	CHAMBER ACTION
	<u>Senate</u> <u>House</u> .
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2	04/25/2003 12:36 PM
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11	Senator Lynn moved the following amendment:
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13	Senate Amendment (with title amendment)
14	On page 5, between lines 28 and 29,
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16	insert:
17	Section 2. Subsection (2) of section 39.202, Florida
18	Statutes, is amended, a new subsection (4) is added to that
19	section and subsections (5) through (7) are redesignated as
20	subsections (6) through (8) to read:
21	39.202 Confidentiality of reports and records in cases
22	of child abuse or neglect
23	(2) Except as provided in subsection (4), access to
24	such records, excluding the name of the reporter which shall
25	be released only as provided in subsection $(5)(4)$, shall be
26	granted only to the following persons, officials, and
27	agencies:
28	(a) Employees, authorized agents, or contract
29	providers of the department, the Department of Health, or
30	county agencies responsible for carrying out:
31	 Child or adult protective investigations;

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- 2. Ongoing child or adult protective services;
- 3. Healthy Start services; or
- 4. Licensure or approval of adoptive homes, foster homes, or child care facilities, or family day care homes or informal child care providers who receive subsidized child care funding, or other homes used to provide for the care and welfare of children.
- 5. Services for victims of domestic violence when provided by certified domestic violence centers working at the department's request as case consultants or with shared clients.

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- Also, employees or agents of the Department of Juvenile Justice responsible for the provision of services to children, pursuant to chapters 984 and 985.
- (b) Criminal justice agencies of appropriate jurisdiction.
- (c) The state attorney of the judicial circuit in which the child resides or in which the alleged abuse or neglect occurred.
- 21 (d) The parent or legal custodian of any child who is alleged to have been abused, abandoned, or neglected, and the 22 child, and their attorneys, including any attorney 23 representing a child in civil or criminal proceedings. This 24 25 access shall be made available no later than 30 days after the 26 department receives the initial report of abuse, neglect, or 27 abandonment. However, any information otherwise made 28 confidential or exempt by law shall not be released pursuant 29 to this paragraph.
- (e) Any person alleged in the report as having caused 31 the abuse, abandonment, or neglect of a child. This access

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- shall be made available no later than 30 days after the
 department receives the initial report of abuse, abandonment,
 or neglect and, when the alleged perpetrator is not a parent,
 shall be limited to information involving the protective
 investigation only and shall not include any information
 relating to subsequent dependency proceedings. However, any
 information otherwise made confidential or exempt by law shall
 not be released pursuant to this paragraph.
 - (f) A court upon its finding that access to such records may be necessary for the determination of an issue before the court; however, such access shall be limited to inspection in camera, unless the court determines that public disclosure of the information contained therein is necessary for the resolution of an issue then pending before it.
 - (g) A grand jury, by subpoena, upon its determination that access to such records is necessary in the conduct of its official business.
 - (h) Any appropriate official of the department responsible for:
 - 1. Administration or supervision of the department's program for the prevention, investigation, or treatment of child abuse, abandonment, or neglect, or abuse, neglect, or exploitation of a vulnerable adult, when carrying out his or her official function;
 - 2. Taking appropriate administrative action concerning an employee of the department alleged to have perpetrated child abuse, abandonment, or neglect, or abuse, neglect, or exploitation of a vulnerable adult; or
- 3. Employing and continuing employment of personnel of the department.
- 31 (i) Any person authorized by the department who is

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- engaged in the use of such records or information for bona
 fide research, statistical, or audit purposes. Such individual
 or entity shall enter into a privacy and security agreement
 with the department and shall comply with all laws and rules
 governing the use of such records and information for research
 and statistical purposes. Information identifying the subjects
 of such records or information shall be treated as
 confidential by the researcher and shall not be released in
 any form.
 - (j) The Division of Administrative Hearings for purposes of any administrative challenge.
 - (k) Any appropriate official of a Florida advocacy council investigating a report of known or suspected child abuse, abandonment, or neglect; the Auditor General or the Office of Program Policy Analysis and Government Accountability for the purpose of conducting audits or examinations pursuant to law; or the guardian ad litem for the child.
 - (1) Employees or agents of an agency of another state that has comparable jurisdiction to the jurisdiction described in paragraph (a).
 - (m) The Public Employees Relations Commission for the sole purpose of obtaining evidence for appeals filed pursuant to s. 447.207. Records may be released only after deletion of all information which specifically identifies persons other than the employee.
 - (n) Employees or agents of the Department of Revenue responsible for child support enforcement activities.
- 29 (o) Any person in the event of the death of a child 30 determined to be a result of abuse, abandonment, or neglect. 31 Information identifying the person reporting abuse,

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- abandonment, or neglect shall not be released. Any information otherwise made confidential or exempt by law shall not be released pursuant to this paragraph.
- (p) The principal of a public school, private school,
 or charter school where the child is a student. Information
 contained in the records which the principal determines are
 necessary for a school employee to effectively provide a
 student with educational services may be released to that
 employee.
 - (4) Notwithstanding any other provision of law, when a child under investigation or supervision of the department or its contracted service providers is determined to be missing, the following shall apply:
 - (a) The department may release the following information to the public when it believes the release of the information is likely to assist efforts in locating the child or to promote the safety or well-being of the child:
- 18 <u>1. The name of the child and the child's date of</u>
 19 birth;
 - 2. A physical description of the child, including at a minimum the height, weight, hair color, eye color, gender, and any identifying physical characteristics of the child; and
- 23 3. A photograph of the child.
 - (b) With the concurrence of the law enforcement agency primarily responsible for investigating the incident, the department may release any additional information it believes likely to assist efforts in locating the child or to promote the safety or well-being of the child.
- 29 (c) The law enforcement agency primarily responsible
 30 for investigating the incident may release any information
 31 received from the department regarding the investigation, if

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- 1 it believes the release of the information is likely to assist
 2 efforts in locating the child or to promote the safety or
- 3 <u>well-being of the child.</u>

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- 5 The good-faith publication or release of this information by
- 6 the department, a law enforcement agency, or any recipient of
- 7 the information as specifically authorized by this subsection
- 8 shall not subject the person, agency or entity releasing the
- 9 information to any civil or criminal penalty. This subsection
- 10 does not authorize the release of the name of the reporter,
- 11 which may be released only as provided in subsection (5).
- Section 3. Paragraph (c) of subsection (1) of section 402.305, Florida Statutes, is amended to read:
 - 402.305 Licensing standards; child care facilities.--
- 15 (1) LICENSING STANDARDS.--The department shall
- 16 establish licensing standards that each licensed child care
- 17 facility must meet regardless of the origin or source of the
- 18 | fees used to operate the facility or the type of children
- 19 served by the facility.
- 20 (c) The minimum standards for child care facilities
- 21 | shall be adopted in the rules of the department and shall
- 22 address the areas delineated in this section. The department,
- 23 | in adopting rules to establish minimum standards for child
- 24 care facilities, shall recognize that different age groups of
- 25 children may require different standards. The department may
- 26 adopt different minimum standards for facilities that serve
- 27 children in different age groups, including school-age
- 28 children. The department shall also adopt by rule a definition
- 29 for child care which distinguishes between child care programs
- 30 that require child care licensure and after-school programs
- 31 | that do not require licensure. Notwithstanding any other

- 1 | provision of law to the contrary, minimum child care licensing
- 2 standards shall be developed to provide for reasonable,
- 3 affordable, and safe before-school and after-school care.
- 4 Standards, at a minimum, shall allow for a credentialed
- 5 director to supervise multiple before-school and after-school
- 6 sites.
- 7 Section 4. Section 402.40, Florida Statutes, is 8 amended to read:
- 9 402.40 Child welfare training.--
- 10 (1) LEGISLATIVE INTENT.--In order to enable the state
- 11 to provide a systematic approach to staff development and
- 12 training for persons providing child welfare services
- 13 dependency program staff that will meet the needs of such
- 14 staff in their discharge of duties, it is the intent of the
- 15 | Legislature that the Department of Children and Family
- 16 Services establish, maintain, and oversee the operation of
- 17 | child welfare training academies in the state. The
- 18 Legislature further intends that the staff development and
- 19 training programs that are established will aid in the
- 20 reduction of poor staff morale and of staff turnover, will
- 21 positively impact on the quality of decisions made regarding
- 22 children and families who require assistance from programs
- 23 providing child welfare services dependency programs, and will
- 24 afford better quality care of children who must be removed
- 25 from their families.
- 26 (2) DEFINITIONS.--As used in this section, the term:
- 27 (a) <u>"Child welfare services"</u>"

 "Dependency program"
- 28 means any intake, protective investigations, preprotective
- 29 | services, protective services, foster care, shelter and group
- 30 care, and adoption and related services program, including
- 31 supportive services, supervision, and legal services, provided

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- to children who are alleged to have been abused, abandoned, or neglected, or who are at risk of becoming, are alleged to be, or have been found dependent pursuant to ch. 39 whether operated by or contracted by the department, providing intake, counseling, supervision, or custody and care of children who are alleged to be or who have been found to be dependent pursuant to chapter 39 or who have been identified as being at risk of becoming dependent.
 - "Dependency program staff" means person who has a responsibility for supervisory, legal, and direct care or support related work in the provision of child welfare services pursuant to ch. 39 staff of a dependency program as well as support staff who have direct contact with children in a dependency program.
 - (3) CHILD WELFARE TRAINING PROGRAM.—The department shall establish a program for training pursuant to the provisions of this section, and all persons providing child welfare services dependency program staff shall be required to participate in and successfully complete the program of training pertinent to their areas of responsibility.
 - (4) CHILD WELFARE TRAINING TRUST FUND. --
 - (a) There is created within the State Treasury a Child Welfare Training Trust Fund to be used by the Department of Children and Family Services for the purpose of funding a comprehensive system of child welfare training, including the securing of consultants to develop the system and the developing of child welfare training academies that include the participation of persons providing child welfare services dependency program staff.
 - (b) One dollar from every noncriminal traffic

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- 1 infraction collected pursuant to s. 318.14(10)(b) or s. 318.18 2 shall be deposited into the Child Welfare Training Trust Fund.
- (c) In addition to the funds generated by paragraph
 (b), the trust fund shall receive funds generated from an
 additional fee on birth certificates and dissolution of
 marriage filings, as specified in ss. 382.0255 and 28.101,
 respectively, and may receive funds from any other public or
 private source.
 - (d) Funds that are not expended by the end of the budget cycle or through a supplemental budget approved by the department shall revert to the trust fund.

(5) CORE COMPETENCIES. --

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- (a) The Department of Children and Family Services
 shall establish the core competencies for a single integrated
 preservice curriculum that ensures that each person delivering
 child welfare services obtains the knowledge, skills and
 abilities to competently carry out his or her work
 responsibilities. This pre-service curriculum may be a
 compilation of different development efforts based on specific
 subsets of core competencies that are integrated for a
 comprehensive pre-service curriculum required in the provision
 of child welfare services in this state.
- (b) The identification of these core competencies shall be a collaborative effort to include professionals with expertise in child welfare services and providers that will be affected by the curriculum, to include, but not be limited to, representatives from the community-based care lead agencies, sheriffs' offices conducting child protection investigations, and child welfare legal services providers.
- 30 (c) Notwithstanding s. 287.057(5) and (22), the
 31 department shall competitively solicit and contract for the

- 1 development, validation, and periodic evaluation of the
- 2 training curricula for the established single integrated
- 3 preservice curriculum. No more than one training curriculum
- 4 may be developed for each specific subset of the core
- 5 <u>competencies</u>.
- 6 (6) ADVANCED TRAINING. -- The Department of Children and
- 7 Family Services shall annually examine the advanced training
- 8 that is needed by persons who deliver child welfare services
- 9 in the state. This examination shall address whether the
- 10 current advanced training provided should be continued and
- 11 shall include the development of plans for incorporating any
- 12 revisions to the advanced training determined necessary. This
- 13 examination shall be conducted in collaboration with
- 14 professionals with expertise in child welfare services and
- 15 providers that will be affected by the curriculum, to include,
- 16 but not be limited to, representatives from the
- 17 community-based care lead agencies, sheriffs' offices
- 18 conducting child protection investigations, and child welfare
- 19 legal services' providers.
- 20 (7) CERTIFICATION AND TRAINER QUALIFICATIONS.--The
- 21 department shall, in collaboration with the professionals and
- 22 providers described in subsection (5), develop minimum
- 23 standards for a certification process that ensures that
- 24 participants have successfully attained the knowledge, skills,
- 25 and abilities necessary to competently carry out their work
- 26 responsibilities and shall develop minimum standards for
- 27 trainer qualifications which must be required of training
- 28 <u>academies in the offering of the training curricula. Any</u>
- 29 person providing child welfare services shall be required to
- 30 master the components of the preservice curriculum that are
- 31 particular to that person's work responsibilities.

Bill No. <u>CS for CS for SB 1454</u>

1	(8)(5) ESTABLISHMENT OF TRAINING ACADEMIESThe
2	department shall establish child welfare training academies as
3	part of a comprehensive system of child welfare training. In
4	establishing a program of training, the department may
5	contract for the operation of one or more training academies
6	with Tallahassee Community College to perform one or more of
7	the following: to offer one or more of the training curricula
8	developed under subsection (5); to administer the
9	certification process; to develop, validate, and periodically
10	evaluate additional training curricula determined to be
11	necessary, including advanced training that is specific to a
12	region or contractor, or that meets a particular training
13	need; or to offer the additional training curricula. The
14	number, location, and timeframe for establishment of
15	additional training academies shall be approved by the
16	Secretary of Children and Family Services who shall ensure
17	that the goals for the core competencies and the single
18	integrated preservice curriculum, the certification process,
19	the trainer qualifications, and the additional training needs
20	are addressed. Notwithstanding s. 287.057(5) and (22), the
21	department shall competitively solicit all training academy
22	contracts.
23	(9) MODIFICATION OF CHILD WELFARE TRAININGThe core
24	competencies determined pursuant to subsection (5), the
25	minimum standards for the certification process and the
26	minimum standards for trainer qualifications established
27	pursuant to subsection (7), must be submitted to the
28	appropriate substantive committees of the Senate and the House
29	of Representatives before competitively soliciting either the
30	development, validation, or periodic evaluation of the training
31	curricula or the training academy contracts.

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1	$\frac{(10)(6)}{(6)}$ ADOPTION OF RULESThe Department of Children
2	and Family Services shall adopt rules necessary to carry out
3	the provisions of this section.
4	Section 5. Section 402.401, Florida Statutes is
5	created to read:
6	402.401 Florida Child Welfare Student Loan Forgiveness
7	Program.
8	_(1) There is created the Florida Child Welfare
9	Student Loan Forgiveness Program to be administered by the
10	Department of Education. The program shall provide loan
11	assistance to eligible students for upper-division
12	undergraduate and graduate study. The primary purpose of the
13	program is to attract capable and promising students to the
14	child welfare profession, increase employment and retention of
15	individuals who are working towards or who have received
16	either a bachelor's degree or a master's degree in social
17	work, or any human services subject area that qualifies the
18	individual for employment as a family services worker, and
19	provide opportunities for persons making midcareer decisions
20	to enter the child welfare profession. The State Board of
21	Education shall adopt rules necessary to administer the
22	program.
23	(2)(a) To be eligible for a program loan, a candidate
24	shall:
25	1. Be a full-time student at the upper-division
26	undergraduate or graduate level in a social work program
27	approved by the Council on Social Work leading to either a
28	bachelor's degree or a master's degree in social work or an
29	accredited human services degree program.

31 | for at least the number of years for which a forgivable loan

2. Have declared an intent to work in child welfare

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- is received at the Department of Children and Family Services
 or its successor, or with an eliqible lead community-based
 provider as defined in s. 409.1671.
- 3. If applying for an undergraduate forgivable loan,

 have maintained a minimum cumulative grade point average of at

 least a 2.5 on a 4.0 scale for all undergraduate work. Renewal

 applicants for undergraduate loans shall have maintained a

 minimum cumulative grade point average of at least a 2.5 on a

 4.0 scale for all undergraduate work and have earned at least

 12 semester credits per term, or the equivalent.
 - 4. If applying for a graduate forgivable loan, have maintained an undergraduate cumulative grade point average of at least a 3.0 on a 4.0 scale or have attained a Graduate Record Examination score of at least 1,000. Renewal applicants for graduate loans shall have maintained a minimum cumulative grade point average of at least a 3.0 on a 4.0 scale for all graduate work and have earned at least 9 semester credits per term, or the equivalent.
 - (b) An undergraduate forgivable loan may be awarded for 2 undergraduate years, not to exceed \$4,000 per year.
- 21 (c) A graduate forgivable loan may be awarded for 2
 22 graduate years, not to exceed \$8,000 per year. In addition to
 23 meeting criteria specified in paragraph (a), a loan recipient
 24 at the graduate level shall:
- 1. Hold a bachelor's degree from a school or
 department of social work at any college or university
 accredited by the Council on Social Work Education, or hold a
 degree in a human services field from an accredited college or
 university.
- 30 <u>2. Not have received an undergraduate forgivable loan</u>31 as provided for in paragraph (b).

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- 1 (d) The State Board of Education shall adopt by rule
 2 repayment schedules and applicable interest rates under ss.
 3 1009.82 and 1009.95. A forgivable loan must be repaid within
 4 10 years after completion of a program of studies.
 5 1. Credit for repayment of an undergraduate or
 6 graduate forgivable loan shall be in an amount not to exceed
- graduate forgivable loan shall be in an amount not to exceed

 54,000 in loan principal plus applicable accrued interest for

 each full year of eligible service in the child welfare

 profession.
 - 2. Any forgivable loan recipient who fails to work at the Department of Children and Family Services or its successor, or with an eligible lead community-based provider as defined in s. 409.1671, is responsible for repaying the loan plus accrued interest at 8 percent annually.
 - 3. Forgivable loan recipients may receive loan repayment credit for child welfare service rendered at any time during the scheduled repayment period. However, such repayment credit shall be applicable only to the current principal and accrued interest balance that remains at the time the repayment credit is earned. No loan recipient shall be reimbursed for previous cash payments of principal and interest.
 - (3) This section shall be implemented only as specifically funded.
- Section 6. Subsection (7) of section 409.1451, Florida
 Statutes, is amended, present subsection (8) of that section
 is amended and redesignated as subsection (9) and a new
 subsection (8) is added to that section, to read:
- 29 409.1451 Independent living transition services.--
- (7) INDEPENDENT LIVING SERVICES INTEGRATION
 WORKGROUP.--The Secretary of Children and Family Services

- 1 | shall establish the independent living services integration
- 2 workgroup, which, at a minimum, shall include representatives
- 3 from the Department of Children and Family Services, the
- 4 Agency for Workforce Innovation, the Department of Ed ucation,
- 5 the Agency for Health Care Administration, the State Youth
- 6 Advisory Board, Workforce Florida, Inc., and foster parents.
- 7 The workgroup shall assess the implementation and operation of
- 8 the system of independent living transition services and
- 9 advise the department on actions that would improve the
- 10 ability of the independent living transition services to meet
- 11 the established goals. The workgroup shall keep the department
- 12 informed of problems being experienced with the services,
- 13 barriers to the effective and efficient integration of
- 14 services and support across systems, for the transition of
- 15 older children in foster care to independent living. and
- 16 <u>successes that the system of independent living transition</u>
- 17 services has achieved. The department shall consider, but is
- 18 | not required to implement the recommendations of the
- 19 workgroup. For the 2002-2003 and 2003-2004 fiscal years, the
- 20 workgroup shall report to the appropriate substantive
- 21 committees of the Senate and House of Representatives on the
- 22 status of the implementation of the system of independent
- 23 <u>living transition services; efforts to publicize the</u>
- 24 availability of aftercare support services, the
- 25 Road-to-Independence Scholarship Program, and transitional
- 26 support services; specific barriers to financial aid created
- 27 by the scholarship and possible solutions; the success of the
- 28 services; problems identified; recommendations for department
- 29 or legislative action; and the department's implementation of
- 30 the recommendations contained in the Independent Living
- 31 Services Integration Workgroup Report submitted to the Senate

1	and the House substantive committees December 31, 2002. This
2	workgroup report is to be submitted by December 31, 2003, and
3	December 31, 2004, and shall be accompanied by a report from
4	the department which identifies the recommendations of the
5	workgroup and either describes the department's actions to
6	implement these recommendations or provides the department's
7	rationale for not implementing the recommendations. The
8	workgroup shall recommend methods to overcome these barriers
9	and shall ensure that the state plan for federal funding for
10	the independent living transition services includes these
11	recommendations. The workgroup shall report to appropriate
12	legislative committees of the Senate and the House of
13	Representatives by December 31, 2002. Specific issues and
14	recommendations to be addressed by the workgroup include:
15	(a) Enacting the Medicaid provision of the federal
16	Foster Care Independence Act of 1999, Pub. L. No. 106-169,
17	which allows young adults formerly in foster care to receive
18	medical coverage up to 21 years of age.
19	(b) Extending the age of Medicaid coverage from 21 to
20	23 years of age for young adults formerly in foster care in
21	order to enable such youth to complete a postsecondary
22	education degree.
23	(c) Encouraging the regional workforce boards to
24	provide priority employment and support for eligible foster
25	care participants receiving independent living transition
26	services.
27	(d) Facilitating transfers between schools when
28	changes in foster care placements occur.
29	(e) Identifying mechanisms to increase the legal
30	authority of foster parents and staff of the department or its
31	agent to provide for the age-appropriate care of older

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- Amendment No. Barcode 941148 children in foster care, including enrolling a child in school, signing for a practice driver's license for the child 3 under s. 322.09(4), cosigning loans and insurance for the child, signing for the child's medical treatment, and authorizing other similar activities as appropriate. (f) Transferring the allowance of spending money that is provided by the department each month directly to an older child in the program through an electronic benefit transfer program. The purpose of the transfer is to allow these children to access and manage the allowance they receive in order to learn responsibility and participate in 12 age-appropriate life skills activities. (g) Identifying other barriers to normalcy for a child 14 in foster care. (8) PERSONAL PROPERTY. - Property acquired on behalf of clients of this program shall become the personal property
 - of the clients and is not subject to the requirements of chapter 273 relating to state-owned tangible personal property. Such property continues to be subject to applicable federal laws.

(9)(8) RULEMAKING. -- The department shall adopt by rule procedures to administer this section, including provision for the proportional reduction of scholarship a wards when adequate funds are not available for all applicants. These rules shall balance the goals of normalcy and safety for the youth and provide the caregivers with as much flexibility as possible to enable the youth to participate in normal life experiences. The department shall engage in appropriate planning to prevent, to the extent possible, a reduction in scholarship awards after issuance.

Section 7. Paragraphs (a), (b), and (d) of subsection

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(1) of section 409.1671, Florida Statutes, are amended, new paragraphs (c) and (d) are added to subsection (1) and present 3 paragraphs (c) through (k) of subsection (1) are redesignated as paragraphs (e) through (m), and subsections (3) and (4) of 4 that section are amended, to read: 409.1671 Foster care and related services; 6 7 privatization.--8 (1)(a) It is the intent of the Legislature that the Department of Children and Family Services shall privatize the 9 provision of foster care and related services statewide. It is 10 11 further the Legislature's intent to encourage communities and 12 other stakeholders in the well-being of children to 13 participate in assuring that children are safe and well-nurtured. However, while recognizing that some local 14 15 governments are presently funding portions of certain foster 16 care and related services programs and may choose to expand such funding in the future, the Legislature does not intend by 17 its privatization of foster care and related services that any 18 19 county, municipality, or special district be required to assist in funding programs that previously have been funded by the state. Counties that provide children and family services 21 2.2 with at least forty licensed residential group care beds by July 1, 2003, and provide at least \$2.0 million annually in 23 county general revenue funds to supplement foster and family 24 care services shall continue to contract directly with the 25 state and shall be exempt from the provisions of this section. 26 27 Nothing in this paragraph prohibits any county, municipality, 28 or special district from future voluntary funding 29 participation in foster care and related services. As used in this section, the term "privatize" means to contract with 30 31 | competent, community-based agencies. The department shall

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submit a plan to accomplish privatization statewide, through a competitive process, phased in over a 3-year period beginning 3 January 1, 2000. This plan must be developed with local community participation, including, but not limited to, input 4 5 from community-based providers that are currently under 6 contract with the department to furnish community-based foster care and related services, and must include a methodology for 8 determining and transferring all available funds, including federal funds that the provider is eligible for and agrees to 9 earn and that portion of general revenue funds which is 10 11 currently associated with the services that are being furnished under contract. The methodology must provide for the 12 13 transfer of funds appropriated and budgeted for all services and programs that have been incorporated into the project, 14 15 including all management, capital (including current furniture 16 and equipment), and administrative funds to accomplish the 17 transfer of these programs. This methodology must address 18 expected workload and at least the 3 previous years' 19 experience in expenses and workload. With respect to any district or portion of a district in which privatization 21 cannot be accomplished within the 3-year timeframe, the 22 department must clearly state in its plan the reasons the 23 timeframe cannot be met and the efforts that should be made to remediate the obstacles, which may include alternatives to 24 25 total privatization, such as public-private partnerships. As 26 used in this section, the term "related services" includes, 27 but is not limited to, family preservation, independent living, emergency shelter, residential group care, foster 28 care, therapeutic foster care, intensive residential 29 treatment, foster care supervision, case management, 30 31 postplacement supervision, permanent foster care, and family

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1	reunification. Unless otherwise provided for, beginning in
2	fiscal year 1999-2000, either the state attorney or the Office
3	of the Attorney General shall provide child welfare legal
4	services, pursuant to chapter 39 and other relevant
5	provisions, in Sarasota, Pinellas, <u>and</u> Pasco, Broward, and
6	Manatee Counties. Such legal services shall commence and be
7	effective, as soon as determined reasonably feasible by the
8	respective state attorney or the Office of the Attorney
9	General, after the privatization of associated programs and
10	child protective investigations has occurred. When a private
11	nonprofit agency has received case management
12	responsibilities, transferred from the state under this
13	section, for a child who is sheltered or found to be dependent
14	and who is assigned to the care of the privatization project,
15	the agency may act as the child's guardian for the purpose of
16	registering the child in school if a parent or guardian of the
17	child is unavailable and his or her whereabouts cannot
18	reasonably be ascertained. The private nonprofit agency may
19	also seek emergency medical attention for such a child, but
20	only if a parent or guardian of the child is unavailable, his
21	or her whereabouts cannot reasonably be ascertained, and a
22	court order for such emergency medical services cannot be
23	obtained because of the severity of the emergency or because
24	it is after normal working hours. However, the provider may
25	not consent to sterilization, abortion, or termination of life
26	support. If a child's parents' rights have been terminated,
27	the nonprofit agency shall act as guardian of the child in all
28	circumstances.
29	(b) It is the intent of the Legislature that the
30	department will continue to work towards full privatization $\underline{\text{in}}$

31 a manner that assures the viability of the community-based

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system of care and best provides for the safety of children in the child protection system. To this end, the department is 3 directed to continue the process of privatizing services in those counties in which signed start-up contracts have been 4 executed. The department may also continue to enter into start-up contracts with additional counties. However, no 6 services shall be transferred to a community-based care lead 8 agency until the department, in consultation with the local community alliance, has determined and certified in writing to 9 the Governor and the Legislature that the district is prepared 10 11 to transition the provision of services to the lead agency and 12 that the lead agency is ready to deliver and be accountable for such service provision. In making this determination the 13 14 Department shall conduct a readiness assessment of the 15 district and the lead agency. 16 1. The assessment shall evaluate the operational readiness of the district and the lead agency based on: 17 a. A set of uniform criteria, developed in consultation 18 19 with currently operating community based care lead agencies 20 and reflecting national accreditation standards, that evaluate programmatic, financial, technical assistance, training and 21 2.2 organizational competencies; and 23 b. Local criteria reflective of the local community based care design and the community alliance priorities. 24 25 2. The readiness assessment shall be conducted by a joint team of district and lead agency staff with direct 26 27 experience with the startup and operation of a community based 28 care service program and representatives from the appropriate 29 community alliance. Within resources available for this purpose, the department may secure outside audit expertise 30 when necessary to assist a readiness assessment team.

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1	3. Upon completion of a readiness assessment the
2	assessment team shall conduct an exit conference with the
3	district and lead agency staff responsible for the transition
4	4. Within 30 days following the exit conference with
5	staff of each district and lead agency, the Secretary shall
6	certify in writing to the Governor and Legislature that both
7	the district and the lead agency are prepared to begin the
8	transition of service provision based on the results of the
9	readiness assessment and the exit conference. The document of
10	certification must include specific evidence of readiness on
11	each element of the readiness instrument utilized by the
12	assessment team as well as a description of each element of
13	readiness needing improvement and strategies being implemented
14	to address each one.
15	(c) The Auditor General and the Office of Program
16	Policy Analysis and Government Accountability (OPPAGA), in
17	consultation with The Child Welfare League of America and the
18	Louis de la Parte Florida Mental Health Institute, shall
19	jointly review and assess the department's process for
20	determining district and lead agency readiness.
21	1. The review must, at a minimum, address the
22	appropriateness of the readiness criteria and instruments
23	applied, the appropriateness of the qualifications of
24	participants on each readiness assessment team, the degree to
25	which the department accurately determined each district and
26	lead agency's compliance with the readiness criteria, the
27	quality of the technical assistance provided by the department
28	to a lead agency in correcting any weaknesses identified in
29	the readiness assessment, and the degree to which each lead
30	agency overcame any identified weaknesses.
31	2. Reports of these reviews must be submitted to the

- 1 appropriate substantive and appropriations committees in the
- 2 Senate and House of Representatives on March 1 and September 1
- 3 of each year until full transition to community-based care has
- 4 been accomplished statewide, except that the first report must
- 5 be submitted by February 1, 2004, and must address all
- 6 readiness activities undertaken through June 30,2003. The
- 7 perspectives of all participants in this review process must
- 8 <u>be included in each report.</u>
- 9 (d) In communities where economic or demographic
- 10 constraints make it impossible or not feasible to
- 11 competitively contract with a lead agency, the department
- 12 shall develop an alternative plan in collaboration with the
- 13 local community alliance, which may include establishing
- 14 innovative geographical configurations or consortiums of
- 15 agencies. The plan must detail how the community will continue
- 16 to implement community-based care through competitively
- 17 procuring either the specific components of foster care and
- 18 related services or comprehensive services for defined
- 19 eliqible populations of children and families from qualified
- 20 licensed agencies as part of its efforts to develop the local
- 21 capacity for a community-based system of coordinated care. The
- 22 plan must ensure local control over the management and
- 23 administration of the service provision in accordance with the
- 24 | intent of this section and may include recognized best
- 25 <u>business practices, including some form of public or private</u>
- 26 partnerships. by initiating the competitive procurement
- 27 process in each county by January 1, 2003. In order to provide
- 28 | for an adequate transition period to develop the necessary
- 29 administrative and service delivery capacity in each
- 30 community, the full transfer of all foster care and related
- 31 services must be completed statewide by December 31, 2004.

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(f)(d)1. If attempts to competitively procure services through an eligible lead community-based provider as defined in paragraph (c) do not produce a capable and willing agency, the department shall develop a plan in collaboration with the local community alliance. The plan must detail how the community will continue to implement privatization, to be accomplished by December 31, 2004, through competitively procuring either the specific components of foster care and related services or comprehensive services for defined eligible populations of children and families from qualified licensed agencies as part of its efforts to develop the local capacity for a community-based system of coordinated care. The plan must ensure local control over the management and administration of the service provision in accordance with the intent of this section and may include recognized best business practices, including some form of public or private partnerships. In the absence of a community alliance, the plan must be submitted to the President of the Senate and the Speaker of the House of Representatives for their comments. 1.2. The Legislature finds that the state has traditionally provided foster care services to children who have been the responsibility of the state. As such, foster children have not had the right to recover for injuries beyond the limitations specified in s. 768.28. The Legislature has determined that foster care and related services need to be privatized pursuant to this section and that the provision of such services is of paramount importance to the state. The purpose for such privatization is to increase the level of safety, security, and stability of children who are or become the responsibility of the state. One of the components

31 | necessary to secure a safe and stable environment for such

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- children is that private providers maintain liability insurance. As such, insurance needs to be available and remain 3 available to nongovernmental foster care and related services providers without the resources of such providers being 4 significantly reduced by the cost of maintaining such 6 insurance.
 - 2.3. The Legislature further finds that, by requiring the following minimum levels of insurance, children in privatized foster care and related services will gain increased protection and rights of recovery in the event of injury than provided for in s. 768.28.
 - (3)(a) In order to help ensure a seamless child protection system, the department shall ensure that contracts entered into with community-based agencies pursuant to this section include provisions for a case-transfer process to determine the date that the community-based agency will initiate the appropriate services for a child and family. This case-transfer process must clearly identify the closure of the protective investigation and the initiation of service provision. At the point of case transfer, and at the conclusion of an investigation, the department must provide a complete summary of the findings of the investigation to the community-based agency.
- (b) The contracts must also ensure that each community-based agency shall furnish information on its activities in all cases in client case records. A provider may not discontinue services on any voluntary case without prior written notification to the department 30 days before planned case closure. If the department disagrees with the recommended case closure date, written notification to the provider must 31 be provided before the case closure date.

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(c) The contract between the department and community-based agencies must include provisions that specify the procedures to be used by the parties to resolve differences in interpreting the contract or to resolve disputes as to the adequacy of the parties' compliance with their respective obligations under the contract.

(d) Each contract with an eliqible lead community-based provider shall provide for the payment by the department to the provider of a reasonable administrative cost

in addition to funding for the provision of services.

(4)(a) The department shall establish a quality assurance program for privatized services. The quality assurance program shall be based on standards established by a national accrediting organization such as the Council on Accreditation of Services for Families and Children, Inc. (COA) or CARF--the Rehabilitation Accreditation Commission. The department may develop a request for proposal for such oversight. This program must be developed and administered at a statewide level. The Legislature intends that the department be permitted to have limited flexibility to use funds for improving quality assurance. To this end, effective January 1, 2000, the department may transfer up to 0.125 percent of the total funds from categories used to pay for these contractually provided services, but the total amount of such transferred funds may not exceed \$300,000 in any fiscal year. When necessary, the department may establish, in accordance with s. 216.177, additional positions that will be exclusively devoted to these functions. Any positions required under this

216.262(1)(a) and 216.351. The department, in consultation

31 | with the community-based agencies that are undertaking the

paragraph may be established, notwithstanding ss.

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- privatized projects, shall establish minimum thresholds for each component of service, consistent with standards 3 established by the Legislature and the Federal Government. Each program operated under contract with a community-based 4 5 agency must be evaluated annually by the department. The 6 department shall, to the extent possible, use independent financial audits provided by the community-based care agency 7 8 to eliminate or reduce the ongoing contract and administrative reviews conducted by the department. The department may 9 suggest additional items to be included in such independent 10 11 financial audits to meet the department's needs. Should the department determine that such independent financial audits 12 13 are inadequate, then other audits, as necessary, may be conducted by the department. Nothing herein shall abrogate the 14 15 requirements of s. 215.97. The department shall submit an 16 annual report regarding quality performance, outcome measure attainment, and cost efficiency to the President of the 17 18 Senate, the Speaker of the House of Representatives, the 19 minority leader of each house of the Legislature, and the 20 Governor no later than January 31 of each year for each
 - (b) The department shall use these findings in making recommendations to the Governor and the Legislature for future program and funding priorities in the child welfare system.
- 25 Section 8. Section 409.16745, Florida Statutes, is 26 amended to read:

project in operation during the preceding fiscal year.

409.16745 Community partnership matching grant program. -- It is the intent of the Legislature to improve services and local participation in community-based care initiatives by fostering community support and providing 31 enhanced prevention and in-home services, thereby reducing the

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risk otherwise faced by lead agencies. There is established a community partnership matching grant program to be operated by 3 the Department of Children and Family Services for the purpose of encouraging local participation in community-based care for 4 5 child welfare. Any children's services council or other local government entity that makes a financial commitment to a 6 community-based care lead agency is eligible for a grant upon 8 proof that the children's services council or local government entity has provided the selected lead agency at least \$250,000 10 \$825,000 in start up funds, from any local resources otherwise 11 available to it. The total amount of local contribution may be matched on a two-for-one basis up to a maximum amount of \$2 12 13 million per council or local government entity. Awarded 14 matching grant funds may be used for any prevention or in-home 15 services provided by the children's services council or other 16 local government entity that meets 17 temporary-assistance-for-needy-families' eliqibility 18 requirements and can be reasonably expected to reduce the 19 number of children entering the child welfare system. To 20 ensure necessary flexibility for the development, start up, 21 and ongoing operation of community-based care initiatives, the notice period required for any budget action authorized by the 22 23 provisions of s. 20.19(5)(b), is waived for the family safety 24 program; however, the Department of Children and Family 25 Services must provide copies of all such actions to the Executive Office of the Governor and Legislature within 72 26 27 hours of their occurrence. Funding available for the matching 28 grant program is subject to legislative appropriation of nonrecurring temporary-assistance-for-needy-families funds provided for the purpose. 30 31 Section 9. Subsection (3) of section 409.175, Florida

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Statutes, is amended to read:

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409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies. --

- (3)(a) The total number of children placed in each family foster home shall be based on the recommendation of the department, or the community-based care lead agency where one is providing foster care and related services, based on the needs of each child in care, the ability of the foster family to meet the individual needs of each child, including any adoptive or biological children living in the home, the amount of safe physical plant space, the ratio of active and appropriate adult supervision, and the background, experience, and skill of the family foster parents.
- (b) If the total number of children in a family foster home will exceed five, including the family's own children, an a comprehensive behavioral health assessment of each child to be placed in the home must be completed by a family services counselor and approved in writing by the counselor's supervisor prior to placement of any additional children in the home, except that, if the placement involves a child whose sibling is already in the home or a child who has been in placement in the home previously, the assessment must be completed within 72 hours after placement. The comprehensive behavioral health assessment must comply with Medicaid rules and regulations, assess and document the mental, physical, and psychosocial needs of the child, and recommend the maximum number of children in a family foster home that will allow the child's needs to be met.
- (c) For any licensed family foster home, the appropriateness of the number of children in the home must be 31 reassessed annually as part of the relicensure process. For a

- 1 | home with more than five children, if it is determined by the
- 2 licensure study at the time of relicensure that the total
- 3 | number of children in the home is appropriate and that there
- 4 have been no substantive licensure violations and no
- 5 indications of child maltreatment or child-on-child sexual
- 6 abuse within the past 12 months, the relicensure of the home
- 7 | shall not be denied based on the total number of children in
- 8 | the home.
- 9 Section 10. Section 409.953, Florida Statutes, is
- 10 amended to read:
- 11 409.953 Rulemaking authority for refugee assistance
- 12 program.--
- 13 (1) The Department of Children and Family Services has
- 14 the authority shall adopt rules to administer the eligibility
- 15 requirements for the refugee assistance program in accordance
- 16 with 45 C.F.R. Part 400 and 401. The Department of Children
- 17 and Family Services or a child-placing or child-caring agency
- 18 designated by the department may petition in circuit court to
- 19 establish custody. Upon making a finding that a child is an
- 20 <u>Unaccompanied Refugee Minor as defined in 45 C.F.R. Sec.</u>
- 21 400.111, the court may establish custody and placement of the
- 22 child in the Unaccompanied Refugee Minor Program.
- 23 (2) The Department of Children and Family Services
- 24 shall adopt any rules necessary for the implementation and
- 25 <u>administration of this section</u>.
- Section 11. Section 937.021, Florida Statutes, is
- 27 amended to read:
- 28 937.021 Missing child reports.--
- 29 (1) Upon the filing of a police report that a child is
- 30 missing by the parent or quardian, the law enforcement agency
- 31 receiving the report written notification shall immediately

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- inform all on-duty law enforcement officers of the existence of the missing child report, communicate the report to every other law enforcement agency having jurisdiction in the county, and transmit the report for inclusion within the Florida Crime Information Center computer.
- 6 2) A police report that a child is missing may be
 7 filed with the law enforcement agency having jurisdiction in
 8 the county or municipality in which the child was last seen
 9 prior to the filing of the report, without regard to whether
 10 the child resides in or has any significant contacts with that
 11 county or municipality. The filing of such a report shall
 12 impose the duties specified in subsection (1) upon that law
 13 enforcement agency.
 - Section 12. The Office of Program Policy Analysis and Government Accountability shall prepare an evaluation of child welfare legal services to be submitted to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the Chief Justice of the Supreme Court, by December 31, 2003. The evaluation shall consider different models of provision of legal services in dependency proceedings on behalf of the state, including representation by other government, for profit, or not for profit entities, and include discussion of the organizational placement on the cost and delivery of providing these services; the organizational placement's effect on communication between attorneys and caseworkers; the ability to attract, retain and

provide professional development opportunities for experienced

attorney's professional responsibilities. Following receipt of

the report of this evaluation and until directed otherwise by

attorneys; and the implications of each model for the

31 the Legislature, the department shall maintain its current

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delivery system for the provision of child welfare legal
   services.
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    (Redesignate subsequent sections.)
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   ======= T I T L E A M E N D M E N T =========
   And the title is amended as follows:
8
9
           On page 1, lines 2 through 23, delete those lines
10
11
   and insert:
12
           An act relating to the Department of Children
13
           and Family Services; creating the "Local
14
          Funding Revenue Maximization Act"; providing
15
           legislative intent; defining the term "agency"
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           for purposes of the act; providing requirements
           for state agencies that provide health
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           services, social services, or human services;
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           providing requirements for the use of certain
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           public revenues as local matching funds and for
           the uses of federal reimbursements received as
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2.2
           a result of the certification of local matching
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           funds; providing for agreements between
           agencies and local political subdivisions;
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           requiring agencies and local political
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           subdivisions to cooperate in modifying state
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           plans and in seeking and implementing any
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           necessary federal waivers; providing for
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           administrative costs; providing for interest on
30
           certain unpaid funds; requiring agencies to
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           submit annual reports to the Governor and to
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legislative leaders; amending S. 39.202, F.S.;
clarifying a right to access to records for
certain attorneys and providing a right to
access for employees and agents of educational
institutions; authorizing the Department of
Children and Family Services and specified law
enforcement agencies to release certain
information when a child is under investigation
or supervision; providing an exception;
providing that persons releasing such
information are not subject to civil or
criminal penalty for the release; providing for
an additional circumstance for release of
otherwise confidential records; amending s.
402.305, F.S.; directing the Department of
Children and Family Services to adopt a rule
related to child care definition; amending s.
402.40, F.S.; removing Tallahassee Community
College as the sole contract provider for child
welfare training academies; providing for
development of core competencies; providing for
advanced training; modifying requirements for
the establishment of training academies;
providing for modification of child welfare
training; creating s. 402.401, F.S.; creating
the Child Welfare Student Loan Forgiveness
Program; providing for eligibility
requirements; providing terms of repayment;
amending s. 409.1451, F.S.; providing duties
for the Independent Living Services Workgroup;
making an exception for personal property of

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1	independent living clients; amending s.
2	409.1671, F.S.; deleting the requirement for
3	contracts for legal services in certain
4	counties; providing for the continuation of
5	privatization of foster care and related
6	services; providing for a readiness assessment
7	and written certification; deleting certain
8	termination of services notice requirements;
9	requiring the payment of certain administrative
10	costs incurred by lead community-based
11	providers; deleting an obsolete effective date;
12	providing for independent financial audits;
13	amending s. 409.16745, F.S.; changing
14	eligibility requirements for participation in
15	the community partnership matching grant
16	program; amending s. 409.175, F.S.; providing
17	for an assessment by a family services
18	counselor and approval by a supervisor, rather
19	than a comprehensive behavioral health
20	assessment, of children in certain family
21	foster homes; amending s. 409.953, F.S.;
22	providing the Department of Children and
23	Families authority to administer the Refugee
24	Assistance Program; providing for custody
25	determination and placement of unaccompanied
26	refugee minors; amending s. 937.021, F.S.;
27	providing for the filing of police reports for
28	missing children in the county or municipality
29	where the child was last seen; providing for an
30	evaluation of child welfare legal services by
31	the Office of Program Policy Analysis and

1	Government Accountability; providing an
2	effective date.
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