CHILD WELFARE

CS/CS/CS/SB 512 — Independent Living Transition Services

by Appropriations Committee; Governmental Oversight and Productivity Committee; Children and Families Committee; and Senators Lynn and Campbell

This bill makes the following revisions to the Independent Living Transition Services program:

- Requires the development of a post-high school plan when the child reaches 9th grade.
- Requires annual staffing for the child who is 13 through 14 years of age and staffing every 6 months for the child who is 15 through 17 years of age to ensure that the independent living related services as determined by the assessments are being received and the child is developing the needed independent living skills.
- Requires that the child be provided with detailed information on the Road-to-Independence Scholarship Program at the first annual staffing held following the child's 14th birthday.
- Requires an independent living assessment during the month following the child's 17th birthday to determine the child's skills and abilities to become self-sufficient. Based on the assessment, services and training are to be provided prior to the child's 18th birthday to develop the skills and abilities necessary for the child to live independently.
- Expands the life skills services that may be provided to include training to develop banking and budgeting skills, interviewing skills, and parenting skills.
- Requires that each child receive information related to social security insurance benefits and public assistance.
- Expands the aftercare support services available to include counselor consultation and clarifies that the aftercare support services may be provided either directly by the department or through referral to resources in the community.
- Requires that the Road-to-Independence Scholarship award be determined based on the living and educational needs of the young adult and requires the young adult to apply for other grants and scholarships.

- Broadens the type of high school diploma a young adult may receive to be eligible for a Road-to-Independence Scholarship to include the special diploma or special certificate of completion as provided for in s. 1003.438, F.S.

- Provides limitations on the number of diplomas, certificates, and credentials that may be earned using the Road-to-Independence Scholarship.

- Replaces the requirement for renewal of the Road-to-Independence Scholarship award that 12 semester hours be completed and the grade point average required for the program be maintained with the requirement that the number of hours considered full time by the educational program be completed and the appropriate progress required by the educational institution be maintained.

- Permits transitional support service dollars to be used for disability and mental health services.

- Permits the aftercare support, transitional support, and Road-to-Independence Scholarship payments to be made on the young adult's behalf for necessary services with the written permission of the young adult.

- Continues the Independent Living Services Workgroup until terminated by the Legislature and renames it an Advisory Council to reflect its on-going advisory function.

- Removes the Department of Children and Family Services' rulemaking authority to reduce the scholarship awards.

- Requires that a judicial review hearing be held within 90 days after a child's 17th birthday and identifies information that must be provided to the court.

- Requires that for each judicial review hearing held for a child who is 13 through 17 years of age information on the results of the independent living assessment and the services received must be furnished and a determination of the adequacy of the child's preparation for adulthood and independent living must be made.

- Modifies the waiver of postsecondary education institution fees for scholarship recipients to allow for the fee waiver if the youth is determined eligible for the scholarship, even if funds are not available to issue the award.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 37-1; House 112-0

CS/SB 1572 — Child Care Personnel Training

by Children and Families Committee and Senators Fasano and Lynn

This bill requires that child care personnel in child care facilities receive training relative to recognizing and preventing shaken baby syndrome, preventing sudden infant death syndrome, and understanding early childhood brain development. This training is added to the statutory requirements for the 40-hour introductory course that child care personnel in child care facilities must complete.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 115-0

HB 723 — Community-Based Care/Foster Care

by Rep. Murman (CS/CS/CS/SB 1698 by Governmental Oversight and Productivity Committee; Children and Families Committee; Banking and Insurance Committee; and Senator Lynn)

Community-Based Care

The bill amends s. 409.1671, F.S., directing the Florida Coalition for Children, Inc., in consultation with the Department of Children and Families, to develop a plan based on an independent actuarial study regarding the long-term use and structure of a statewide community-based care risk pool for the protection of eligible lead community-based care providers, their subcontractors, and providers of other social services who contract directly with the department. The minimum expectations are provided for the plan which is to be developed in consultation with the Office of Insurance Regulation and submitted to the department, the Executive Office of the Governor, and the Legislative Budget Commission for adoption before January 1, 2005. Upon the plan's approval by all parties, the department is directed to issue an interest-free loan equal to the amount appropriated by the Legislature for this purpose. The bill specifies the purposes for which the risk pool may be used and provides for its future funding and for certain authority regarding its operation and management.

That section is further amended to specify that a lead community-based care provider should directly provide no more than 35 percent of all child protective services provided; to require that at least 51 percent of a lead provider's board of directors must be comprised of persons residing in this state and that, of those, at least 51 percent must also reside within the service area of the lead provider; to modify the department's responsibility to conduct a quality assurance program for privatized services; and to provide that lead community-based providers and their subcontractors are exempt from the state travel policies set forth in s. 112.061(3)(a), F.S., when travel expenses are incurred in order to comply with the requirements of s. 409.1671, F.S.

The bill also amends s. 20.19, F.S., to provide that members of a community alliance, other than its statutorily-mandated members, may not receive funds for contractual services from either the department or a community-based care lead provider.

Interagency Agreements

The bill creates s. 39.0016, F.S., requiring interagency agreements between the Department of Children and Families and the Department of Education at the state level and the Department of Children and Families and the district school boards at the local level relating to the education of and related services for children found dependent or in shelter care. The bill sets forth the requirements for the interagency agreements, including efforts to avoid disruption of a child's education, identification of educational and other school services necessary for a child's education, sharing of information, determining the availability of transportation to avoid changes in school assignments, supporting the educational needs of a child with disabilities, participation in case planning activities, and provision of training in areas that would facilitate the desired outcomes of these agreements. The bill also amends s. 1002.22, F.S., adding the Department of Children and Families and community-based care lead providers to the organizations to which students' educational records may be released by the schools, consistent with the provisions of the Family Educational Records and Privacy Act.

If approved by the Governor, these provisions take effect July 1, 2004.
Vote: Senate 39-0; House 116 -0

SB 2046 — Adoption

by Senator Campbell

The bill prohibits the Department of Children and Family Services from removing a foster child who has resided for at least 6 months with foster parents who are licensed or court-ordered custodians when either the foster parent or custodian has applied for adoption and the application for adoption has been denied, unless such removal is by order of the court. Exceptions are provided for when the child is believed to be at imminent risk of abuse or neglect, 30 days have expired since the foster parent or custodian received written notice of the denial and no formal challenge has been filed, or the foster parent or custodian agrees to the child's removal. The bill also allows the court to waive the required consent of the department in ch. 39, F.S., adoptions if the court determines that the consent is being unreasonably withheld and the petitioner has filed a favorable preliminary adoptive home study with the court.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 37-1; House 116-0

CS/CS/SB 2704 — Public Records/Children's Services Council

by Governmental Oversight and Productivity Committee; Children and Families Committee; and Senator Atwater

This bill provides an exemption from the public records laws for personal identifying information of a child or the child's parent or guardian held by a children's service council, juvenile welfare board, or other similar entity created under s. 125.901, F.S., or by special law, or held by a service provider or researcher under contract with such entity. This exemption is retroactive in effect. Non-identifying information regarding the child would not be exempted from disclosure by this bill.

If approved by the Governor, these provisions take effect July 1, 2004.
Vote: Senate 40-0; House 113-0

CS/SB 606 — Trust Funds

by Children and Families Committee and Senators Smith and Lynn

The bill creates the Child Advocacy Trust Fund within the Department of Children and Family Services (DCF) using funds collected by the clerks of the court from offenders committing specific crimes against children. Funds that are collected are to be disbursed to the Florida Network of Children's Advocacy Centers, Inc., for the purposes of funding children's advocacy centers (CACs).

The Board of Directors for the Florida Network of Children's Advocacy Centers, Inc., is to retain a portion of the funds generated by the court costs for network expenditures and must develop funding criteria and an allocation methodology that ensure an equitable distribution of remaining funds to network participants. The allocation methodology must take into account factors that include but are not limited to the center's accreditation status with the National Children's Alliance (NCA), the number of clients served, and the population of the area being served by the children's advocacy center.

The creation of this trust fund provides an opportunity for the expansion of CAC services into communities that do not currently receive services. The language specifying the crimes that incur fines, the transfer of funds that are collected, and requirements for receiving this funding is reflected in CS/CS/SB 2962.

If approved by the Governor, these provisions take effect July 1, 2004.
Vote: Senate 38-0; House 116-0

CHILD SUPPORT

CS/CS/CS/SB 160 — Child Support

by Appropriations Committee; Judiciary Committee; Children and Families Committee; and Senator Lynn

This bill sets forth the following provisions relative to child support:

- Amends a series of statutes relative to the administrative support order process used for Title IV-D cases to provide for the recognition of administrative support orders in ch. 61, F.S., and s. 409.2561, F.S.; to provide specific criteria for establishing venue for hearings held by the Division of Administrative Hearings; to clarify and modify the process required for a noncustodial parent to proceed in circuit court in lieu of the administrative process; to articulate the practice for assigning an account number; to direct petitions contesting an income deduction order established by the administrative process to be filed with the Department of Revenue instead of the court for a hearing; and to extend the deadline for the Office of Program Policy Analysis and Government Accountability to submit an evaluation report on the statewide implementation of the administrative process for establishing child support to June 30, 2006.

- Eliminates the requirement in s. 61.13(1)(d), F.S., that social security numbers be provided for minor children on all child support orders.

- Requires that when the current child support obligation in a Title IV-D case is reduced or terminated due to the emancipation of a child and the noncustodial parent owes arrearages, retroactive support, delinquency, or costs, the noncustodial parent be required to pay the support at the same rate in effect prior to emancipation until all arrearages, retroactive support, delinquency, and costs are paid in full or the order is modified.

- Stipulates the process for establishing a depository account for the receipt and disbursement of interstate support payments for Title IV-D cases.

- Amends s. 61.1814, F.S., relative to the Child Support Enforcement Application and Program Revenue Trust Fund to reflect the current purpose, composition, and function of the trust fund.

- Permits a voluntary acknowledgement of paternity that is witnessed by two individuals and signed under penalty of perjury to be accepted as a valid affidavit for adding the father's name to the birth certificate at the time of birth, for amending the birth certificate after the birth to add the father's name, and for establishing paternity for children born out of wedlock.

- Amends the process for processing undistributable collections to remove the requirement that the noncustodial parent's permission be obtained before applying the undistributable collection to another case where child support is owed by that parent and instead provides the noncustodial parent with notification of the intended action and of the noncustodial parent's right to contest this action in court.

- Removes the requirement that a mother is deemed noncooperative and ineligible for public assistance until a subsequent father is identified and confirmed through scientific testing to be the father if the possible fathers initially identified are determined not to be the fathers.

- Allows for the securities which are to be used for the purpose of meeting an obligation of past due child support to be liquidated in an amount that is sufficient to cover both the past due child support and any applicable commissions and fees.

- Directs the Department of Revenue to develop and operate a voluntary data match system which would identify noncustodial parents who owe past due child support and also have a claim with an insurer. The bill provides for the options insurers may use to provide the department with information from which to conduct the match, limits the garnishment of liability claims to cases where bodily injury exceeds $3,000, and provides limited immunity for insurers and other participants in the data match process.

- Permits other means of service of process as provided for in ch. 48, F.S., if determined by the Department of Revenue to be more effective.

- Amends statutory language relative to reimbursements to the clerks of the courts for Title IV-D filings to reflect the current arrangement which uses cooperatives agreements as provided for in ss. 61.181(1), and 61.1826(2) and (4), F.S., instead of separate billings for each filing.

- Expands the list of licenses for which the Department of Revenue has authority to seek denial or suspension to include all licenses issued by a state or local government licensing authority and modifies the noticing requirement.

- Requires the Department of Revenue, in collaboration with the Department of Corrections, the Agency for Workforce Innovation, the Office of the State Courts Administrator, local law enforcement, community-based and faith-based organizations, and other organizations, to identify strategies for increasing the collection of child support from incarcerated parents, for maximizing the incarcerated parents' potential for successful reentry into society and reconnection with their families, and for building collaboration and data-sharing among the stakeholders to continue this initiative. A report

to the Governor and Legislature on the data collected and recommendations for implementing identified strategies is required by December 31, 2004.

If approved by the Governor, these provisions take effect upon becoming law except as otherwise expressly provided for in the act.
Vote: Senate 39-0; House 114-0

CS/CS/SB 2826 — Public Records/Child Support

by Finance and Taxation Committee; Judiciary Committee; and Senator Lynn

The bill provides confidentiality and an exemption from the public records laws for the information the Department of Revenue obtains from insurers participating in the insurance claim data match initiative provided for in CS/CS/CS/SB 160. The confidentiality and public records exemption are only provided for the period of time required to determine if there is a match with noncustodial parents who owe past due child support. Once the match is complete, claims information for noncustodial parents owing child support become public, and claims information for individuals who do not owe child support is destroyed.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 108-6

CS/CS/SB 1060 — Temporary Support Orders

by Judiciary Committee; Children and Families Committee; and Senators Campbell and Smith

This bill authorizes the court to modify, vacate, or set aside a temporary support order under chs. 61 and 742, F.S., either before or at the time a final order is entered in a proceeding. Such modification, vacating, or setting aside of the temporary support order may be executed upon the showing of good cause and without the need to show a substantial change in circumstances. The bill also provides for the possible retroactive timeframes to which a modification to a temporary support order may apply.

If approved by the Governor, these provisions take effect July 1, 2004.
Vote: Senate 39-0; House 113-1

MENTAL HEALTH

CS/CS/CS/CS/SB 700 — Mental Health

by Appropriations Committee; Criminal Justice Committee; Judiciary Committee; Children and Families Committee; and Senators Peaden, Fasano, Campbell, Smith and Lynn

This bill amends Chapter 394, Part I, F.S., (the Baker Act) to include criteria and a process for involuntary outpatient placement that will allow individuals with mental illness who meet certain criteria to be ordered by the court to participate in community-based mental health treatment. The provisions of s. 394.459, F.S., *rights of patients,* are applicable to persons who have been court ordered to involuntary outpatient placement.

Prior to filing a petition for involuntary outpatient placement, a designated service provider must develop a proposed treatment plan and certify that the services identified in the proposed treatment plan are available in the community. If the services identified in the treatment plan are not available then a petition may not be filed.

If the court concludes that a person meets the criteria for involuntary outpatient placement and services are available, an order is issued for involuntary outpatient placement. The court order is in effect for a period of up to six months and must specify the nature and extent of the person's mental illness. Treatment plans that have been ordered by the court may be modified by the service provider with agreement by the patient or the patient's guardian. However, substantial modifications of the plan which are agreed upon must be reviewed and approved by the court. Non-compliance with court-ordered outpatient treatment may result in the individual being evaluated for involuntary inpatient treatment if he or she is believed to meet the criteria. Effective July 1, 2005, mental health counselors will be allowed to file a certificate for involuntary examination.

A workgroup is to be established to determine the fiscal impact of allowing mental health counselors, who are not currently permitted to seek involuntary examinations, to initiate these examinations. The membership of the workgroup is specified by this bill, and the Florida Mental Health Institute is directed to complete certain aspects of the evaluation and provide information to the workgroup. The workgroup must provide a report of its findings to the Speaker of the House of Representatives and the President of the Senate by March 1, 2005. The workgroup terminates on March 1, 2005.

The Department of Children and Families is also directed to conduct a pilot in District 4 allowing mental health counselors to initiate involuntary examinations and is authorized to spend $75,000 for the pilot project. The data collected during this pilot will be used to evaluate the impact of these professionals initiating involuntary examinations. The pilot will terminate on July 1, 2005.

If approved by the Governor, these provisions, unless otherwise specified take effect January 1, 2005.
Vote: Senate 39-0; House 100-15

CS/CS/SB 2894 — Mental Health and Vocational Rehabilitation Services

by Health, Aging, and Long-Term Care Committee; Children and Families Committee; and Senators Webster and Wilson

This bill amends s. 394.9084, F.S., authorizing the Department of Children and Families (the department or DCF) to continue the client-directed and choice-based pilot in District 4 and to expand the project to three additional districts. This program is to serve adults with serious and persistent mental illness. The department may also implement a family-directed pilot project in one district to provide mental health and support services for children with a serious emotional disturbance who live at home.

The department must establish interagency cooperative agreements and work with the Agency for Health Care Administration (AHCA or the agency), the Division of Vocational Rehabilitation Services (the division) and the Social Security Administration to implement and administer the Florida Self-Directed Care program (FSDCP). This program includes four sub-components: department mental health services, agency mental health services, vocational rehabilitation services, and social security administration.

A managing entity will pay for services that a participant selects from the sub-components of the FSDC program. These services must meet the participant's mental health care and vocational rehabilitation needs and address goals that are identified on the recovery plan. In order to provide support for this program:

- The agency, in collaboration with the department, is directed to seek federal Medicaid waivers;
- The department must seek specified federal funding;
- The division is to seek federal approval to participate in the program;
- The department, agency, and the division are authorized to transfer funds to the program.

The department is directed to take all necessary actions to ensure state compliance with federal regulations.

The FSDC program is to be reviewed by the participating entities on an ongoing basis. The department is directed to implement an evaluation of the program and the minimum requirements for this evaluation are specified in the bill. The evaluation must include recommendations for improvements and may be used to evaluate the waiver program, if a waiver is obtained.

The duration of the pilots is changed from July 1, 2004 to July 1, 2008.

If approved by the Governor, these provisions take effect July 1, 2004.
Vote: Senate 40-0; House 108-0

DEVELOPMENTAL DISABILITIES

HB 1823 — Children and Families

by Future of Florida's Families Committee, Rep. Kallinger, and others (CS/CS/SB 1280 by Appropriations Committee; Children and Families Committee; and Senators Peaden and Lynn)

Sexual Misconduct

This bill creates three new sections (ss. 393.135, 394.4593, and 916.1075, F.S.) of statute that prohibit sexual misconduct by employees with certain clients who receive services provided by the Developmental Disabilities and Mental Health programs within the Department of Children and Families (DCF or the department). The bill provides a definition for sexual misconduct and specifies that sexual misconduct is a second degree felony. A defendant is prohibited from using the consent of the individual as a defense for the charge of sexual misconduct. Sexual misconduct is added to the list of offenses that ban employment if identified as part of Level 1 or 2 screening.

Persons having knowledge of incidents of sexual misconduct are required to make a report to the abuse line. Knowingly or willfully either failing to report sexual misconduct or submitting an inaccurate, incomplete, or untruthful report is a first degree misdemeanor. A person who knowingly or willfully threatens or coerces another to alter testimony or a written report commits a third degree felony. The bill also prohibits the sealing or expunction of criminal history records relating to sexual misconduct.

Developmental Disabilities Program

This bill removes the Developmental Disabilities program from the Department of Children and Family Services (the department or DCF) and establishes the program as "The Agency for Persons with Disabilities" (APD). The newly created agency is to be administratively housed within the department but established as a separate budget entity and is not subject to the control, supervision, or the direction of the department.

The director for this agency is to be appointed by the Governor to administer the affairs of the agency and is authorized to hire staff within available resources.

The agency has programmatic responsibility for the provision of all services for persons with developmental disabilities pursuant to ch. 393, F.S. However, fiscal management of the home and community-based waiver services is to be conducted by the Agency for Health Care

Administration (AHCA). In addition to its responsibilities over all programs, APD retains responsibility for the fiscal management of the developmental disabilities institutions and those community-based services that are currently funded by general revenue.

Effective October 1, 2004, the Developmental Disabilities program and the developmental disabilities institutions programs in the department are to be transferred to the Agency for Persons with Disabilities by a type 2 transfer. Prior to this date, the agency and the department in consultation with the Department of Management Services are to determine the number of positions and the resources within the department dedicated to the program that are to be transferred to the agency and which staff persons from the department are to provide administrative support.

The Director of the Agency for Persons with Disabilities is directed to work in consultation with the Secretaries from DCF and AHCA or their designees to develop a transition plan. This plan is to be submitted to the Executive Office of the Governor and the Legislature by September 1, 2004.

The agency is directed to enter into inter-agency agreements with AHCA and DCF that delineate the responsibilities of each organization. These agreements must also address the operational support of the new agency as well as reimbursement mechanisms. The bill also directs APD, AHCA, and DCF to work together to develop a plan to ensure all necessary electronic and paper-based data is accessible to the Medicaid program. Electronic records are to be migrated to a new system that is compatible with the Florida Medicaid Management Information System.

This bill specifies that a service provider who renders services to a person with developmental disabilities as a part of the waiver program is to be reimbursed based on a methodology developed by AHCA in consultation with the Agency for Persons with Disabilities (APD) and approved by the federal government. The agency is authorized to adopt emergency rules if the costs of the Home and Community-Based waiver services are expected to exceed appropriated funding and in consultation with APD to adjust fees, limit enrollment, reimbursement rates, lengths of stay, number of visits, number of services, or make other adjustments in order to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act.

A plan is to be developed by APD and AHCA for the relocation of the local APD staff to the AHCA area offices. Provisions of the plan are to address leases, reimbursement of collocation costs, office space, and other operating expenses. Further, effective October 1, 2004, APD is to enter into an agreement with DCF for the provision of day-to-day administrative and operational needs until APD is no longer in need of such services.

The Office of Program Policy Analysis and Government Accountability must identify and evaluate statewide entities receiving state funding to provide services for persons with

disabilities. A report from OPPAGA is due to the Governor and the Legislature by December 2005.

Economic Self-Sufficiency

The Department of Children and Family Services is authorized to provide its eligibility determination functions with either department staff or through a contractual agreement with at least two private vendors with specified restrictions. These functions are currently being provided by the Economic Self-Sufficiency Program Office.

If approved by the Governor, unless expressly provided otherwise by this act, these provisions take effect July 1, 2004.
Vote: Senate 39-0; House 116-0

CLIENT ADVOCACY

CS/SB 2674 — Statewide and Local Advocacy Councils

by Children and Families Committee and Senators Wise, Dockery, Saunders, Fasano, Bennett, and Aronberg

This bill establishes the Statewide Advocacy Council (SAC) as an independent agency to be administratively located in the Executive Office of the Governor. The SAC may be assigned for administrative purposes to any Governor's agency. However, the SAC is not subject to the control, supervision, or direction by any state agency providing client services in the performance of its duties. The executive director of the SAC is appointed by and serves at the pleasure of the Governor.

The SAC must develop and maintain inter-agency agreements between the councils and agencies that provide client services. These agreements must address the coordination of efforts and the roles and responsibilities of the SAC and local advocacy council (LAC) with each agency, including the access to records. The SAC is assigned responsibility for the operations of LACs.

In the performance of its duties, the SAC is provided with statutory authority to access all client records, files, and reports from any program, service, or facility that is operated, funded, or contracted by any state agency that provides client services. The local advocacy councils are provided with the same authority as the SAC to access records from facilities, programs, and clients.

The SAC, its three full time positions, expense funding, local councils and the toll-free complaint line are to be transferred by a type two transfer from the Department of Children and Family Services. The Department of Children and Family Services must identify 10 additional full-time positions to be included in the transfer to provide support for the local councils.

If approved by the Governor, these provisions take effect January 1, 2005.
Vote: Senate 39-0; House 112-2