

1 A bill to be entitled
2 An act relating to social services; creating
3 the "Local Funding Revenue Maximization Act";
4 providing legislative intent; defining the term
5 "agency" for purposes of the act; providing
6 requirements for state agencies that provide
7 health services, social services, or human
8 services; providing requirements for the use of
9 certain public revenues as local matching funds
10 and for the uses of federal reimbursements
11 received as a result of the certification of
12 local matching funds; providing for agreements
13 between agencies and local political
14 subdivisions; requiring agencies and local
15 political subdivisions to cooperate in
16 modifying state plans and in seeking and
17 implementing any necessary federal waivers;
18 providing for administrative costs; providing
19 for interest on certain unpaid funds; requiring
20 agencies to submit annual reports to the
21 Governor and to legislative leaders; amending
22 s. 39.202, F.S.; clarifying a right to access
23 to records for certain attorneys and providing
24 a right to access for employees and agents of
25 educational institutions; authorizing the
26 Department of Children and Family Services and
27 specified law enforcement agencies to release
28 certain information when a child is under
29 investigation or supervision; providing an
30 exception; providing that persons releasing
31 such information are not subject to civil or

1 criminal penalty for the release; providing for
2 an additional circumstance for release of
3 otherwise confidential records; amending s.
4 402.305, F.S.; directing the Department of
5 Children and Family Services to adopt a rule
6 related to child care definition; amending s.
7 402.40, F.S.; removing Tallahassee Community
8 College as the sole contract provider for child
9 welfare training academies; providing for
10 development of core competencies; providing for
11 advanced training; modifying requirements for
12 the establishment of training academies;
13 providing for modification of child welfare
14 training; creating s. 402.401, F.S.; creating
15 the Child Welfare Student Loan Forgiveness
16 Program; providing for eligibility
17 requirements; providing terms of repayment;
18 amending s. 409.1451, F.S.; providing duties
19 for the Independent Living Services Workgroup;
20 making an exception for personal property of
21 independent living clients; amending s.
22 409.1671, F.S.; deleting the requirement for
23 contracts for legal services in certain
24 counties; providing for the continuation of
25 privatization of foster care and related
26 services; providing for a readiness assessment
27 and written certification; deleting certain
28 termination of services notice requirements;
29 requiring the payment of certain administrative
30 costs incurred by lead community-based
31 providers; deleting an obsolete effective date;

1 providing for independent financial audits;
2 amending s. 409.16745, F.S.; changing
3 eligibility requirements for participation in
4 the community partnership matching grant
5 program; amending s. 409.175, F.S.; providing
6 for an assessment by a family services
7 counselor and approval by a supervisor, rather
8 than a comprehensive behavioral health
9 assessment, of children in certain family
10 foster homes; amending s. 409.953, F.S.;
11 providing the Department of Children and
12 Families authority to administer the Refugee
13 Assistance Program; providing for custody
14 determination and placement of unaccompanied
15 refugee minors; amending s. 937.021, F.S.;
16 providing for the filing of police reports for
17 missing children in the county or municipality
18 where the child was last seen; providing for an
19 evaluation of child welfare legal services by
20 the Office of Program Policy Analysis and
21 Government Accountability; providing an
22 effective date.

23

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

25

26 Section 1. Local Funding Revenue Maximization Act;
27 legislative intent; revenue maximization program.--28 (1) SHORT TITLE.--This section may be cited as the
29 "Local Funding Revenue Maximization Act."30 (2) LEGISLATIVE INTENT.--

31

1 (a) The Legislature recognizes that state funds do not
2 fully utilize federal funding matching opportunities for
3 health and human services needs. It is the intent of the
4 Legislature to authorize the use of certified local funding
5 for federal matching programs to the fullest extent possible
6 to maximize federal funding of local preventive services and
7 local child development programs in this state. To that end,
8 the Legislature expects that state agencies will take a
9 proactive approach in implementing this legislative priority.
10 It is the further intent of the Legislature that this act
11 shall be revenue-neutral with respect to state funds.

12 (b) It is the intent of the Legislature that revenue
13 maximization opportunities using certified local funding shall
14 occur only after available state funds have been utilized to
15 generate matching federal funding for the state.

16 (c) It is the intent of the Legislature that
17 participation in revenue maximization is to be voluntary for
18 local political subdivisions.

19 (d) Except for funds expended pursuant to Title XIX of
20 the Social Security Act, it is the intent of the Legislature
21 that certified local funding for federal matching programs not
22 supplant or replace state funds. Beginning July 1, 2004, any
23 state funds supplanted or replaced with local tax revenues for
24 Title XIX funds shall be expressly approved in the General
25 Appropriations Act or by the Legislative Budget Commission
26 pursuant to chapter 216, Florida Statutes.

27 (e) It is the intent of the Legislature that revenue
28 maximization shall not divert existing funds from state
29 agencies that are currently using local funds to maximize
30 matching federal and state funds to the greatest extent
31 possible.

1 (3) REVENUE MAXIMIZATION PROGRAM.--

2 (a) For purposes of this section, the term "agency"
3 means any state agency or department that is involved in
4 providing health, social, or human services, including, but
5 not limited to, the Agency for Health Care Administration, the
6 Agency for Workforce Innovation, the Department of Children
7 and Family Services, the Department of Elderly Affairs, the
8 Department of Juvenile Justice, and the Florida Board of
9 Education.

10 (b) Each agency shall establish programs and
11 mechanisms designed to maximize the use of local funding for
12 federal programs in accordance with this section.

13 (c) The use of local matching funds under this section
14 must be limited to public revenue funds of local political
15 subdivisions, including, but not limited to, counties,
16 municipalities, and special districts. To the extent permitted
17 by federal law, funds donated to such local political
18 subdivisions by private entities, such as, but not limited to,
19 the United Way, community foundations or other foundations,
20 and businesses, or by individuals are considered to be public
21 revenue funds available for matching federal funding.

22 (d) Subject to paragraph (f), any federal
23 reimbursement received as a result of the certification of
24 local matching funds must, unless specifically prohibited by
25 federal law or state law, including the General Appropriations
26 Act, and subject to the availability of specific appropriation
27 and release authority, be returned within 30 days after
28 receipt by the agency by the most expedient means possible to
29 the local political subdivision providing such funding, and
30 the local political subdivision must be provided an annual
31 accounting of federal reimbursements received by the state or

1 its agencies as a result of the certification of the local
2 political subdivision's matching funds. The receipt by a local
3 political subdivision of such matching funds must not in any
4 way influence or be used as a factor in developing any
5 agency's annual operating budget allocation methodology or
6 formula or any subsequent budget amendment allocations or
7 formulas. If necessary, agreements must be made between an
8 agency and the local political subdivision to accomplish that
9 purpose. Such an agreement may provide that the local
10 political subdivision must: verify the eligibility of the
11 local program or programs and the individuals served thereby
12 to qualify for federal matching funds; shall develop and
13 maintain the financial records necessary for documenting the
14 appropriate use of federal funds; shall comply with all
15 applicable state and federal laws, regulations, and rules that
16 regulate such federal services; and shall reimburse the cost
17 of any disallowance of federal funding previously provided to
18 a local political subdivision resulting from the failure of
19 that local political subdivision to comply with applicable
20 state or federal laws, rules, or regulations.

21 (e) Each agency, as applicable, shall work with local
22 political subdivisions to modify any state plans and to seek
23 and implement any federal waivers necessary to implement this
24 section. If such modifications or waivers require the approval
25 of the Legislature, the agency, as applicable, shall draft
26 such legislation and present it to the President of the Senate
27 and the Speaker of the House of Representatives and to the
28 respective committee chairs of the Senate and the House of
29 Representatives by January 1, 2004, and, as applicable,
30 annually thereafter.

31

1 (f) Each agency, as applicable, before funds generated
2 under this section are distributed to any local political
3 subdivision, may deduct the actual administrative cost for
4 implementing and monitoring the local match program; however,
5 such administrative costs may not exceed 5 percent of the
6 total federal reimbursement funding to be provided to the
7 local political subdivision under paragraph (d). To the extent
8 that any other provision of state law applies to the
9 certification of local matching funds for a specific program,
10 the provisions of that statute which relate to administrative
11 costs apply in lieu of the provisions of this paragraph. The
12 failure to remit reimbursement to the local political
13 subdivision will result in the payment of interest, in
14 addition to the amount to be reimbursed at a rate pursuant to
15 section 55.03(1), Florida Statutes, on the unpaid amount from
16 the expiration of the 30-day period until payment is received.

17 (g) Each agency, respectively, shall annually submit
18 to the Governor, the President of the Senate, and the Speaker
19 of the House of Representatives, no later than January 1, a
20 report that documents the specific activities undertaken
21 during the previous fiscal year under this section. The report
22 must include, but is not limited to, a statement of the total
23 amount of federal matching funds generated by local matching
24 funds under this section, reported by federal funding source;
25 the total amount of block grant funds expended during the
26 previous fiscal year, reported by federal funding source; the
27 total amount for federal matching fund programs, including,
28 but not limited to, Temporary Assistance for Needy Families
29 and Child Care and Development Fund, of unobligated funds and
30 unliquidated funds, both as of the close of the previous
31 federal fiscal year; the amount of unliquidated funds that is

1 in danger of being returned to the Federal Government at the
2 end of the current federal fiscal year; and a detailed plan
3 and timeline for spending any unobligated and unliquidated
4 funds by the end of the current federal fiscal year.

5 Section 2. Subsection (2) of section 39.202, Florida
6 Statutes, is amended, a new subsection (4) is added to that
7 section and subsections (5) through (7) are redesignated as
8 subsections (6) through (8), to read:

9 39.202 Confidentiality of reports and records in cases
10 of child abuse or neglect.--

11 (2) Except as provided in subsection (4), access to
12 such records, excluding the name of the reporter which shall
13 be released only as provided in subsection ~~(5)~~~~(4)~~, shall be
14 granted only to the following persons, officials, and
15 agencies:

16 (a) Employees, authorized agents, or contract
17 providers of the department, the Department of Health, or
18 county agencies responsible for carrying out:

- 19 1. Child or adult protective investigations;
- 20 2. Ongoing child or adult protective services;
- 21 3. Healthy Start services; or
- 22 4. Licensure or approval of adoptive homes, foster
23 homes, or child care facilities, or family day care homes or
24 informal child care providers who receive subsidized child
25 care funding, or other homes used to provide for the care and
26 welfare of children.

27 5. Services for victims of domestic violence when
28 provided by certified domestic violence centers working at the
29 department's request as case consultants or with shared
30 clients.

31

1 Also, employees or agents of the Department of Juvenile
2 Justice responsible for the provision of services to children,
3 pursuant to chapters 984 and 985.

4 (b) Criminal justice agencies of appropriate
5 jurisdiction.

6 (c) The state attorney of the judicial circuit in
7 which the child resides or in which the alleged abuse or
8 neglect occurred.

9 (d) The parent or legal custodian of any child who is
10 alleged to have been abused, abandoned, or neglected, and the
11 child, and their attorneys, including any attorney
12 representing a child in civil or criminal proceedings. This
13 access shall be made available no later than 30 days after the
14 department receives the initial report of abuse, neglect, or
15 abandonment. However, any information otherwise made
16 confidential or exempt by law shall not be released pursuant
17 to this paragraph.

18 (e) Any person alleged in the report as having caused
19 the abuse, abandonment, or neglect of a child. This access
20 shall be made available no later than 30 days after the
21 department receives the initial report of abuse, abandonment,
22 or neglect and, when the alleged perpetrator is not a parent,
23 shall be limited to information involving the protective
24 investigation only and shall not include any information
25 relating to subsequent dependency proceedings. However, any
26 information otherwise made confidential or exempt by law shall
27 not be released pursuant to this paragraph.

28 (f) A court upon its finding that access to such
29 records may be necessary for the determination of an issue
30 before the court; however, such access shall be limited to
31 inspection in camera, unless the court determines that public

1 disclosure of the information contained therein is necessary
2 for the resolution of an issue then pending before it.

3 (g) A grand jury, by subpoena, upon its determination
4 that access to such records is necessary in the conduct of its
5 official business.

6 (h) Any appropriate official of the department
7 responsible for:

8 1. Administration or supervision of the department's
9 program for the prevention, investigation, or treatment of
10 child abuse, abandonment, or neglect, or abuse, neglect, or
11 exploitation of a vulnerable adult, when carrying out his or
12 her official function;

13 2. Taking appropriate administrative action concerning
14 an employee of the department alleged to have perpetrated
15 child abuse, abandonment, or neglect, or abuse, neglect, or
16 exploitation of a vulnerable adult; or

17 3. Employing and continuing employment of personnel of
18 the department.

19 (i) Any person authorized by the department who is
20 engaged in the use of such records or information for bona
21 fide research, statistical, or audit purposes. Such individual
22 or entity shall enter into a privacy and security agreement
23 with the department and shall comply with all laws and rules
24 governing the use of such records and information for research
25 and statistical purposes. Information identifying the subjects
26 of such records or information shall be treated as
27 confidential by the researcher and shall not be released in
28 any form.

29 (j) The Division of Administrative Hearings for
30 purposes of any administrative challenge.

31

1 (k) Any appropriate official of a Florida advocacy
2 council investigating a report of known or suspected child
3 abuse, abandonment, or neglect; the Auditor General or the
4 Office of Program Policy Analysis and Government
5 Accountability for the purpose of conducting audits or
6 examinations pursuant to law; or the guardian ad litem for the
7 child.

8 (l) Employees or agents of an agency of another state
9 that has comparable jurisdiction to the jurisdiction described
10 in paragraph (a).

11 (m) The Public Employees Relations Commission for the
12 sole purpose of obtaining evidence for appeals filed pursuant
13 to s. 447.207. Records may be released only after deletion of
14 all information which specifically identifies persons other
15 than the employee.

16 (n) Employees or agents of the Department of Revenue
17 responsible for child support enforcement activities.

18 (o) Any person in the event of the death of a child
19 determined to be a result of abuse, abandonment, or neglect.
20 Information identifying the person reporting abuse,
21 abandonment, or neglect shall not be released. Any information
22 otherwise made confidential or exempt by law shall not be
23 released pursuant to this paragraph.

24 (p) The principal of a public school, private school,
25 or charter school where the child is a student. Information
26 contained in the records which the principal determines are
27 necessary for a school employee to effectively provide a
28 student with educational services may be released to that
29 employee.

30 (4) Notwithstanding any other provision of law, when a
31 child under investigation or supervision of the department or

1 its contracted service providers is determined to be missing,
2 the following shall apply:

3 (a) The department may release the following
4 information to the public when it believes the release of the
5 information is likely to assist efforts in locating the child
6 or to promote the safety or well-being of the child:

7 1. The name of the child and the child's date of
8 birth;

9 2. A physical description of the child, including at a
10 minimum the height, weight, hair color, eye color, gender, and
11 any identifying physical characteristics of the child; and

12 3. A photograph of the child.

13 (b) With the concurrence of the law enforcement agency
14 primarily responsible for investigating the incident, the
15 department may release any additional information it believes
16 likely to assist efforts in locating the child or to promote
17 the safety or well-being of the child.

18 (c) The law enforcement agency primarily responsible
19 for investigating the incident may release any information
20 received from the department regarding the investigation, if
21 it believes the release of the information is likely to assist
22 efforts in locating the child or to promote the safety or
23 well-being of the child.

24
25 The good-faith publication or release of this information by
26 the department, a law enforcement agency, or any recipient of
27 the information as specifically authorized by this subsection
28 shall not subject the person, agency or entity releasing the
29 information to any civil or criminal penalty. This subsection
30 does not authorize the release of the name of the reporter,
31 which may be released only as provided in subsection (5).

1 Section 3. Paragraph (c) of subsection (1) of section
2 402.305, Florida Statutes, is amended to read:

3 402.305 Licensing standards; child care facilities.--

4 (1) LICENSING STANDARDS.--The department shall
5 establish licensing standards that each licensed child care
6 facility must meet regardless of the origin or source of the
7 fees used to operate the facility or the type of children
8 served by the facility.

9 (c) The minimum standards for child care facilities
10 shall be adopted in the rules of the department and shall
11 address the areas delineated in this section. The department,
12 in adopting rules to establish minimum standards for child
13 care facilities, shall recognize that different age groups of
14 children may require different standards. The department may
15 adopt different minimum standards for facilities that serve
16 children in different age groups, including school-age
17 children. The department shall also adopt by rule a definition
18 for child care which distinguishes between child care programs
19 that require child care licensure and after-school programs
20 that do not require licensure.Notwithstanding any other
21 provision of law to the contrary, minimum child care licensing
22 standards shall be developed to provide for reasonable,
23 affordable, and safe before-school and after-school care.
24 Standards, at a minimum, shall allow for a credentialed
25 director to supervise multiple before-school and after-school
26 sites.

27 Section 4. Section 402.40, Florida Statutes, is
28 amended to read:

29 402.40 Child welfare training.--

30 (1) LEGISLATIVE INTENT.--In order to enable the state
31 to provide a systematic approach to staff development and

1 training for persons providing child welfare services
2 ~~dependency program staff~~ that will meet the needs of such
3 staff in their discharge of duties, it is the intent of the
4 Legislature that the Department of Children and Family
5 Services establish, maintain, and oversee the operation of
6 child welfare training academies in the state. The
7 Legislature further intends that the staff development and
8 training programs that are established will aid in the
9 reduction of poor staff morale and of staff turnover, will
10 positively impact on the quality of decisions made regarding
11 children and families who require assistance from programs
12 providing child welfare services ~~dependency programs~~, and will
13 afford better quality care of children who must be removed
14 from their families.

15 (2) DEFINITIONS.--As used in this section, the term:

16 (a) "Child welfare services" ~~"Dependency program"~~
17 means any intake, protective investigations, preprotective
18 services, protective services, foster care, shelter and group
19 care, and adoption and related services program, including
20 supportive services, supervision, and legal services, provided
21 to children who are alleged to have been abused, abandoned, or
22 neglected, or who are at risk of becoming, are alleged to be,
23 or have been found dependent pursuant to ch. 39 whether
24 operated by or contracted by the department, providing intake,
25 counseling, supervision, or custody and care of children who
26 are alleged to be or who have been found to be dependent
27 pursuant to chapter 39 or who have been identified as being at
28 risk of becoming dependent.

29 (b) "Person providing child welfare services"
30 ~~"Dependency program staff"~~ means person who has a
31 responsibility for supervisory, legal, and direct care or

1 support related work in the provision of child welfare
2 services pursuant to ch. 39 ~~staff of a dependency program as~~
3 ~~well as support staff who have direct contact with children in~~
4 ~~a dependency program.~~

5 (3) CHILD WELFARE TRAINING PROGRAM.--The department
6 shall establish a program for training pursuant to the
7 provisions of this section, and all persons providing child
8 welfare services ~~dependency program staff~~ shall be required
9 to participate in and successfully complete the program of
10 training pertinent to their areas of responsibility.

11 (4) CHILD WELFARE TRAINING TRUST FUND.--

12 (a) There is created within the State Treasury a Child
13 Welfare Training Trust Fund to be used by the Department of
14 Children and Family Services for the purpose of funding a
15 comprehensive system of child welfare training, including the
16 securing of consultants to develop the system and the
17 developing of child welfare training academies that include
18 the participation of persons providing child welfare services
19 ~~dependency program staff.~~

20 (b) One dollar from every noncriminal traffic
21 infraction collected pursuant to s. 318.14(10)(b) or s. 318.18
22 shall be deposited into the Child Welfare Training Trust Fund.

23 (c) In addition to the funds generated by paragraph
24 (b), the trust fund shall receive funds generated from an
25 additional fee on birth certificates and dissolution of
26 marriage filings, as specified in ss. 382.0255 and 28.101,
27 respectively, and may receive funds from any other public or
28 private source.

29 (d) Funds that are not expended by the end of the
30 budget cycle or through a supplemental budget approved by the
31 department shall revert to the trust fund.

1 (5) CORE COMPETENCIES.--

2 (a) The Department of Children and Family Services
3 shall establish the core competencies for a single integrated
4 curriculum that ensures that each person delivering child
5 welfare services obtains the knowledge, skills and abilities
6 to competently carry out his or her work responsibilities.
7 This curriculum may be a compilation of different development
8 efforts based on specific subsets of core competencies that
9 are integrated for a comprehensive curriculum required in the
10 provision of child welfare services in this state.

11 (b) The identification of these core competencies
12 shall be a collaborative effort to include professionals with
13 expertise in child welfare services and providers that will be
14 affected by the curriculum, to include, but not be limited to,
15 representatives from the community-based care lead agencies,
16 sheriffs' offices conducting child protection investigations,
17 and child welfare legal services providers.

18 (c) Notwithstanding s. 287.057(5) and (22), the
19 department shall competitively solicit and contract for the
20 development, validation, and periodic evaluation of the
21 training curricula for the established single integrated
22 curriculum. No more than one training curriculum may be
23 developed for each specific subset of the core competencies.

24 (6) ADVANCED TRAINING.--The Department of Children and
25 Family Services shall annually examine the advanced training
26 that is needed by persons who deliver child welfare services
27 in the state. This examination shall address whether the
28 current advanced training provided should be continued and
29 shall include the development of plans for incorporating any
30 revisions to the advanced training determined necessary. This
31 examination shall be conducted in collaboration with

1 professionals with expertise in child welfare services and
2 providers that will be affected by the curriculum, to include,
3 but not be limited to, representatives from the
4 community-based care lead agencies, sheriffs' offices
5 conducting child protection investigations, and child welfare
6 legal services' providers.

7 (7) CERTIFICATION AND TRAINER QUALIFICATIONS.--The
8 department shall, in collaboration with the professionals and
9 providers described in subsection (5), develop minimum
10 standards for a certification process that ensures that
11 participants have successfully attained the knowledge, skills,
12 and abilities necessary to competently carry out their work
13 responsibilities and shall develop minimum standards for
14 trainer qualifications which must be required of training
15 academies in the offering of the training curricula. Any
16 person providing child welfare services shall be required to
17 master the components of the curriculum that are particular to
18 that person's work responsibilities.

19 (8)(5) ESTABLISHMENT OF TRAINING ACADEMIES.--The
20 department shall establish child welfare training academies as
21 part of a comprehensive system of child welfare training. In
22 establishing a program of training, the department may
23 contract for the operation of one or more training academies
24 with Tallahassee Community College to perform one or more of
25 the following: to offer one or more of the training curricula
26 developed under subsection (5); to administer the
27 certification process; to develop, validate, and periodically
28 evaluate additional training curricula determined to be
29 necessary, including advanced training that is specific to a
30 region or contractor, or that meets a particular training
31 need; or to offer the additional training curricula. The

1 number, location, and timeframe for establishment of
2 ~~additional~~ training academies shall be approved by the
3 Secretary of Children and Family Services who shall ensure
4 that the goals for the core competencies and the single
5 integrated curriculum, the certification process, the trainer
6 qualifications, and the additional training needs are
7 addressed. Notwithstanding s. 287.057(5) and (22), the
8 department shall competitively solicit all training academy
9 contracts.

10 (9) MODIFICATION OF CHILD WELFARE TRAINING.--The core
11 competencies determined pursuant to subsection (5), the
12 minimum standards for the certification process and the
13 minimum standards for trainer qualifications established
14 pursuant to subsection (7), must be submitted to the
15 appropriate substantive committees of the Senate and the House
16 of Representatives before competitively soliciting either the
17 development, validation, or periodic evaluation of the training
18 curricula or the training academy contracts.

19 (10)(6)ADOPTION OF RULES.--The Department of Children
20 and Family Services shall adopt rules necessary to carry out
21 the provisions of this section.

22 Section 5. Section 402.401, Florida Statutes is
23 created to read:

24 402.401 Florida Child Welfare Student Loan Forgiveness
25 Program.--

26 (1) There is created the Florida Child Welfare Student
27 Loan Forgiveness Program to be administered by the Department
28 of Education. The program shall provide loan assistance to
29 eligible students for upper-division undergraduate and
30 graduate study. The primary purpose of the program is to
31 attract capable and promising students to the child welfare

1 profession, increase employment and retention of individuals
2 who are working towards or who have received either a
3 bachelor's degree or a master's degree in social work, or any
4 human services subject area that qualifies the individual for
5 employment as a family services worker, and provide
6 opportunities for persons making midcareer decisions to enter
7 the child welfare profession. The State Board of Education
8 shall adopt rules necessary to administer the program.

9 (2)(a) To be eligible for a program loan, a candidate
10 shall:

11 1. Be a full-time student at the upper-division
12 undergraduate or graduate level in a social work program
13 approved by the Council on Social Work leading to either a
14 bachelor's degree or a master's degree in social work or an
15 accredited human services degree program.

16 2. Have declared an intent to work in child welfare
17 for at least the number of years for which a forgivable loan
18 is received at the Department of Children and Family Services
19 or its successor, or with an eligible lead community-based
20 provider as defined in s. 409.1671.

21 3. If applying for an undergraduate forgivable loan,
22 have maintained a minimum cumulative grade point average of at
23 least a 2.5 on a 4.0 scale for all undergraduate work. Renewal
24 applicants for undergraduate loans shall have maintained a
25 minimum cumulative grade point average of at least a 2.5 on a
26 4.0 scale for all undergraduate work and have earned at least
27 12 semester credits per term, or the equivalent.

28 4. If applying for a graduate forgivable loan, have
29 maintained an undergraduate cumulative grade point average of
30 at least a 3.0 on a 4.0 scale or have attained a Graduate
31 Record Examination score of at least 1,000. Renewal applicants

1 for graduate loans shall have maintained a minimum cumulative
2 grade point average of at least a 3.0 on a 4.0 scale for all
3 graduate work and have earned at least 9 semester credits per
4 term, or the equivalent.

5 (b) An undergraduate forgivable loan may be awarded
6 for 2 undergraduate years, not to exceed \$4,000 per year.

7 (c) A graduate forgivable loan may be awarded for 2
8 graduate years, not to exceed \$8,000 per year. In addition to
9 meeting criteria specified in paragraph (a), a loan recipient
10 at the graduate level shall:

11 1. Hold a bachelor's degree from a school or
12 department of social work at any college or university
13 accredited by the Council on Social Work Education, or hold a
14 degree in a human services field from an accredited college or
15 university.

16 2. Not have received an undergraduate forgivable loan
17 as provided for in paragraph (b).

18 (d) The State Board of Education shall adopt by rule
19 repayment schedules and applicable interest rates under ss.
20 1009.82 and 1009.95. A forgivable loan must be repaid within
21 10 years after completion of a program of studies.

22 1. Credit for repayment of an undergraduate or
23 graduate forgivable loan shall be in an amount not to exceed
24 \$4,000 in loan principal plus applicable accrued interest for
25 each full year of eligible service in the child welfare
26 profession.

27 2. Any forgivable loan recipient who fails to work at
28 the Department of Children and Family Services or its
29 successor, or with an eligible lead community-based provider
30 as defined in s. 409.1671, is responsible for repaying the
31 loan plus accrued interest at 8 percent annually.

1 3. Forgiveable loan recipients may receive loan
2 repayment credit for child welfare service rendered at any
3 time during the scheduled repayment period. However, such
4 repayment credit shall be applicable only to the current
5 principal and accrued interest balance that remains at the
6 time the repayment credit is earned. No loan recipient shall
7 be reimbursed for previous cash payments of principal and
8 interest.

9 (3) This section shall be implemented only as
10 specifically funded.

11 Section 6. Subsection (7) of section 409.1451, Florida
12 Statutes, is amended, present subsection (8) of that section
13 is amended and redesignated as subsection (9), and a new
14 subsection (8) is added to that section, to read:

15 409.1451 Independent living transition services.--

16 (7) INDEPENDENT LIVING SERVICES ~~INTEGRATION~~
17 WORKGROUP.--The Secretary of Children and Family Services
18 shall establish the independent living services ~~integration~~
19 workgroup, which, at a minimum, shall include representatives
20 from the Department of Children and Family Services, the
21 Agency for Workforce Innovation, the Department of Education,
22 the Agency for Health Care Administration, the State Youth
23 Advisory Board, Workforce Florida, Inc., and foster parents.
24 The workgroup shall assess the implementation and operation of
25 the system of independent living transition services and
26 advise the department on actions that would improve the
27 ability of the independent living transition services to meet
28 the established goals. The workgroup shall keep the department
29 informed of problems being experienced with the services,
30 barriers to the effective and efficient integration of
31 services and support across systems, ~~for the transition of~~

1 ~~older children in foster care to independent living, and~~
2 successes that the system of independent living transition
3 services has achieved. The department shall consider, but is
4 not required to implement the recommendations of the
5 workgroup. For the 2002-2003 and 2003-2004 fiscal years, the
6 workgroup shall report to the appropriate substantive
7 committees of the Senate and House of Representatives on the
8 status of the implementation of the system of independent
9 living transition services; efforts to publicize the
10 availability of aftercare support services, the
11 Road-to-Independence Scholarship Program, and transitional
12 support services; specific barriers to financial aid created
13 by the scholarship and possible solutions; the success of the
14 services; problems identified; recommendations for department
15 or legislative action; and the department's implementation of
16 the recommendations contained in the Independent Living
17 Services Integration Workgroup Report submitted to the Senate
18 and the House substantive committees December 31, 2002. This
19 workgroup report is to be submitted by December 31, 2003, and
20 December 31, 2004, and shall be accompanied by a report from
21 the department which identifies the recommendations of the
22 workgroup and either describes the department's actions to
23 implement these recommendations or provides the department's
24 rationale for not implementing the recommendations. The
25 ~~workgroup shall recommend methods to overcome these barriers~~
26 ~~and shall ensure that the state plan for federal funding for~~
27 ~~the independent living transition services includes these~~
28 ~~recommendations. The workgroup shall report to appropriate~~
29 ~~legislative committees of the Senate and the House of~~
30 ~~Representatives by December 31, 2002. Specific issues and~~
31 ~~recommendations to be addressed by the workgroup include:~~

1 ~~(a) Enacting the Medicaid provision of the federal~~
2 ~~Foster Care Independence Act of 1999, Pub. L. No. 106-169,~~
3 ~~which allows young adults formerly in foster care to receive~~
4 ~~medical coverage up to 21 years of age.~~

5 ~~(b) Extending the age of Medicaid coverage from 21 to~~
6 ~~23 years of age for young adults formerly in foster care in~~
7 ~~order to enable such youth to complete a postsecondary~~
8 ~~education degree.~~

9 ~~(c) Encouraging the regional workforce boards to~~
10 ~~provide priority employment and support for eligible foster~~
11 ~~care participants receiving independent living transition~~
12 ~~services.~~

13 ~~(d) Facilitating transfers between schools when~~
14 ~~changes in foster care placements occur.~~

15 ~~(e) Identifying mechanisms to increase the legal~~
16 ~~authority of foster parents and staff of the department or its~~
17 ~~agent to provide for the age-appropriate care of older~~
18 ~~children in foster care, including enrolling a child in~~
19 ~~school, signing for a practice driver's license for the child~~
20 ~~under s. 322.09(4), cosigning loans and insurance for the~~
21 ~~child, signing for the child's medical treatment, and~~
22 ~~authorizing other similar activities as appropriate.~~

23 ~~(f) Transferring the allowance of spending money that~~
24 ~~is provided by the department each month directly to an older~~
25 ~~child in the program through an electronic benefit transfer~~
26 ~~program. The purpose of the transfer is to allow these~~
27 ~~children to access and manage the allowance they receive in~~
28 ~~order to learn responsibility and participate in~~
29 ~~age-appropriate life skills activities.~~

30 ~~(g) Identifying other barriers to normalcy for a child~~
31 ~~in foster care.~~

1 (8) PERSONAL PROPERTY.--Property acquired on behalf of
2 clients of this program shall become the personal property of
3 the clients and is not subject to the requirements of chapter
4 273 relating to state-owned tangible personal property. Such
5 property continues to be subject to applicable federal laws.

6 ~~(9)(8)~~ RULEMAKING.--The department shall adopt by rule
7 procedures to administer this section, including provision for
8 the proportional reduction of scholarship awards when
9 adequate funds are not available for all applicants. These
10 rules shall balance the goals of normalcy and safety for the
11 youth and provide the caregivers with as much flexibility as
12 possible to enable the youth to participate in normal life
13 experiences. The department shall engage in appropriate
14 planning to prevent, to the extent possible, a reduction in
15 scholarship awards after issuance.

16 Section 7. Paragraphs (a), (b), and (d) of subsection
17 (1) of section 409.1671, Florida Statutes, are amended, new
18 paragraphs (c) and (d) are added to subsection (1) and present
19 paragraphs (c) through (k) of subsection (1) are redesignated
20 as paragraphs (e) through (m), and subsections (3) and (4) of
21 that section are amended, to read:

22 409.1671 Foster care and related services;
23 privatization.--

24 (1)(a) It is the intent of the Legislature that the
25 Department of Children and Family Services shall privatize the
26 provision of foster care and related services statewide. It is
27 further the Legislature's intent to encourage communities and
28 other stakeholders in the well-being of children to
29 participate in assuring that children are safe and
30 well-nurtured. However, while recognizing that some local
31 governments are presently funding portions of certain foster

1 care and related services programs and may choose to expand
2 such funding in the future, the Legislature does not intend by
3 its privatization of foster care and related services that any
4 county, municipality, or special district be required to
5 assist in funding programs that previously have been funded by
6 the state. Counties that provide children and family services
7 with at least forty licensed residential group care beds by
8 July 1, 2003, and provide at least \$2.0 million annually in
9 county general revenue funds to supplement foster and family
10 care services shall continue to contract directly with the
11 state and shall be exempt from the provisions of this section.
12 Nothing in this paragraph prohibits any county, municipality,
13 or special district from future voluntary funding
14 participation in foster care and related services. As used in
15 this section, the term "privatize" means to contract with
16 competent, community-based agencies. The department shall
17 submit a plan to accomplish privatization statewide, through a
18 competitive process, phased in over a 3-year period beginning
19 January 1, 2000. This plan must be developed with local
20 community participation, including, but not limited to, input
21 from community-based providers that are currently under
22 contract with the department to furnish community-based foster
23 care and related services, and must include a methodology for
24 determining and transferring all available funds, including
25 federal funds that the provider is eligible for and agrees to
26 earn and that portion of general revenue funds which is
27 currently associated with the services that are being
28 furnished under contract. The methodology must provide for the
29 transfer of funds appropriated and budgeted for all services
30 and programs that have been incorporated into the project,
31 including all management, capital (including current furniture

1 and equipment), and administrative funds to accomplish the
2 transfer of these programs. This methodology must address
3 expected workload and at least the 3 previous years'
4 experience in expenses and workload. With respect to any
5 district or portion of a district in which privatization
6 cannot be accomplished within the 3-year timeframe, the
7 department must clearly state in its plan the reasons the
8 timeframe cannot be met and the efforts that should be made to
9 remediate the obstacles, which may include alternatives to
10 total privatization, such as public-private partnerships. As
11 used in this section, the term "related services" includes,
12 but is not limited to, family preservation, independent
13 living, emergency shelter, residential group care, foster
14 care, therapeutic foster care, intensive residential
15 treatment, foster care supervision, case management,
16 postplacement supervision, permanent foster care, and family
17 reunification. Unless otherwise provided for, ~~beginning in~~
18 ~~fiscal year 1999-2000, either the state attorney or the Office~~
19 ~~of the Attorney General~~ shall provide child welfare legal
20 services, pursuant to chapter 39 and other relevant
21 provisions, in Sarasota, Pinellas, and Pasco, ~~Broward, and~~
22 ~~Manatee~~ Counties. ~~Such legal services shall commence and be~~
23 ~~effective, as soon as determined reasonably feasible by the~~
24 ~~respective state attorney or the Office of the Attorney~~
25 ~~General, after the privatization of associated programs and~~
26 ~~child protective investigations has occurred.~~ When a private
27 nonprofit agency has received case management
28 responsibilities, transferred from the state under this
29 section, for a child who is sheltered or found to be dependent
30 and who is assigned to the care of the privatization project,
31 the agency may act as the child's guardian for the purpose of

1 registering the child in school if a parent or guardian of the
2 child is unavailable and his or her whereabouts cannot
3 reasonably be ascertained. The private nonprofit agency may
4 also seek emergency medical attention for such a child, but
5 only if a parent or guardian of the child is unavailable, his
6 or her whereabouts cannot reasonably be ascertained, and a
7 court order for such emergency medical services cannot be
8 obtained because of the severity of the emergency or because
9 it is after normal working hours. However, the provider may
10 not consent to sterilization, abortion, or termination of life
11 support. If a child's parents' rights have been terminated,
12 the nonprofit agency shall act as guardian of the child in all
13 circumstances.

14 (b) It is the intent of the Legislature that the
15 department will continue to work towards full privatization in
16 a manner that assures the viability of the community-based
17 system of care and best provides for the safety of children in
18 the child protection system. To this end, the department is
19 directed to continue the process of privatizing services in
20 those counties in which signed start-up contracts have been
21 executed. The department may also continue to enter into
22 start-up contracts with additional counties. However, no
23 services shall be transferred to a community-based care lead
24 agency until the department, in consultation with the local
25 community alliance, has determined and certified in writing to
26 the Governor and the Legislature that the district is prepared
27 to transition the provision of services to the lead agency and
28 that the lead agency is ready to deliver and be accountable
29 for such service provision. In making this determination the
30 Department shall conduct a readiness assessment of the
31 district and the lead agency.

1 1. The assessment shall evaluate the operational
2 readiness of the district and the lead agency based on:

3 a. A set of uniform criteria, developed in consultation
4 with currently operating community based care lead agencies
5 and reflecting national accreditation standards, that evaluate
6 programmatic, financial, technical assistance, training and
7 organizational competencies; and

8 b. Local criteria reflective of the local community
9 based care design and the community alliance priorities.

10 2. The readiness assessment shall be conducted by a
11 joint team of district and lead agency staff with direct
12 experience with the startup and operation of a community based
13 care service program and representatives from the appropriate
14 community alliance. Within resources available for this
15 purpose, the department may secure outside audit expertise
16 when necessary to assist a readiness assessment team.

17 3. Upon completion of a readiness assessment the
18 assessment team shall conduct an exit conference with the
19 district and lead agency staff responsible for the transition

20 4. Within 30 days following the exit conference with
21 staff of each district and lead agency, the Secretary shall
22 certify in writing to the Governor and Legislature that both
23 the district and the lead agency are prepared to begin the
24 transition of service provision based on the results of the
25 readiness assessment and the exit conference. The document of
26 certification must include specific evidence of readiness on
27 each element of the readiness instrument utilized by the
28 assessment team as well as a description of each element of
29 readiness needing improvement and strategies being implemented
30 to address each one.

31

1 (c) The Auditor General and the Office of Program
2 Policy Analysis and Government Accountability (OPPAGA), in
3 consultation with The Child Welfare League of America and the
4 Louis de la Parte Florida Mental Health Institute, shall
5 jointly review and assess the department's process for
6 determining district and lead agency readiness.

7 1. The review must, at a minimum, address the
8 appropriateness of the readiness criteria and instruments
9 applied, the appropriateness of the qualifications of
10 participants on each readiness assessment team, the degree to
11 which the department accurately determined each district and
12 lead agency's compliance with the readiness criteria, the
13 quality of the technical assistance provided by the department
14 to a lead agency in correcting any weaknesses identified in
15 the readiness assessment, and the degree to which each lead
16 agency overcame any identified weaknesses.

17 2. Reports of these reviews must be submitted to the
18 appropriate substantive and appropriations committees in the
19 Senate and House of Representatives on March 1 and September 1
20 of each year until full transition to community-based care has
21 been accomplished statewide, except that the first report must
22 be submitted by February 1, 2004, and must address all
23 readiness activities undertaken through June 30, 2003. The
24 perspectives of all participants in this review process must
25 be included in each report.

26 (d) In communities where economic or demographic
27 constraints make it impossible or not feasible to
28 competitively contract with a lead agency, the department
29 shall develop an alternative plan in collaboration with the
30 local community alliance, which may include establishing
31 innovative geographical configurations or consortiums of

1 agencies. The plan must detail how the community will continue
2 to implement community-based care through competitively
3 procuring either the specific components of foster care and
4 related services or comprehensive services for defined
5 eligible populations of children and families from qualified
6 licensed agencies as part of its efforts to develop the local
7 capacity for a community-based system of coordinated care. The
8 plan must ensure local control over the management and
9 administration of the service provision in accordance with the
10 intent of this section and may include recognized best
11 business practices, including some form of public or private
12 partnerships.~~by initiating the competitive procurement~~
13 ~~process in each county by January 1, 2003. In order to provide~~
14 ~~for an adequate transition period to develop the necessary~~
15 ~~administrative and service delivery capacity in each~~
16 ~~community, the full transfer of all foster care and related~~
17 ~~services must be completed statewide by December 31, 2004.~~

18 ~~(f)(d)1. If attempts to competitively procure services~~
19 ~~through an eligible lead community-based provider as defined~~
20 ~~in paragraph (c) do not produce a capable and willing agency,~~
21 ~~the department shall develop a plan in collaboration with the~~
22 ~~local community alliance. The plan must detail how the~~
23 ~~community will continue to implement privatization, to be~~
24 ~~accomplished by December 31, 2004, through competitively~~
25 ~~procuring either the specific components of foster care and~~
26 ~~related services or comprehensive services for defined~~
27 ~~eligible populations of children and families from qualified~~
28 ~~licensed agencies as part of its efforts to develop the local~~
29 ~~capacity for a community-based system of coordinated care. The~~
30 ~~plan must ensure local control over the management and~~
31 ~~administration of the service provision in accordance with the~~

1 ~~intent of this section and may include recognized best~~
2 ~~business practices, including some form of public or private~~
3 ~~partnerships. In the absence of a community alliance, the plan~~
4 ~~must be submitted to the President of the Senate and the~~
5 ~~Speaker of the House of Representatives for their comments.~~

6 1.2. The Legislature finds that the state has
7 traditionally provided foster care services to children who
8 have been the responsibility of the state. As such, foster
9 children have not had the right to recover for injuries beyond
10 the limitations specified in s. 768.28. The Legislature has
11 determined that foster care and related services need to be
12 privatized pursuant to this section and that the provision of
13 such services is of paramount importance to the state. The
14 purpose for such privatization is to increase the level of
15 safety, security, and stability of children who are or become
16 the responsibility of the state. One of the components
17 necessary to secure a safe and stable environment for such
18 children is that private providers maintain liability
19 insurance. As such, insurance needs to be available and remain
20 available to nongovernmental foster care and related services
21 providers without the resources of such providers being
22 significantly reduced by the cost of maintaining such
23 insurance.

24 2.3. The Legislature further finds that, by requiring
25 the following minimum levels of insurance, children in
26 privatized foster care and related services will gain
27 increased protection and rights of recovery in the event of
28 injury than provided for in s. 768.28.

29 (3)(a) In order to help ensure a seamless child
30 protection system, the department shall ensure that contracts
31 entered into with community-based agencies pursuant to this

1 section include provisions for a case-transfer process to
2 determine the date that the community-based agency will
3 initiate the appropriate services for a child and family. This
4 case-transfer process must clearly identify the closure of the
5 protective investigation and the initiation of service
6 provision. At the point of case transfer, and at the
7 conclusion of an investigation, the department must provide a
8 complete summary of the findings of the investigation to the
9 community-based agency.

10 (b) The contracts must also ensure that each
11 community-based agency shall furnish information on its
12 activities in all cases in client case records. ~~A provider may
13 not discontinue services on any voluntary case without prior
14 written notification to the department 30 days before planned
15 case closure. If the department disagrees with the recommended
16 case closure date, written notification to the provider must
17 be provided before the case closure date.~~

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

24 (d) Each contract with an eligible lead
25 community-based provider shall provide for the payment by the
26 department to the provider of a reasonable administrative cost
27 in addition to funding for the provision of services.

28 (4)(a) The department shall establish a quality
29 assurance program for privatized services. The quality
30 assurance program shall be based on standards established by a
31 national accrediting organization such as the Council on

1 Accreditation of Services for Families and Children, Inc.
2 (COA) or CARF--the Rehabilitation Accreditation Commission.
3 The department may develop a request for proposal for such
4 oversight. This program must be developed and administered at
5 a statewide level. The Legislature intends that the department
6 be permitted to have limited flexibility to use funds for
7 improving quality assurance. To this end, ~~effective January 1,~~
8 ~~2000,~~the department may transfer up to 0.125 percent of the
9 total funds from categories used to pay for these
10 contractually provided services, but the total amount of such
11 transferred funds may not exceed \$300,000 in any fiscal year.
12 When necessary, the department may establish, in accordance
13 with s. 216.177, additional positions that will be exclusively
14 devoted to these functions. Any positions required under this
15 paragraph may be established, notwithstanding ss.
16 216.262(1)(a) and 216.351. The department, in consultation
17 with the community-based agencies that are undertaking the
18 privatized projects, shall establish minimum thresholds for
19 each component of service, consistent with standards
20 established by the Legislature and the Federal Government.
21 Each program operated under contract with a community-based
22 agency must be evaluated annually by the department. The
23 department shall, to the extent possible, use independent
24 financial audits provided by the community-based care agency
25 to eliminate or reduce the ongoing contract and administrative
26 reviews conducted by the department. The department may
27 suggest additional items to be included in such independent
28 financial audits to meet the department's needs. Should the
29 department determine that such independent financial audits
30 are inadequate, then other audits, as necessary, may be
31 conducted by the department. Nothing herein shall abrogate the

1 requirements of s. 215.97.The department shall submit an
2 annual report regarding quality performance, outcome measure
3 attainment, and cost efficiency to the President of the
4 Senate, the Speaker of the House of Representatives, the
5 minority leader of each house of the Legislature, and the
6 Governor no later than January 31 of each year for each
7 project in operation during the preceding fiscal year.

8 (b) The department shall use these findings in making
9 recommendations to the Governor and the Legislature for future
10 program and funding priorities in the child welfare system.

11 Section 8. Section 409.16745, Florida Statutes, is
12 amended to read:

13 409.16745 Community partnership matching grant
14 program.--It is the intent of the Legislature to improve
15 services and local participation in community-based care
16 initiatives by fostering community support and providing
17 enhanced prevention and in-home services, thereby reducing the
18 risk otherwise faced by lead agencies. There is established a
19 community partnership matching grant program to be operated by
20 the Department of Children and Family Services for the purpose
21 of encouraging local participation in community-based care for
22 child welfare. Any children's services council or other local
23 government entity that makes a financial commitment to a
24 community-based care lead agency is eligible for a grant upon
25 proof that the children's services council or local government
26 entity has provided the selected lead agency at least \$250,000
27 ~~\$825,000 in start up funds,~~from any local resources otherwise
28 available to it. The total amount of local contribution may be
29 matched on a two-for-one basis up to a maximum amount of \$2
30 million per council or local government entity. Awarded
31 matching grant funds may be used for any prevention or in-home

1 services provided by the children's services council or other
2 local government entity that meets
3 temporary-assistance-for-needy-families' eligibility
4 requirements and can be reasonably expected to reduce the
5 number of children entering the child welfare system. To
6 ensure necessary flexibility for the development, start up,
7 and ongoing operation of community-based care initiatives, the
8 notice period required for any budget action authorized by the
9 provisions of s. 20.19(5)(b), is waived for the family safety
10 program; however, the Department of Children and Family
11 Services must provide copies of all such actions to the
12 Executive Office of the Governor and Legislature within 72
13 hours of their occurrence. Funding available for the matching
14 grant program is subject to legislative appropriation of
15 nonrecurring ~~temporary-assistance-for-needy-families~~ funds
16 provided for the purpose.

17 Section 9. Subsection (3) of section 409.175, Florida
18 Statutes, is amended to read:

19 409.175 Licensure of family foster homes, residential
20 child-caring agencies, and child-placing agencies.--

21 (3)(a) The total number of children placed in each
22 family foster home shall be based on the recommendation of the
23 department, or the community-based care lead agency where one
24 is providing foster care and related services, based on the
25 needs of each child in care, the ability of the foster family
26 to meet the individual needs of each child, including any
27 adoptive or biological children living in the home, the amount
28 of safe physical plant space, the ratio of active and
29 appropriate adult supervision, and the background, experience,
30 and skill of the family foster parents.

31

1 (b) If the total number of children in a family foster
2 home will exceed five, including the family's own children, an
3 ~~a comprehensive behavioral health~~ assessment of each child to
4 be placed in the home must be completed by a family services
5 counselor and approved in writing by the counselor's
6 supervisor prior to placement of any additional children in
7 the home, except that, if the placement involves a child whose
8 sibling is already in the home or a child who has been in
9 placement in the home previously, the assessment must be
10 completed within 72 hours after placement. The ~~comprehensive~~
11 ~~behavioral health~~ assessment must ~~comply with Medicaid rules~~
12 ~~and regulations,~~ assess and document the mental, physical, and
13 psychosocial needs of the child, and recommend the maximum
14 number of children in a family foster home that will allow the
15 child's needs to be met.

16 (c) For any licensed family foster home, the
17 appropriateness of the number of children in the home must be
18 reassessed annually as part of the relicensure process. For a
19 home with more than five children, if it is determined by the
20 licensure study at the time of relicensure that the total
21 number of children in the home is appropriate and that there
22 have been no substantive licensure violations and no
23 indications of child maltreatment or child-on-child sexual
24 abuse within the past 12 months, the relicensure of the home
25 shall not be denied based on the total number of children in
26 the home.

27 Section 10. Section 409.953, Florida Statutes, is
28 amended to read:

29 409.953 Rulemaking authority for refugee assistance
30 program.--

31

1 (1) The Department of Children and Family Services has
2 the authority ~~shall adopt rules~~ to administer the ~~eligibility~~
3 ~~requirements for the~~ refugee assistance program in accordance
4 with 45 C.F.R. Part 400 and 401. The Department of Children
5 and Family Services or a child-placing or child-caring agency
6 designated by the department may petition in circuit court to
7 establish custody. Upon making a finding that a child is an
8 Unaccompanied Refugee Minor as defined in 45 C.F.R. Sec.
9 400.111, the court may establish custody and placement of the
10 child in the Unaccompanied Refugee Minor Program.

11 (2) The Department of Children and Family Services
12 shall adopt any rules necessary for the implementation and
13 administration of this section.

14 Section 11. Section 937.021, Florida Statutes, is
15 amended to read:

16 937.021 Missing child reports.--

17 (1) Upon the filing of a police report that a child is
18 missing by the parent or guardian, the law enforcement agency
19 receiving the report ~~written notification~~ shall immediately
20 inform all on-duty law enforcement officers of the existence
21 of the missing child report, communicate the report to every
22 other law enforcement agency having jurisdiction in the
23 county, and transmit the report for inclusion within the
24 Florida Crime Information Center computer.

25 (2) A police report that a child is missing may be
26 filed with the law enforcement agency having jurisdiction in
27 the county or municipality in which the child was last seen
28 prior to the filing of the report, without regard to whether
29 the child resides in or has any significant contacts with that
30 county or municipality. The filing of such a report shall
31

1 impose the duties specified in subsection (1) upon that law
2 enforcement agency.

3 Section 12. The Office of Program Policy Analysis and
4 Government Accountability shall prepare an evaluation of child
5 welfare legal services to be submitted to the President of the
6 Senate, the Speaker of the House of Representatives, the
7 Governor, and the Chief Justice of the Supreme Court, by
8 December 31, 2003. The evaluation shall consider different
9 models of provision of legal services in dependency
10 proceedings on behalf of the state, including representation
11 by other government, for profit, or not for profit entities,
12 and include discussion of the organizational placement on the
13 cost and delivery of providing these services; the
14 organizational placement's effect on communication between
15 attorneys and caseworkers; the ability to attract, retain and
16 provide professional development opportunities for experienced
17 attorneys; and the implications of each model for the
18 attorney's professional responsibilities. Following receipt of
19 the report of this evaluation and until directed otherwise by
20 the Legislature, the department shall maintain its current
21 delivery system for the provision of child welfare legal
22 services.

23 Section 13. This act shall take effect July 1, 2003.
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