

## **SUBSTANCE ABUSE AND MENTAL HEALTH**

### **HB 2003 — Mental Health and Substance Abuse**

by Children & Families Committee and Rep. Murman and others (CS/SB's 2388 & 1946 by Children & Families Committee and Senators Mitchell and Diaz-Balart; SB 242 by Children & Families Committee; and CS/SB 2546 by Children & Families Committee and Senator Holzendorf)

This bill includes the following major provisions:

#### ***Mental Health and Substance Abuse Unit Cost Contracting***

- Authorizes the Department of Children and Family Services to use unit cost methods of payment in contracts for purchasing mental health and substance abuse services and allows them to reimburse actual expenditures for start-up contracts and fixed capital outlay contracts in accordance with contract specifications.
- Provides rule-making authority to the department for establishing standards for contracting, budgeting, methods of payment and the accounting of patient fees that are earned on behalf of a specific client.

#### ***Commission on Mental Health and Substance Abuse (CS/SB's 2388 & 1946)***

- Creates the Commission on Mental Health and Substance Abuse to conduct a systematic review of the overall management of the state's mental health and substance abuse system in order to revise ch. 394, part IV, F.S, and submit a final report with proposed statutory modifications to the Governor and the Legislature no later than December 1, 2000. The review will address: the unique mental health and substance abuse needs of older persons; access to, financing of, and the scope of responsibility in the delivery of emergency behavioral health care services; quality and effectiveness of the current comprehensive mental health and substance abuse delivery systems including the professional staffing and clinical structure and the responsibilities of all public and private providers; priority population groups for publicly funded mental health and substance abuse services; district mental health and substance abuse needs assessment and planning activities; and local government responsibilities for funding mental health and substance abuse services.

- At least one advisory committee will be appointed of all state agencies involved in the delivery of mental health and substance abuse services, and consumers, family members of consumers, and current providers of public mental health and substance abuse services.

***Diversion Strategies for Persons with Mental Health Problems Who Commit Misdemeanors (SB 242)***

- Directs that strategies and community alternatives be defined in each service district of the Department of Children and Family Services for diverting from the criminal justice system to the civil Baker Act system persons with mental illness who are arrested for a misdemeanor. Each district's strategies are to be developed through written cooperative agreements among the department, the judicial and criminal justice systems, and the local mental health providers. The Louis de la Parte Florida Mental Health Institute is directed to review strategies in Florida and other states and to recommend to the Legislature those strategies that are most effective.
- Directs the Florida Department of Law Enforcement and the Department of Children and Family Services to jointly evaluate current training curricula and training efforts for law enforcement officers in identifying mental illness and submit a joint report by December 31, 1999, that includes findings and recommendations for improvements.
- Directs the Louis de la Parte Florida Mental Health Institute to study the concept of increasing court jurisdiction and supervision over persons with mental illness who are arrested for or convicted of a misdemeanor to assure compliance with an approved individualized treatment or service plan and prepare a report which includes recommendations for statutory changes or departmental policy changes by December 31, 1999.
- Directs the district forensic coordinators of the Department of Children and Family Services to assess the provision of in-jail mental health diagnostic and treatment services and report to the Legislature by December 31, 1999, its findings, conclusions, and recommendations including any proposed statutory revisions.
- Directs the Louis de la Parte Florida Mental Health Institute to evaluate the effectiveness of the specialized mental health court established in Broward County to determine client and system outcomes and cost efficiencies and report to the Legislature the findings of the evaluation, recommendations for establishing similar special courts in other judicial circuits, and any recommendations for statutory revisions.

- Specifies that \$100,000 of general revenue be appropriated in the General Appropriations Act for Fiscal Year 1999-2000 to the Department of Children and Family Services for studying the concept of increasing court jurisdiction and supervision over persons with mental illness arrested for or convicted of a misdemeanor, evaluating the effectiveness of the specialized mental health court in Broward County, and providing consultation to the communities in the development of their diversion strategies.

### ***Children's Substance Abuse Services***

This bill modifies children's substance abuse treatment services in the following manner:

- Implements a quality assurance program as part of the department's contract management process.
- Specifies performance outcomes for the children's substance abuse system.
- Defines "children at risk of substance abuse problems" and "children with substance abuse problems."
- Establishes an information and referral network for children's substance abuse services that is incorporated into the district's child and adolescent mental health information and referral network.
- Specifies provisions for case management services for complex substance abuse cases that are contingent upon specific appropriations.
- Establishes demonstration models for children's substance abuse services and specifies goals and operational criteria.
- Defines a utilization management process (an integral part of the each Children's Network of Care Demonstration Model) that includes procedures for analyzing the allocation and use of resources by the purchasing agent.
- Establishes a school substance abuse prevention partnership grant program to encourage the development of effective substance abuse prevention and early intervention strategies with middle-school-age children.
- Establishes the drug-free communities support match grants to assist local community coalitions to secure federal drug-free communities support grants by providing needed match.

If approved by the Governor, these provisions take effect July 1, 1999.

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

## **DEVELOPMENTAL DISABILITIES**

### **CS/SB 2214 — Persons with Developmental Disabilities**

by Children & Families Committee and Senators Forman and Sullivan

The major provisions of this bill include the following:

- It is a finding of the Legislature that the eligibility criteria for Intermediate Care Facilities for the Developmentally Disabled (ICF/DD) contained in Florida's Medicaid state plan that are in effect when the act becomes law are essential to the system of residential services for persons with developmental disabilities.
- The definition of "Intermediate Care Facility for the Developmentally Disabled Services" in s. 409.906, F.S., Optional Medicaid Services, is modified by deleting the provision that these facilities are owned and operated by the state and specifying that these facilities are licensed and certified as a "Medicaid Intermediate Care Facility for the Developmentally Disabled." The Governor may direct the Agency for Health Care Administration to amend the Medicaid State Plan by deleting the optional Medicaid ICD/DD service if it is necessary to safeguard the state's systems of providing services to elderly and disabled persons which must be done under the notice and review provisions of s. 216.177, F.S. Services to disabled persons are included in the preauthorization and concurrent utilization review process and the conflict of interest standards developed and enforced by the Agency for Health Care Administration.
- Statutory authority is established in ch. 400, F.S., for the licensure of Intermediate Care Facilities for the Developmentally Disabled. Provisions are included for elements such as background screening, a provisional license, proof of financial ability to operate a facility or program under ch. 400, F.S., specifications of the application, grounds for action against a licensee, receivership proceedings, rules and classification of deficiencies, right of entry into the premises for inspecting facilities, injunctive proceedings, imposing a moratorium, and penalty fines. Administrative fines are increased for facilities licensed under ch. 393, F.S., from \$500 to \$1,000 per violation per day and the aggregate amount of any fine may not exceed \$10,000 rather than \$5,000.
- The Department of Children and Family Services must assess the level of need and medical necessity for the admission of residents to ICF/DD facilities after

October 1, 1999. The department may enter into an agreement with the Department of Elderly Affairs for the Comprehensive Assessment and Review for Long-Term Care Services (CARES) program to conduct these assessments that will be funded under Title XIX of the Social Security Act to the extent that is permissible under federal law.

- The Department of Children and Family Services and the Agency for Health Care Administration must ensure that whenever a sufficient number of persons move from an institution serving persons with developmental disabilities allowing an entire residential unit to close, no less than 80 percent of the direct costs of providing services to those persons who had resided on that unit will be transferred to community services.
- The Department of Children and Family Services may use appropriations for developmental services to design a system of providing services for persons with developmental disabilities that is consumer-directed and choice-based. The department is directed to institute not more than three pilot programs to test this payment model. Each of these models must be structurally different. A progress report to the appropriate legislative committees must be submitted by the department by December 1, 2000, and by December 1, 2001. These pilot programs will be reviewed by the Legislature prior to July 1, 2001, and on that date, the section of the bill containing the pilot programs is repealed.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 40-0; House 117-0*

## **CHILDREN/CHILD PROTECTION**

### **CS/CS/SB 338 — Protection of Children**

by Children & Families Committee; Fiscal Policy Committee; and Senator Cowin

This bill creates the Kayla McKean Child Protection Act which addresses gaps in the statutory framework of Florida's child protection system. The legislation includes provisions relating to the central abuse hotline of the Department of Children and Family Services; child protective investigations; child protection teams; community-based agencies under contract with the department; and criminal penalties relating to the abuse of a child. The bill creates the State and local Child Abuse Death Review Committees. The major provisions of the bill include the following:

***Abuse Reports***

- Adding judges to the list of occupational groups who must report child abuse, abandonment, or neglect.
- Requiring the department to accept for investigation any report alleging harm as defined in s. 39.01, F.S., from a judge, physician, teacher or other professional school official who is acting in his or her professional capacity.
- Requiring the department to simultaneously notify the appropriate law enforcement agency in the county in which the abuse, abandonment, or neglect is believed to have occurred so that law enforcement may determine if a criminal investigation of the case is warranted and, if so, coordinate their investigation whenever possible with the child protective investigation.
- Requiring the department to voice-record all incoming and outgoing calls that are received or placed by the central abuse hotline which becomes part of the record of the report and is subject to the same confidentiality as the identify of the caller under s. 39.202, F.S.
- Requiring the department to contract with an independent entity to evaluate the hotline to determine its effectiveness and efficiency and address the need to monitor the hotline on an ongoing basis and if an ongoing evaluation is recommended to propose the monitoring process.
- Appropriating to the Department of Children and Family Services for FY 1999-2000, eight full-time equivalent positions and \$216,931 from recurring General Revenue Funds, \$457,896 from nonrecurring General Revenue funds, and \$155,764 from Federal Grants Trust Fund to implement modifications to the central abuse hotline including quality assurance enhancements and an evaluation of the abuse hotline by an independent entity.

***Child Protective Investigations/Removing the Child from the Home***

- Including in the definition of “harm” placing the child with another person/making the child unavailable in order to impede or avoid a protective investigation.
- Requiring the department to maintain a master file for each child whose report is accepted by the abuse hotline for investigation.

- Directing the department to develop an internal operating procedure that ensures that all required investigatory activities are completed and reviewed in a timely manner and signed and dated by the investigator and the supervisor.
- Requiring that the assessment of risk of the child include a face-to-face interview with the child, other siblings, parents, and other adults in the household and an onsite assessment of the child's residence.
- Requiring that onsite visits and face-to-face interviews with the child or family be unannounced unless it would threaten the safety of the child.
- Directing the department to adopt a rule that specifies factors requiring the department to take the child into custody or petition the court for removal of the child from the home or to conduct an administrative review if the child is not taken into custody or a petition is not filed with the court.
- Authorizing the court to continue a child in shelter care for up to 72 additional hours in order for the court to obtain and review critical documents.
- Requiring the department to provide to the court at the shelter hearing copies of any available law enforcement, medical, or other professional reports and pertinent abuse hotline reports pursuant to state and federal confidentiality requirements.
- Requiring the department to inform the court at the shelter hearing of specific information such as current or previous case plans and any problems with compliance, any delinquency adjudication of the parents or caregivers and all of the child's places of residence during the past 12 months.
- Requiring the Office of Program Policy Analysis and Government Accountability to analyze and report on all cases for which an administrative review is conducted under s. 39.301(12)(c), F.S., and the Department of Children and Family Services does not take the child into custody or file a petition under ch. 39, F.S. Data and data analyses are compiled quarterly and submitted to the Legislature by January 1, 2000 and January 1, 2001.

### ***Child Protection Teams***

- Including representatives of school districts in the group of professionals that may constitute child protection teams.
- Requiring rather than permitting that certain reports of child abuse, abandonment, and neglect be referred to the child protection teams for a medical evaluation.

- Specifying that a child of any age with bruises, burns, or fractures who is the subject of an abuse report be referred to the child protection team rather than only those children under 3 years or for whom no plausible explanation for an injury is given.
- Specifying that a child with injuries to the head who is the subject of a report be referred to the child protection team.
- Requiring that all cases of abuse and neglect transmitted for investigation to a district by the hotline be simultaneously transmitted to the Department of Health child protection team for review; all cases referred to the child protection team meeting the criteria in s. 39.303(2), F.S., must be timely reviewed by a board certified pediatrician or registered nurse practitioner who is under the supervision of the board certified pediatrician; a face to face medical evaluation is not necessary in these cases *only* if the examining physician and the child protection team pediatrician or nurse practitioner conclude that further medical evaluation is not necessary.
- Requiring that the Department of Health in consultation with the Department of Children and Family Services and the Florida Association of Counties to develop a plan, describing the resources necessary from both the county and the state, to provide adequate support for child protection teams in each county in Florida and providing that the Department of Health submit the plan to the Governor and Legislature by October 1, 1999.
- Appropriating to the Department of Health for FY 1999-2000 three full-time equivalent positions and \$2,413,234 from recurring General Revenue Funds and \$435,862 from nonrecurring General Revenue funds to implement provisions relating to the child protection teams and for staff, consultants, and expenses associated with the state and local Child Abuse Death Review Committees.

***Provision of Child Protection Services By Private Providers***

- Establishing a case transfer process between the community-based agency and the department that helps assure a seamless child protection system by clearly identifying the closure of the protective investigation and the initiation of service by the community-based agency.
- Requiring that each community-based agency under contract with the department furnish status reports of its cases to the department and notify the department in writing when services are discontinued.

- Requiring that the department provide the community-based agency with a complete summary of the findings of the investigation when the case is transferred to the agency and that the agency provide a written case summary to the department within 7 days after discontinuing services.
- Requiring that the annual contract between the department and community-based agencies include provisions specifying procedures for resolving their differences concerning interpretations of the contract or to resolve disputes as to the adequacy of their compliance with respective obligations under the contract.

### ***Child Abuse Death Review***

Establishing a State Child Abuse Death Review Committee within the Department of Health and local child abuse death review committees that will be responsible for:

- Reviewing the facts and circumstances of all deaths of children from birth through 18 years of age which occur as a result of child abuse or neglect and for whom at least one report of abuse or neglect was accepted by the central abuse hotline.
- Developing a better understanding of the causes and contributing factors of deaths resulting from child abuse and developing a communitywide approach to addressing these cases and contributing factors.
- Identifying gaps, deficiencies, or problems in the delivery of services to children and families by public and private agencies and making recommendations for improvement to laws, policies, and professional practices.
- Collecting data on child abuse deaths and preparing an annual report on the incidence and causes of death resulting from child abuse.
- Educating the public on the Kayla McKean Child Protection Act and ways by which child deaths from abuse or neglect may be prevented.

### ***Criminal Penalties***

- Increasing the penalty from a second degree misdemeanor to a first degree misdemeanor for persons who knowingly and willfully fail to report child abuse, abandonment, or neglect.
- Creating the penalty of third degree felony for persons who are 18 years of age or older who live in the same house or living unit as a child known or suspected to be a victim of abuse and who knowingly and willfully fail to report the abuse unless the

court finds that the person is a victim of domestic violence or that other mitigating circumstances exist.

- Providing that a person who assists the perpetrator of child abuse, neglect of a child, aggravated child abuse, aggravated manslaughter of a child under 18 years of age, or murder of a child under 18 years of age is an accessory after the fact unless the court finds that the person is a victim of domestic violence.
- Changing the penalty for aggravated child abuse from second degree felony to first degree felony.
- Modifying the Offense Severity Ranking chart by moving “aggravated child abuse” from Level 8 to Level 9 and by moving “aggravated manslaughter of a child” from Level 9 to Level 10, which will serve to increase the lowest sentence a judge is authorized to impose upon an offender.

If approved by the Governor, these provisions take effect July 1, 1999.

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

### **CS/CS/SB 1666 — Child Protection**

by Judiciary Committee; Children & Families Committee; and Senator Mitchell

This bill contains the following major provisions:

- Amends ch. 39, F.S., to make technical and necessary changes correcting errors and inconsistencies resulting from the major reorganization of the chapter during the 1998 legislative session (ch. 98-403, L.O.F.). It clarifies the definitions, roles, obligations and rights of parents, legal custodians and caregivers depending on their involvement in proceedings under ch. 39, F.S.
- Amends s. 39.508(3)(a), F.S., 1998 Supp., to provide that the Department of Children and Family Services may place a child in a foster home which otherwise meets licensing requirements if state and local records checks do not disqualify the applicant and the Department of Children and Family Services has submitted fingerprints to Florida Department of Law Enforcement for forwarding to the Federal Bureau of Investigation and are awaiting the results of the federal criminal records check.
- Amends s. 39.0134, F.S., 1998 Supp., to provide that a county may acquire and enforce a lien upon court-ordered payment of attorney’s fees and costs for court-appointed counsel, in accordance with the procedure in s. 984.08, F.S., relating to recovery of attorney’s fees in indigency cases for children and families in need of services.

- Amends s. 39.506, F.S., 1998 Supp., to allow a default consent to dependency adjudication to be entered in the event a person who is ordered to appear at a subsequent adjudication hearing fails to appear. It clarifies time frames for filing dependency petitions, setting arraignment and adjudicatory hearings, and placing children in shelter care or out-of-home care.
- Amends s. 921.0024, F.S., 1998 Supp., to require, rather than allow, the court to apply the current sentencing enhancer under the Criminal Punishment Code (subtotal sentence points are multiplied by 1.5) when the primary offense is an act of domestic violence committed in the presence of a child under 16 years of age by a family member. (CS/SB 246)
- Amends s. 901.15, F.S., 1998 Supp., to provide a preferred arrest policy for domestic violence cases by providing that the decision to arrest does not require the consent of the victim or consideration of the relationship of the parties. (CS/SB 246)
- Amends s. 784.046, F.S., to provide that the parent or legal guardian of a minor child who is living at home has standing in circuit court to seek an injunction for protection against repeat violence on behalf of that child if the parent was an eye witness to, or has other direct physical evidence of the facts and circumstances, related to that incident.
- Amends s. 409.26731, F.S., by removing the provision that authorizes the Department of Children and Family Services to certify local funds as state match for children's mental health services funded by Medicaid. The Department of Children and Family Services is authorized to certify local funds as state match for eligible Title IV-E expenditures in excess of the amount of state general revenue matching funds appropriated in the General Appropriations Act for services to this population and is allowed to retain up to 5 percent of these earnings for administrative purposes. (CS/SB 2462)

If approved by the Governor, these provisions take effect July 1, 1999.

*Vote: Senate 38-1; House 118-0*

**CS/CS/SB 660 — Foster Care and Related Services**

by Governmental Oversight & Productivity Committee; Children & Families Committee; and Senators Brown-Waite and McKay

This bill primarily addresses several issues associated with the privatization of foster care and related services. These issues include excess federal funds earned by the community-based providers and the Department of Children and Family Services, liability insurance of community-based providers under contract with the Department of Children and Family Services to provide these services, adversely affected employees of the Department of Children and Family Services who currently provide these services, the implementation date for privatizing these services in District 5 (Pinellas and Pasco Counties), and pilot projects for testing child-welfare targeted case-management.

This bill addresses documented federal funds earned for the current fiscal year by the department and community-based agencies that were under privatization contracts as of July 1, 1999. The bill specifies that earnings exceeding the amount appropriated by the Legislature must be distributed to all entities contributing to the excess earnings based on a schedule and methodology developed by the department and approved by the Executive Office of the Governor. These excess earnings may be used only in the district in which they were earned and contracts must be amended to permit the expenditure of funds. This program is authorized for a period of 3 years beginning July 1, 1999, and ending June 30, 2002, and the Office of Program Policy Analysis and Government Accountability must review the program and report to the Legislature by December 31, 2001.

Eligible lead community-based providers and their subcontractors must obtain a minimum of \$1 million per claim, \$3 million per incident in general liability insurance coverage. Limitations are specified for tort actions brought against an eligible lead community-based provider and subcontractor and a claims bill may be brought on behalf of a claimant pursuant to s. 768.28, F.S., for any amount exceeding the limits specified in s. 409.1671(1)(d), F.S. Lead community-based providers are not liable in tort for the acts or omissions of subcontractors or the officers, agents, or employees of its subcontractors. These immunities are not applicable to a provider or subcontractor who acts in a culpably negligent manner or with willful and wanton disregard or unprovoked physical aggression when these acts result in injury or death or these acts proximately cause injury or death. Culpable negligence is defined as reckless indifference or grossly careless disregard of human life. These immunities do not apply to employees when operating in furthering the provider's business but assigned primarily to unrelated works within private or public employment. Conditional limitations on damages will be increased at the rate of 5 percent each year and prorated from the effective date of the bill to the date at which damages subject to these limitations are awarded by final judgment or settlement.

This bill also includes provisions from CS/SB 2250. The duties of the child welfare estimating conference are modified by specifying that forecasts may be developed for the placements in which abused, neglected, or abandoned children may be placed such as emergency shelter, foster care, residential group care, adoptive services, or other appropriate care and specifies that factors other than the actual reports made to the abuse hotline may be considered in projecting the future number of initial and additional reports of abuse, abandonment, or neglect made to the abuse hotline.

The bill specifies that while it is the intent of the Legislature that communities and other stakeholders participate in assuring that children are safe and well nurtured, the Legislature does not intend that any county, municipality, or special district be required to assist in funding privatization of foster care and related services but may participate in voluntary funding of those programs.

Broward County is added to those designated counties that either the state attorney or the Office of the Attorney General shall provide child welfare legal services.

The bill changes the date for the department's implementation of privatized foster care and related services in District 5 (Pinellas and Pasco Counties). That date changes from December 31, 1999, to June 30, 2000, which provides 6 additional months for phasing in privatized services.

Employees of the Department of Children and Family Services who provide foster care and related services whose positions are being privatized must be given hiring preference by the private providers if those persons meet the provider's qualifications.

A licensed family foster home under contract with a lead agency may also be licensed as a family day care home if certain requirements are met. These homes would be able to receive the subsidized child care rate which would increase their monthly income from the state of Florida by approximately \$260 per child.

The Agency for Health Care Administration, in consultation with the Department of Children and Family Services, is authorized to establish a targeted case management pilot project in those counties identified by the department, and for the community-based child welfare project in Sarasota and Manatee Counties as authorized under s. 409.1671, F.S., 1998 Supp. The group of persons eligible to receive targeted case management will be Medicaid eligible children, ages 0-21, who are under protective or post placement supervision, foster care supervision or who are in shelter or foster care. These children eligible under the Medicaid program to receive targeted case management services will be limited to the group for whom the department has available match to cover the costs. The general revenue required for match for services provided by the community-based child

welfare projects is limited to funds available for services described under s. 409.1671, F.S., 1998 Supp.

This bill also includes provisions contained in SB 1448 concerning goals for children in shelter or foster care. Legislative intent is specified that establishes goals for children in shelter or foster care. These goals include things such as: receiving a copy of these goals when placed in the custody of the department; enjoying individual dignity, liberty, pursuit of happiness, and protection of their civil and legal rights as persons in the custody of the state; having their privacy protected through uncensored communication; having personnel provide services to them who are qualified and experienced in delivering child protection services; remaining in the custody of their parents or legal custodians unless a determination is made by a qualified person that removal is necessary to protect physical, mental or emotional safety; referring to and receiving services for medical, emotional, psychological, psychiatric, and educational evaluations and treatment as soon as practical after identification of need; being placed in a home with no more than one other child, unless they are part of a sibling group; being the subject of a plan developed by the counselor and shelter or foster caregiver to address identified behaviors that may present a risk to the child or others; being involved and incorporated, where appropriate, in the development of a case plan that addresses specific needs and objecting to any of those provisions; receiving a free and appropriate education; and enjoying regular visitation with siblings on a weekly basis and parents on a monthly basis unless the court orders otherwise.

The bill specifies that nothing in s. 39.4085, F.S., may be interpreted as requiring the delivery of services or level of service in excess of existing appropriations. No person shall have a cause of action against the state or its subdivisions, agencies, contractors, subcontractors, or agents based upon the adoption of or failure to provide adequate funding for the achievement of goals for dependent children by the Legislature.

If approved by the Governor, these provisions take effect upon becoming law.

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

### **SB 750 — Child Care**

by Senators Forman and Klein

This bill creates the “Jeremy Fiedelholz Safe Day Care Act,” creates new criminal offenses and substantially modifies the existing criminal offense in s. 402.319, F.S. (relevant to penalties for violation of the child care statutes). This bill:

- Adds “family day care home” to the various current and new offenses,

- Creates a first-degree misdemeanor offense for making a misrepresentation, by act, regarding the licensure or operation of a child care facility or family day care home to a parent or guardian who places a child in the facility or a parent or guardian who is inquiring regarding placement of a child in the facility, and
- Creates a second-degree felony (15-year maximum prison sentence) when a child care personnel makes a misrepresentation to a parent or guardian who has placed a child in the child care facility or family day care home and the parent or guardian relied upon the misrepresentation and the child suffers great bodily harm, permanent disfigurement, permanent disability or death as a result of an intentional act or by negligence by the child care personnel. This felony is added to the offense severity ranking chart.

If approved by the Governor, these provisions take effect October 1, 1999.

This bill also gives the Department of Education more flexibility in negotiations and in establishing higher quality child care programs for those programs located in state owned office buildings.

If approved by the Governor, these provisions take effect October 1, 1999 except as otherwise provided.

*Vote: Senate 40-0; House 115-1*

### **HB 869 — Child Care**

by Children & Families Committee and Rep. Murman and others (CS/SB 2092 by Children & Families Committee and Senator Sebesta)

This bill facilitates child care quality improvements and does the following:

- Provides for a tax exemption for a child care facility operating in an enterprise zone;
- Provides a sales tax exemption for educational materials purchased by child care facilities that qualify as Gold Seal Quality Care programs and provide health insurance to their employees;
- Provides that, for the purpose of ad valorem tax exemption, certain licensed child care facilities be considered an educational institution;
- Defines the term “large family child care home” as a residence in which has at least two full-time child care personnel and in which child care is provided for eight to 12 children;

- Provides a staff-child ratio for large family child care homes;
- Provides a maximum \$1000 fine for large family child care home operators who fail to comply with licensing requirements;
- Requires that minimum staff training requirements (for licensure) of child care personnel and operators of family day care homes will include an approved 40 hour (increased from 30 hours) introductory course in child care;
- Requires that the minimum information a registered family day care home must provide will include proof of completion of a 30 hour training course (up from 3 hours);
- Specifies a 40 hour introductory training course in group child care for large family child care home operators;
- Allows licensed Gold Seal certified child care providers to be reimbursed at the market rate for child care services for children who are eligible to receive subsidized child care;
- Expands subsidized child care from 150 percent to 200 percent of the federal poverty level for participants in the Child Care Executive Partnership Program;
- Establishes a framework for the observational and developmental assessment of young children;
- Establishes an Early Head Start Collaboration Grants program to assist in securing Head Start grants;
- Allows for the Departments of Health and Children and Family Services to develop minimum standards for the establishment of specialized child care facilities to care for mildly ill children;
- Creates a statewide toll-free “Warm Line” to provide consultation to child care centers and family day care homes; and
- Directs the Department of Insurance to study and report on the feasibility of making affordable health insurance available to staff of child care providers.

If approved by the Governor, these provisions take effect July 1, 1999.

*Vote: Senate 40-0; House 115-0*

## **CHILD SUPPORT**

### **HB 2149 — Child Support**

by Family Law & Children Committee and Rep. Roberts and others (CS/CS/SB 808 by Children & Families Committee; Fiscal Policy Committee; and Senator Diaz-Balart)

The bill amends sections of ch. 61 and ch. 409, F.S., relating to child support enforcement. This bill:

- Provides a time frame (15 days) related to the suspension of an obligor's driver's license or motor vehicle registration as a result of a delinquency in child support payments;
- Requires that the full names, dates of birth, and social security numbers of any minor children be included as a separate attachment to the pleading for dissolution of marriage and to child support orders;
- Clarifies that, once the State Disbursement Unit becomes operational, all payments will be delivered and payable to the State Disbursement Unit and that non-Title IV-D cases will continue to pay a service charge for the administration, management, and maintenance of the State Disbursement Unit;
- Allows for 50 percent of the actual, documented net cost, or for specific funds set aside (whichever is greater), to be paid to recompense full participation in the State Disbursement Unit for Miami-Dade, Seminole, and Collier Counties and states that such funds will be reimbursed by the Court Child Support Enforcement Collection System Trust Fund;
- Redefines a family violence indicator as it relates to information provided to the State Case Registry;
- Amends language regarding penalties for failure to comply with the State Case Registry to clarify that the failure to comply will subject the county officer or officers responsible to sanctions as provided in the State Constitution and to clarify that an officer will not be subject to sanctions for a noncurable default resulting from conditions outside the control of the depository;
- States that in public assistance cases, as in non-public assistance cases, retroactive child support obligations are determined in accordance with the child support guidelines and clarifies that such amount will be deposited into the General Revenue Fund;

- Requires the inclusion of the “average daily account balance” in the information that financial institutions must provide to the Department of Revenue for an obligor who owes past due child support and includes an appropriation for this purpose;
- Removes the obsolete statutory requirement that the Department of Revenue and the Department of Insurance enter into cooperative agreements to share insurance information;
- Provides the Department of Revenue the statutory authority to impose a fine for failure to comply with a subpoena for information necessary to establish, modify, or enforce a child support order;
- Gives the Department of Revenue authority to establish rules with regard to overpayment;
- Authorizes the Department of Revenue to provide information from the parent locator service to any agency providing child support enforcement services to non-Title IV-D clients and includes an appropriation for this purpose;
- Redefines automated administrative enforcement to be consistent with federal law; and
- Provides that any non-citizen may provide either a social security number or an alien number for purposes of issuance of a marriage license but that a county court should still issue the license if said number is not available.

Effective October 1, 1999, this bill allows the Department of Revenue to redirect child support payments to a relative caretaker upon the filing of a verified motion. The court shall enter a temporary order, *ex parte*, within 5 days to redirect the payment pending a final hearing. Upon the filing of a verified motion by the department, the relative caretaker becomes a party to the proceedings. If the court later determines that the child support payment was improperly diverted, the Department of Revenue must pay the child support payments to the appropriate party and attempt to recoup any payments improperly paid.

If approved by the Governor, these provisions take effect July 1, 1999, except as otherwise provided.

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

**HB 145 — Child Support Guidelines**

by Rep. Effman and others (CS/SB 268 by Children & Families Committee and Senator Klein)

This bill requires a court to adjust the child support amount and order child support outside the guidelines, articulated at s. 61.30, F.S., when a court order or mediation agreement requires a child to spend a substantial amount of time with each parent. This requirement applies to any living arrangement, whether temporary or permanent. The adjustment factors include the amount of time each child will spend with each parent, the needs of the child, financial expenses for each child, the comparative income of each parent, the station of life of each parent and child, the standard of living experienced during the marriage, and the financial status and ability of each parent.

If approved by the Governor, these provisions take effect October 1, 1999.

*Vote: Senate 40-0; House 116-1*

**DEPARTMENT OF CHILDREN AND FAMILIES — ORGANIZATION**

**CS/SB 1902 — Department of Children and Family Services**

by Children & Families Committee and Senator Clary

This bill waives certain provisions in s. 20.19, F.S., 1998 Supp., until July 1, 2000, so that the Department of Children and Family Services may organize programs, districts, and functions to achieve a more effective and efficient service delivery system and to improve accountability. (The specified provisions of s. 20.04, F.S., will not apply in these areas during this reorganization activity.)

Provisions in s. 20.19 F.S., 1998 Supp., that are waived include the following:

- Appointment of a deputy secretary by the Secretary who performs duties as assigned by the Secretary
- Establishment of regional processing centers
- Office of Standards and Evaluation and specified responsibilities
- Program Offices with each office headed by an assistant secretary and specified responsibilities
- Appointment of an Assistant Secretary for Administration and specified responsibilities

- Annual evaluation by the Assistant Secretary for Administration on the methods used by each program to ensure fiscal accountability of each contracted provider of services with a report to the Legislature
- Evaluation by the Assistant Secretary for Administration on the administrative operations of the service districts
- Responsibilities of the district health and human services boards, all local family services plans submitted to the board, the annual operating agreement between the Secretary and the boards, dispute resolution provisions included in the annual agreement between the board and secretary, and the district nominee qualifications review committees
- Appointment of a district administrator for each service district by the Secretary
- Screening applicants for vacant district administrator positions by the health and human services boards, upon notification of the secretary, and submitting the names of 3 to 5 qualified candidates to the secretary
- Duties of the district administrators
- Consolidation of administrative functions in two or more districts by the district administrators in order to achieve more efficient and effective performance of service delivery and support functions
- Program consolidation at the district level
- Functions of the district manager for administrative services
- Establishment of an interdisciplinary contract evaluation team to by each district administrator to assess district contracts and contractor performance
- Development of the annual district budget request by the district administrator, in conjunction with the health and human services board

The bill requires that the Secretary of the department consult with the Executive Office of the Governor on the actions taken to implement the provisions waived under this bill. The Secretary must submit a monthly status report to the Governor and the Legislature through December 1999 (beginning 30 days after this bill becomes law) describing actions that have been taken and additional plans for implementing the provisions that are being waived under this bill.

This bill requires that the Secretary of the Department of Children and Family Services submit a comprehensive reorganization plan to the Governor, Speaker of the House of Representatives, and President of the Senate by January 1, 2000. The comprehensive reorganization plan must: 1) describe the organizational and program restructuring activities that have occurred since the act's effective date, including indications of the department's improved ability to carry out the statutory mission in s. 20.19, F.S., 1998 Supp., and any organizational efficiencies; 2) what strategies proved to be ineffective or inefficient; 3) any recommendations for reorganization, including program and organizational restructuring; and 4) any statutory revisions.

This bill specifies that the provisions of this bill do not impair the operation of any other statutory responsibility or the rules promulgated under their authority.

The Department of Children and Family Services is directed to consult with the Office of the State Courts Administrator and develop a proposed plan to realign the districts of the department so that the district boundaries are consistent with the boundaries of the judicial circuits. The plan may not propose more than 15 districts and at least one alternative must include fewer than 15 districts. The proposed plan must be submitted to the Governor and the Legislature by December 1, 1999.

If approved by the Governor, these provisions take effect upon becoming law.  
*Vote: Senate 39-0; House 117-0*

