



**State of Florida
Department of Children and Families**

Charlie Crist
Governor

George H. Sheldon
Secretary

DATE: August 20, 2010

TO: Regional Directors

THROUGH: ^{*Pete Digre*} Pete Digre, Assistant Secretary for Operations
David L. Fairbanks David L. Fairbanks, Assistant Secretary for Programs

FROM: Alan Abramowitz, State Director, Office of Family Safety 

SUBJECT: Session Overview of Bills that Affect Family Safety

ACTION REQUIRED: Please disseminate to child welfare staff

DUE DATE: None

PURPOSE: The purpose of this memorandum is to provide information regarding bills that passed during the 2010 Legislative Session affecting child welfare staff or programs.

BACKGROUND: During the 2010 Legislative Session, 2,477 bills, resolutions, and memorials were filed. Only 301 of those passed and were subsequently sent to the Governor for signature or veto. An overview of the bills that impact child welfare is attached.

ACTION REQUIRED: Please disseminate to child welfare staff.

CONTACT INFORMATION: For additional information or if you have questions, please contact Jane McElroy at (850) 921-2917 or via email at jane_mcelroy@dcf.state.fl.us.

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Mission: Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

2010 Legislative Session

Actions Taken by the Legislature During the 2010 Session

During the 2010 Legislative Session that ended, April 30, Legislators filed 2,477 bills, resolutions, and memorials. Only 301 of those were passed by both the Senate and House of Representatives and were subsequently sent to the Governor for his action. The Governor had three options: allow the bill to become law without his signature, sign the bill into law, or veto the bill.

The bills that passed both the House and Senate and impact the Family Safety area are listed below. They are divided into two categories: **GENERAL BILLS** and **BILLS THAT IMPACT THE BUDGET**. A brief explanation of each bill is provided along with the effective date and current status. You may obtain copies of the bills through the Senate's website at: <http://www.flsenate.gov/Welcome/index.cfm?CFID=179442219&CFTOKEN=20127099>

GENERAL BILLS

SB 4 by Senator Detert (companion HB 7053 by Representative Legg) – related to education accountability

- ✓ Addresses increasing the high school graduation requirements starting with youth who enter 9th grade in the 2010-2011 school year
- ✓ Each subsequent 9th grade class in 2011-2012, 2012-2013, and 2013-2014 have additional course requirements for math and science
- ✓ Requires student passage of statewide, standardized end-of-course assessment in certain math and/or science courses for students entering 9th grade in 2011-2012 and 2012-2013
- ✓ Doesn't affect the graduation requirements for students who will be entering 10th, 11th, or 12th grade in 2010-2011
- ✓ Does not address any changes in admission criteria for community colleges or the GED Programs
- ✓ Effective date: July 1, 2010; **Governor signed into law April 20** (Chapter 2010-22, Laws of Florida)

HB 25 by Representative Glorioso (companion SB 334 by Senator Storms) - related to temporary and concurrent custody of a child

- ✓ Provides that an active duty service member, upon deployment, may designate a family member or stepparent to exercise the service member's time-sharing periods
- ✓ Authorizes the court to order concurrent custody of a minor child to an extended family member who has physical custody of the child but does not have signed, written documentation from a parent which is sufficient to enable the custodian to do things necessary to care for the child
- ✓ Effective date: July 1, 2010; **Governor signed into law May 7** (Chapter 2010-30, Laws of Florida)

HB 295 by Representative Hukill (companion SB 532 by Senator Altman) - related to Department of Health food service inspections

- ✓ Requires the food inspections of group care homes to be limited to the same requirements as those used for licensed foster homes with five or fewer children (381.006)
- ✓ Effective date: July 1, 2010; **Governor signed into law April 27** (Chapter 2010-28, Laws of Florida)

HB 315 by Representative Horner (companion SB 530 by Senator Altman) - related to adoptions and firearms

- ✓ Prohibits adoption agency or entity from making suitability determinations based on requiring disclosure relating to, or restricting lawful possession, storage, or use of firearm or ammunition
- ✓ Adoption or child placing agency **may not**:
 - Make a determination that a person is unsuitable to adopt based on the lawful possession, storage, or use of a firearm or ammunition by any member of the adoptive home

- Require an adoptive parent or prospective adoptive parent to disclose information relating to a person's lawful possession, storage, or use of a firearm or ammunition as a condition to adopt
- Restrict the lawful possession, storage, or use of a firearm or ammunition as a condition for a person to adopt
- ✓ The Department's rules shall include adoption of a form to be used by child-placing agencies during an adoption home study that requires all prospective adoptive applicants to acknowledge in writing the receipt of a document containing solely and exclusively the language provided for in s. 790.17498 verbatim
- ✓ Effective date: upon becoming a law; **Governor signed into law April 6** (Chapter 2010-6, Laws of Florida)

SB 1012 by Senator Jones (companion HB 813 by Representative Garcia) - regarding health care services provided in DJJ facilities and programs

- ✓ Amends Chapter 985 requiring DJJ in consultation with DCF and APD to adopt rules ensuring the effective delivery of health services to children in the care and custody of DJJ
- ✓ Defines "ordinary medical care;" definition excludes hospitalization, surgery, the use of general anesthesia, or the provision of psychotropic medications
- ✓ Clarifies that the rules of DJJ do not supersede provisions in Chapter 39 governing consent to treatment and services for DCF children in DJJ's custody including the provisions of 39.407 and 743.0645
- ✓ Effective date: July 1, 2010; **Governor signed into law May 27** (Chapter 2010-123, Laws of Florida)

HB 1143 by Representative Hudson (companion SB 2434 by Senator Gardiner) ~~related to health care~~

- ~~✓ Amends 395.1023 transferring responsibility from DOH to the Department when requesting a staff physician to act as a liaison between the hospital, the Department, and the Child Protection Team~~
- ~~✓ Requires hospitals to submit their protocol policies regarding child abuse and neglect cases to the Department instead of DOH which will align the statute with current practice~~
- ~~✓ Requires that an ultrasound be performed on any woman obtaining an abortion~~
- ✓ Effective date: July 1, 2010; **Governor vetoed June 11, 2010**

HB 1363 by Representative Glorioso (companion SB 1148 by Senator Rich) - related to postsecondary student fee exemptions

- ✓ Clarifies exemption from fee requirements to include a student who is or was at time he or she reached 18 years of age in custody of relative under Relative Caregiver Program or who was adopted from the Department after May 5, 1997
- ✓ Provides expiration of exemption once student reaches **28 years** of age for all foster children
- ✓ Effective date: July 1, 2010; **Governor signed into law May 11** (Chapter 2010-68, Laws of Florida)

SB 1412 by Senator Haridopolos - related to Obsolete or Outdated Agency Plans/Reports/Programs

- ✓ Amends 409.1451 revising requirements relating to reports on independent living transition services
 - Independent Living Services Advisory Council must report to Legislature and Governor every year by December 31
 - Report must include status of Independent Living transition services, availability of aftercare support services, recommendations for legislative action (among other things)
- ✓ Repeals 409.152 relating to submission of family preservation service plans
- ✓ Repeals 409.1679 (1) and (2) relating to monthly and annual reports concerning residential group care services
- ✓ Amends 409.1685 revising provisions relating to reports by the Department on children in foster care (adds Governor to list to receive the report and changes due date from Mar 1 to May 1)
- ✓ Repeals 409.221(4)(k), relating to reports on consumer-directed care
- ✓ Repeals 409.441(3) relating to state plan for handling of runaway youths
- ✓ Effective date: upon becoming a law; **Governor signed into law May 26** (Chapter 2010-102, Laws of Florida)

SB 2014 by Senator Wise (companion HB 1203 by Representative Nelson) - regarding early learning

- ✓ Amends school readiness program eligibility to include the existing requirement of current 411.01(11), giving first priority to a child from a family in which there is an adult receiving temporary cash assistance
- ✓ A foster home licensed under 409.175 may be dually licensed as a child care home under Chapter 402 and, in addition to foster care maintenance, receive school readiness funding as permitted by federal law (not currently permitted)
- ✓ Expands the priority population served by the Department from ages 3 to 5 to ages 0 to 5
- ✓ Effective date: July 1, 2010; **Governor signed into law June 4** (Chapter 2010-210, Laws of Florida)

SB 2284 by Senator Negron - regarding the Legislature

- ✓ Changes the date the 2012 Legislature shall convene to January 10, 2012
- ✓ Effective date: July 1, 2010; **Governor signed into law May 17** (Chapter 2010-91, Laws of Florida)

HB 7069 by Representative Snyder (companion SB 1520 by Senator Storms) - regarding background screening

- ✓ Requires the Department to drug test, at a random time, a licensed foster parent if there is a reasonable suspicion that he or she is using illegal drugs
- ✓ Foster parent must pay the cost of the test but shall be reimbursed by the Department if the test is negative
- ✓ Provides rulemaking authority
- ✓ Removes a temporary exemption from screening requirements for direct service providers awaiting completion of a background screening
- ✓ Revises exemption from screening for camp volunteers – reduces 40 hours/month to 10 hours/month, volunteer must be in continuous line of sight of a person who has met the screening requirements
- ✓ All fingerprints must be submitted electronically
- ✓ All persons subject to screening must be re-screened every five years including re-submission of fingerprints if not already on file
- ✓ Staggered schedule of re-screening to be created for time period between July 31, 2010 – July 31, 2015
- ✓ If at time of re-screening a disqualifying offense committed before last screening was not then a disqualifying offense, can apply for exemption within 30 days of re-screening results
- ✓ If a person required to be screened for employment purposes is arrested for a disqualifying offense, he or she must be removed from contact with vulnerable persons as part of employment until the arrest is resolved in a way that maintains eligibility
- ✓ Exemption from disqualification can only be granted by the head of the appropriate licensing agency
- ✓ At least three (3) years must have passed since the applicant was released from confinement, supervision, or sanction for the disqualifying offense
- ✓ Cannot grant exemption if applicant is a designated sexual predator, career offender under 775.261, or a sexual offender required to register as such
- ✓ Guardian Ad Litem (GAL) not to be certified if have a pending arrest awaiting final disposition, been convicted of, regardless of adjudication, or been adjudicated delinquent and record not sealed or expunged for an offense under 435.04
- ✓ After August 1, 2010, all GAL applicants must undergo Level 2 background screening
- ✓ Effective date: August 1, 2010; **Governor signed into law May 26** (Chapter 2010-114, Laws of Florida)

HB 7111 by Representative Holder (companion SB 888 by Committee on Children, Families, and Elder Affairs) - regarding Open Government Sunshine Review/Information Held by GAL

- ✓ Continues exemption from public records requirements information held by GALs
- ✓ Deletes provision providing for repeal of the exemption
- ✓ Effective date: October 1, 2010; **Governor signed into law May 11** (Chapter 2010-75, Laws of Florida)

HB 7113 by Representative McBurney (companion SB 920 by Committee on Health Regulation) - regarding Open Government Sunshine Review/State Child Abuse Death Review Committee

- ✓ Continues exemption from public records and public meetings requirements information held by the State Child Abuse Death Review Committee or a local panel or committee which reveals the identity of household members of a deceased child and for portions of meetings at which such confidential and exempt information is discussed
- ✓ Effective date: October 1, 2010; **Governor signed into law May 7** (Chapter 2010-40, Laws of Florida)

BILLS THAT IMPACT THE BUDGET

SB 1484 by Senator Peadar – Medicaid (Conforming bill created through Conference Committee process)

- ✓ Authorizes AHCA to request continuation of the Medicaid Waiver Program
- ✓ Creates Medicaid and Public Assistance Fraud Strike Force in the Department of Financial Services
- ✓ Requires Chief Financial Officer to prepare model interagency agreements known as Strike Force agreements with any agency, collegial body, or federal, state, or local law enforcement to detect and deter Medicaid and public assistance fraud
- ✓ Creates Medicaid managed care fraud program in AHCA
- ✓ Creates specialty plan for foster children in Broward County to provide behavioral health care services
- ✓ Effective date: July 1, 2010; **Governor signed into law May 28** (Chapter 2010-144, Laws of Florida)

SB 2020 by Senator Alexander – Information Technology (Conforming bill created through Conference Committee process)

- ✓ Southwood Shared Resource Center will be the provider of the statewide e-mail service for all state agencies
- ✓ Requires issuance of a competitive solicitation by August 31, 2010 with responses required by October 15, 2010
- ✓ All agencies must be migrated to the statewide e-mail services no later than June 30, 2015
- ✓ Effective date: Upon becoming law; **Governor signed into law May 28** (Chapter 2010-148, Laws of Florida)

SB 2374 by Senator Alexander - State Group Insurance (Conforming Bill created through Conference Committee process)

- ✓ Requires SES and SMS to pay \$8.34 per month for individual coverage and \$30 per month for family coverage
- ✓ Co-payments increased for doctor and emergency room visits and for prescriptions except for generic drugs which decreased \$3.00
- ✓ Effective date: July 1, 2010; **Governor signed into law May 28** (Chapter 2010-150, Laws of Florida)

SB 2386 by Senator Alexander – State Financial Matters (Conforming bill created through Conference Committee process)

- ✓ Requires coordination of administrative and fiscal monitoring of contracted services for health and human services
- ✓ Mandates appointment of single lead administrative coordinator when a provider contracts with more than one agency
- ✓ Requires review of contracts to look for cost savings of 3% when possible if the reduction doesn't affect services
- ✓ Establishes Florida preference on goods and services in excess of \$5M
- ✓ Effective date July 1, 2010; **Governor signed into law May 28** (Chapter 2010-151, Laws of Florida)

HB 5001 by Full Appropriations Council on Education & Economic Development (companion SB 2700 by Policy and Steering Committee on Ways and Means) - **General Appropriations Act**

- ✓ Proviso language - Provides \$10M from Federal Grants Trust Fund to achieve a more equitable funding distribution among CBC Lead Agencies, provides formula
- ~~✓ Proviso language - Provides \$500,000 from the Welfare Transition Trust Fund for the Marriage Education Grant Program to prepare for, strengthen, and restore healthy marriages; to be awarded at no more than \$50,000 per grant (Vetoed by Governor)~~
- ✓ Proviso language – Provides \$250,000 from General Revenue Fund for the Salvation Army Children’s Village
- ✓ Proviso language – Requires Department to establish the necessary user accounts and access privileges required to enable authorized personnel in the Children’s Legal Services program and the judicial branch to use FSFN within 12 months of the system completing its federal certification requirements
- ✓ Limits life insurance policies for state employees to \$25,000 per employee
- ✓ Gives the Department flexibility to reorganize through July 1, 2011
- ✓ Prohibits payment of bar dues
- ✓ Effective date: July 1, 2010; **Governor signed into law with vetoes May 28** (Chapter 2010-152, Laws of Florida)

HB 5003 by Full Appropriations Council on Education & Economic Development (companion SB 2702 by Policy and Steering Committee on Ways and Means) - **Implementing bill**

- ✓ Limits travel to activities critical to agency’s mission
- ✓ Prohibits out of state travel and travel to conferences both in-state and out-of-state, etc. unless approved in writing by Secretary
- ✓ Establishes Florida preference on goods and services in excess of \$5M
- ✓ Effective date: July 1, 2010; **Governor signed into law with vetoes May 28** (Chapter 2010-153, Laws of Florida)

HB 5305 by Health Care Appropriations Committee (companion SB 1466 by Senator Peaden) - **Health Care** (Conforming bill)

- ✓ To improve efficiencies, limits administrative monitoring by DCF, DOH, APD, AHCA, and CBC Lead Agencies to once every 3 years if the child welfare provider is accredited by Joint Commission on the Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities, or the Council on Accreditation of Children and Family Services. Provides exceptions
- ✓ Authorizes creation of a data warehouse and establishes records to be included
- ✓ Repeals adoption benefit for qualifying adopting employees of state agencies
- ✓ Requires the Department to adopt rules to govern the payments and conditions related to payments for services to youth or young adults provided under this section
- ✓ Allows CBC Lead Agencies to carry forward documented unexpended funds but may not exceed 8% of the total contract; carry forward funds cannot create increased recurring future obligations; any unexpended funds that remain at the end of the contract period must be returned; requires the Department to enter into a fixed-price contract that provides 2-month advance payment at the beginning of each fiscal year and equal monthly payments; allows Department to outsource programmatic, administrative, or fiscal monitoring oversight of the lead agencies; authorizes lead agencies to continue using funding for certain expenditures
- ✓ Allows an alternative treatment service to specialized therapeutic foster or group care that may be used for dependent children who are deemed to be in need of family centered, cognitive-behavioral interventions
- ✓ Effective date: July 1, 2010; **Governor signed into law May 28** (Chapter 2010-158, Laws of Florida)

SB 5311 by Representative Grimsley – DOH Reorganization (Conforming bill created through Conference Committee process)

- ✓ Provides direction to DOH related to organizational changes; requires a comprehensive evaluation and justification review; establishes program limitations
- ✓ Decreases DOH's environmental health and food service responsibilities over facilities that are licensed and inspected by other agencies including DCF (Foster Care family and group homes)

- ✓ Effective date: July 1, 2010; **Governor signed into law June 1** (Chapter 2010-161, Laws of Florida)

HB 5401 by Representative Adams (companion SB 1400 by Senator Crist) – **State Judicial System** (Conforming bill)

- ✓ Amends 39.0134 stating that a parent whose child is dependent or whose parental rights are terminated and has an attorney appointed for them is liable for payment of the assessed application fee and reasonable attorney's fees
- ✓ If attorney's fees or costs are assessed, the court, at its discretion, may make payment of the fees or costs part of any case plan in dependency proceedings
- ✓ The case plan may not remain open for the sole issue of payment of attorney's fees or costs
- ✓ Effective date: July 1, 2010; **Governor signed into law May 28** (Chapter 2010-162, Laws of Florida)

~~**HB 5607 by Government Operations Appropriations Committee – Retirement (Conforming bill created through Conference Committee process)**~~

- ~~✓ Limits interest to DROP accounts for members who come into the system July 1, 2010 from 6.5% to 3%~~
 - ~~✓ Increases employer contributions into the retirement system~~
 - ~~✓ Effective date July 1, 2010; Presented to Governor May 13, must act on bill by May 28~~
- Vetoed by Governor May 28, 2010**