

DOMESTIC VIOLENCE

HB 1673 — Domestic Violence

by Rep. Kyle and others (CS/SB 1778 by Children & Families Committee and Senators Cowin and Crist)

This bill, titled the Family Protection Act, strengthens the penalties for acts of violence and, in particular, commission of domestic violence offenses. A mandatory 5-day period of incarceration is created for persons adjudicated guilty of a crime of domestic violence who have intentionally caused bodily harm. The act raises the level of crime for second and subsequent battery convictions. A surcharge of \$201 is imposed on persons who are found in violation of assault and battery related offenses, stalking, and domestic violence offenses. The funds from the surcharge are to be used to fund domestic violence centers, to defray the costs of incarcerating persons pursuant to the new 5-day mandatory jail provision, for additional training for law enforcement in combating domestic violence, and for a statewide public-awareness campaign regarding domestic violence. The bill requires attendance in the batterer's intervention program as a condition of probation, community control, or other community supervision when there is a crime of domestic violence. Effective July 1, 2002, the batterer's intervention program which the offender attends is required to be certified. The bill further requires that child protection investigation staff be provided with training on the use of the injunction processes to remove a domestic violence perpetrator as a strategy for protecting the child.

If approved by the Governor, these provisions take effect July 1, 2001.

Vote: Senate 36-0; House 113-1

CHILD SUPPORT ENFORCEMENT

CS/CS/SB 400 — Support of Dependents

by Appropriations Committee; Children & Families Committee; and Senators Horne, Campbell, Mitchell, Sanderson, Sullivan, Smith, Burt, Bronson, Peaden, Lee, Crist, and Cowin

This bill removes the primary barrier to the current inability to criminally prosecute cases for persistent non-payment of child support and provides for a higher level of offense and mandatory penalties. Specifically, the bill eliminates the requirement that persons cannot be prosecuted for the crime of persistent non-support if there is a court that has jurisdiction for the child support or dissolution of marriage. Mandatory fines and periods of imprisonment are provided for the first three misdemeanor convictions of failure to pay support. A felony offense is established for failure to pay support by a person who is convicted of the fourth violation or who has owed support for more than 1 year in an amount equal to or greater than \$5,000. The bill expresses the

intent of the Legislature that the criminal penalties provided by the bill are to be pursued when appropriate civil enforcement measures have been exhausted and have not resulted in payment.

If approved by the Governor, these provisions take effect October 1, 2001.

Vote: Senate 39-0; House 111-5

CS/SB 772 — Public Records/Child Support Service

by Children & Families Committee and Senator Sanderson

This bill makes confidential and exempt from public records requirements disclosure of identifying information regarding non-Title IV-D individuals served by county child support enforcement agencies. (Non-Title IV-D individuals are custodial parents who have sought assistance with child support enforcement with the county agency and excludes custodial parents who receive public assistance or have applied to the Department of Revenue for child support enforcement services.) Non-Title IV-D county child support enforcement agencies are prohibited from disclosing identifying information to the person against whom a protective order has been entered if there is reason to believe that the release of such information could result in harm to the individual or the child. At the time of its passage, the provisions of the bill apply only to Broward County.

If approved by the Governor, these provisions take effect July 1, 2001.

Vote: Senate 39-0; House 119-1

CS/SB 1284 — Child Support Enforcement

by Children & Families Committee and Senator Peadar

This bill provides a comprehensive package of provisions relating to child support that is designed to streamline the establishment and enforcement of support, bring Florida law into compliance with federal requirements, and improve the equitable establishment of child support orders. Specifically, this bill provides for the following:

- Genetic testing in paternity cases is allowed based on a written declaration by the custodial parent. This modification would allow genetic testing to proceed without the need for a notarized statement.
- The bill requires the Food Stamp Office to determine if the custodial parent has good cause for not cooperating with child support enforcement unless the responsible federal agency authorizes the Department of Revenue to continue this function.

- A number of sections of law are amended to clarify and explicitly include spousal support, in addition to child support, in the enforcement actions that the Department of Revenue is authorized to take if the child support obligation is being enforced by the Department of Revenue.
- Two additional conditions are provided for identifying when a family violence indicator must be placed on a child support enforcement case and transmitted to the Federal Case Registry to prevent the disclosure of information on the case when release of the information may result in harm to the individual or child. These conditions are when a domestic violence or repeat violence injunction has been granted and when the Domestic and Repeat Violence Injunction Statewide Verification System indicates an injunction has been granted.
- A method for processing unidentifiable and undistributable collections is established which includes an opportunity to reclaim collections if the appropriate party is identified or located. This provision will provide a mechanism for final disposition of undistributable and unidentifiable collections.
- Driver's license photographs are made available to the Department of Revenue to facilitate the service of process in Title IV-D cases based on an interagency agreement with the Department of Highway Safety and Motor Vehicles. This provision will allow driver's license photographs to be included in the service of process packages for use by law enforcement personnel and private process servers to effectuate accurate identification of the individuals being served thereby reducing service attempts.
- The notice requirement to consumer reporting agencies is modified to require that the Department of Revenue provide written notice to a non-custodial parent at least 15 days prior to the initial release of information to the consumer reporting agency and to specify that no further notice or opportunity for a hearing is required prior to subsequent periodic updates.
- The Judges of Compensation Claims' review of lump-sum workers' compensation payment settlements is modified to provide for consideration of the interests of the worker and the worker's family when approving the settlement. Such settlements must provide for appropriate recovery of child support arrearages.
- The court is permitted to order retroactive modification of support orders back to the date of filing. Changed circumstances and financial ability are to be considered in determining the retroactive application of the modification.
- The court is permitted to disregard the income from secondary employment for the purposes of calculating the child support obligation when modifying the level of support

if there are subsequent children and if the court determines the secondary employment was obtained primarily to support the subsequent children.

- The shared parental arrangement provision is modified to stipulate that a child who spends at least 40 percent of the overnights with the non-custodial parent is considered to be spending a “significant” amount of time with the non-custodial parent. A formula is provided for shared parental arrangements that exceed this threshold that must be used in adjusting the child support award.
- A 3-year pilot program is created for administratively establishing child support orders. The process provides for the Department of Revenue to calculate and establish the non-custodial parent’s child support obligation based on existing child support guidelines and prescribed information and affidavits, unless a hearing is requested or either parent files a civil action in circuit court to determine the child support obligation.

If approved by the Governor, these provisions take effect upon becoming law, unless expressly provided in the act.

Vote: Senate 39-0; House 114-0

BEHAVIORAL HEALTH

HB 421 — Mental Health Treatment/Adults

by Rep. Bean and others (CS/SB 682 by Appropriations Committee and Senator Mitchell)

This bill establishes a mental health client-directed and choice-based pilot project in District 4 of the Department of Children and Family Services to provide mental health treatment and support services to adults who have a serious mental illness. This project will allow the client to control the public mental health funds allotted for his or her treatment and to directly purchase the services from the vendor of choice.

The bill requires an evaluation by an independent entity to assess the pilot project. The evaluation will include an assessment of the following: criteria for selecting eligible participants, duties of the care coordinator, accessibility and quality of services provided to the participants, the degree to which the client participates in treatment plan development, achievement of treatment goals and outcome measure, demonstrated improvements or cost savings, monitoring and oversight by the Department of Children and Family Services and the Agency for Health Care Administration, and the assistance of the local advisory group in the design and implementation of the project.

A report must be submitted to the appropriate legislative committees by December 1, 2002, and December 1, 2003, concerning the progress of the pilot projects.

The bill includes an appropriation of \$470,000 from general revenue funds for FY 2001-2002 to the Alcohol, Drug Abuse, and Mental Health Trust Fund in the Department of Children and Family Services to implement the pilot project.

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

Vote: Senate 39-0; House 107-0

CS/CS/SB 1258 — Behavioral Health Services

by Health, Aging & Long-Term Care Committee; Children & Families Committee; and Senator Mitchell

This bill includes provisions relating to the development of two behavioral health service delivery strategies, the establishment of a Behavioral Health Services Integration Workgroup, the implementation of children's behavioral crisis unit demonstration models, and the state's acceptance of certain accreditation standards in place of onsite licensure reviews and administrative and monitoring requirements.

Behavioral Health Service Delivery Strategies

In an effort to improve the coordination, integration, and management of the delivery of behavioral health services (mental health and substance abuse), the bill directs the Department of Children and Family Services (department) and the Agency for Health Care Administration (agency) to develop two service delivery strategies and to contract with a single managing entity in each of two geographic locations for all publicly funded diagnostic or assessment services, acute care services, rehabilitative services, support services, and continuing care services. One strategy must be in the catchment area of G. Pierce Wood Memorial Hospital.

Under one service delivery strategy, the department may contract with a Medicaid prepaid mental health plan that operates pursuant to s. 409.912, F.S. The authority for the department to contract with this entity will add several desirable but currently absent dimensions to the department's capacity to maximize the value of its expenditures for behavioral health care. These improvements include the implementation and oversight of clinical guidelines to ensure best practices, utilization management to ensure appropriate access and that the right service is given in the right amount, and the credentialing of providers and improved quality of care monitoring.

Under the second service delivery strategy, the department and the agency must competitively procure a contract for the management of behavioral health services with a managing entity that will improve quality of care and contain costs. By having a single managing entity responsible for all state behavioral health funding, new elements of clinical management will be introduced including credentialing of providers, promulgation of clinical care and access criteria, utilization management of high cost units, improved outcome data, quality of care improvement and data management.

The bill proposes that the agency and department utilize methods that will simplify billing and enhance clinical flexibility. Methods specified in the bill for both strategies include using benefit packages based on the level of severity of illness and level of client functioning; aligning and integrating procedure codes, standards, or other requirements to simplify or improve client services and efficiencies in service delivery; using prepaid per capita and prepaid aggregate fixed-sum payment methodologies; and modifying current procedure codes to increase clinical flexibility, encourage the use of the most effective interventions, and support rehabilitative activities.

The bill directs the department to contract with the Louis de la Parte Florida Mental Health Institute to conduct a formative evaluation of each strategy identifying the most effective methods and techniques used to manage, integrate, and deliver behavioral health services. The entity conducting the evaluation must report every 12 months to the department, agency, Office of the Governor, and the Legislature on the status of the service delivery strategies.

Behavioral Health Services Integration Workgroup

The bill establishes a Behavioral Health Services Integration Workgroup to assess barriers to the effective and efficient integration of mental health and substance abuse services across various systems and to propose solutions. The Workgroup is comprised of representatives of state agencies which includes Juvenile Justice, Corrections, Education, Office of Drug Policy, Agency for Health Care Administration and representatives of local stakeholders such as the county jails, homeless coalitions, service providers, Baker Act receiving facilities, and consumers and their families. The department may transfer up to \$200,000 under the authority of ch. 216, F.S., to support the Behavioral Health Services Integration Workgroup. The Workgroup must submit a report to the Governor and the Legislature by January 1, 2002, regarding the progress toward achieving their statutory purpose.

Children's Behavioral Crisis Unit Demonstration Models

The bill creates s. 394.499, F.S., authorizing the Department of Children and Family Services to implement children's behavioral crisis unit demonstration models beginning July 1, 2001, in Collier, Lee, and Sarasota counties to provide integrated emergency mental health and substance abuse services to persons under the age of 18 years at facilities licensed as Children's Crisis Stabilization Units. The demonstration models will integrate children's mental health crisis stabilization units with substance abuse juvenile addictions receiving facilities services, to provide emergency mental health and substance abuse services.

Children served in the demonstration models will have access to both mental health and substance abuse services, in accordance with their individual needs, in one facility. The demonstration models will be able to admit and stabilize children with co-occurring disorders in addition to children with mental health, or substance abuse-only needs. Criteria for admission to

and treatment in these new units are specified and reflect existing criteria for emergency mental health and substance abuse services for children. The bill provides for the children's behavioral crisis units to be licensed as crisis stabilization units and provides rule-making authority.

The bill specifies that nothing in the act would require an existing crisis stabilization unit or addiction receiving facility to convert to a children's behavioral crisis unit. Beginning July 1, 2004, pending a required evaluation of the demonstration sites, the department, in consultation with the agency, may expand the demonstration models to other locations in the state. The department is required to contract for an independent evaluation of the demonstration models to be reported to the Legislature by December 31, 2003.

Accreditation Standards

In an effort to reduce duplicative licensure and monitoring activities by the department and agency of contracted behavioral health organizations and facilities, s. 394.66, F.S., is amended to require the agency to accept accreditation instead of its own facility licensure on-site review requirements and the department to accept accreditation as a substitute for its administrative and program monitoring requirements. The bill specifies the accreditation organizations with appropriate standards for an organization, a mental health facility, or a network of providers from which the department purchases behavioral health services.

The bill includes provisions for the department and the agency to adopt rules establishing additional standards for licensing or monitoring accredited programs and facilities. The department or agency may perform inspections of accredited organizations, including contract monitoring, at any time to ensure that deliverables are provided in accordance with contracts.

The department and the agency are required to report to the Legislature by January 1, 2003, on the viability of mandating that all organizations that are under contract with the department or licensed by the agency to provide behavioral health services be accredited. The report must address the viability of privatizing all licensure and monitoring functions through an accrediting organization. The bill specifies that these provisions would apply to contracted organizations that are already accredited immediately upon becoming law.

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

Vote: Senate 39-0; House 120-0

CS/CS/SB 1346 — Behavioral Health Care Services

by Appropriations Committee; Children & Families Committee; and Senator Saunders

This bill includes provisions relating to the state's acceptance of certain accreditation standards in place of onsite licensure reviews and administrative and monitoring requirements and the implementation of children's behavioral crisis unit demonstration models.

Accreditation Standards

In an effort to reduce duplicative licensure and monitoring activities by the Department of Children and Family Services and the Agency for Health Care Administration of contracted behavioral health organizations and facilities, s. 394.66, F.S., is amended to require the agency to accept accreditation instead of its own facility licensure on-site review requirements and to require the department to accept accreditation as a substitute for its administrative and program monitoring requirements. The bill specifies the accreditation organizations with appropriate standards for an organization, a mental health facility, or a network of providers from which the department purchases behavioral health services.

The bill includes provisions for the department and the agency to adopt rules establishing additional standards for licensing or monitoring accredited programs and facilities. The department or agency may perform inspections of accredited organizations, including contract monitoring, at any time to ensure that deliverables are provided in accordance with contracts.

The department and the agency are required to report to the Legislature by January 1, 2003, on the viability of mandating that all organizations that are under contract with the department or licensed by the agency to provide behavioral health services be accredited. The report must address the viability of privatizing all licensure and monitoring functions through an accrediting organization. The bill specifies that these provisions would apply to contracted organizations that are already accredited immediately upon becoming law.

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Children served in the demonstration models will have access to both mental health and substance abuse services, in accordance with their individual needs, in one facility. The demonstration models will be able to admit and stabilize children with co-occurring disorders in addition to children with mental health, or substance abuse-only needs. Criteria for admission to and treatment in these new units are specified and reflect existing criteria for emergency mental health and substance abuse services for children. The bill provides for the children's behavioral crisis units to be licensed as crisis stabilization units and provides rule-making authority.

The bill specifies that nothing in the act would require an existing crisis stabilization unit or addiction receiving facility to convert to a children's behavioral crisis unit. Beginning

July 1, 2004, pending a required evaluation of the demonstration sites, the department, in consultation with the agency, may expand the demonstration models to other locations in the state. The department is required to contract for an independent evaluation of the demonstration models to be reported to the Legislature by December 31, 2003.

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

Vote: Senate 37-0; House 113-0

CHILDREN AND FAMILIES

CS/CS/SB 1214 — Foster Care/Residential Group Care

by Appropriations Committee; Children & Families Committee; and Senators Peaden and Cowin

Foster Care and Residential Group Care

This legislation addresses a number of serious problems in Florida's foster care program through several strategies as follows:

For districts 4, 11, 12 and the Suncoast Region, the bill amends s. 39.521(5), F.S., by requiring the Department of Children and Family Services (department) to assess for placement in residential group care any child 11 years of age or older who has been in care at least 6 months who is then moved in care more than once. The assessment procedure is conducted by the department or its agent who incorporates current and historical information from a variety of sources which are specified. If it is determined as a result of the assessment that the placement in licensed residential group care is appropriate, the child must be placed in residential group care, if available. The bill provides for judicial review of assessment results and actions taken. Residential group care facilities that receive children as a result of the new requirement to assess for placement are directed to establish special permanency teams dedicated to overcoming the permanency challenges presented by this group of children and are required to report regularly to the department on its success in achieving permanency for them. The department is required to track a number of elements relating to implementation of this provision and to report to the Legislature by December 1 of each year.

Comprehensive Residential Service Strategies. The bill creates s. 409.1676, F.S., that describes comprehensive residential services to children with extraordinary needs. The new section states that the Legislature intends for comprehensive residential services to be provided to children in the child protection system who have extraordinary needs such as serious behavioral problems or do not have the options of either reunification with their family or adoption. These residential services must be provided by a not-for-profit corporation or local government entity under contract with the department or by a lead agency pursuant to s. 409.1671, F.S. These contracts must specify that an identified number of children will have access to a full array of services for a fixed price.

The bill specifies that, at a minimum, the department will contract for comprehensive residential services with a specific appropriation in Districts 4, 11, 12, the Suncoast Region of the department, and with a not-for-profit entity serving children from multiple districts. The entity under contract is responsible for the following services: comprehensive assessment, residential care, transportation, behavioral health, recreational activities, clothing, supplies and miscellaneous expenses associated with these children, for the necessary arrangement for or provision of educational services, and for assuring necessary and appropriate health and dental care.

The bill also creates s. 409.1677, F.S., establishing in the private sector a model comprehensive residential services program in Dade and Manatee counties. These programs must provide a full array of services for a fixed price to that portion of eligible children within each county as specified in the contract and based upon funds appropriated.

The bill specifies the following requirements for each model:

- A focus on children with specialized needs, such as those children not likely to be reunited with their families or adoptive homes, sibling groups, children with serious behavioral problems, and children who are victims of sexual abuse.
- Provision of or arrangement for all appropriate services.
- Commitment and ability to find and use innovative approaches to address the problems in the traditional foster care system.
- Provision of a full range of residential services designed to meet the individual needs of each child in care.
- Provision of the necessary administrative services for operational purposes.
- Eligibility criteria specified in the contract that include a “no-reject-no-eject” commitment unless otherwise determined by the court.
- An ability with trained multidisciplinary staff to facilitate the achievement of permanency goals of the children in care.
- Utilization of a retired-volunteer mentor program.
- Willingness and ability to assume financial risk for the children in care.
- Willingness and ability to serve as a research and teaching laboratory for departmental and community-based care programs to improve the quality of foster care.

Section 409.1679, F.S., specifies measurable outcomes for the programs created in s. 409.1676, F.S., and s. 409.1677, F.S., addressing the following:

- The provision of a stable living environment for children in care;
- The achievement of an appropriate education and grade level;
- Keeping sibling groups together;
- The reduction of such system problems as staff turnover and child run-aways;
- The provision of an array of services to children in care if determined to be needed by the child's assessment.

The department must reimburse the programs established under s. 409.1676, F.S., and s. 409.1677, F.S., at a fair and reasonable level and based on a prospective per-diem rate, which must be specified annually in the General Appropriations Act.

Child Welfare

Section 409.175, F.S., is amended by specifying that a family foster home license may be valid for longer than 1 year but no longer than 3 years if the home has maintained a license with the department for at least the 3 previous consecutive years, maintains good standing with the department, and has not been the subject of reports of child abuse or neglect with any findings of maltreatment.

The bill amends s. 409.176, F.S., requiring that registration of residential child-caring agencies and family foster homes include proof of compliance with the uniform fire safety standards required in ch. 633, F.S.

Section 39.402, F.S., is amended regarding shelter hearings to specify that the department must provide a recommendation to the court for scheduled contact between the child and parents. If the court orders visitation and the visit does not commence within 72 hours after the shelter hearing, the department must provide justification to the court. The department must make referral information available to parents or legal custodians seeking voluntary services and participation in services must not be considered an admission or other acknowledgement of the allegations in the shelter petition.

The bill amends s. 435.045, F.S., modifying requirements for placement of dependent children to authorize the department to conduct criminal record checks equivalent to level 2 screening under s. 435.04(1), F.S., for any person being considered by the department for placement of a child subject to a placement decision pursuant to ch. 39, F.S.

The Office of Program Policy Analysis and Government Accountability is directed to provide the Legislature with a status report on the child protection program no later than February 1, 2002, and the bill specifies the data and information to be included in the report.

Community-Based Care

The law governing the child protection community-based care initiative is amended to provide additional flexibility and direction as the state moves toward statewide implementation.

Section 409.1671(1)(a), F.S., is amended relating to foster care and related services to allow the term “related services” to include other services which are not currently listed in that section. Services currently listed include: 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.

Section 20.19(7)(c)2., F.S., is amended specifying that a lead agency in the prototype region of the department may provide core services and removes the provision that the lead agency must obtain approval from the department to provide core services.

Section 409.1671(1)(b)7., F.S., is amended specifying that an agency competing for lead agency designation must have the ability to maintain eligibility to receive all federal child welfare funds (Title IV-E and Title IV-A funds) currently used by the department. In addition, the bill specifies that if the department is not successful in its efforts to competitively procure services through an eligible lead community-based provider, the department in collaboration with the local community alliance must develop a plan that: 1) ensures local control over the management and administration of service provision and 2) explains how the community will continue to implement privatization through competitively procuring either the specific components of foster care and related services or a comprehensive community-based care system from qualified licensed agencies. If a community alliance does not exist, the plan must be submitted to the President of the Senate and the Speaker of the House of Representatives for their comments.

Section 784.081, F.S., is amended to add employees of lead community-based providers and their direct service contract providers to the list of specified officials or employees for purposes of reclassifying offenses in cases when the person committing the offense knows or has reason to know the identity or position or employment of the victim.

If approved by the Governor, these provisions take effect July 1, 2001.

Vote: Senate 40-0; House 117-0

CS/HB 563 — Lawton Chiles Endowment

by Fiscal Responsibility Council; and Reps. Fasano, Atwater, and others (CS/SB 1286 by Children & Families Committee and Senator King)

This bill restructures the current allocation of funds distributed from the Lawton Chiles Endowment Fund for community-based health and human services initiatives for children and elders and biomedical research. An annual and perpetual source of funding from the principal is appropriated to the endowment for biomedical research of diseases related to tobacco use, including cancer, heart disease, and lung disease.

The endowment will receive \$200 million annually for FYs 2001-2002 and 2002-2003. For FY 2001-2002, \$150 million of the existing principal in the endowment must be reserved and accounted for solely as funding for biomedical research activities, with 5 percent of the cash flow reinvested to adjust the base for inflation. The remaining principal in the endowment is to be used to fund health and human services programs for children and elders. When a cure has been found for tobacco-related cancer, heart disease, and lung disease, the dedicated biomedical research funding must be discontinued and the entire principal in the endowment used exclusively for health and human services programs.

The Legislature must establish dedicated line item categories for the agencies receiving funds, and funds distributed from the endowment may not be used to supplant existing revenues. The Governor is required to develop a plan of action to address any fund deficits in accordance with initial legislative intent.

A 15-member Lawton Chiles Endowment Fund Advisory Council is created with specified representatives to evaluate funding priorities. The Advisory Council is responsible for recommending to the Governor and the Legislature, before November 1 of each year, with respect to endowment funding for health and human services programs for children and elders. The Advisory Council's recommendations are based on input from state agency heads, child and elder advocacy organizations, community stakeholders, service providers, and the general public.

The bill requires that the Biomedical Research Advisory Council report annually as to the progress made in the prevention and diagnosis of diseases related to tobacco use.

If approved by the Governor, these provisions take effect July 1, 2001.

Vote: Senate 39-0; House 120-0

ECONOMIC SELF-SUFFICIENCY

CS/HB 1385 — Public Meetings and Public Records

by State Administration Committee and Rep. Joyner and others (CS/CS/SB 2178 by Governmental Oversight & Productivity Committee; Children & Families Committee; and Senator Peadar)

This bill provides for an exemption from the public records and public meeting laws for individuals who are applying for or receiving temporary cash assistance from the Temporary Assistance for Needy Families program. Portions of certain meetings where information identifying these individuals are exempt from the public meeting requirements and information in records that would identify these individuals is made confidential and exempt from the public records requirements. This exemption applies to a number of state agencies and entities that work or contract to provide services to individuals receiving temporary assistance.

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

Vote: Senate 39-0; House 112-1

CS/SB 350 — Individual Development Accounts

by Children & Families Committee and Senators Dawson, Miller, Mitchell, and Lawson

CS/SB 350 establishes Individual Development Accounts (IDAs) to enable families receiving temporary cash assistance to save earned income for the specific purposes of either purchasing a home, paying for a college or vocational education, or starting a business. Funds in the IDAs are matched with other funding sources and are not considered in determining TANF, food stamp, or Medicaid benefits. Specifically, the bill:

- Establishes individual development accounts to provide families with the opportunity to accumulate assets to promote education, home ownership, and micro-enterprise development.
- Identifies eligible participants in an IDA program as any family who is fully complying with the temporary cash assistance program, who is subject to the time limits, and who has entered into an agreement with an approved fiduciary organization.
- Provides that participant contributions into the IDAs can only be made from earned income.
- Stipulates that IDA funds can only be accessed after the family is no longer receiving cash assistance and only for one of the qualified purposes.
- Provides for fiduciary organizations to serve as intermediaries between the families with IDAs and the financial institutions holding the IDAs.

- Provides that funds in the IDA are to be disregarded in determining eligibility for any federal or state program.

If approved by the Governor, these provisions take effect October 1, 2001.

Vote: Senate 32-0; House 104-1

DEVELOPMENTAL DISABILITIES

HB 1519 — Clearinghouse on Disability Information

by Rep. Berfield (SB 1650 by Senator Mitchell)

This bill is designed to ease the complexity of the systems that individuals with disabilities and their families must identify and navigate in order to secure the assistance needed by providing both information on where to find the service and an understanding of the processes required to access the service. The bill creates a Clearinghouse on Disability Information Office for the purpose of developing and maintaining a statewide toll-free information and referral system, the focus of which is to provide information and referral for all disability related and generic services, assistance, programs and resources that individuals with disabilities and their families need. The Clearinghouse on Disability Information Office is assigned to the Department of Management Services for administrative purposes. However, the bill stipulates that the clearinghouse and its operation are not subject to control, supervision, or direction of the department.

The bill establishes an advisory council not to exceed 19 members to assist the clearinghouse in planning and developing its services. At least one-third of the advisory council members must be individuals with disabilities or family members, and state agency representatives cannot exceed one-third of the advisory council membership. The bill provides for staff for the clearinghouse and for a phase-in progression to the establishment and performance of the functions of the clearinghouse. The bill further requires the clearinghouse to submit an annual report on its services to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

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

Vote: Senate 39-0; House 115-0

