

THE FLORIDA SENATE  
2014 SUMMARY OF LEGISLATION PASSED

**Committee on Children, Families,  
And Elder Affairs**

**CS/SB 260 — Unaccompanied Homeless Youths**

by Judiciary Committee and Senator Latvala

The bill allows an unaccompanied certified homeless youth 16 years of age or older to consent to medical treatment for himself or herself and for his or her child under specified circumstances. Such treatment includes medical, dental, psychological, substance abuse, and surgical diagnosis and treatment. The bill will enable homeless youth to consent to treatment without the necessity of obtaining a court order.

The bill does not affect the requirements of s. 390.01114, F.S., the Parental Notice of Abortion Act.

If approved by the Governor, these provisions take effect July 1, 2014.

*Vote: Senate 39-0; House 117-0*

THE FLORIDA SENATE  
2014 SUMMARY OF LEGISLATION PASSED

**Committee on Children, Families,  
And Elder Affairs**

**SB 308 — Public Assistance Fraud**

by Senator Brandes

The bill gives new authority to the Department of Financial Services (DFS) to obtain information to investigate and prosecute public assistance fraud. The DFS combats fraud in the major public assistance programs, such as Medicaid, Supplemental Nutritional Assistance Program, and Temporary Assistance for Needy Families.

The bill grants public assistance investigators the authority to administer oaths and affirmations. Without this authority, investigators must pay to become a Notary Public to administer oaths, which increases the costs of the program.

The bill also gives public assistance fraud investigators the power to issue subpoenas. Currently investigators cannot issue subpoenas for business and education records needed for investigations. Investigators must ask the local state attorneys to issue the subpoena on their behalf and the state attorney only has authority to issue subpoenas for criminal, not civil matters.

If approved by the Governor, these provisions take effect July 1, 2014.

*Vote: Senate 40-0; House 113-4*

THE FLORIDA SENATE  
2014 SUMMARY OF LEGISLATION PASSED

**Committee on Children, Families,  
And Elder Affairs**

**CS/SB 358 — Athletic Coaches for Youth Athletic Teams**

by Rules Committee and Senator Ring

The bill revises the background screening requirements for athletic coaches. The bill clarifies the definition of “athletic coach” to include coaches, assistant coaches, and referees. The bill requires independent sanctioning authorities that organize, operate, or coordinate youth athletic teams to conduct Level 1 background screening for athletic coaches. The bill prohibits sanctioning authorities from delegating this responsibility to individual teams.

The bill disqualifies athletic coaches from coaching if they fail to pass the background screening. The bill permits sanctioning authorities to allow a disqualified person to act as an athletic coach if they committed a felony more than three years prior to the screening, committed a misdemeanor, committed a felony that has since been reclassified as a misdemeanor, or were adjudicated delinquent.

The bill requires the sanctioning authority to maintain the results of screenings and notices of disqualification for at least five years.

If approved by the Governor, these provisions take effect July 1, 2014.

*Vote: Senate 37-0; House 119-0*

## Committee on Children, Families, And Elder Affairs

### **CS/CS/HB 409 — Offenses Against Vulnerable Persons**

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Passidomo and others (CS/CS/SB 588 by Judiciary Committee; Children, Families, and Elder Affairs Committee; and Senator Richter)

The bill expands the list of persons designated as vulnerable adults who can be victims of personal identification fraud to include an individual who is 60 years of age or older; a disabled adult as defined in s. 825.101, F.S.; a public servant as defined in s. 838.014, F.S.; a veteran as defined in s. 1.01, F.S.; a first responder as defined in s. 125.01045, F.S.; an individual who is employed by the State of Florida; or an individual who is employed by the Federal Government.

The bill deletes the requirement that a person use deception or intimidation to obtain or use a vulnerable adult's funds, assets, or property in committing identity theft. The bill specifies that "unauthorized appropriation" occurs when a vulnerable adult does not receive reasonably equivalent financial value in goods or services or when fiduciaries violate specified duties.

The bill amends s. 825.103(1), F.S., to create additional instances that constitute exploitation of a vulnerable adult including the misappropriation, misuse or transfer without authorization of monies belonging to a vulnerable adult by a caregiver or a person who stands in a position of trust and confidence with the vulnerable adult.

An Identity Theft and Fraud Grant Program is created within the Department of Law Enforcement to award grants to support local law enforcement agencies in the investigation and enforcement of personal identification information theft and fraud.

The bill requires courts to impose a surcharge of \$1,001 against a person that pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, a violation of fraudulent use of personal identification information of a vulnerable adult. The surcharge will be distributed to the Florida Department of Law Enforcement (\$500) to provide grants to local law enforcement agencies to investigate offenses related to the criminal use of personal identification information; to the State Attorneys Revenue Trust Fund (\$250) for funding prosecution of offenses relating to the criminal use of personal identification information; to the Public Defenders Revenue Trust Fund (\$250) for purposes of indigent criminal defense related to the criminal use of personal identification information; and to the Clerk of the Court (\$1) as a service charge of the clerk's office. The surcharge cannot be waived by the court.

If approved by the Governor, these provisions take effect October 1, 2014.

*Vote: Senate 39-0; House 117-0*

**Committee on Children, Families,  
And Elder Affairs**

**CS/CS/SB 522 — Involuntary Civil Commitment of Sexually Violent Predators**

by Appropriations Committee; Children, Families, and Elder Affairs Committee; and Senators Grimsley and Detert

The bill (Chapter 2014-2, L.O.F.) requires additional persons to be assessed for civil commitment as a sexually violent predator. Such persons include those in municipal or county jails who have a prior criminal offense for which the state attorney previously referred them to the Department of Children and Families for civil commitment proceedings.

The definition of “total confinement” is amended to include persons serving a sentence in a county or municipal jail for a sexually violent offense. The term also includes cases in which a court determined that the person should have been released at an earlier date and should have been assessed for civil commitment as a sexually violent predator when they were released. This provision will allow the Department of Children and Families to assess individuals for civil commitment as sexually violent predators who were inadvertently released from custody.

The bill makes improvements to the operations of the five-member multidisciplinary team within the Department of Children and Families that assesses persons for possible civil commitment. The bill requires the department to recommend that the state attorney file a petition for civil commitment when two or more members of the multidisciplinary team determine that the person meets the definition of a sexually violent predator. The bill also requires the team to treat an attempt, solicitation, or conspiracy to commit a sexually violent offense, the same as if the person completed the sexually violent offense.

The bill allows both the civilly committed sexually violent predator and the state attorney to be present and provide evidence at a hearing to determine whether the sexually violent predator may be discharged safely from civil commitment.

The bill facilitates monitoring of sexually violent predators by requiring the Department of Children and Families to provide notice to local law enforcement agencies when a sexually violent predator is released. The department must also alert the state attorney when a person who was previously committed as a sexually violent predator is arrested for a subsequent criminal offense. The bill requires the department to notify victims of the release of sexual offenders who are detained by the sexually violent predator program, based on a finding of probable cause, but who were not committed.

The Department of Corrections is required to compile recidivism data on persons referred, detained, or committed to the sexually violent predator program.

These provisions were approved by the Governor and take effect July 1, 2014.

*Vote: Senate 40-0; House 118-0*

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**Committee on Children, Families,  
And Elder Affairs**

**CS/SB 524 — Sexually Violent Predators**

by Appropriations Committee; and Senators Sobel and Detert

The bill (Chapter 2014-3, L.O.F.) creates the “Protecting Our Children and Adults from Sexual Predators Act.” The purpose of the bill is to improve the assessment of sex offenders for possible civil commitment as sexually violent predators and to improve public notification of the location of sexual offenders and predators.

The bill revises the operations of the five member multidisciplinary team within the Department of Children and Families that determine whether the sex offender meets the definition of a sexually violent predator. Specifically, the bill requires the department to train team members, provide feedback to team members, and create a process for measuring the performance of team members.

To develop the clinical assessments for consideration by the multidisciplinary team, the department contracts with psychiatrists and psychologists. The bill limits such contracts to one-year terms, but allows the contracts to be renewed. The bill requires the department to evaluate the contractors based on performance each year. This will allow the department to replace contractors who are performing poorly.

The bill requires the department to recommend that the state attorney file a petition for civil commitment when two or more members of the multidisciplinary team determine that the person meets the definition of a sexually violent predator. Currently, the multidisciplinary team makes recommendations based on a consensus among the team members.

The Florida Department of Law Enforcement maintains a web site and toll-free telephone number to provide information to the public on the location and offenses of sex offenders and predators. The bill requires public and private colleges and universities to inform students and employees about the website and the toll-free number to improve public safety on higher education campuses.

These provisions were approved by the Governor and take effect July 1, 2014.

*Vote: Senate 40-0; House 118-0*

## Committee on Children, Families, And Elder Affairs

### **CS/CS/HB 561 — Attorneys for Dependent Children with Special Needs**

by Judiciary Committee; Civil Justice Subcommittee; and Rep. Fresen (CS/CS/CS/SB 972 by Appropriations Committee; Judiciary Committee; Children, Families, and Elder Affairs Committee; and Senators Galvano, Bradley, and Gibson)

The bill requires the appointment of an attorney for any dependent child who has a specified special need.

The bill requires the court to appoint an attorney for dependent children who meet specific conditions. Such children reside in or are being considered for placement in a nursing facility, are prescribed but refuse a psychotropic medication, have a diagnosis of a developmental disability, are placed or considered for placement in a residential treatment center, or are victims of human trafficking. In addition, the 2014-2015 General Appropriations Act provides \$4.2 million in general revenue to the Justice Administrative Commission in specific appropriation 794 to contract for attorneys for dependent children with special needs.

The bill requires the court to request a recommendation from the Statewide Guardian Ad Litem Office before appointing a pro bono attorney to represent a child. If the Statewide Guardian Ad Litem Office cannot recommend a pro bono attorney, the court may appoint an attorney to be compensated by the Justice Administrative Commission.

The bill directs that the attorney representing the dependent child provide the complete range of legal services from removal from the home through all appellate proceedings. It authorizes the attorney, with court permission, to arrange for separate counsel for appeals.

The bill requires that, except for attorneys working without compensation, attorneys representing dependent children with disabilities be compensated and provided funding for expert witnesses, depositions, and other costs of litigation. It provides that payment of attorneys under this bill is subject to appropriations. Fees are capped at \$1,000 per child per year.

The bill directs the Department of Children and Families to develop procedures to identify a dependent child who has a special need and will need a court to appoint an attorney.

The bill preserves the power of the court to appoint an attorney for any dependent child under ch. 39, F.S.

If approved by the Governor, these provisions take effect July 1, 2014.

*Vote: Senate 36-0; House 118-0*

## Committee on Children, Families, And Elder Affairs

### **CS/HB 635 — Guardianship**

by Civil Justice Subcommittee; and Rep. Passidomo and others (CS/CS/CS/SB 634 by Appropriations Committee; Judiciary Committee; Children, Families, and Elder Affairs Committee; and Senator Brandes)

The bill makes improvements to Florida's guardianship law as it relates to review and audit by clerks of court, requires credit history investigations and Level 2 background checks for all guardians other than corporate guardians, and adds guardians to the list of persons that would be precluded from denying or failing to acknowledge arrests covered by an expunged or sealed record.

The bill defines a guardian as a person who has been appointed by the court to act on behalf of a ward's person or property, or both. Guardians are appointed according to statutory criteria, and are deemed to be professional guardians if they manage the property of more than three wards. Professional guardians, among other requirements, must submit to a criminal background check and a credit history investigation. Every guardian of the property must file an annual guardianship report with the court, which includes the annual accounting. The accounting is subject to review by the clerk of the court and the court.

The bill requires all guardians other than a corporate guardian as described in s. 744.309(4), F.S., to submit to a credit history investigation and Level 2 background screening. An interested party or on the court's own motion, the court may waive the requirement of a credit history investigation or a Level 2 background screening, or both. A nonprofessional guardian may petition the court for reimbursement for background screening costs.

The clerk of the court may request and review records and documents that reasonably impact guardianship assets. The bill makes additional procedures available to the clerk of the court to obtain documents through the use of a non-party subpoena.

Persons seeking appointment as a guardian are added to the list of persons that may not lawfully deny or fail to acknowledge arrests covered by an expunged or sealed record.

If approved by the Governor, these provisions take effect July 1, 2014.

*Vote: Senate 39-0; House 116-0*

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**Committee on Children, Families,  
And Elder Affairs**

**CS/SB 762 — Family Care Councils**

by Governmental Oversight and Accountability Committee; and Senator Detert

The bill amends s. 393.502, F.S., to change membership eligibility for Family Care Councils by allowing grandparents to be members, with the consent of the grandchild's parent or legal guardian. Family Care Councils advise the Agency for Persons with Disabilities on policy issues relevant to the community and family support system in the local areas.

The bill also clarifies that at least three members of the Family Care Councils shall be developmentally disabled persons receiving services or waiting to receive services.

If approved by the Governor, these provisions take effect July 1, 2014.

*Vote: Senate 37-0; House 116-0*

**Committee on Children, Families,  
And Elder Affairs**

**CS/HB 977 — Motor Vehicle Insurance and Driver Education for Children in Foster Care**

by Health Care Appropriations Subcommittee; Rep. Albritton and others (CS/SB 744 by Children, Families, and Elder Affairs Committee; and Senators Detert and Gibson)

The bill establishes a three-year pilot program within the Department of Children and Families to pay the cost of driver education, licensure, and motor vehicle insurance for young adults in foster care. The bill provides \$800,000 in general revenue to the department to implement the pilot program. The bill requires a report by July 1, 2015, to the Governor, President of the Senate, and Speaker of the House of Representatives on the progress of the pilot and whether it should be continued.

The bill provides that school districts provide foster children with preferential enrollment in driver education courses.

The bill removes the disability of nonage of minors for foster children for the purpose of obtaining motor vehicle insurance. A disability for nonage is an incapacity due to the person's age, for example minors cannot enter into contracts. The bill removes the disability of nonage for motor vehicle insurance for foster children who are 16 years of age or older, residing in an out-of-home placement, and have completed a driver education course.

If approved by the Governor, these provisions take effect July 1, 2014.

*Vote: Senate 39-0; House 115-0*

**Committee on Children, Families,  
And Elder Affairs**

**CS/CS/HB 979 — Homelessness**

by Appropriations Committee; Economic Development and Tourism Subcommittee; and Rep. Peters and others (CS/SB 1090 by Children, Families, and Elder Affairs Committee; and Senators Latvala, Sobel, and Garcia)

The bill adds homeless persons to the list of persons needing standard, affordable housing. It designates lead agencies of homeless assistance continuums of care as entities that may receive training and technical assistance. The training and technical assistance must be provided by a nonprofit entity that meets the requirements pursuant to s. 420.531, F.S.

The Council on Homelessness is authorized to accept and administer moneys appropriated to it to provide annual “Challenge Grants” to lead agencies for homeless assistance. The grants may be used to fund any of the housing, program, or service needs included in the local homeless assistance continuum of care plan.

The Department of Economic Opportunity is required to secure the necessary expertise to provide training and technical assistance to local government and state agency staffs, community-based organizations, and to persons forming community-based organizations for the purpose of developing new housing or rehabilitating existing housing for the homeless, very-low-income, low-income, and moderate-income persons.

If approved by the Governor, these provisions take effect July 1, 2014.

*Vote: Senate 34-0; House 116-0*

## Committee on Children, Families, And Elder Affairs

### **CS/SB 1666 — Child Welfare**

by Appropriations Committee; Children, Families, and Elder Affairs Committee; and Senators Sobel and Gibson

The bill makes numerous changes to laws and programs intended to protect children from abuse and neglect. The bill modifies requirements for child abuse investigation services provided by the Department of Children and Families and in some counties the sheriff's office. The bill also amends laws establishing the state's privatized child welfare services through the community-based care agencies. Specifically, the bill:

- Amends the purposes of ch. 39, F.S., relating to child protection and the foster care system to emphasize that the safety of children is the paramount concern in the dependency process.
- Establishes a new Assistant Secretary for Child Welfare in the Department of Children and Families to provide direction and expertise in child welfare.
- Establishes a "Critical Incident Rapid Response Team" to quickly investigate child abuse deaths where the child was known to the child welfare system. The investigation is to determine the root causes and determine how the child welfare system failed to protect the child.
- Requires the Department of Children and Families to publish on its website basic information about all child abuse deaths.
- Strengthens provisions relating to safety plans for children who have been abused, neglected, or abandoned by their caregivers. Safety plans are used by the department, and in some counties the sheriff's office, to set conditions whereby the child can safely remain in the home.
- Clarifies the relationship between the Department of Children and Families and community-based care agencies in dependency proceedings. The bill states that attorneys in the dependency process represent the Department of Children and Families, but must also consider the recommendations of the community-based care agency case managers.
- Defines "medically complex children" and "medical neglect" and requires the Department of Children and Families to have the medical expertise to investigate such cases.
- Directs that the Department of Children and Families investigate all calls of child-on-child sexual abuse among dependent children that are reported to the abuse hotline.
- Strengthens the requirement for the Department of Children and Families to keep siblings together when they are removed from their homes.
- Extends the requirement of the Rilya Wilson Act that children in the child welfare system attend preschool to those children under three years of age.
- Expands the current relative caregiver provisions to provide compensation to qualified non-relatives who provide homes for dependent children.
- Expands the scope of the work of the Child Abuse Death Review Committees in the Department of Health. The bill requires that the committees investigate all child deaths

reported to the abuse hotline, rather than just those deaths that the department finds were verified for abuse.

- Establishes a preference for hiring social workers as child protective investigators. The bill sets a goal for half of all Department of Children and Families investigators to be social workers by 2019. The bill allows other qualified workers to be hired, but directs the department to provide them with specialized training within a specified amount of time on the job.
- Creates a tuition exemption and loan forgiveness program to attract social workers to work in child welfare. The bill authorizes payments of up to \$3,000 per year to pay student loans of child welfare personnel with a social work degree.
- Creates a new part V of ch. 409, F.S., to be entitled “Community-Based Child Welfare.” In this new part, current law relating to community-based care is reorganized, obsolete provisions are removed, and some provisions are clarified.
- Establishes a new criminal offense for so called “re-homing” when an adopted child is given up illegally to another family.
- Establishes the Florida Institute for Child Welfare comprised of the state’s public and private university schools of social work to advise the state on child welfare policy, social work education, and child welfare worker training.

If approved by the Governor, these provisions take effect July 1, 2014, except where otherwise provided.

*Vote: Senate 37-0; House 117-0*

## Committee on Children, Families, And Elder Affairs

### **CS/CS/HB 7141 — Human Trafficking**

by Health and Human Services Committee; Health Care Appropriations Subcommittee; Healthy Families Subcommittee; Rep. Harrell and others (CS/SB 1724 by Appropriations Committee; and Children, Families, and Elder Affairs Committee)

Section 409.1678, F.S., governs safe homes. The bill changes statutory requirements for safe houses to establish standards for residential treatment of sexually exploited children and authorizes safe foster homes. The bill creates a certification program for safe houses and safe foster homes at the Department of Children and Families (DCF), and requires certification in order for these facilities to accept state funds specifically allocated to care for sexually exploited children.

The bill creates s. 409.1754, F.S., to establish requirements for DCF and the community-based care agencies (CBCs) related to sexually exploited children. The bill requires DCF to create or adopt initial screening and assessment instruments for use in identifying and serving sexually exploited children, and allows a child to be placed in a safe house if the assessment instrument determines that is the most appropriate setting and a safe house is available. The bill also requires DCF, the CBCs, and the Department of Juvenile Justice (DJJ) to specially train certain employees to work with sexually exploited children. The bill requires DCF and the CBCs to hold multidisciplinary staffings to coordinate services for sexually exploited children.

Additionally, the bill requires DCF and the CBCs to plan and to have response protocols in place regarding serving sexually exploited children. The bill also requires DCF, the CBCs, and DJJ to participate on any local task forces related to this population.

Residential treatment centers and hospitals providing residential mental health treatment are required to provide specialized treatment for sexually exploited children in the custody of DCF placed in these facilities pursuant to existing law.

A statewide council on human trafficking is created within the Department of Legal Affairs, to enhance the development and coordination of law enforcement and social services responses and specifies the membership, organization, and duties of the council.

The Office of Program Policy Analysis and Government Accountability is directed to conduct a study on commercial sexual exploitation of children in Florida and specifies topics for inclusion in the study.

DCF is required to contract with a qualified consultant or organization with expertise in child welfare by December 31, 2014, to prepare a plan for development and implementation of a comprehensive, results-oriented accountability program. Subject to a specific appropriation to implement the accountability program, DCF is directed to establish a technical advisory panel to advise the department on the implementation of the result-oriented accountability program. The

plan must be submitted to the Governor, the President of the Senate, and the Speaker of the House by February 1, 2015. The bill contains the scope of issues to be addressed in the plan.

The bill allows DCF to request to transfer up to \$3 million in general revenue funds for implementation of the provisions of this legislation, as well as to provide services to youth expected to be determined as sexually exploited.

The bill has a fiscal impact to DCF due to the bill's requirements regarding safe home and safe foster home certification and inspection, the creation and evaluation of a pilot program, the development of screening and assessment tools, and administrative modifications related to training and interdepartmental coordination efforts.

The bill also makes appropriations to DCF to implement the provisions of CS/SB 1666.

If approved by the Governor, these provisions take effect July 1, 2014.

*Vote: Senate 38-0; House 118-0*