

CHILD WELFARE

CS/CS/SB 1318 — Rilya Wilson Act

by Appropriations Committee; Children and Families Committee; and Senators Wilson, Miller, Dawson, Lynn, Lawson, Campbell, Siplin, Hill, and Bullard

This bill creates the Rilya Wilson Act which requires children, ages 3 years to school entry, who have been abused, neglected, or abandoned and who are enrolled in early education or child care programs as a result of being in the care of the state pursuant to ch. 39, F.S., to participate in the program 5 days a week. The bill sets forth requirements for attendance and reporting absences to facilitate the quick identification of children who are missing. A study is required to examine these children and the role participation in licensed early education or child care programs has in ensuring their safety. The eligibility for school readiness programs is modified to provide priority for children, ages 3 years to school entry, who are served by the Department of Children and Families or a community-based lead agency pursuant to ch. 39, F.S., for whom child care is needed to minimize the risk of further abuse, neglect, or abandonment.

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

Vote: Senate 38-0; House 116-0

CS/SB 1442 — Child Protective Investigations

by Children and Families Committee

The focus of this bill is the retention of child protective investigators.

- The bill modifies the child protective investigation process to provide a two-tiered process with different levels of investigative activities.
- A Protective Investigative Retention Workgroup is established to address a number of issues pertaining to the retention of protective investigators with a report to the Legislature. The activities assigned to the workgroup include further examination of the investigative process to identify efficiencies, determining the appropriate handling of child abuse allegations in Department of Juvenile Justice facilities, examining the qualifications desired for protective investigators and their supervisors, developing a plan for training protective investigators, and developing a plan for building communication with and recognition of staff.
- The process for accepting reports for investigation is clarified.

- The central abuse hotline is authorized to determine the response time for institutional child abuse rather than requiring that the response be immediate.
- The requirement that Temporary Assistance to Needy Families (TANF) non-compliance cases be referred for protective intervention is removed.
- The directive to proceed with an assessment for child-on-child sexual abuse reports is clarified.
- The Department of Children and Families is prohibited from amending its operating budget to shift funds or positions for protective investigators to other functions.
- Finally, the Office of Program Policy Analysis and Government Accountability is directed to conduct a study on the impact that availability of services to families has on the turnover of protective investigators and on the families' re-entry into the child protective system.

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

Vote: Senate 39-0; House 101-0

HB 1593 — Family Foster Homes/Public Records

by State Administration Committee and others (CS/SB 1444 by Governmental Oversight and Productivity Committee and Children and Families Committee)

This bill reenacts the public records exemption for certain information regarding licensed foster parents. It expands the exemption to include medical records of a licensed foster parent and such parent's spouse, minor children, and other adult household members. The bill further expands the exemption to apply to a foster parent applicant and the applicant's family and to a foster parent who is no longer licensed and the foster parent's family, even if the foster parent does not become an adoptive parent. The public records exemption for the personal identifying information contained in neighbor references is narrowed by exempting only the name, address, and telephone number of the persons providing character and neighbor references regarding the foster parent applicants and licensed foster parents. A new 5-year repeal for the expanded exemptions is provided by the bill.

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

Vote: Senate 40-0; House 111-0

CS/CS/SB 1454 — Social Services

by Appropriations Committee; Comprehensive Planning Committee; and Senators Atwater, Dawson, Bennett, Geller, Peaden, Fasano, Lee, Clary, Campbell, Saunders, Siplin, Bullard, Klein, Aronberg, Wilson, and Crist

Please refer to the Community Services part of this section for further discussion of this bill.
--

This bill provides for the following relating to social services:

- Permits and provides the parameters for releasing confidential information to law enforcement and to the public from the Department of Children and Families' records for children who have been identified as missing.
- Permits missing children reports to be filed in the county or municipality where the child was last seen.
- Provides access to the department's child abuse records for school principals and domestic violence centers and clarifies the access for the child's attorney.
- Directs the Department of Children and Families to adopt rules that distinguish between child care programs requiring licensure and after-school programs that do not require licensure.
- Establishes minimum requirements for the development of training for staff delivering child welfare services and for contracting to develop the curricula and deliver the training.
- Creates the Florida Child Welfare Student Loan Forgiveness Program to attract students to child welfare professions.
- Modifies the Independent Living Transition Services program to provide that property purchased for the youth is not state-owned property but can be retained by the youth and establishes a workgroup to work with the Department of Children and Families in continued implementation of this program and to provide a report to Legislative committees by December 31, 2003 and December 31, 2004.
- Replaces the requirement for a Medicaid Comprehensive Behavioral Health Assessment when the number of children in a family foster home is to exceed five with a quicker assessment completed by a family services counselor.
- Authorizes the Department of Children and Families to petition the court to establish custody of an unaccompanied minor in the Refugee Assistance program in accordance with federal regulation which allows for the use of federal funds for the placement instead of the state foster care funds or out-of-state placement.

- Directs the Office of Program Policy Analysis and Government Accountability to evaluate the child welfare legal services and examine different models of providing legal services in dependency proceedings on behalf of the state with a report to the Legislature by December 31, 2003.

If approved by the Governor, these provisions take effect July 1, 2003.

Vote: Senate 40-0; House 116-0

CS/CS/SB 2446 — Child Care

by Education Committee; Children and Families Committee; and Senator Wasserman Schultz

This bill adds literacy and language development for children age birth to 5 years to the training required by child care center personnel and operators of family day care homes and large family child care homes. The annual in-service training requirement for child care center personnel is increased and may be earned in continuing education units (CEUs). Annual in-service training is added to the training requirements for operators of family day care homes and large family child care homes. Operators of registered family day care homes are required to annually complete a health and safety home inspection self-evaluation check list and provide this completed checklist to the parents. The Department of Children and Families is provided authority to seek an injunction to close a licensed or registered family day care home or licensed large family child care home. The department is also directed to adopt rules related to the definition of child care to distinguish between child care programs that require licensure and after-school programs that do not require licensure.

If approved by the Governor, these provisions take effect July 1, 2003.

Vote: Senate 38-1; House 112-1

ADULT SERVICES / DOMESTIC VIOLENCE

HB 1099 — Domestic Violence Centers

by Rep. Littlefield and others (CS/SB 1216 by Children and Families Committee and Senators Bennett and Lynn)

This bill (Chapter 2003-11, L.O.F.) shifts the direct responsibility for managing the domestic violence center contracts from the Department of Children and Families to the Florida Coalition Against Domestic Violence. With this bill, the coalition will be responsible for implementing, administering, and evaluating the services provided by the domestic violence centers using the domestic violence funding collected and allocated by the department for the centers. The bill requires that the distribution of the funds by the coalition to the centers be based on an allocation formula approved by the department. The current stipulated percentage of the domestic violence

trust fund dollars that is to be provided to the coalition is deleted and will instead be determined through negotiation with the department.

These provisions were approved by the Governor and take effect January 1, 2004.

Vote: Senate 39-0; House 118-0

HB 1763 — Domestic Violence Victims/Public Records

by State Administration Committee and others (SB 1440 by Children and Families Committee)

This bill reenacts the public records exemption for the addresses, telephone numbers, and social security numbers of program participants of the Address Confidentiality Program for victims of domestic violence. The separate statutory provision prohibiting the Office of the Attorney General from disclosing this information is repealed and replaced with the specification that the reenacted public records exemption applies to the information held by the Office of the Attorney General. The separate statutory provision prohibiting the supervisors of elections from disclosing this information is also repealed and replaced with a new subsection that explicitly provides for the public records exemption of this information held by the supervisors of elections. The required 5-year repeal for the new exemption for the supervisors of elections is provided for by the bill.

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

Vote: Senate 39-0; House 113-0

CS/SB 2568 — Vulnerable Persons

by Children and Families Committee and Senator Lynn

Please refer to other parts in this section, as well as the Health, Aging, and Long-Term Care Committee section, for further discussion of this bill.

This bill sets forth a number of provisions relating to vulnerable persons, including the following:

- The definitions of “abuse” and “vulnerable adult” as used for adult protective services are amended. “Abuse” is narrowed to acts of abuse committed by a caregiver. “Vulnerable adult” is revised to exclude persons with short term physical impairments.
- The Florida Guardianship Law, as it affects the practice and regulation of professional and public guardians, is revised to:
 - Place the Statewide Public Guardianship Office under the direct auspice and control of the Department of Elderly Affairs and its Secretary.

- Require the Department of Elderly Affairs to contract with the Florida Guardianship Foundation or another not-for-profit entity to perform functions associated with the registration of professional guardians.
- Require a public guardian to be considered a professional guardian for the purposes of regulation, education, and registration.
- Revise provisions for statewide registration of professional guardians and expand the registry requirement to public guardians.
- Provide that a state college or university or independent college or university may, but shall not be required to, register as a professional guardian.
- Require professional and public guardians to undergo revised credit checks and criminal background screening and to take a state competency exam as a prerequisite to appointment.
- Allow plenary and limited guardians to provide confidential ward information under specified terms to local ombudsman council members for investigative purposes.
- Require guardians to obtain court approval of the annual accounting in order to pay or reimburse costs incurred and reasonable fees or compensation to persons, including attorneys, employed by the guardian, from assets of the guardianship estate.
- Provide that when court proceedings are instituted to review or determine a guardian's or an attorney's fees, such proceedings are part of the guardianship administration process and the costs, including fees for the guardian's attorney, shall be determined by the court and paid from the assets of the guardianship estate, unless the court finds the requested compensation unreasonable.
- Reduce the educational requirements for a person serving as a guardian for his or her own minor child from 8 hours to 4 hours.
- Create a 10-member Guardianship Task Force and set forth its duties including the submission of a preliminary and final report to the Governor and the Legislature regarding the status of the guardianship delivery system and recommendations for improvements.

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

Vote: Senate 36-0; House 117-0

CS/SB 1822— Adult Protective Services

by Children and Families Committee and Senator Margolis

This bill amends s. 415.1045, F.S., directing the Department of Children and Family Services to enter into working agreements by March 1, 2004, with law enforcement agencies having jurisdiction to conduct criminal investigations arising from allegations of abuse, neglect, or exploitation of vulnerable adults. The Office of Program Policy Analysis and Government Accountability (OPPAGA) is directed to conduct a review of the efficacy of the agreements by March 1, 2005.

Section 415.1102, F.S., is amended and provides a definition of the term “multidisciplinary adult protection team” as two or more persons who are trained in the prevention, identification, and treatment of abuse of elderly persons as defined in s. 430.602, F.S., or of dependent persons and who are qualified to provide a broad range of services related to abuse of elderly or dependent persons. The composition of this team is suggested to include mental health, medical, and law enforcement personnel.

The department must provide a report to the Legislature by December 1, 2003, reflecting the status of its compliance with the recommendations included in Report No. 03-08, by OPPAGA, relating to improving the programmatic effectiveness of the Adult Services Program. This report must analyze the effects of, and provide a plan for implementing, at least one multidisciplinary adult protection team in each of its districts.

A Guardianship Task Force is created within the Department of Elderly Affairs (DOEA) for the purpose of examining issues pertaining to guardianship and incapacity and to make recommendations for improvement to the Governor and the Legislature. The Task Force is directed to submit a preliminary report to the Governor, the Secretary of Elderly Affairs and the Legislature no later than January 1, 2004 and a final report no later than January 1, 2005. The Task Force is to be terminated May 6, 2005.

This bill also amends s. 744.7021, F.S., and changes the relationship of The Office of Public Guardianship to DOEA: the office would now come under the direction of the Secretary. The Secretary of DOEA rather than the Governor is to appoint an executive director for the Statewide Public Guardianship Office. The executive director is required to provide status reports and recommendations pertaining to public guardianship services to the Secretary by January 1, 2004, and by January 1 each year thereafter.

If approved by the Governor, these provisions shall take effect July 1, 2003.

Vote: Senate 39-0; House 117-0

COMMUNITY SERVICES

CS/CS/SB 1454 — Social Services

by Appropriations Committee; Comprehensive Planning Committee; and Senators Atwater, Dawson, Bennett, Geller, Peaden, Fasano, Lee, Clary, Campbell, Saunders, Siplin, Bullard, Klein, Aronberg, Wilson, and Crist

Please refer to the Child Welfare part of this section for further discussion of this bill.

This bill includes a number of provisions relating to community-based social services.

- It creates the “Local Funding Revenue Maximization Act” to enhance the abilities of agencies and local political subdivisions to achieve maximum federal matching of funds for as many clients and health and human service needs as possible. With this bill, local funding may be used to draw down federal matching funds to meet local, critical human services needs. The bill sets forth the guidelines for this revenue maximization program including requiring the identified state agencies to establish mechanisms to use local funds for federal programs, defining the local matching funds that may be used, specifying the timeframes for providing federal reimbursements to the local political subdivisions, identifying the administrative costs permitted to be retained by the state agency, and reporting annually to the Legislature on the activities undertaken during the year.
- The bill amends the community-based care initiative for privatizing foster care and related services as follows:
 - Requires a readiness assessment before the Department of Children and Families may transfer services to a community-based care lead agency.
 - Directs the Auditor General and the Office of Program Policy Analysis and Government Accountability, in consultation with the Child Welfare League of America and the Louis de la Parte Florida Mental Health Institute, to conduct an evaluation of the Department of Children and Families’ process for determining the readiness of the department’s districts and the community-based care lead agencies.
 - Directs the department to provide reasonable administrative costs in each community-based care lead agency contract.
 - Eliminates the community-based care lead agency requirement for prior notification to the department before discontinuing voluntary services.
 - Directs the department to use the independent financial audits of the community-based care lead agencies to reduce contract and administrative reviews.

- Excludes certain counties from the community-based care requirements and provides for them to contract directly with the department.
- Eliminates the requirement that the Office of the Attorney General or the state attorney provide child welfare legal services for the community-based care initiatives in Sarasota, Broward, and Manatee counties.
- Reduces the match requirement for the community partnership matching grant program for prevention and in-home services from \$825,000 to \$250,000.

If approved by the Governor, these provisions take effect July 1, 2003.

Vote: Senate 40-0; House 116-0

CS/SB 2568 — Vulnerable Persons

by Children and Families Committee and Senator Lynn

Please refer to other parts in this section, as well as the Health, Aging, and Long-Term Care Committee section, for further discussion of this bill.

This bill sets forth a number of provisions relating to vulnerable persons, including removing the limitation to the consideration of offenses committed prior to October 1, 1995 in employment and licensure background screening pursuant to ch. 435, F.S. With this bill, the Department of Children and Families will be able to consider offenses committed by foster parent applicants, relatives, and other adults prior to October 1, 1995, in the placement of children in the child welfare system.

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

Vote: Senate 36-0; House 117-0

CS/SB 480 — Commission on Marriage and Family

by Governmental Oversight and Productivity Committee and Senator Lynn

This bill replaces the Commission on Responsible Fatherhood with the Commission on Marriage and Family Support Initiatives. This newly created commission is established within the Department of Children and Families as an independent entity not subject to departmental control. The responsibilities of the commission include developing comprehensive statewide strategies to facilitate the connection of responsible fathers and mothers with their families and children, to increase the availability of and access to parenting and relationship skills education and training, and to encourage and support the formation and maintenance of two-parent families. The commission is to consist of 18 members from the public and private sectors with the Governor, the President of the Senate, and the Speaker of the House of Representatives each appointing six members. The bill requires that the commission coordinate with community-based

organizations, prepare a number of reports that are to be submitted to the Governor and the Legislature, and submit an annual report. The funding allocated for the Commission on Responsible Fatherhood is provided for the newly established Commission on Marriage and Family Support Initiatives.

If approved by the Governor, these provisions take effect July 1, 2003.

Vote: Senate 39-0; House 93-14

MENTAL HEALTH AND SUBSTANCE ABUSE

CS/SB 2404 — Substance Abuse and Mental Health

by Children and Families Committee and Senator Lynn

The Florida Substance Abuse and Mental Health Corporation, Inc.

This bill creates s. 394.655, F.S., creating a not-for-profit organization known as the Florida Substance Abuse and Mental Health Corporation, Inc., referred to as “the corporation.” This corporation is to provide oversight and policy recommendations for the substance abuse and mental health systems and is subject to the direction of the Legislature.

The corporation is to work with the Department of Children and Family Services (DCF or the department), the Agency for Healthcare Administration (AHCA or the agency), and other agencies of state government to work toward fully developed and integrated mental health and substance abuse systems.

A memorandum of understanding is to be developed between the corporation and DCF requiring the department to consider and respond to the recommendations of the corporation. Requests made by the corporation to the department are to be responded to in a timely manner.

This bill provides direction for 12 members to be appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives. The Governor is to appoint the chair of this corporation, who may not be a public sector employee.

An organizational structure is specified in s. 20.19, F.S., for the department’s substance abuse and mental health program offices. This structure provides for the appointment of an Assistant Secretary and Program Directors by the Secretary of the department who are to have direct control of budgets and contracts including line of authority over district program staff.

The bill also requires that beginning December, 2004, annual financial and program evaluation reports be provided by the corporation. These reports are to address the status of the state’s publicly funded substance abuse and mental health systems and be submitted to the Governor

and the Legislature. These reports must also address whether the department and the corporation are complying with the terms of the contract in a manner that is consistent with the goals and purposes of the corporation and in the best interest of the state.

The Office of Program Policy Analysis and Government Accountability and the Auditor General are to jointly conduct an evaluation of the state's substance abuse and mental health systems and their management. The evaluation is to address at a minimum the extent to which the corporation has carried out its duties, the degree to which the department and other affected state agencies have cooperated with the corporation, and the impact of the organizational changes on the substance abuse and mental health systems in specified areas. The evaluation is to commence with the initial operation of the corporation and reports are to be submitted to the Governor and the Legislature by February 1, 2005, and February 1, 2006. The final report must include recommendations concerning the future of the corporation and the structure of the substance abuse and mental health authority and placement.

The section of law authorizing the corporation expires on October 1, 2006, unless it is reviewed and re-enacted by the Legislature prior to that date. Newly created s. 20.19 (2)(c), F.S., that directs the organizational structure for the substance abuse and mental health programs, and s. 20.19 (4)(b) 6. and 8., F.S., the current authority in law for DCF to operate the substance abuse and mental health programs, expire on October 1, 2006 unless re-enacted by the Legislature based on the demonstration that those programs are operating effectively within DCF.

Departmental Contracting

This bill amends s. 394.74, F.S., authorizing the department to adopt by rule new payment methodologies that include fee-for-service, prepaid case rate or prepaid capitation contract payment mechanisms for purchasing mental health or substance abuse services. This authority will provide additional contracting flexibility to the department and improve language consistency with other sections of the statute. The bill prohibits the rule from changing the ratio of state to local resources or changing the sources of matching funds. It additionally prohibits the increase of local matching funds.

Monitoring and Accreditation

This bill amends the accreditation requirements for behavioral health care services reflected in s. 394.741, F.S., directing the department and the Agency for Health Care Administration to adopt rules in order to conduct monitoring of accredited service providers. The bill requires the department to follow only properly adopted and applicable federal and state statutes and rules when monitoring service providers and specifies that the department may also monitor an organization to ensure that services billed to the department were provided.

The bill also requires the department to file a State Project Compliance Supplement for behavioral health services and to conduct only desk reviews of audit reports unless problems

have been identified by the audit. If problems are identified by the report, then the department may conduct onsite financial monitoring.

Strategy Areas

The bill amends s. 394.9082, F.S., to reflect that the managing entity, that is responsible for the provision and coordination of behavioral healthcare services within a geographic area, is accountable for behavioral health care services that are specified and funded by the department and the agency. The bill also creates new language regarding the data systems and reporting requirements of the strategy areas, creating reporting flexibility that is needed in the strategy areas.

The bill also directs the expansion of the “managing entity” concept into Districts 4 and 12 specifically for substance abuse services and restricts service expansion in those districts to the area of substance abuse. In these districts, a managing entity is to be accountable for the provision of substance abuse services to the recipients of child protective services. The department is directed to work with stakeholders to develop a phase-in of services, provide technical assistance to assure district and provider readiness, and enter into a contract with a managing entity.

The department must maintain detailed information on the methodology used for selecting the managing entity. A non-competitive contract may be entered into with a selected managing entity. Contract performance objectives must be developed ensuring that services delivered directly impact the child’s permanency plan. Existing statutory requirements relating to the goals and essential elements of service strategies are waived during the initial implementation of this expansion project.

The department is directed to implement this project and provide status reports to the appropriate substantive committees of the Senate and the House of Representatives no later than February 29, 2004, and February 28, 2005. The integration of all services agreed upon by the managing entity and authorized by the department must be completed within 2 years after project initiation.

The bill provides additional direction for the study currently required to be conducted by the Florida Mental Health Institute (FMHI), as a part of the ongoing evaluation of the strategies. The state must address the strategies implemented in Districts 1, 8, 4 and 12, and, based upon this study, the department and AHCA must provide a report no later than December 31, 2006, to the Governor and the Legislature. The report must contain recommendations for the statewide implementation of successful strategies, including any modifications to the strategies currently in use and target dates for statewide implementation.

Medicaid

Section 409.912, F.S., is amended requiring the Agency for Health Care Administration to seek federal approval to contract with a single entity to provide comprehensive behavioral health care services to all Medicaid recipients in an AHCA area. Each entity must offer a sufficient choice of providers. The network is to include all public health hospitals.

The department and AHCA will collaborate on all policy, budgets, contracts, and monitoring plans and shall contract to provide comprehensive mental health and substance abuse services through capitated pre-paid arrangements in each AHCA area except area 6 (Hardee, Highlands, Hillsborough, and Manatee counties). The bill requires that AHCA submit a plan for fully implementing capitated prepaid behavioral health care services throughout the state and provides for the implementation of a plan that would vary by the size of the Medicaid eligible population. The bill also allows for capitation rates to be changed if the rates are insufficient to provide appropriate services and allows for general revenue to be used to meet additional match. The over obligation of existing funds on an annualized basis is prohibited. The plan must be submitted to the Governor and the Legislature.

A plan must also be developed to implement new Medicaid procedure codes for emergency and crisis care, residential services and other services. The plan must describe specific procedure codes to be implemented, a projection of the number of procedures to be delivered, and a financial analysis that includes projected earnings and sources of state match. This plan may not be implemented until approved by the Legislative Budget Commission.

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

Vote: Senate 40-0; House 111-0.

CS/SB 2568 — Vulnerable Persons

by Children and Families Committee and Senator Lynn

Please refer to other parts in this section, as well as the Health, Aging, and Long-Term Care Committee section, for further discussion of this bill.

This bill sets forth a number of provisions relating to vulnerable persons, including providing the Department of Children and Families with the flexibility to use fee for service, case rate, or capitated contract methods, in addition to unit cost methods, in order to purchase and account for mental health and substance abuse services.

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

Vote: Senate 36-0; House 117-0

DEVELOPMENTAL DISABILITIES

CS/SB 2568 — Vulnerable Persons

by Children and Families Committee and Senator Lynn

Please refer to other parts in this section, as well as the Health, Aging, and Long-Term Care Committee section, for further discussion of this bill.

This bill sets forth a number of provisions relating to vulnerable persons, including the following:

- Non-licensed direct care staff in day programs and intermediate care facilities for the developmentally disabled are permitted to administer prescription medications to persons with developmental disabilities. Training of designated staff by either a registered nurse or physician is required, as are policies and procedures to ensure the safe handling, storage, and administration of the prescription medication.
- The health care proxy statute is revised to provide for appointment of a clinical social worker as a proxy in those cases where the incapacitated person or person with a developmental disability has not appointed a surrogate, does not have a guardian or a living will, and has no person among the various parties provided for in statute to be a decision maker for him or her. The appointment of such a proxy must be made through the facility's bioethics committee or, in the absence of such a committee at the facility, by the bioethics committee of another facility.

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

Vote: Senate 36-0; House 117-0