c) The office is authorized and directed to:

- 101 1. Oversee the preparation and implementation of the state
 102 plan established under subsection (9) ~~(8)~~ and revise and update
 103 the state plan as necessary.
- 104 2. Provide for or make available continuing professional
 105 education and training in the prevention of child abuse and
 106 neglect.
- 107 3. Work to secure funding in the form of appropriations,
 108 gifts, and grants from the state, the Federal Government, and
 109 other public and private sources in order to ensure that
 110 sufficient funds are available for the promotion of adoption,
 111 support of adoptive families, and child abuse prevention
 112 efforts.
- 113 4. Make recommendations pertaining to agreements or
 114 contracts for the establishment and development of:
 - 115 a. Programs and services for the promotion of adoption,
 116 support of adoptive families, and prevention of child abuse and

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117 neglect.

118 b. Training programs for the prevention of child abuse and

119 neglect.

120 c. Multidisciplinary and discipline-specific training

121 programs for professionals with responsibilities affecting

122 children, young adults, and families.

123 d. Efforts to promote adoption.

124 e. Postadoptive services to support adoptive families.

125 5. Monitor, evaluate, and review the development and

126 quality of local and statewide services and programs for the

127 promotion of adoption, support of adoptive families, and

128 prevention of child abuse and neglect and shall publish and

129 distribute an annual report of its findings on or before January

130 1 of each year to the Governor, the Speaker of the House of

131 Representatives, the President of the Senate, the head of each

132 state agency affected by the report, and the appropriate

133 substantive committees of the Legislature. The report shall

134 include:

135 a. A summary of the activities of the office.

136 b. A summary of the adoption data collected and reported to

137 the federal Adoption and Foster Care Analysis and Reporting

138 System (AFCARS) and the federal Administration for Children and

139 Families.

140 c. A summary of the child abuse prevention data collected

141 and reported to the National Child Abuse and Neglect Data System

142 (NCANDS) and the federal Administration for Children and

143 Families.

144 d. A summary detailing the timeliness of the adoption

145 process for children adopted from within the child welfare

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146 system.

147 e. Recommendations, by state agency, for the further

148 development and improvement of services and programs for the

149 promotion of adoption, support of adoptive families, and

150 prevention of child abuse and neglect.

151 f. Budget requests, adoption promotion and support needs,

152 and child abuse prevention program needs by state agency.

153 6. Work with the direct-support organization established

154 under s. 39.0011 to receive financial assistance.

155 (10) ~~(9)~~ FUNDING AND SUBSEQUENT PLANS.—

156 (b) The office and the other agencies and organizations

157 listed in paragraph (9) ~~(8)~~ (a) shall readdress the state plan and

158 make necessary revisions every 5 years, at a minimum. Such

159 revisions shall be submitted to the Speaker of the House of

160 Representatives and the President of the Senate no later than

161 June 30 of each year divisible by 5. At least biennially, the

162 office shall review the state plan and make any necessary

163 revisions based on changing needs and program evaluation

164 results. An annual progress report shall be submitted to update

165 the state plan in the years between the 5-year intervals. In

166 order to avoid duplication of effort, these required plans may

167 be made a part of or merged with other plans required by either

168 the state or Federal Government, so long as the portions of the

169 other state or Federal Government plan that constitute the state

170 plan for the promotion of adoption, support of adoptive

171 families, and prevention of child abuse, abandonment, and

172 neglect are clearly identified as such and are provided to the

173 Speaker of the House of Representatives and the President of the

174 Senate as required above.

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175 Section 3. Subsections (2) and (15) and paragraph (g) of
176 subsection (67) of section 39.01, Florida Statutes, are amended
177 to read:

178 39.01 Definitions.—When used in this chapter, unless the
179 context otherwise requires:

180 (2) "Abuse" means any willful act or threatened act that
181 results in any physical, mental, or sexual abuse, injury, or
182 harm that causes or is likely to cause the child's physical,
183 mental, or emotional health to be significantly impaired. Abuse
184 of a child includes acts or omissions. Corporal discipline of a
185 child by a parent or legal custodian for disciplinary purposes
186 does not in itself constitute abuse when it does not result in
187 harm to the child.

188 (15) "Child who is found to be dependent" means a child
189 who, pursuant to this chapter, is found by the court:

190 (a) To have been abandoned, abused, or neglected by the
191 child's parent or parents or legal custodians;

192 (b) To have been surrendered to the department, the former
193 Department of Health and Rehabilitative Services, or a licensed
194 child-placing agency for purpose of adoption;

195 (c) To have been voluntarily placed with a licensed child-
196 caring agency, a licensed child-placing agency, an adult
197 relative, the department, or the former Department of Health and
198 Rehabilitative Services, after which placement, under the
199 requirements of this chapter, a case plan has expired and the
200 parent or parents or legal custodians have failed to
201 substantially comply with the requirements of the plan;

202 (d) To have been voluntarily placed with a licensed child-
203 placing agency for the purposes of subsequent adoption, and a

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204 parent or parents have signed a consent pursuant to the Florida
205 Rules of Juvenile Procedure;

206 (e) To have no parent or legal custodians capable of
207 providing supervision and care; ~~or~~

208 (f) To be at substantial risk of imminent abuse,
209 abandonment, or neglect by the parent or parents or legal
210 custodians; or

211 (g) To have been sexually exploited and to have no parent,
212 legal custodian, or responsible adult relative currently known
213 and capable of providing the necessary and appropriate
214 supervision and care.

215 (67) "Sexual abuse of a child" means one or more of the
216 following acts:

217 (g) The sexual exploitation of a child, which includes the
218 act of a child offering to engage in or engaging in
219 prostitution; or allowing, encouraging, or forcing a child to:

220 1. Solicit for or engage in prostitution; ~~or~~

221 2. Engage in a sexual performance, as defined by chapter
222 827; or

223 3. Participate in the trade of sex trafficking as provided
224 in s. 796.035.

225 Section 4. Paragraph (b) of subsection (2) and paragraph
226 (b) of subsection (3) of section 39.401, Florida Statutes, are
227 amended to read:

228 39.401 Taking a child alleged to be dependent into custody;
229 law enforcement officers and authorized agents of the
230 department.—

231 (2) If the law enforcement officer takes the child into
232 custody, that officer shall:

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233 (b) Deliver the child to an authorized agent of the
 234 department, stating the facts by reason of which the child was
 235 taken into custody and sufficient information to establish
 236 probable cause that the child is abandoned, abused, or
 237 neglected, or otherwise dependent. In the case of a child for
 238 whom there is probable cause to believe he or she has been
 239 sexually exploited, the law enforcement officer shall deliver
 240 the child to the appropriate short-term safe house as provided
 241 for in s. 409.1678 if a short-term safe house is available.

242
 243 For cases involving allegations of abandonment, abuse, or
 244 neglect, or other dependency cases, within 3 days after such
 245 release or within 3 days after delivering the child to an
 246 authorized agent of the department, the law enforcement officer
 247 who took the child into custody shall make a full written report
 248 to the department.

249 (3) If the child is taken into custody by, or is delivered
 250 to, an authorized agent of the department, the agent shall
 251 review the facts supporting the removal with an attorney
 252 representing the department. The purpose of the review is to
 253 determine whether there is probable cause for the filing of a
 254 shelter petition.

255 (b) If the facts are sufficient and the child has not been
 256 returned to the custody of the parent or legal custodian, the
 257 department shall file the petition and schedule a hearing, and
 258 the attorney representing the department shall request that a
 259 shelter hearing be held within 24 hours after the removal of the
 260 child. While awaiting the shelter hearing, the authorized agent
 261 of the department may place the child in licensed shelter care,

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262 or in a short-term safe house if the child is a sexually
 263 exploited child, or may release the child to a parent or legal
 264 custodian or responsible adult relative or the adoptive parent
 265 of the child's sibling who shall be given priority consideration
 266 over a licensed placement, or a responsible adult approved by
 267 the department if this is in the best interests of the child.
 268 Placement of a child which is not in a licensed shelter must be
 269 preceded by a criminal history records check as required under
 270 s. 39.0138. In addition, the department may authorize placement
 271 of a housekeeper/homemaker in the home of a child alleged to be
 272 dependent until the parent or legal custodian assumes care of
 273 the child.

274 Section 5. Subsection (2) and paragraphs (a), (d), and (h)
 275 of subsection (8) of section 39.402, Florida Statutes, are
 276 amended to read:

277 39.402 Placement in a shelter.—

278 (2) A child taken into custody may be placed or continued
 279 in a shelter only if one or more of the criteria in subsection
 280 (1) ~~apply~~ applies and the court has made a specific finding of
 281 fact regarding the necessity for removal of the child from the
 282 home and has made a determination that the provision of
 283 appropriate and available services will not eliminate the need
 284 for placement. In the case of a child who is alleged to have
 285 been sexually exploited, there is a rebuttable presumption that
 286 placement in a short-term safe house is necessary.

287 (8) (a) A child may not be held in a shelter longer than 24
 288 hours unless an order so directing is entered by the court after
 289 a shelter hearing. In the interval until the shelter hearing is
 290 held, the decision to place the child in a shelter or release

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291 the child from a shelter lies with the protective investigator.
 292 In the case of a child who is alleged to have been sexually
 293 exploited, there is a rebuttable presumption that placement in a
 294 short-term safe house is necessary.

295 (d) At the shelter hearing, in order to continue the child
 296 in shelter care:

297 1. The department must establish probable cause that
 298 reasonable grounds for removal exist and that the provision of
 299 appropriate and available services will not eliminate the need
 300 for placement;

301 2. The department must establish probable cause for the
 302 belief that the child has been sexually exploited and,
 303 therefore, that placement in a short-term safe house is the most
 304 appropriate environment for the child; or

305 3. ~~2~~ The court must determine that additional time is
 306 necessary, which may not exceed 72 hours, in which to obtain and
 307 review documents pertaining to the family in order to
 308 appropriately determine the risk to the child during which time
 309 the child shall remain in the department's custody, if so
 310 ordered by the court.

311 (h) The order for placement of a child in shelter care must
 312 identify the parties present at the hearing and must contain
 313 written findings:

314 1. That placement in shelter care is necessary based on the
 315 criteria in subsections (1) and (2).

316 2. That placement in shelter care is in the best interest
 317 of the child.

318 3. That continuation of the child in the home is contrary
 319 to the welfare of the child because the home situation presents

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320 a substantial and immediate danger to the child's physical,
 321 mental, or emotional health or safety which cannot be mitigated
 322 by the provision of preventive services.

323 4. That based upon the allegations of the petition for
 324 placement in shelter care, there is probable cause to believe
 325 that the child is dependent or that the court needs additional
 326 time, which may not exceed 72 hours, in which to obtain and
 327 review documents pertaining to the family in order to
 328 appropriately determine the risk to the child.

329 5. That the department has made reasonable efforts to
 330 prevent or eliminate the need for removal of the child from the
 331 home. A finding of reasonable effort by the department to
 332 prevent or eliminate the need for removal may be made and the
 333 department is deemed to have made reasonable efforts to prevent
 334 or eliminate the need for removal if:

335 a. The first contact of the department with the family
 336 occurs during an emergency;

337 b. The appraisal of the home situation by the department
 338 indicates that the home situation presents a substantial and
 339 immediate danger to the child's physical, mental, or emotional
 340 health or safety which cannot be mitigated by the provision of
 341 preventive services;

342 c. The child cannot safely remain at home, either because
 343 there are no preventive services that can ensure the health and
 344 safety of the child or because, even with appropriate and
 345 available services being provided, the health and safety of the
 346 child cannot be ensured;

347 d. The child has been sexually exploited; or

348 e. ~~4~~ The parent or legal custodian is alleged to have

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349 committed any of the acts listed as grounds for expedited
350 termination of parental rights in s. 39.806(1)(f)-(i).

351 6. That the court notified the parents, relatives that are
352 providing out-of-home care for the child, or legal custodians of
353 the time, date, and location of the next dependency hearing and
354 of the importance of the active participation of the parents,
355 relatives that are providing out-of-home care for the child, or
356 legal custodians in all proceedings and hearings.

357 7. That the court notified the parents or legal custodians
358 of their right to counsel to represent them at the shelter
359 hearing and at each subsequent hearing or proceeding, and the
360 right of the parents to appointed counsel, pursuant to the
361 procedures set forth in s. 39.013.

362 8. That the court notified relatives who are providing out-
363 of-home care for a child as a result of the shelter petition
364 being granted that they have the right to attend all subsequent
365 hearings, to submit reports to the court, and to speak to the
366 court regarding the child, if they so desire.

367 Section 6. Paragraph (f) of subsection (1) and paragraph
368 (d) of subsection (3) of section 39.521, Florida Statutes, are
369 amended to read:

370 39.521 Disposition hearings; powers of disposition.-

371 (1) A disposition hearing shall be conducted by the court,
372 if the court finds that the facts alleged in the petition for
373 dependency were proven in the adjudicatory hearing, or if the
374 parents or legal custodians have consented to the finding of
375 dependency or admitted the allegations in the petition, have
376 failed to appear for the arraignment hearing after proper
377 notice, or have not been located despite a diligent search

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378 having been conducted.

379 (f) If the court places the child in an out-of-home
380 placement, the disposition order must include a written
381 determination that the child cannot safely remain at home with
382 reunification or family preservation services and that removal
383 of the child is necessary to protect the child. If the child is
384 removed before the disposition hearing, the order must also
385 include a written determination as to whether, after removal,
386 the department made a reasonable effort to reunify the parent
387 and child. Reasonable efforts to reunify are not required if the
388 court finds that any of the acts listed in s. 39.806(1)(f)-(1)
389 have occurred. The department has the burden of demonstrating
390 that it made reasonable efforts.

391 1. For the purposes of this paragraph, the term "reasonable
392 effort" means the exercise of reasonable diligence and care by
393 the department to provide the services ordered by the court or
394 delineated in the case plan.

395 2. In support of its determination as to whether reasonable
396 efforts have been made, the court shall:

397 a. Enter written findings as to whether prevention or
398 reunification efforts were indicated.

399 b. If prevention or reunification efforts were indicated,
400 include a brief written description of what appropriate and
401 available prevention and reunification efforts were made.

402 c. Indicate in writing why further efforts could or could
403 not have prevented or shortened the separation of the parent and
404 child.

405 3. A court may find that the department made a reasonable
406 effort to prevent or eliminate the need for removal if:

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- 407 a. The first contact of the department with the family
 408 occurs during an emergency;
- 409 b. The appraisal by the department of the home situation
 410 indicates a substantial and immediate danger to the child's
 411 safety or physical, mental, or emotional health which cannot be
 412 mitigated by the provision of preventive services;
- 413 c. The child cannot safely remain at home, because there
 414 are no preventive services that can ensure the health and safety
 415 of the child or, even with appropriate and available services
 416 being provided, the health and safety of the child cannot be
 417 ensured. There is a rebuttable presumption that any child who
 418 has been found to be a victim of sexual exploitation as defined
 419 in s. 39.01(67)(g) meets the terms of this sub-subparagraph; or
- 420 d. The parent is alleged to have committed any of the acts
 421 listed as grounds for expedited termination of parental rights
 422 under s. 39.806(1)(f)-(l).
- 423 4. A reasonable effort by the department for reunification
 424 has been made if the appraisal of the home situation by the
 425 department indicates that the severity of the conditions of
 426 dependency is such that reunification efforts are inappropriate.
 427 The department has the burden of demonstrating to the court that
 428 reunification efforts were inappropriate.
- 429 5. If the court finds that the prevention or reunification
 430 effort of the department would not have permitted the child to
 431 remain safely at home, the court may commit the child to the
 432 temporary legal custody of the department or take any other
 433 action authorized by this chapter.
- 434 (3) When any child is adjudicated by a court to be
 435 dependent, the court shall determine the appropriate placement

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- 436 for the child as follows:
- 437 (d) If the child cannot be safely placed in a nonlicensed
 438 placement, the court shall commit the child to the temporary
 439 legal custody of the department. Such commitment invests in the
 440 department all rights and responsibilities of a legal custodian.
 441 The department shall not return any child to the physical care
 442 and custody of the person from whom the child was removed,
 443 except for court-approved visitation periods, without the
 444 approval of the court. Any order for visitation or other contact
 445 must conform to the provisions of s. 39.0139. There is a
 446 rebuttable presumption that any child who has been found to be a
 447 victim of sexual exploitation as defined in s. 39.01(67)(g) be
 448 committed to a safe house as provided for in s. 409.1678. The
 449 term of such commitment continues until terminated by the court
 450 or until the child reaches the age of 18. After the child is
 451 committed to the temporary legal custody of the department, all
 452 further proceedings under this section are governed by this
 453 chapter.
- 454 Protective supervision continues until the court terminates it
 455 or until the child reaches the age of 18, whichever date is
 456 first. Protective supervision shall be terminated by the court
 457 whenever the court determines that permanency has been achieved
 458 for the child, whether with a parent, another relative, or a
 459 legal custodian, and that protective supervision is no longer
 460 needed. The termination of supervision may be with or without
 461 retaining jurisdiction, at the court's discretion, and shall in
 462 either case be considered a permanency option for the child. The
 463 order terminating supervision by the department shall set forth
 464

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 465 the powers of the custodian of the child and shall include the
 466 powers ordinarily granted to a guardian of the person of a minor
 467 unless otherwise specified. Upon the court's termination of
 468 supervision by the department, no further judicial reviews are
 469 required, so long as permanency has been established for the
 470 child.

471 Section 7. Section 39.524, Florida Statutes, is created to
 472 read:

473 39.524 Safe-harbor placement.-

474 (1) Except as provided in s. 39.407, any dependent child 6
 475 years of age or older who has been found to be a victim of
 476 sexual exploitation as defined in s. 39.01(67)(g) must be
 477 assessed for placement in a safe house as provided in s.
 478 409.1678. The assessment shall be conducted by the department or
 479 its agent and shall incorporate and address current and
 480 historical information from any law enforcement reports;
 481 psychological testing or evaluation that has occurred; current
 482 and historical information from the guardian ad litem, if one
 483 has been assigned; current and historical information from any
 484 current therapist, teacher, or other professional who has
 485 knowledge of the child and has worked with the child; and any
 486 other information concerning the availability and suitability of
 487 safe-house placement. If such placement is determined to be
 488 appropriate as a result of this procedure, the child must be
 489 placed in a safe house, if one is available. As used in this
 490 section, the term "available" as it relates to a placement means
 491 a placement that is located within the circuit or that is
 492 otherwise reasonably accessible.

493 (2) The results of the assessment described in subsection

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 494 (1) and the actions taken as a result of the assessment must be
 495 included in the next judicial review of the child. At each
 496 subsequent judicial review, the court must be advised in writing
 497 of the status of the child's placement, with special reference
 498 regarding the stability of the placement and the permanency
 499 planning for the child.

500 (3) Any safe house that receives children under this
 501 section shall establish special permanency teams dedicated to
 502 overcoming the special permanency challenges presented by this
 503 population of children. Each facility shall report to the
 504 department its success in achieving permanency for children
 505 placed by the department in its care at intervals that allow the
 506 current information to be provided to the court at each judicial
 507 review for the child.

508 (4) (a) By December 1 of each year, the department shall
 509 report to the Legislature on the placement of children in safe
 510 houses during the year, including the criteria used to determine
 511 the placement of children, the number of children who were
 512 evaluated for placement, the number of children who were placed
 513 based upon the evaluation, and the number of children who were
 514 not placed.

515 (b) The department shall maintain data specifying the
 516 number of children who were referred to a safe house for whom
 517 placement was unavailable and the counties in which such
 518 placement was unavailable. The department shall include this
 519 data in its report under this subsection so that the Legislature
 520 may consider this information in developing the General
 521 Appropriations Act.

522 Section 8. Section 409.1678, Florida Statutes, is created

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523 to read:

524 409.1678 Safe harbor for children who are victims of sexual
525 exploitation.-

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

527 (a) "Child advocate" means an employee of a short-term safe
528 house who has been trained to work with and advocate for the
529 needs of sexually exploited children. The advocate shall
530 accompany the child to all court appearances, meetings with law
531 enforcement, and the state attorney's office and shall serve as
532 a liaison between the short-term safe house and the court.

533 (b) "Safe house" means a living environment that has set
534 aside gender-specific, separate, and distinct living quarters
535 for sexually exploited children who have been adjudicated
536 dependent or delinquent and need to reside in a secure
537 residential facility with staff members awake 24 hours a day. A
538 safe house shall be operated by a licensed family foster home or
539 residential child-caring agency as defined in s. 409.175,
540 including a runaway youth center as defined in s. 409.441. Each
541 facility must be appropriately licensed in this state as a
542 residential child-caring agency as defined in s. 409.175 and
543 must be accredited by July 1, 2013. A safe house serving
544 children who have been sexually exploited must have available
545 staff or contract personnel with the clinical expertise,
546 credentials, and training to provide services identified in
547 paragraph (2) (b).

548 (c) "Secure" means that a child is supervised 24 hours a
549 day by staff members who are awake while on duty.

550 (d) "Sexually exploited child" means a dependent child who
551 has suffered sexual exploitation as defined in s. 39.01(67) (g)

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552 and is ineligible for relief and benefits under the federal
553 Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

554 (e) "Short-term safe house" means a shelter operated by a
555 licensed residential child-caring agency as defined in s.
556 409.175, including a runaway youth center as defined in s.
557 409.441, that has set aside gender-specific, separate, and
558 distinct living quarters for sexually exploited children. In
559 addition to shelter, the house shall provide services and care
560 to sexually exploited children, including food, clothing,
561 medical care, counseling, and appropriate crisis intervention
562 services at the time they are taken into custody by law
563 enforcement or the department.

564 (2) (a) Notwithstanding any other provision of law, pursuant
565 to regulations of the department, every circuit of the
566 department shall address the child welfare service needs of
567 sexually exploited children as a component of the circuit's
568 master plan. This determination shall be made in consultation
569 with local law enforcement, runaway and homeless youth program
570 providers, local probation departments, local community-based
571 care and social services, local guardians ad litem, public
572 defenders, state attorney's offices, and child advocates and
573 services providers who work directly with sexually exploited
574 youth.

575 (b) The lead agency, not-for-profit agency, or local
576 government entity providing safe-house services is responsible
577 for security, crisis intervention services, general counseling
578 and victim-witness counseling, a comprehensive assessment,
579 residential care, transportation, access to behavioral health
580 services, recreational activities, food, clothing, supplies,

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 581 infant care, and miscellaneous expenses associated with caring
 582 for these children; for necessary arrangement for or provision
 583 of educational services, including life skills services and
 584 planning services to successfully transition residents back to
 585 the community; and for ensuring necessary and appropriate health
 586 and dental care.

587 (c) This section does not prohibit any provider of these
 588 services from appropriately billing Medicaid for services
 589 rendered, from contracting with a local school district for
 590 educational services, or from obtaining federal or local funding
 591 for services provided, as long as two or more funding sources do
 592 not pay for the same specific service that has been provided to
 593 a child.

594 (d) The lead agency, not-for-profit agency, or local
 595 government entity providing safe-house services has the legal
 596 authority for children served in a safe-house program, as
 597 provided in chapter 39 or this chapter, as appropriate, to
 598 enroll the child in school, to sign for a driver's license for
 599 the child, to cosign loans and insurance for the child, to sign
 600 for medical treatment of the child, and to authorize other such
 601 activities.

602 (e) All of the services created under this section may, to
 603 the extent possible provided by law, be available to all
 604 sexually exploited children whether they are accessed
 605 voluntarily, as a condition of probation, through a diversion
 606 program, through a proceeding under chapter 39, or through a
 607 referral from a local community-based care or social service
 608 agency.

609 (3) The local circuit administrator may, to the extent that

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 610 funds are available, in conjunction with local law enforcement
 611 officials, contract with an appropriate not-for-profit agency
 612 having experience working with sexually exploited children to
 613 train law enforcement officials who are likely to encounter
 614 sexually exploited children in the course of their law
 615 enforcement duties on the provisions of this section and how to
 616 identify and obtain appropriate services for sexually exploited
 617 children. Circuits may work cooperatively to provide such
 618 training, and such training may be provided on a regional basis.
 619 The department shall assist circuits in obtaining any available
 620 funds for the purposes of conducting law enforcement training
 621 from the Office of Juvenile Justice and Delinquency Prevention
 622 of the United States Department of Justice.

623 Section 9. Section 796.07, Florida Statutes, is amended to
 624 read:

625 796.07 Prohibiting prostitution and related acts, ~~etc.,~~
 626 evidence, penalties, definitions.

627 (1) As used in this section:

628 (a) "Prostitution" means the giving or receiving of the
 629 body for sexual activity for hire but excludes sexual activity
 630 between spouses.

631 (b) "Lewdness" means any indecent or obscene act.

632 (c) "Assignment" means the making of any appointment or
 633 engagement for prostitution or lewdness, or any act in
 634 furtherance of such appointment or engagement.

635 (d) "Sexual activity" means oral, anal, or vaginal
 636 penetration by, or union with, the sexual organ of another; anal
 637 or vaginal penetration of another by any other object; or the
 638 handling or fondling of the sexual organ of another for the

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639 purpose of masturbation; however, the term does not include acts
640 done for bona fide medical purposes.

641 (2) It is unlawful:

642 (a) To own, establish, maintain, or operate any place,
643 structure, building, or conveyance for the purpose of lewdness,
644 assignation, or prostitution.

645 (b) To offer, or to offer or agree to secure, another for
646 the purpose of prostitution or for any other lewd or indecent
647 act.

648 (c) To receive, or to offer or agree to receive, any person
649 into any place, structure, building, or conveyance for the
650 purpose of prostitution, lewdness, or assignation, or to permit
651 any person to remain there for such purpose.

652 (d) To direct, take, or transport, or to offer or agree to
653 direct, take, or transport, any person to any place, structure,
654 or building, or to any other person, with knowledge or
655 reasonable cause to believe that the purpose of such directing,
656 taking, or transporting is prostitution, lewdness, or
657 assignation.

658 (e) To offer to commit, or to commit, or to engage in,
659 prostitution, lewdness, or assignation.

660 (f) To solicit, induce, entice, or procure another to
661 commit prostitution, lewdness, or assignation.

662 (g) To reside in, enter, or remain in, any place,
663 structure, or building, or to enter or remain in any conveyance,
664 for the purpose of prostitution, lewdness, or assignation.

665 (h) To aid, abet, or participate in any of the acts or
666 things enumerated in this subsection.

667 (i) To purchase the services of any person engaged in

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668 prostitution.

669 (3) (a) In the trial of a person charged with a violation of
670 this section, testimony concerning the reputation of any place,
671 structure, building, or conveyance involved in the charge,
672 testimony concerning the reputation of any person residing in,
673 operating, or frequenting such place, structure, building, or
674 conveyance, and testimony concerning the reputation of the
675 defendant is admissible in evidence in support of the charge.

676 (b) Notwithstanding any other provision of law, a police
677 officer may testify as an offended party in an action regarding
678 charges filed pursuant to this section.

679 (4) A person who violates any provision of this section
680 commits:

681 (a) A misdemeanor of the second degree for a first
682 violation, punishable as provided in s. 775.082 or s. 775.083.

683 (b) A misdemeanor of the first degree for a second
684 violation, punishable as provided in s. 775.082 or s. 775.083.

685 (c) A felony of the third degree for a third or subsequent
686 violation, punishable as provided in s. 775.082, s. 775.083, or
687 s. 775.084.

688 (5) A person who is charged with a third or subsequent
689 violation of this section shall be offered admission to a
690 pretrial intervention program or a substance-abuse treatment
691 program as provided in s. 948.08.

692 (6) A person who violates paragraph (2) (f) shall be
693 assessed a civil penalty of \$5,000 ~~+\$500~~ if the violation results
694 in any judicial disposition other than acquittal or dismissal.
695 Of the proceeds from each penalty penalties assessed under this
696 subsection, \$500 shall be paid to the circuit court

38-00292-12 2012202__
 697 administrator for the sole purpose of paying the administrative
 698 costs of treatment-based drug court programs provided under s.
 699 397.334 and \$4,500 shall be paid to the Department of Children
 700 and Family Services for the sole purpose of funding safe houses
 701 and short-term safe houses as provided in s. 409.1678.

702 Section 10. Section 960.065, Florida Statutes, is amended
 703 to read:

704 960.065 Eligibility for awards.—

705 (1) Except as provided in subsection (2), the following
 706 persons shall be eligible for awards pursuant to this chapter:

707 (a) A victim.

708 (b) An intervenor.

709 (c) A surviving spouse, parent or guardian, sibling, or
 710 child of a deceased victim or intervenor.

711 (d) Any other person who is dependent for his or her
 712 principal support upon a deceased victim or intervenor.

713 (2) Any claim filed by or on behalf of a person who:

714 (a) Committed or aided in the commission of the crime upon
 715 which the claim for compensation was based;

716 (b) Was engaged in an unlawful activity at the time of the
 717 crime upon which the claim for compensation is based;

718 (c) Was in custody or confined, regardless of conviction,
 719 in a county or municipal detention facility, a state or federal
 720 correctional facility, or a juvenile detention or commitment
 721 facility at the time of the crime upon which the claim for
 722 compensation is based;

723 (d) Has been adjudicated as a habitual felony offender,
 724 habitual violent offender, or violent career criminal under s.
 725 775.084; or

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 726 (e) Has been adjudicated guilty of a forcible felony
 727 offense as described in s. 776.08,
 728
 729 ~~is ineligible shall not be eligible~~ for an award.

730 (3) Any claim filed by or on behalf of a person who was in
 731 custody or confined, regardless of adjudication, in a county or
 732 municipal facility, a state or federal correctional facility, or
 733 a juvenile detention, commitment, or assessment facility at the
 734 time of the crime upon which the claim is based, who has been
 735 adjudicated as a habitual felony offender under s. 775.084, or
 736 who has been adjudicated guilty of a forcible felony offense as
 737 described in s. 776.08, renders the person ineligible ~~shall not~~
 738 ~~be eligible~~ for an award. Notwithstanding the foregoing, upon a
 739 finding by the Crime Victims' Services Office of the existence
 740 of mitigating or special circumstances that would render such a
 741 disqualification unjust, an award may be approved. A decision
 742 that mitigating or special circumstances do not exist in a case
 743 subject to this section does ~~shall~~ not constitute final agency
 744 action subject to review pursuant to ss. 120.569 and 120.57.

745 (4) Payment may not be made under this chapter if the
 746 person who committed the crime upon which the claim is based
 747 will receive any direct or indirect financial benefit from such
 748 payment, unless such benefit is minimal or inconsequential.
 749 Payment may not be denied based on the victim's familial
 750 relationship to the offender or based upon the sharing of a
 751 residence by the victim and offender, except to prevent unjust
 752 enrichment of the offender.

753 (5) A person is not ineligible for an award pursuant to
 754 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that

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755 person is a victim of sexual exploitation of a child as defined
 756 in s. 39.01(67)(g).

757 Section 11. Paragraph (b) of subsection (2) of section
 758 985.115, Florida Statutes, is amended to read:

759 985.115 Release or delivery from custody.—

760 (2) Unless otherwise ordered by the court under s. 985.255
 761 or s. 985.26, and unless there is a need to hold the child, a
 762 person taking a child into custody shall attempt to release the
 763 child as follows:

764 (b) Contingent upon specific appropriation, to a shelter
 765 approved by the department or to an authorized agent or short-
 766 term safe house under s. 39.401(2)(b).

767 Section 12. Paragraph (i) of subsection (1) of section
 768 985.145, Florida Statutes, is amended to read:

769 985.145 Responsibilities of juvenile probation officer
 770 during intake; screenings and assessments.—

771 (1) The juvenile probation officer shall serve as the
 772 primary case manager for the purpose of managing, coordinating,
 773 and monitoring the services provided to the child. Each program
 774 administrator within the Department of Children and Family
 775 Services shall cooperate with the primary case manager in
 776 carrying out the duties and responsibilities described in this
 777 section. In addition to duties specified in other sections and
 778 through departmental rules, the assigned juvenile probation
 779 officer shall be responsible for the following:

780 (i) *Recommendation concerning a petition.*—Upon determining
 781 that the report, affidavit, or complaint complies with the
 782 standards of a probable cause affidavit and that the interests
 783 of the child and the public will be best served, the juvenile

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784 probation officer may recommend that a delinquency petition not
 785 be filed. If such a recommendation is made, the juvenile
 786 probation officer shall advise in writing the person or agency
 787 making the report, affidavit, or complaint, the victim, if any,
 788 and the law enforcement agency having investigative jurisdiction
 789 over the offense of the recommendation; the reasons therefor;
 790 and that the person or agency may submit, within 10 days after
 791 the receipt of such notice, the report, affidavit, or complaint
 792 to the state attorney for special review. In the case of a
 793 report, affidavit, or complaint alleging a violation of s.
 794 796.07(2)(f), there is a presumption that the juvenile probation
 795 officer recommend that a petition not be filed unless the child
 796 has previously been adjudicated delinquent. The state attorney,
 797 upon receiving a request for special review, shall consider the
 798 facts presented by the report, affidavit, or complaint, and by
 799 the juvenile probation officer who made the recommendation that
 800 no petition be filed, before making a final decision as to
 801 whether a petition or information should or should not be filed.

802 Section 13. Subsection (1) of section 985.15, Florida
 803 Statutes, is amended to read:

804 985.15 Filing decisions.—

805 (1) The state attorney may in all cases take action
 806 independent of the action or lack of action of the juvenile
 807 probation officer and shall determine the action that is in the
 808 best interest of the public and the child. If the child meets
 809 the criteria requiring prosecution as an adult under s. 985.556,
 810 the state attorney shall request the court to transfer and
 811 certify the child for prosecution as an adult or shall provide
 812 written reasons to the court for not making such a request. In

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2012202__

813 all other cases, the state attorney may:

814 (a) File a petition for dependency;

815 (b) File a petition under chapter 984;

816 (c) File a petition for delinquency. In the case of a

817 report, affidavit, or complaint alleging a violation of s.

818 796.07(2)(f), there is a presumption that a petition not be

819 filed unless the child has previously been adjudicated

820 delinquent;

821 (d) File a petition for delinquency with a motion to

822 transfer and certify the child for prosecution as an adult;

823 (e) File an information under s. 985.557;

824 (f) Refer the case to a grand jury;

825 (g) Refer the child to a diversionary, pretrial

826 intervention, arbitration, or mediation program, or to some

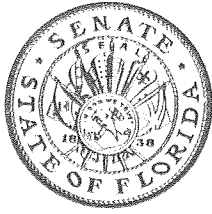
827 other treatment or care program if such program commitment is

828 voluntarily accepted by the child or the child's parents or

829 legal guardian; or

830 (h) Decline to file.

831 Section 14. This act shall take effect January 1, 2013.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Judiciary, *Chair*
Budget
Budget - Subcommittee on Education Pre-K - 12
Appropriations
Commerce and Tourism
Communications, Energy, and Public Utilities
Governmental Oversight and Accountability
Reapportionment
Rules

SENATOR ANITERE FLORES

Majority Whip
38th District

September 26, 2011

The Honorable Ronda Storms
Chair of Committee on Children, Families, and Elder Affairs
520 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairwoman Storms:

I respectfully request that you place SB 202, regarding the sexual exploitation of children, on the next Committee on Children, Families, and Elder Affairs agenda. This proposed legislation would require the delivery of children alleged to be dependent and sexually exploited to short-term safe houses. I look forward to presenting this bill before your committee.

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

Sincerely,

A handwritten signature in cursive script that reads "Anitere Flores".

Anitere Flores

CC: Ms. Renai Farmer, Committee on Children, Families, and Elder Affairs

RECEIVED

OCT 03 2011

Senate Committee
Children and Families

REPLY TO:

10691 North Kendall Drive, Suite 309, Miami, Florida 33176 (305) 270-6550
 316 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5130

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

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

12/7/11

Meeting Date

Topic SB Safe Harbor

Bill Number SB 202 (if applicable)

Name Sandy Skelaney

Amendment Barcode (if applicable)

Job Title Program Manager

Address 1265 NW 12th Ave.

Phone 786-390-7322

Street City State Zip miami FL 33136

E-mail sandys@kristihouse.org

Speaking: [X] For [] Against [] Information

Representing Kristi House

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

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

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

12/7/11

Meeting Date

Topic Sexual Exploitation

Bill Number 202 (if applicable)

Name Terri Poore

Amendment Barcode (if applicable)

Job Title Director of Public Affairs

Address 1820 E. Park Ave Ste 100

Phone 850-363-2918

Street City State Zip Tall FL 32301

E-mail tpoore@fcasv.org

Speaking: [X] For [] Against [] Information

Representing Florida Council Against Sexual Violence

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [] No

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

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S-001 (10/20/11)

**THE GUARDIAN AD LITEM PROGRAM
(A PUBLIC – PRIVATE PARTNERSHIP)**

**PRESENTED TO THE FLORIDA SENATE
COMMITTEE ON CHILDREN, FAMILIES
AND ELDER AFFAIRS**

December 7, 2011

www.GuardianadLitem.org



**Alan F. Abramowitz
Executive Director**



Public – Private Partnership

- **Certified Volunteers**
- **Non-Certified Volunteers**
- **Experts**
- **Non-Profits**
- **Media**
- **Restaurants**
- **Businesses**
- **Individual Citizens**
- **Pro-Bono Attorneys**
- **Guardian ad Litem Staff**

Why Volunteers are so Important

- **Independent Voice for Child(ren)**
- **Investigates**
- **Examines**
- **Facilitates**
- **Advocates**
- **Monitors**
- **Recommendations**
- **Effective Outcomes**



Why Volunteers are so Important

A child with a volunteer is more likely to find a safe and permanent home

- Adoption
- Half as likely to re-enter foster care
- Substantially less likely to spend time in long-term foster care
- More likely to have a plan for permanency
- <http://www.improvechildadvocacy.org/ChildRep2010/EvaluationsofChildRepresentation.aspx>

Receive more help in foster care

- More services ordered
- More likely to have a consistent, responsible adult presence
- Volunteers spend more time with the child(ren) than paid staff
- Do better in school

“NICE” PILOT

NORMALCY, IMPROVED COMMUNICATION, CHILD SAFETY, ENHANCED RELATIONSHIP

- **1980’s volunteers could transport children**
- **Under courts, transportation was prohibited**
- **January 2011 Revisited Transportation**
 - **Feedback**
 - **Survey of Volunteers**
 - **Concerns raised and addressed**
 - **DCF supports Pilot**

“NICE” PILOT

NORMALCY, IMPROVED COMMUNICATION, CHILD SAFETY, ENHANCED RELATIONSHIP

- **IMPROVED COMMUNICATION**

“One volunteer remembers how his child, after listening to some of his favorite music on the car radio, began to relax and open up to him about things going on in his group home which were impacting the child’s life.”

- **ENHANCED RELATIONSHIP**

“One volunteer remembers the bond that developed when two little boys he took to McDonalds were beside themselves with excitement because it was the first time they had ever been to a ‘restaurant’ to eat.”

- **CHILD SAFETY**

“As a [GAL] in California, I was permitted to transport. I remember at dinner, one girl disclosed to me that she was being sexually molested, (and) that she was in a ‘place’ with me where she felt safe.”

“NICE” PILOT

NORMALCY, IMPROVED COMMUNICATION, CHILD SAFETY, ENHANCED RELATIONSHIP

- **NORMALCY**

“One of Jamie’s complaints has been that she and another girl are left at their house while others are picked up by their families for the weekend.... We share a love of art, fashion, and movies. There are numerous fairs, art shows, and even fashion shows coming up that I would love to take her to.”

- **RETENTION**

*An individual making 6 figures, now a volunteer.
“Things happen when you get involved; a four year old girl knocks you over jumping up to give you a hug, and a little boy puts his arms around you, his head in your chest, and says, thank you. I (volunteer) feel like I have gotten a raise.”*

“NICE” PILOT

PROPOSED PROVISO LANGUAGE

“In an effort to promote normalcy and establish trust between a court appointed volunteer guardian ad litem and a child alleged to be abused, abandoned or neglected under Chapter 39 proceedings, a guardian ad litem may transport a child. No guardian ad litem volunteer shall be mandated, required or directed by the Program or a court to transport a child. The volunteer guardian ad litem shall not be utilized to supplement, stand in the shoes of, act in the capacity of and/or substitute for the role, function, and/or responsibility of any designated service provider or community based care agency.”

- **20 Circuits**
- **Innovation on going...**
 - Pet Advocacy
 - Faith Based recruitment
 - Lake City Correctional Facility
Partnership
 - “A Voice Heard”
 - And more....

- **Legislative Budget Request - \$ 3.9 Million**
- **Over the past 5 years over 16,000 volunteers have been certified**
- **Currently there are nearly 8,000 volunteers**
- **Volunteers need support**
- **Law requires 100% representation**
- **Currently at 70% representation**
- **Increase funding will expand representation to over 80% of children**

- **Efficient and Effective**

- Value to State and Children includes the results of efficiency outcomes when children have a Volunteer GAL
- Value to State and Children includes \$10 Million of volunteer time and mileage donated by volunteer
- Value to State and Children from non-profits
- “[i]f there is any program that costs the least, and benefits the most, this is the one.” – Blue Ribbon Panel on Child Protection



www.GuardianadLitem.org

You can also follow us on Facebook, Twitter and
our Blog

THE FLORIDA SENATE
APPEARANCE RECORD

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

12/7/11
Meeting Date

Topic GUARDIAN ad Litem

Bill Number N/A
(if applicable)

Name ALAN ABRAMOWITZ

Amendment Barcode _____
(if applicable)

Job Title Director

Address 600 S. Calhoun Street

Phone 850-241-3232

Tallahassee FL 32303
City State Zip

E-mail ALAN.ABRAMOWITZ@CAL.FL.GOV

Speaking: For Against Information

Representing Guardian ad Litem 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.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

12/7/11
Meeting Date

Topic Guardian ad Litem

Bill Number _____
(if applicable)

Name Hilary Creamy

Amendment Barcode _____
(if applicable)

Job Title Circuit Director

Address 220 E Bay St.

Phone 904 630-1200

Jacksonville FL 32202
City State Zip

E-mail hilary.creamy@cal.fl.gov

Speaking: For Against Information

Representing Guardian ad Litem 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.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

12-7-11
Meeting Date

Topic Guardian and Listen Bill Number _____ (if applicable)
Name JACK LEVINE Amendment Barcode _____ (if applicable)

Job Title Founder 4 Generations Institute

Address Box 1227 Phone 850 5675252
Street Tallah A. 32301 E-mail joelc@4gen.org
City State Zip

Speaking: For Against Information

Representing 4 Generations Institute

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.



OPPAGA Review of the Department of Children and Families Independent Living Program

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

**Deanna Hamilton,
Senior Legislative Analyst**

December 7, 2011

Program Overview

- “...independent living transition services [are] to enable older children in foster care and young adults who exit foster care at age 18 to make the transition to self-sufficiency as adults.”

Section 409.1451(1)(a), *Florida Statutes*

- Administered by the Department of Children and Families and community-based care (CBC) lead agencies

Independent Living Components

Ages	Service	Description
13-17 years old	Pre-Independent Living	Life skills training, educational field trips, conferences, etc.
	Life Skills	banking and budgeting skills, educational support, employment training, etc.
	Subsidized Independent Living	Living arrangements that allow an adolescent to live independently (16-17 years old)
18-22 years old	Aftercare Support	Services to assist living independently, including: tutoring, life skills classes, counseling, etc.
	Transitional Support	Short-term services that may include: employment, housing, counseling, etc.
	Road to Independence Scholarship	Financial assistance for youth to receive the training needed to achieve independence.

Independent Living Budget

- Fiscal Year 2011-12
 - \$30.2 million appropriated (\$18.8 General Revenue)
 - 4% of total CBC appropriation

- Fiscal Year 2010-2011
 - \$30.2 million appropriated
 - \$52.2 million expenditures

OPPAGA Review Scope

- Examine the program oversight and monitoring
- Review status of the department's effort to provide outcome and service data

Program Oversight

- Contract management
- Contract monitoring
- Quality assurance

Contract Management

Department	CBC Lead Agencies
<ul style="list-style-type: none">• Oversees vendor day-to-day performance• Approves deliverables and invoices• Serves as contact between department and vendors	<ul style="list-style-type: none">• Oversees vendor day-to-day performance• Approves deliverables and invoices

Contract Monitoring

Department	CBC Lead Agencies
<p>Assesses vendors compliance with</p> <ul style="list-style-type: none">• laws,• rules,• policies, and• contract provisions through on-site or desk reviews	<p>Assesses subcontract vendors compliance with</p> <ul style="list-style-type: none">• contract terms (which typically include laws, rules, and policies) through periodic reviews.

Quality Assurance

Department	CBC Lead Agencies
<p>Conducts reviews of</p> <ul style="list-style-type: none">• child protective investigations and• special reviews, as requested	<p>Conducts quarterly reviews of internal or subcontracted case management services to evaluate service quality</p>

Oversight of Clients Age 13-17 Years

Activity (Parties Involved)	Purpose	Frequency
Face-to-face meeting (case manager, caregiver, and child)	Discuss with caregiver the case plan progress and the child's progress, development, health, and education	Every 30 days
Staffings (Case manager, child, caregiver, guardian ad litem, attorney, independent living provider, and relatives)	Review education goals, work goals, progress in life skills	Annual for clients age 13-14 years Every six months for clients age 15-17 years
Judicial review (Case manager, child, and independent living provider)	Update court on the client's progress toward attaining independent living skills	Every six months

Oversight of Clients Age 18-22 Years

- CBCs have limited authority to oversee these young adults
- Annual meeting to update needs assessment to determine award amount
- CBCs have strategies to encourage more frequent contact

Outcome Data Update

- Prior OPPAGA reports recommended that the department track the number of 13- to 17-year old youth served by the program
- A federal initiative requires states to implement the National Youth in Transition Database (NYTD) survey
 - The department began collecting preliminary data through NYTD in February 2011
 - CBCs are entering data into the Florida Safe Families Network database

Foster Youth and Former Foster Youth Survey Data Results

13- to 17-year olds	18- to 22-year olds
<ul style="list-style-type: none">• 85% received dental services in the last year• 75% completed a standardized life skills assessment• 32% have a case plan filed with the court• 4% have a driver's license at age 17	<ul style="list-style-type: none">• 90% have safe housing• 60% have stable housing• 15% possess a driver's license• 14% have a part-time job/4% have a full-time job• 54% have a high school diploma or GED

Outcome Measures

- Prior OPPAGA reports recommended that the department develop outcome measures for the program
- The department incorporated outcome measures for the program in CBC contracts in July 2010
- The department plans to have baseline data for outcome measures by July 1, 2012

Outcome Measures

- Percentage of youth who have aged out of care completing high school or GED by 20 years of age;
- Percentage of youth who completed high school or GED and are involved in post-secondary education;
- Percentage of youth age 18 and over receiving Independent Living services who have a job (including joining the military);
- Percentage of young adults in safe housing; and
- Percentage of 17-year-old youth in licensed out of home care who had a transition plan signed by the youth and filed with the court.

Questions?

Deanna Hamilton

Senior Legislative Analyst

(850) 487-0579

hamilton.deanna@oppaga.fl.gov

Jennifer Johnson

Staff Director

(850) 488-1023

johnson.jennifer@oppaga.fl.gov

oppaga

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

12/7/11
Meeting Date

Topic DCF Independent Living Program

Bill Number NA
(if applicable)

Name Deanna Hamilton

Amendment Barcode NA
(if applicable)

Job Title Senior Legislative Analyst

Address 111 W Madison St STE 312

Phone (850) 487-0579

Street
Tallahassee FL 32399
City State Zip

E-mail hamilton.deanna@oppaga.fl.gov

Speaking: For Against Information

Representing OPPAGA

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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CourtSmart Tag Report

Room: SB 401
Caption: Senate Children, Families, and Elder Affairs Committee

Case:

Type:
Judge:

Started: 12/7/2011 2:01:42 PM

Ends: 12/7/2011 3:58:28 PM

Length: 01:56:47

2:01:53 PM Roll Call
2:02:11 PM Senator Storms opening remarks
2:03:24 PM SB 434, Independent Living (Senator Rich)
2:07:01 PM Senator Storms remarks
2:07:22 PM Senator Detert question
2:08:21 PM Carol Preston, CFEA Chief Legislative Analyst, response
2:09:36 PM Senator Detert question
2:11:10 PM Carol Preston, CFEA Chief Legislative Analyst, response
2:12:43 PM Senator Rich remarks
2:13:52 PM Senator Storms remarks
2:16:47 PM Senator Rich remarks
2:17:10 PM SB 434, Independent Living (Public Testimony)
2:26:40 PM Senator Detert remarks
2:28:04 PM SB 434, Independent Living, closing remarks by Senator Rich
2:29:32 PM SB 434, Independent Living vote
2:30:01 PM SB 202, Sexual Exploitation (Representative Fresen)
2:33:01 PM Senator Storms remarks
2:33:24 PM SB 202 amendment (barcode 668470) by Senator Latvala
2:33:56 PM SB 202 amendment (barcode 553924) by Senator Latvala
2:34:16 PM SB 202 amendment (barcode 589784) by Senator Latvala
2:35:22 PM Senator Storms remarks and question
2:37:32 PM Representative Fresen response
2:38:47 PM Senator Storms remarks
2:40:31 PM Representative Fresen response
2:41:32 PM Senator Detert question
2:42:08 PM Representative Fresen response
2:42:37 PM Senator Gibson question
2:43:19 PM Representative Fresen response
2:44:00 PM Senator Gibson question
2:44:23 PM Senator Storms remarks
2:46:41 PM Representative Fresen response
2:47:50 PM Senator Storms remarks
2:48:08 PM Representative Fresen response
2:48:43 PM Senator Rich question
2:49:51 PM Sandy Skelaney, Program Manager Kristi House, response
2:50:00 PM Senator Storms question
2:50:04 PM Sandy Skelaney, Program Manager Kristi House, response
2:51:22 PM Senator Storms remarks and question
2:52:17 PM Senator Rich remarks
2:52:36 PM Sandy Skelaney, Program Manager Kristi House, response
2:52:46 PM Senator Storms remarks
2:53:29 PM Sandy Skelaney, Program Manager Kristi House, response
2:58:33 PM Senator Rich question
2:59:28 PM Sandy Skelaney, Program Manager Kristi House, response
3:00:39 PM Senator Storms remarks
3:00:57 PM Senator Detert remarks
3:02:22 PM Senator Storms remarks
3:02:31 PM Senator Rich remarks
3:03:10 PM Representative Fresen response
3:03:39 PM Senator Latvala remarks
3:04:14 PM SB 202, Sexual Exploitation (Public Testimony)
3:04:36 PM Senator Gibson question

3:06:04 PM Senator Storms remarks
3:07:36 PM Representative Fresen closing remarks
3:09:18 PM Senator Storms remarks
3:09:44 PM SB 202, Sexual Exploitation vote
3:10:08 PM SB 446, OGSR/Insurance Claim Data Exchange Information/Past Due Child Support
3:10:22 PM Ashley Daniell, CFEA Staff Attorney
3:10:43 PM Senator Storms remarks
3:10:55 PM SB 446, OGSR/Insurance Claim Data Exchange Information/Past Due Child Support vote
3:11:32 PM Alan Abramowitz, Executive Director Guardian ad Litem Program, opening remarks
3:12:11 PM Senator Storms comments
3:12:21 PM Alan Abramowitz, Executive Director Guardian ad Litem Program, remarks and video
3:18:21 PM Senator Storms remarks and question
3:19:00 PM Alan Abramowitz, Executive Director Guardian ad Litem Program, response
3:20:13 PM Senator Storms remarks
3:21:00 PM Alan Abramowitz, Executive Director Guardian ad Litem Program, response
3:22:19 PM Hilary Creary, Circuit Director, Guardian ad Litem Program
3:30:47 PM Alan Abramowitz, Executive Director Guardian ad Litem Program, continued remarks
3:32:24 PM Senator Storms remarks
3:32:37 PM Alan Abramowitz, Executive Director Guardian ad Litem Program, continued remarks
3:38:19 PM Senator Dockery remarks and question
3:38:51 PM Alan Abramowitz, Executive Director Guardian ad Litem Program, response
3:39:59 PM Senator Dockery question
3:40:21 PM Alan Abramowitz, Executive Director Guardian ad Litem Program, response
3:41:12 PM Senator Dockery question and Senator Storms remarks
3:41:27 PM Alan Abramowitz, Executive Director Guardian ad Litem Program, response
3:41:53 PM Senator Dockery remarks
3:42:06 PM Alan Abramowitz, Executive Director Guardian ad Litem Program, remarks
3:42:18 PM Guardian ad Litem Program (Public Testimony)
3:43:36 PM Senator Storms remarks
3:44:08 PM Senator Rich remarks
3:45:23 PM Guardian ad Litem Program (Public Testimony Continued)
3:46:10 PM Senator Storms remarks
3:48:37 PM Senator Dockery question
3:48:44 PM Senator Storms response
3:48:59 PM Alan Abramowitz, Executive Director Guardian ad Litem Program, response
3:49:36 PM Senator Dockery question
3:49:39 PM Alan Abramowitz, Executive Director Guardian ad Litem Program, response
3:49:42 PM Senator Storms remarks
3:50:08 PM Alan Abramowitz, Executive Director Guardian ad Litem Program, response
3:50:17 PM Senator Storms question
3:50:21 PM Alan Abramowitz, Executive Director Guardian ad Litem Program, response
3:50:29 PM Senator Dockery remarks
3:50:33 PM Alan Abramowitz, Executive Director Guardian ad Litem Program, response
3:50:42 PM Senator Rich remarks
3:51:14 PM Deanna Hamilton, Senior Legislative Analyst OPPAGA, Oversight of the Independent Living Program
3:58:22 PM Adjourn