

ORGANIZATIONAL ISSUES

CS/CS/CS/SB 1476 — Department of Children and Family Services/Contracts/Service Provider

by Health and Human Services Appropriations Committee; Governmental Oversight and Productivity Committee; Children and Families Committee; and Senators Campbell, Margolis, and Lynn

The bill removes a provision of law exempting the Department of Children and Family Services (DCF) from the requirements of ch. 287, F.S. In addition, the bill requires that, when DCF uses the exemption from competitive procurement set forth in s. 287.057(5)(f)13., F.S., to procure services from postsecondary institutions, DCF must provide an opportunity for all postsecondary institutions to bid on the procurement. The bill provides that when this exemption is used, it applies only to the contract between DCF and the postsecondary institution and not to any services or commodities provided by the postsecondary institution agency through a private vendor.

The bill sets forth the requirements and processes for DCF contract managers and contract monitors.

The bill authorizes DCF to enter into agreements, not to exceed 23 years, with a private contractor to finance, design, and construct a secure facility, as described in s. 394.917, F.S., of at least 600 beds and to operate all aspects of daily operation within the facility. It describes allowable financing structures for the facility and directs DCF to begin implementation of this initiative by July 1, 2005. This section of the bill is repealed July 1, 2006.

The bill directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct two reviews of the contract management and accountability structures of DCF and to report its findings to the Legislature by February 1, 2006 and February 1, 2007.

The bill amends s. 409.1671, F.S., to conform definitions.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 39-0; House 118-0

SB 904 — Privatization of Foster Care

by Senator Dockery

This bill relieves community-based care agencies and their subcontractors providing foster care and related services from the obligation of including references to the State of Florida or including the logo of the Department of Children and Families (DCF) in their advertising and descriptions of their programs unless the agency or subcontractor receives more than 35 percent of their total funding from the state.

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

Vote: Senate 38-1; House 109-0

CHILD WELFARE

SB 1090 — Minors/Psychotropic Medication

by Judiciary Committee; Children and Families Committee; and Senators Campbell, Dawson, Lynn, and Crist

This bill amends s. 39.407, F.S., establishing the process by which children in the custody of the Department of Children and Families are provided psychotropic medications.

- Unless a parent's rights have been terminated, the bill provides that the prescribing physician must first attempt to obtain express and informed consent from the parent prior to prescribing a psychotropic medication for a child except in certain specified circumstances. The provisions in s. 394.459, F.S., relating to express and informed consent, are strengthened.
- If a parent's express and informed consent is not obtained, the department may, after consulting with the prescribing physician, seek court authorization to provide the psychotropic medication to the child. The evaluating physician is to be provided all pertinent medical information known to the department. Section 39.402, F.S., is amended requiring the parent to provide all known medical information to the department.
- If the department seeks court authorization to initiate or continue a psychotropic medication, the bill specifies that the motion be supported by specific documents, including a signed and detailed medical report, and, if any party objects to the motion, the bill requires that a hearing be held.
- The court is authorized to order the discontinuation of prescribed psychotropic medication if a psychiatrist, if available, or another physician states that, more likely than not, discontinuing the medication would not cause significant harm to the child or if the

child's treating physician states that continuing the medication would cause significant harm due to a diagnosed non-psychiatric medical condition.

- The bill provides for the court's periodic review of a child receiving psychotropic medication.
- The department is directed to adopt rules to ensure that children receive timely access to clinically appropriate psychotropic medications and to address other related issues.

This bill also creates s. 1006.0625, F.S., relating to public schools. The term "psychotropic medication" is defined, and a public school is prohibited from denying a student access to programs or services because a parent refuses to place the student on psychotropic medication. The bill authorizes school personnel to share observations of a student's performance with the student's parent and offer options and other assistance but prohibits such personnel from compelling any specific actions by the parent or from requiring that a student take medication. The bill provides that a parent may refuse psychological screening of a student and that any medical decision made to address a student's needs is a matter between the student, parent, and a competent health care professional chosen by the parent.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 40-0; House 118-0

CS/CS/CS/SB 1314 — Independent Living

by Health and Human Services Appropriations Committee; Judiciary Committee; Children and Families Committee; and Senators Rich, Lynn, Dawson, Smith, Wilson, Campbell, Bullard, and Klein

This bill amends s. 39.013, F.S., authorizing a youth in foster care to petition the court for continued jurisdiction for up to one year after their 18th birthday for the purpose of determining whether appropriate services have been provided to the formerly dependent foster child. This bill further provides for continued court jurisdiction up to the 22nd birthday for those formerly in foster care with pending Special Immigrant Visa status solely for the purpose of allowing the continued consideration of the petition and application by federal authorities. The court is directed to encourage the Statewide Guardian Ad Litem office to provide greater representation to foster children aging out of foster care.

This bill amends s. 39.701, F.S., requiring the Department of Children and Family Services to provide information in each judicial review report that the young adult was informed regarding the Medicaid program; of the young adult's right to petition the court for continued jurisdiction; that, if eligible for the Road-to-Independence Scholarship, of the young adult's ability to remain in a licensed foster home; and that the child has been encouraged to attend all judicial review hearings occurring after his or her 17th birthday. This bill also amends s. 409.1451, F.S.,

expanding the young adult's current right to remain with the licensed foster family or group care provider with whom the child was residing at the time of reaching their 18th birthday, to provide that the young adult may reside in another licensed foster home or group care provider arranged by the department.

Additionally, this bill requires the department to enroll in the Florida KidCare program young adults who were formerly in foster care if they do not have health insurance or are not eligible for Medicaid and requires the Independent Living Advisory Council to study and report to the Legislature on the most effective way of providing health insurance for young adults formerly in foster care not eligible for the Florida KidCare program.

A nonrecurring sum of \$1,100,000 is appropriated from the General Revenue Fund to the Department of Children and Family Services to implement the provisions of this act.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 39-0; House 115-0

SB 498 — Immigrant Children/Residency Status

by Senators Margolis and Wilson

Senate Bill 498 clarifies the requirements for seeking Special Immigrant Juvenile Status (SIJS) and lawful permanent residency for undocumented alien children who have been abused, neglected, or abandoned and who are under the jurisdiction of the court. It directs the Department of Children and Families (DCF) or a community-based care provider to determine whether a child is a citizen of this country by the time of the first judicial review for the child. It provides guidance to DCF, community-based care providers, and the courts as to the findings necessary to support a petition for SIJS and an application for lawful permanent residency. It requires DCF or the community based care provider to seek SIJS status and permanent residency within 60 days after the entry of a court order determining that such action is in the best interest of the child. It allows the jurisdiction of the court to be extended for the sole purpose of permitting the continued consideration of the application and petition of the child when the application and petition have been submitted prior to the child's 18th birthday.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 40-0; House 115-0

CS/CS/SB 758 — Child Protective Investigations

by Judiciary Committee; Children and Families Committee; and Senator Wise

Committee Substitute for Committee Substitute for Senate Bill 758 prohibits the use of information contained in a report from a closed investigation of child abuse, neglect, or

abandonment in any way which adversely affects the interests of a person when that person has not been identified as a caregiver responsible for the abuse, neglect, or abandonment.

The prohibition extends to closed investigations of institutional abuse, neglect, or abandonment, as well, but the committee substitute provides that when the person is a licensee of the Department of Children and Family Services (DCF), the information may be considered if relevant in relicensing or revocation-of-license decisions when three or more instances have occurred over a five-year period.

The bill also authorizes staff of a children's advocacy center to access DCF records generated as a result of reports of child abuse, abandonment, or neglect to the child abuse hotline. All records of such reports and all records resulting from those reports are currently made confidential and exempt by the provisions of s. 39.202, F.S., and are available only to entities listed in s. 39.202, F.S. This bill adds the staff of children's advocacy centers to the list of those who may have access to the reports.

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

Vote: Senate 39-0; House 118-0

CHILD SUPPORT

HB 1283 — Child Support Enforcement

by Rep. Galvano and others (CS/SB 1884 by Judiciary Committee and Senators Campbell and Lynn)

This bill includes a number of provisions that increase coordination between state and local agencies to establish orders for paternity and support, to enforce the parent's responsibility to pay support, and to ensure that the monies collected get to children and their families. Provisions in the bill include the following:

Paternity Establishment

The bill requires a feasibility study to be conducted on electronic processing of birth records, allows paternity to be established administratively based on genetic testing results of 99 percent or greater, allows amended birth record information to be available to the Department of Revenue (DOR or the department) without a court order, permits genetic testing in correctional facilities based on an administrative order, establishes a licensing application requirement for hospital paternity programs, and clarifies that hospitals will not be sanctioned or fined for noncompliance with requirements to assist unmarried parents execute voluntary acknowledgments of paternity.

Order Establishment

The bill reduces retroactive support for noncustodial parents who agree to a support order, increases the number of cases that support orders can be established for by allowing parents who receive food stamps or Medicaid to be ordered to pay support if financially able to do so, and requires electronic processing of child support judicial actions.

Child Support Remittance and Distribution

The bill permits the posting of undistributed child support collection information on the Internet, provides for electronic disbursement of support to families, and requires electronic remittance of child support payments by certain employers.

Child Support Enforcement

The bill amends the procedure for reporting child support obligations to consumer reporting agencies, requires a method to transmit income withholding and medical support notices electronically, provides notice to the department when a judgment by operation of law is recorded, and improves criminal nonsupport procedures to increase the use of this enforcement tool for the most serious non-payers by removing the limitation of a remedy of last resort, the required notice to a noncustodial parent prior to commencing criminal action, and the requirement for a prior adjudication of contempt.

Medical Support

The bill provides a penalty for those employers who refuse to enroll children in available health plans after receiving notice of federal and state requirements to do so and permits data exchange between DOR and the Agency for Health Care Administration (AHCA) to ensure that children have health care coverage and increase the number of children with private coverage, when it is available.

If approved by the Governor, these provisions take effect upon becoming law, except as otherwise provided.

Vote: Senate 40-0; House 117-0

HB 775 — Child Support Enforcement

by Future of Florida's Families Committee and Rep. Galvano and others (CS/SB 1262 by Judiciary Committee and Senator Campbell)

This bill contains provisions enhancing the enforcement tools of the Florida Child Support Enforcement Program. The bill:

- Provides for civil penalties for employers or unions who violate provisions in a National Medical Support Notice.
- Allows the Florida Department of Revenue (DOR) to continue to report a current child support obligation as an open account after a delinquency reported to a consumer reporting agency has been paid.
- Provides that once a settlement agreement is reached related to a workers' compensation claim, no proceeds of the settlement or attorney's fees can be disbursed until after a judge of compensation claims reviews the disbursement proposal and enters an order finding that the settlement provides for appropriate recovery of any existing child support arrearage.
- Allows the department access to any acknowledgment or affidavit of paternity that results in an original birth certificate being amended and allows the Office of Vital Statistics to amend birth records of children born in Florida upon paternity establishment by another state, based upon certification by the Title IV-D agency accompanied by supporting documentation.
- Limits the exemption for support order establishment to recipients of temporary cash assistance or Supplemental Security Income (SSI) only.
- Eliminates the requirement for a monthly report on public assistance collections.
- Allows the Agency for Health Care Administration (AHCA) to share KidCare information with the department for Title IV-D purposes.
- Requires DOR to stop disbursing child support payments to a person when DOR has determined that the child no longer lives with the person; describes requirements for making the determination that the child is no longer living with the person; requires notice; directs the tribunal which entered the original support order to determine whether the support should continue and to whom payments should be made.

If approved by the Governor, these provisions take effect upon becoming law, except as otherwise provided.

Vote: Senate 40-0; House 115-0

SB 166 — Child Support

by Senators Aronberg, Fasano, and Posey

Senate Bill 166 requires the Department of Revenue (DOR) to make reasonable efforts to locate and notify persons to whom collections or refunds of child support are owed. In making these efforts, DOR is authorized to disclose names and other information on the Internet but is required

to take reasonable steps to protect the privacy of persons to whom money is owed when placing information on the Internet. Any actions taken to protect privacy must be in compliance with the requirements of the public records law, s.119.01(2)(a), Florida Statutes.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 39-0; House 114-0

MISCELLANEOUS

HB 1921 — Domestic Violence Fatality Review (Open Government Sunset Review)

by Governmental Operations Committee and Rep. Kottkamp (CS/SB 974 by Governmental Oversight and Productivity Committee and Children and Families Committee)

HB 1921 reenacts and expands the public records and public meetings exemptions relating to the duties of domestic violence fatality review teams. The exemption is expanded to include information that identifies a victim of domestic violence or the children of the victim that is contained in a record created by a review team. It also reenacts and expands the public meetings exemption. The public meetings exemption is expanded to include discussions of confidential or exempt information.

The bill also repeals the public records exemption on October 1, 2010, unless reviewed and re-enacted by the Legislature.

If approved by the Governor, these provisions take effect October 1, 2005

Vote: Senate 39-0; House 116-0

SB 356 — Substance Abuse Treatment

by Senator Lynn

This bill amends the definition of “licensed service provider” provided by s. 397.311(18), F.S., to include a service component for “intensive inpatient treatment.” This component includes a planned regimen of professionally directed evaluation, observation, medical monitoring, and clinical protocols that are provided 24 hours a day, seven days per week in a highly structured, live-in environment. The changes proposed by this bill more accurately describe the services that are being provided by facilities that are experiencing problems with third party reimbursement. It is anticipated by some in the substance abuse provider community that designating this new service component will have a positive impact on the providers’ ability to collect third party payments.

A definition is created for “medical monitoring,” one of the services included in the “intensive inpatient treatment” component that is not typically included in other residential treatment levels. This bill specifies that “medical monitoring” means oversight and treatment 24 hours per day by medical personnel of clients whose subacute biomedical, emotional, psychosocial, behavioral, or cognitive problems are so severe that the clients require intensive inpatient treatment by an interdisciplinary team. Medical personnel, as used in the term “medical monitoring,” is limited to persons who are Florida-licensed medical physicians, osteopathic physicians, physician assistants, or nurses.

Additionally, this bill amends s. 394.499, F.S., to authorize the Department of Children and Family Services and the Agency for Health Care Administration to expand the children’s behavioral crisis unit demonstration model currently located in the SunCoast Region to other areas of the state after July 1, 2005. Community mental health and substance abuse treatment providers benefit from the authorization to develop additional treatment sites and children who are suffering with concurrent mental health and substance abuse disorders will have improved access to treatment.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 39-0; House 117-0

HB 17 — Developmental Disabilities

by Rep. Kravitz and others (CS/CS/SB 428 by Health and Human Services Appropriations Committee; Health Care Committee; and Senators Rich and Klein)

This bill amends s. 409.912, F.S., and directs the Agency for Health Care Administration (AHCA) and the Agency for Persons with Disabilities to develop a model Medicaid home and community-based waiver program to serve children diagnosed with Familial Dysautonomia, also known as Riley-Day Syndrome. The Agency for Health Care Administration is further directed to seek a federal waiver and, upon approval, implement the program subject to the availability of funds and any limitations provided in the General Appropriations Act. The bill authorizes AHCA to adopt the rules necessary to administer this waiver program.

Funding in the amount of \$171,840 from General Revenue and \$246,160 from the Medical Care Trust Fund is appropriated to AHCA for the purpose of implementing this act during FY 2005-2006.

Currently, families with children who suffer with FD receive no financial assistance from the publicly funded Agency for Persons with Disabilities unless the condition is combined with a covered developmental disability. The implementation of this bill could provide some assistance to these children and their families.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 38-0; House 111-0

CS/SB 1098 — Public Records/General Bill

by Governmental Oversight and Productivity Committee and Senators Smith, Lynn, and Wilson

This bill adds the executive director or equivalent and his or her designee of a child advocacy center meeting the standards set forth in s. 39.3035, F.S., to the list of individuals and entities entitled to have access to confidential records resulting from allegations of child abuse, neglect, or abandonment when the staff is actively involved in providing the services of the center to a child. This change will help to facilitate a more coordinated response to meeting children's needs, ensure a more thorough case planning process, as well as facilitate counseling and referrals for additional community resources to be provided to victims and non-offending parents.

The bill also makes certain information obtained by a guardian ad litem under Part I of ch. 39, F.S., in the discharge of official duty confidential and exempt, continuing the exemption previously held when guardians ad litem were employees of the court. The information protected is similar to that held by a judge, employee of the court, authorized agency of the department, correctional probation officer, or law enforcement agent.

Further, the bill makes home addresses, telephone numbers, places of employment, and photographs of current or former guardians ad litem and the names, telephone numbers, places of employment of the spouses and children of guardians exempt if the guardian ad litem provides a written statement indicating that reasonable effort has been made to prevent the information from becoming publicly accessible

If approved by the Governor, these provisions take effect October 1, 2005.

Vote: Senate 39-0; House 117-0

CS/SB 1722 — Multiservice Senior Centers

by Health Care Committee and Senators Fasano, Lynn, and Crist

This bill changes the definition of "multiservice senior center" in s. 430.203, F.S., moves the definition and purpose of the centers to a newly created section of statute, and further specifies the purpose of these centers. The bill provides that a multiservice senior center is:

- A community facility that is a focal point for the organization and provision of a broad spectrum of services suited to the diverse needs and interests of independent older persons;

- An entity authorized to partner with an aging resource center in order to provide easier access to long-term care services by seniors and their families who reside within the local community;
- A setting that provides opportunities that enable participants to stay connected to their communities and support networks; and
- A setting designed to offer preventive screenings, activities, and services that may divert seniors from more extensive in-home services and to help reduce, delay, or prevent premature institutionalization.

The bill specifies that multiservice senior centers should be centrally located and easily accessible by seniors with varying levels of physical abilities. Multiservice senior centers are encouraged to seek national accreditation by the National Institute of Senior Centers.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 39-0; House 117-0