

Committee Substitute for  
Committee Substitute for Senate Bill No. 1454

An act relating to social services; creating the “Local Funding Revenue Maximization Act”; providing legislative intent; defining the term “agency” for purposes of the act; providing requirements for state agencies that provide health services, social services, or human services; providing requirements for the use of certain public revenues as local matching funds and for the uses of federal reimbursements received as a result of the certification of local matching funds; providing for agreements between agencies and local political subdivisions; requiring agencies and local political subdivisions to cooperate in modifying state plans and in seeking and implementing any necessary federal waivers; providing for administrative costs; providing for interest on certain unpaid funds; requiring agencies to submit annual reports to the Governor and to legislative leaders; amending s. 39.202, F.S.; clarifying a right to access to records for certain attorneys and providing a right to access for employees and agents of educational institutions; authorizing the Department of Children and Family Services and specified law enforcement agencies to release certain information when a child is under investigation or supervision; providing an exception; providing that persons releasing such information are not subject to civil or criminal penalty for the release; providing for an additional circumstance for release of otherwise confidential records; amending s. 402.305, F.S.; directing the Department of Children and Family Services to adopt a rule related to child care definition; amending s. 402.40, F.S.; removing Tallahassee Community College as the sole contract provider for child welfare training academies; providing for development of core competencies; providing for advanced training; modifying requirements for the establishment of training academies; providing for modification of child welfare training; creating s. 402.401, F.S.; creating the Child Welfare Student Loan Forgiveness Program; providing for eligibility requirements; providing terms of repayment; amending s. 409.1451, F.S.; providing duties for the Independent Living Services Workgroup; making an exception for personal property of independent living clients; amending s. 409.1671, F.S.; deleting the requirement for contracts for legal services in certain counties; providing for the continuation of privatization of foster care and related services; providing for a readiness assessment and written certification; deleting certain termination of services notice requirements; requiring the payment of certain administrative costs incurred by lead community-based providers; deleting an obsolete effective date; providing for independent financial audits; amending s. 409.16745, F.S.; changing eligibility requirements for participation in the community partnership matching grant program; amending s. 409.175, F.S.; providing for an assessment by a family services counselor and approval by a supervisor, rather than a comprehensive behavioral health assessment, of children in certain family foster homes; amending s. 409.953, F.S.; providing the Department of

Children and Families authority to administer the Refugee Assistance Program; providing for custody determination and placement of unaccompanied refugee minors; amending s. 937.021, F.S.; providing for the filing of police reports for missing children in the county or municipality where the child was last seen; providing for an evaluation of child welfare legal services by the Office of Program Policy Analysis and Government Accountability; providing an effective date.

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

Section 1. Local Funding Revenue Maximization Act; legislative intent; revenue maximization program.—

(1) SHORT TITLE.—This section may be cited as the “Local Funding Revenue Maximization Act.”

(2) LEGISLATIVE INTENT.—

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

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

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

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

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

(3) REVENUE MAXIMIZATION PROGRAM.—

(a) For purposes of this section, the term “agency” means any state agency or department that is involved in providing health, social, or human

services, including, but not limited to, the Agency for Health Care Administration, the Agency for Workforce Innovation, the Department of Children and Family Services, the Department of Elderly Affairs, the Department of Juvenile Justice, and the Florida Board of Education.

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

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

(d) Subject to paragraph (f), any federal reimbursement received as a result of the certification of local matching funds must, unless specifically prohibited by federal law or state law, including the General Appropriations Act, and subject to the availability of specific appropriation and release authority, be returned within 30 days after receipt by the agency by the most expedient means possible to the local political subdivision providing such funding, and the local political subdivision must be provided an annual accounting of federal reimbursements received by the state or its agencies as a result of the certification of the local political subdivision's matching funds. The receipt by a local political subdivision of such matching funds must not in any way influence or be used as a factor in developing any agency's annual operating budget allocation methodology or formula or any subsequent budget amendment allocations or formulas. If necessary, agreements must be made between an agency and the local political subdivision to accomplish that purpose. Such an agreement may provide that the local political subdivision must: verify the eligibility of the local program or programs and the individuals served thereby to qualify for federal matching funds; shall develop and maintain the financial records necessary for documenting the appropriate use of federal funds; shall comply with all applicable state and federal laws, regulations, and rules that regulate such federal services; and shall reimburse the cost of any disallowance of federal funding previously provided to a local political subdivision resulting from the failure of that local political subdivision to comply with applicable state or federal laws, rules, or regulations.

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

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

(g) Each agency, respectively, shall annually submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives, no later than January 1, a report that documents the specific activities undertaken during the previous fiscal year under this section. The report must include, but is not limited to, a statement of the total amount of federal matching funds generated by local matching funds under this section, reported by federal funding source; the total amount of block grant funds expended during the previous fiscal year, reported by federal funding source; the total amount for federal matching fund programs, including, but not limited to, Temporary Assistance for Needy Families and Child Care and Development Fund, of unobligated funds and unliquidated funds, both as of the close of the previous federal fiscal year; the amount of unliquidated funds that is in danger of being returned to the Federal Government at the end of the current federal fiscal year; and a detailed plan and timeline for spending any unobligated and unliquidated funds by the end of the current federal fiscal year.

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

39.202 Confidentiality of reports and records in cases of child abuse or neglect.—

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

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

1. Child or adult protective investigations;
2. Ongoing child or adult protective services;
3. Healthy Start services; or

4. Licensure or approval of adoptive homes, foster homes, or child care facilities, or family day care homes or informal child care providers who receive subsidized child care funding, or other homes used to provide for the care and welfare of children.

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

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

(b) Criminal justice agencies of appropriate jurisdiction.

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

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

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

(f) A court upon its finding that access to such records may be necessary for the determination of an issue before the court; however, such access shall be limited to inspection in camera, unless the court determines that public disclosure of the information contained therein is necessary for the resolution of an issue then pending before it.

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Notwithstanding any other provision of law, when a child under investigation or supervision of the department or its contracted service providers is determined to be missing, the following shall apply:

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

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

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

3. A photograph of the child.

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

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

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

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

402.305 Licensing standards; child care facilities.—

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

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

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

402.40 Child welfare training.—

(1) LEGISLATIVE INTENT.—In order to enable the state to provide a systematic approach to staff development and training for persons providing child welfare services dependency program staff that will meet the needs of such staff in their discharge of duties, it is the intent of the Legislature that the Department of Children and Family Services establish, maintain, and oversee the operation of child welfare training academies in the state. The Legislature further intends that the staff development and training programs that are established will aid in the reduction of poor staff morale and of staff turnover, will positively impact on the quality of decisions made regarding children and families who require assistance from programs providing child welfare services dependency programs, and will afford better quality care of children who must be removed from their families.

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

(a) “Child welfare services” “Dependency program” means any intake, protective investigations, preprotective services, protective services, foster care, shelter and group care, and adoption and related services program, including supportive services, supervision, and legal services, provided to children who are alleged to have been abused, abandoned, or neglected, or who are at risk of becoming, are alleged to be, or have been found dependent pursuant to ch. 39 whether operated by or contracted by the department, providing intake, counseling, supervision, or custody and care of children who are alleged to be or who have been found to be dependent pursuant to chapter 39 or who have been identified as being at risk of becoming dependent.

(b) “Person providing child welfare services” “Dependency program staff” means person who has a responsibility for supervisory, legal, and direct care or support related work in the provision of child welfare services pursuant to ch. 39 staff of a dependency program as well as support staff who have direct contact with children in a dependency program.

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

(4) CHILD WELFARE TRAINING TRUST FUND.—

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

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



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

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

(5) CORE COMPETENCIES.—

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

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

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

(6) ADVANCED TRAINING.—The Department of Children and Family Services shall annually examine the advanced training that is needed by persons who deliver child welfare services in the state. This examination shall address whether the current advanced training provided should be continued and shall include the development of plans for incorporating any revisions to the advanced training determined necessary. This examination shall be conducted in collaboration with professionals with expertise in child welfare services and providers that will be affected by the curriculum, to include, but not be limited to, representatives from the community-based care lead agencies, sheriffs' offices conducting child protection investigations, and child welfare legal services' providers.

(7) CERTIFICATION AND TRAINER QUALIFICATIONS.—The department shall, in collaboration with the professionals and providers described in subsection (5), develop minimum standards for a certification process that ensures that participants have successfully attained the knowledge, skills, and abilities necessary to competently carry out their work responsibilities and shall develop minimum standards for trainer qualifications which must be required of training academies in the offering of the training curricula. Any person providing child welfare services shall be

required to master the components of the curriculum that are particular to that person's work responsibilities.

(8)(5) ESTABLISHMENT OF TRAINING ACADEMIES.—The department shall establish child welfare training academies as part of a comprehensive system of child welfare training. In establishing a program of training, the department may contract for the operation of one or more training academies with Tallahassee Community College to perform one or more of the following: to offer one or more of the training curricula developed under subsection (5); to administer the certification process; to develop, validate, and periodically evaluate additional training curricula determined to be necessary, including advanced training that is specific to a region or contractor, or that meets a particular training need; or to offer the additional training curricula. The number, location, and timeframe for establishment of additional training academies shall be approved by the Secretary of Children and Family Services who shall ensure that the goals for the core competencies and the single integrated curriculum, the certification process, the trainer qualifications, and the additional training needs are addressed. Notwithstanding s. 287.057(5) and (22), the department shall competitively solicit all training academy contracts.

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

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

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

402.401 Florida Child Welfare Student Loan Forgiveness Program.—

(1) There is created the Florida Child Welfare Student Loan Forgiveness Program to be administered by the Department of Education. The program shall provide loan assistance to eligible students for upper-division undergraduate and graduate study. The primary purpose of the program is to attract capable and promising students to the child welfare profession, increase employment and retention of individuals who are working towards or who have received either a bachelor's degree or a master's degree in social work, or any human services subject area that qualifies the individual for employment as a family services worker, and provide opportunities for persons making midcareer decisions to enter the child welfare profession. The State Board of Education shall adopt rules necessary to administer the program.

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

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

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

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

4. If applying for a graduate forgivable loan, have maintained an undergraduate cumulative grade point average of at least a 3.0 on a 4.0 scale or have attained a Graduate Record Examination score of at least 1,000. Renewal applicants for graduate loans shall have maintained a minimum cumulative grade point average of at least a 3.0 on a 4.0 scale for all graduate work and have earned at least 9 semester credits per term, or the equivalent.

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

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

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

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

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

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

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

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

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

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

409.1451 Independent living transition services.—

~~(7) INDEPENDENT LIVING SERVICES INTEGRATION WORKGROUP.—The Secretary of Children and Family Services shall establish the independent living services integration workgroup, which, at a minimum, shall include representatives from the Department of Children and Family Services, the Agency for Workforce Innovation, the Department of Education, the Agency for Health Care Administration, the State Youth Advisory Board, Workforce Florida, Inc., and foster parents. The workgroup shall assess the implementation and operation of the system of independent living transition services and advise the department on actions that would improve the ability of the independent living transition services to meet the established goals. The workgroup shall keep the department informed of problems being experienced with the services, barriers to the effective and efficient integration of services and support across systems, for the transition of older children in foster care to independent living, and successes that the system of independent living transition services has achieved. The department shall consider, but is not required to implement the recommendations of the workgroup. For the 2002-2003 and 2003-2004 fiscal years, the workgroup shall report to the appropriate substantive committees of the Senate and House of Representatives on the status of the implementation of the system of independent living transition services; efforts to publicize the availability of aftercare support services, the Road-to-Independence Scholarship Program, and transitional support services; specific barriers to financial aid created by the scholarship and possible solutions; the success of the services; problems identified; recommendations for department or legislative action; and the department's implementation of the recommendations contained in the Independent Living Services Integration Workgroup Report submitted to the Senate and the House substantive committees December 31, 2002. This workgroup report is to be submitted by December 31, 2003, and December 31, 2004, and shall be accompanied by a report from the department which identifies the recommendations of the workgroup and either describes the department's actions to implement these recommendations or provides the department's rationale for not implementing the recommendations. The workgroup shall recommend methods to overcome these barriers and shall ensure that the state plan for federal funding for the independent living transition services includes these recommendations. The workgroup shall report to appropriate legislative committees of the Senate~~

and the House of Representatives by December 31, 2002. Specific issues and recommendations to be addressed by the workgroup include:

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

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

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

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

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

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

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

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

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

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

409.1671 Foster care and related services; privatization.—

(1)(a) It is the intent of the Legislature that the Department of Children and Family Services shall privatize the provision of foster care and related services statewide. It is further the Legislature's intent to encourage communities and other stakeholders in the well-being of children to participate in assuring that children are safe and well-nurtured. However, while recognizing that some local governments are presently funding portions of certain foster care and related services programs and may choose to expand such funding in the future, the Legislature does not intend by its privatization of foster care and related services that any county, municipality, or special district be required to assist in funding programs that previously have been funded by the state. Counties that provide children and family services with at least forty licensed residential group care beds by July 1, 2003, and provide at least \$2.0 million annually in county general revenue funds to supplement foster and family care services shall continue to contract directly with the state and shall be exempt from the provisions of this section. Nothing in this paragraph prohibits any county, municipality, or special district from future voluntary funding participation in foster care and related services. As used in this section, the term "privatize" means to contract with competent, community-based agencies. The department shall submit a plan to accomplish privatization statewide, through a competitive process, phased in over a 3-year period beginning January 1, 2000. This plan must be developed with local community participation, including, but not limited to, input from community-based providers that are currently under contract with the department to furnish community-based foster care and related services, and must include a methodology for determining and transferring all available funds, including federal funds that the provider is eligible for and agrees to earn and that portion of general revenue funds which is currently associated with the services that are being furnished under contract. The methodology must provide for the transfer of funds appropriated and budgeted for all services and programs that have been incorporated into the project, including all management, capital (including current furniture and equipment), and administrative funds to accomplish the transfer of these programs. This methodology must address expected workload and at least the 3 previous years' experience in expenses and workload. With respect to any district or portion of a district in which privatization cannot be accomplished within the 3-year timeframe, the department must clearly state in its plan the reasons the timeframe cannot be met and the efforts that should be made to remediate the obstacles, which may include alternatives to total privatization, such as public-private partnerships. As used in this section, the term "related services" includes, but is not limited to, family preservation, independent living, emergency shelter, residential group care, foster care, therapeutic foster care, intensive residential treatment, foster care supervision, case management, postplacement supervision, permanent foster care, and family reunification. ~~Unless otherwise provided for, beginning in fiscal year 1999-2000, either the state attorney or the Office of the Attorney General shall provide child welfare legal services, pursuant to chapter 39 and other relevant provisions, in Sarasota, Pinellas, and Pasco, Broward, and Manatee Counties. Such legal services shall commence and be effective, as soon as determined reasonably feasible by the respective state attorney or the Office of the Attorney General, after the privatization~~

of associated programs and child protective investigations has occurred. When a private nonprofit agency has received case management responsibilities, transferred from the state under this section, for a child who is sheltered or found to be dependent and who is assigned to the care of the privatization project, the agency may act as the child's guardian for the purpose of registering the child in school if a parent or guardian of the child is unavailable and his or her whereabouts cannot reasonably be ascertained. The private nonprofit agency may also seek emergency medical attention for such a child, but only if a parent or guardian of the child is unavailable, his or her whereabouts cannot reasonably be ascertained, and a court order for such emergency medical services cannot be obtained because of the severity of the emergency or because it is after normal working hours. However, the provider may not consent to sterilization, abortion, or termination of life support. If a child's parents' rights have been terminated, the nonprofit agency shall act as guardian of the child in all circumstances.

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

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

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

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

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

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

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

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

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

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

(d) In communities where economic or demographic constraints make it impossible or not feasible to competitively contract with a lead agency, the department shall develop an alternative plan in collaboration with the local community alliance, which may include establishing innovative geographical configurations or consortiums of agencies. The plan must detail how the community will continue to implement community-based care through competitively procuring either the specific components of foster care and related services or comprehensive services for defined eligible populations of children and families from qualified licensed agencies as part of its efforts to develop the local capacity for a community-based system of coordinated care. The plan must ensure local control over the management and administration of the service provision in accordance with the intent of this section and may include recognized best business practices, including some form of public or private partnerships, by initiating the competitive procurement process in each county by January 1, 2003. In order to provide for an adequate transition period to develop the necessary administrative and service delivery capacity in each community, the full transfer of all foster care and related services must be completed statewide by December 31, 2004.



~~(f)(d)1. If attempts to competitively procure services through an eligible lead community-based provider as defined in paragraph (e) do not produce a capable and willing agency, the department shall develop a plan in collaboration with the local community alliance. The plan must detail how the community will continue to implement privatization, to be accomplished by December 31, 2004, through competitively procuring either the specific components of foster care and related services or comprehensive services for defined eligible populations of children and families from qualified licensed agencies as part of its efforts to develop the local capacity for a community-based system of coordinated care. The plan must ensure local control over the management and administration of the service provision in accordance with the intent of this section and may include recognized best business practices, including some form of public or private partnerships. In the absence of a community alliance, the plan must be submitted to the President of the Senate and the Speaker of the House of Representatives for their comments.~~

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

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

(3)(a) In order to help ensure a seamless child protection system, the department shall ensure that contracts entered into with community-based agencies pursuant to this section include provisions for a case-transfer process to determine the date that the community-based agency will initiate the appropriate services for a child and family. This case-transfer process must clearly identify the closure of the protective investigation and the initiation of service provision. At the point of case transfer, and at the conclusion of an investigation, the department must provide a complete summary of the findings of the investigation to the community-based agency.

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

~~ten notification to the provider must be provided before the case closure date.~~

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

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

(4)(a) The department shall establish a quality assurance program for privatized services. The quality assurance program shall be based on standards established by a national accrediting organization such as the Council on Accreditation of Services for Families and Children, Inc. (COA) or CARF—the Rehabilitation Accreditation Commission. The department may develop a request for proposal for such oversight. This program must be developed and administered at a statewide level. The Legislature intends that the department be permitted to have limited flexibility to use funds for improving quality assurance. To this end, ~~effective January 1, 2000~~, the department may transfer up to 0.125 percent of the total funds from categories used to pay for these contractually provided services, but the total amount of such transferred funds may not exceed \$300,000 in any fiscal year. When necessary, the department may establish, in accordance with s. 216.177, additional positions that will be exclusively devoted to these functions. Any positions required under this paragraph may be established, notwithstanding ss. 216.262(1)(a) and 216.351. The department, in consultation with the community-based agencies that are undertaking the privatized projects, shall establish minimum thresholds for each component of service, consistent with standards established by the Legislature and the Federal Government. Each program operated under contract with a community-based agency must be evaluated annually by the department. The department shall, to the extent possible, use independent financial audits provided by the community-based care agency to eliminate or reduce the ongoing contract and administrative reviews conducted by the department. The department may suggest additional items to be included in such independent financial audits to meet the department's needs. Should the department determine that such independent financial audits are inadequate, then other audits, as necessary, may be conducted by the department. Nothing herein shall abrogate the requirements of s. 215.97. The department shall submit an annual report regarding quality performance, outcome measure attainment, and cost efficiency to the President of the Senate, the Speaker of the House of Representatives, the minority leader of each house of the Legislature, and the Governor no later than January 31 of each year for each project in operation during the preceding fiscal year.

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

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

409.16745 Community partnership matching grant program.—It is the intent of the Legislature to improve services and local participation in community-based care initiatives by fostering community support and providing enhanced prevention and in-home services, thereby reducing the risk otherwise faced by lead agencies. There is established a community partnership matching grant program to be operated by the Department of Children and Family Services for the purpose of encouraging local participation in community-based care for child welfare. Any children’s services council or other local government entity that makes a financial commitment to a community-based care lead agency is eligible for a grant upon proof that the children’s services council or local government entity has provided the selected lead agency at least ~~\$250,000~~ \$825,000 in start-up funds, from any local resources otherwise available to it. The total amount of local contribution may be matched on a two-for-one basis up to a maximum amount of \$2 million per council or local government entity. Awarded matching grant funds may be used for any prevention or in-home services provided by the children’s services council or other local government entity that meets temporary-assistance-for-needy-families’ eligibility requirements and can be reasonably expected to reduce the number of children entering the child welfare system. To ensure necessary flexibility for the development, start up, and ongoing operation of community-based care initiatives, the notice period required for any budget action authorized by the provisions of s. 20.19(5)(b), is waived for the family safety program; however, the Department of Children and Family Services must provide copies of all such actions to the Executive Office of the Governor and Legislature within 72 hours of their occurrence. Funding available for the matching grant program is subject to legislative appropriation of nonrecurring ~~temporary-assistance-for-needy-families~~ funds provided for the purpose.

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

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

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

(b) If the total number of children in a family foster home will exceed five, including the family’s own children, ~~an a-comprehensive behavioral health assessment of each child to be placed in the home must be completed by a family services counselor and approved in writing by the counselor’s supervisor prior to placement of any additional children in the home, except that, if the placement involves a child whose sibling is already in the home or a~~

child who has been in placement in the home previously, the assessment must be completed within 72 hours after placement. The comprehensive behavioral health assessment must comply with Medicaid rules and regulations, assess and document the mental, physical, and psychosocial needs of the child, and recommend the maximum number of children in a family foster home that will allow the child's needs to be met.

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

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

409.953 Rulemaking authority for refugee assistance program.—

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

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

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

937.021 Missing child reports.—

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

(2) A police report that a child is missing may be filed with the law enforcement agency having jurisdiction in the county or municipality in which the child was last seen prior to the filing of the report, without regard to whether the child resides in or has any significant contacts with that county or municipality. The filing of such a report shall impose the duties specified in subsection (1) upon that law enforcement agency.

Section 12. The Office of Program Policy Analysis and Government Accountability shall prepare an evaluation of child welfare legal services to be

submitted to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the Chief Justice of the Supreme Court, by December 31, 2003. The evaluation shall consider different models of provision of legal services in dependency proceedings on behalf of the state, including representation by other government, for profit, or not for profit entities, and include discussion of the organizational placement on the cost and delivery of providing these services; the organizational placement's effect on communication between attorneys and caseworkers; the ability to attract, retain and provide professional development opportunities for experienced attorneys; and the implications of each model for the attorney's professional responsibilities. Following receipt of the report of this evaluation and until directed otherwise by the Legislature, the department shall maintain its current delivery system for the provision of child welfare legal services.

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

Approved by the Governor June 12, 2003.

Filed in Office Secretary of State June 12, 2003.