

**DEPARTMENT OF CHILDREN AND FAMILIES
Statement Of Estimated Regulatory Costs (SERC)**

Division: Department of Children and Families
Board: Child-Caring and Child-Placing Agency Licensing
Rule Number: 65C-9.004
Rule Description: Standards for Unaccompanied Alien Children (UAC) and
Unaccompanied Refugee Minor (URM) Programs.
Contact Person: Vanessa Snoddy

**Please remember to analyze the impact of the rule, NOT the statute, when
completing this form.**

A. Is the rule likely to, **directly or indirectly**, have an adverse impact on economic growth, private-sector job creation or employment, or private-sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule?

- | | | |
|------------------------------------------------------------|-----------------------------------------|----------------------------------------|
| 1. Is the rule likely to reduce personal income? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Is the rule likely to reduce total non-farm employment? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Is the rule likely to reduce private housing starts? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 4. Is the rule likely to reduce visitors to Florida? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 5. Is the rule likely to reduce wages or salaries? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 6. Is the rule likely to reduce property income? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Explanation: The Unaccompanied Alien Children ("UAC") and Unaccompanied Refugee Minor ("URM") programs are federally funded programs, but both rely on the State to license residential child-caring agencies, child-placing agencies, and foster homes responsible for the care of UAC and URM that are brought to Florida by the Office of Refugee Resettlement ("ORR") in the U.S. Department of Health and Human Services. The rule prohibits the State from licensing these entities if there is no cooperative agreement between the State and the Federal Government. Currently, there is a cooperative agreement between the State and Federal Government regarding the URM program. Therefore, licensing for URM programs will not be affected by this rule. With respect to UAC, however, this rule prohibits the State from licensing entities to serve UAC unless and until the State enters into a cooperative agreement with the Federal Government. Absent a cooperative agreement, any existing licensee that accepts UAC may have its license suspended or revoked. This could result in entities losing federal funding to care for UAC. However, these entities could also draw upon

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their existing infrastructure and staff to serve other populations covered by the Department (e.g., dependency, human trafficking, pregnant, and parenting).

The UAC program is federally funded in its entirety, yet the Federal Government relies on the State to license the facilities that serve the UAC population. Approximately \$66,131,570 in federal funding is allocated to the 17 child-caring agencies and 5 child-placing agencies that are licensed to serve the UAC population in Florida.

Child-Caring Agency (CCA) and Child-Placing Agency (CPA)	Program (UAC or URMP)	Federal Award	Approximate number of children served from January-December 2021
Catholic Charities of the Archdiocese of Miami (CCA)	UAC	\$10,048,439	352
His House Children Home (CPA)	UAC	\$7,957,203	28
His House UAC-Shelter Twenty-Five (CCA)	UAC		41
His House Shelter Twenty-Nine (CCA)	UAC		166
His House Shelter Thirty-Two (CCA)	UAC		187
His House Group Home Forty-Three (CCA)	UAC		4

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His House Shelter Thirty-Three (CCA)	UAC		187
His House Shelter Thirty-Five (CCA)	UAC		85
His House Shelter Thirty (CCA)	UAC		135
His House Shelter Thirty-One (CCA)	UAC		224
His House Shelter Thirty-Four (CCA)	UAC		280
His House Shelter Twenty-Two (CCA)	UAC		154
U.S. Committee for Refugees and Immigrant (CCA)	UAC	\$4,454,692	836
Urban Strategies: UAC Program (CCA)	UAC	\$16,104,341	210
Finally Home Adoption (CPA)	UAC		196
Gulf Coast JFCS UAC Shelter (CCA)	UAC	\$2,508,543	323
LSF Dream Center (CCA)	UAC	\$4,065,633	350

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Florida United Methodist Children's Home- Caminos Nacional (CCA)	UAC	\$7,139,283	135
Twin Oaks Juvenile Development- Twin Oaks Academy (CCA)	UAC	\$2,161,660	39
Bethany Christian Services (CPA)	UAC	\$3,994,818	44
National Youth Advocate Program (NYAP) La Jornada (CPA)	UAC	\$7,696,958.00	308

If any of these questions are answered "Yes," presume that there is a likely and adverse impact in excess of \$1 million, and the rule must be submitted to the legislature for ratification.

B. Is the rule likely to, **directly or indirectly**, have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule?

1. Is the rule likely to raise the price of goods or services provided by Florida business?

Yes No

2. Is the rule likely to add regulation that is not present in other states or markets?

Yes No

3. Is the rule likely to reduce the quantity of goods or services Florida businesses are able to produce, i.e. will goods or services become too expensive to produce?

Yes No

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4. Is the rule likely to cause Florida businesses to reduce workforces?
 Yes No
5. Is the rule likely to increase regulatory costs to the extent that Florida businesses will be unable to invest in product development or other innovation?
 Yes No
6. Is the rule likely to make illegal any product or service that is currently legal?
 Yes No

Explanation: See Section A above.

If any of these questions are answered “Yes,” presume that there is a likely and adverse impact in excess of \$1 million, and the rule must be submitted to the legislature for ratification.

C. Is the rule likely, **directly or indirectly**, to increase regulatory costs, including any transactional costs (see F below for examples of transactional costs), in excess of \$1 million in the aggregate within 5 years after the implementation of this rule?

1. Current one-time costs	0
2. New one-time costs	0
3. Subtract 1 from 2	0
4. Current recurring costs	0
5. New recurring costs	\$1,837,728.00
6. Subtract 4 from 5	\$1,837,728.00
7. Number of times costs will recur in 5 years	10
8. Multiply 6 times 7	\$18,377,280.00
9. Add 3 to 8	\$18,377,280.00

If 9. is greater than \$1 million, there is likely an increase of regulatory costs in excess of \$1 million, and the rule must be submitted to the legislature for ratification.

D. Good faith estimates (numbers/types):

1. The number of individuals and entities likely to be required to comply with the rule. *(Please provide a reasonable explanation for the estimate used for the number of individuals and methodology used for deriving the estimate).*

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There are a total of 17 child-caring agencies, 5 child-placing agencies, and 60 foster homes.

2. A general description of the types of individuals likely to be affected by the rule.

The following individuals would be affected by the rule:

- o Child-caring agency
 - The 600 staff employed to serve UAC consists of various roles to include, but not limited to, direct and non-direct care staff, administrative staff, nurses, volunteers, counselors, and contracted service providers.
 - Approximately 3,708 UAC were placed in child-caring agencies in Florida during the year of 2021.
- o Child-placing agency
 - The 80 staff employed to serve UAC consists of various roles to include, but not limited to, licensing specialist, administrative staff, and contracted service providers.
 - Approximately 60 UAC foster homes were active in Florida during the year of 2021.
 - Approximately 576 UAC were placed in foster homes in Florida during the year of 2021.

E. Good faith estimates (costs):

1. Cost to the department of implementing the proposed rule:

None. The department intends to implement the proposed rule within its current workload, with existing staff.

Minimal. *(Provide a brief explanation).*

Other. *(Please provide a reasonable explanation for the estimate used and methodology used for deriving the estimate).*

2. Cost to any other state and local government entities of implementing the proposed rule:

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None. This proposed rule will only affect the department.

Minimal. *(Provide a brief explanation).*

Other. *(Please provide a reasonable explanation for the estimate used and methodology used for deriving the estimate).*

3. Cost to the department of enforcing the proposed rule:

None. The department intends to enforce the proposed rule within its current workload with existing staff.

Minimal. *(Provide a brief explanation).*

Other. *(Please provide a reasonable explanation for the estimate used and methodology used for deriving the estimate).*

- o The Department will require training for providers completing welfare checks on children who are discharged from the child-caring agency or foster homes and placed with their sponsor or reunified with their parent, to ensure safety of these children.

- The Department has determined that the training will be conducted by the Department and there will not be a cost to obtain training on the identification of unusual injuries that could be indicative of abuse or neglect.

4. Cost to any other state and local government of enforcing the proposed rule:

None. This proposed rule will only affect the department.

Minimal. *(Provide a brief explanation).*

Other. *(Please provide a reasonable explanation for the estimate used and methodology used for deriving the estimate).*

F. Good faith estimates (transactional costs) likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the proposed rule. *(Includes filing fees, cost of obtaining a license, cost of equipment required to be installed or used, cost of implementing processes and procedures, cost of modifying existing*

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processes and procedures, additional operating costs incurred, cost of monitoring, and cost of reporting, or any other costs necessary to comply with the rule).

None. This proposed rule will only affect the department.

Minimal. *(Provide a brief explanation).*

Other. *(Please provide a reasonable explanation for the estimate used and methodology used for deriving the estimate). ...*

o The Department will require training for providers completing welfare checks on children who are discharged from the child-caring agency and placed with their sponsor.

- The Department has determined that the training will be conducted by the Department and there will not be a cost to obtain training on the identification of unusual injuries that could be indicative of abuse or neglect.

o The Department will implement the requirement for child-caring and child-placing agencies to complete in-person welfare checks for children who are discharged and placed by ORR in the care of a sponsor in Florida. When children are placed outside the providers' catchment area, the designated staff completing the in-person child welfare check will be required to travel and at times may require lodging.

o The Department has determined that child-caring and child-placing agency providers will be required to conduct in-person welfare checks when the youth leave the UAC placement and are placed in the care of a sponsor or reunified with their parent in the State of Florida. This impact could require additional travel and lodging costs for staff that are outside the catchment area of the child-caring agency. An additional impact is the need to educate staff from the child-caring agency who are responsible for conducting welfare checks on the identification of injuries or unusual marks that may be of concern and may require notification to Florida's Abuse Hotline.

o The following is an example of the costs for in-person welfare checks if all the staff conducting the checks live outside the catchment area:

- Cost of Travel

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- Mileage reimbursement for 2022 is \$.58 per mile
 - **For Example:** 236 miles (Miami to Orlando) X \$.58 = \$136.88
 - \$136.88 (mileage reimbursement) X 2 (round trip) = \$273.76
- Cost of lodging is on average \$180 per night
- \$273.76 (mileage) + \$180 (lodging) = \$453.76

- In-person welfare check for child-caring agency
 - First six months
 - \$453.76 (travel per child) X 3,708 (UAC) = \$1,682,542.08
 - Five years
 - \$1,682,542.08 X 10 (number of welfare checks per child in 5 years) = \$16,825,420.80

- In-person welfare check for child-placing agency
 - First six months
 - \$453.76 (travel per child) X 576 (UAC) = \$261,365.76
 - Five years
 - \$261,365.76 X 10 (number of welfare checks per UAC child in 5 years) = \$2,613,657.60

- The total cost to conduct welfare checks on UAC until they reach the age of 18 varies on the age of the child when they were placed with a sponsor.

G. An analysis of the impact on small business as defined by s. 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by s. 120.52, F.S. *(Includes:*

- *Why the regulation is needed [e.g., How will the regulation make the regulatory process more efficient? Required to meet changes in federal law? Required to meet changes in state law?];*
- *The type of small businesses that would be subject to the rule;*
- *The probable impact on affected small businesses [e.g., increased reporting requirements; increased staffing; increased legal or accounting fees?];*
- *The likely per-firm regulatory cost increase, if any).*

A small business is defined in Section 288.703, F.S., as "...an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration

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8(a) certification. As applicable to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments.”

A small county is defined in Section 120.52(19), F.S., as “any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census.” And, a small city is defined in Section 120.52(18), F.S., as “any municipality that has an unincarcerated population of 10,000 or less according to the most recent decennial census.”

The estimated number of small businesses that would be subject to the rule:

- 1-99 100-499 500-999
 1,000-4,999 More than 5,000
 Unknown, please explain:

Analysis of the impact on small business: Although a majority of licensed child-caring and child-placing agencies are not small businesses because they are not-for-profit entities, there are some licensed child-caring and child-placing agencies that may qualify as small businesses pursuant to Part IV, Chapter 288, Florida Statutes, and will be impacted by the Rule. When children are placed outside the providers catchment area, the designated staff completing the in-person child welfare check will be required to travel and at times may require lodging.

- See F for example of applicable costs.

There is no small county or small city that will be impacted by this proposed rule.

A small county or small city will be impacted. Analysis:

Lower impact alternatives were not implemented? Describe the alternatives and the basis for not implementing them.

H. Any additional information that the agency determines may be useful.

None.

Additional.

I. A description of any good faith written proposal for a lower cost regulatory alternative to the proposed rule which substantially accomplishes the objectives of the law being implemented and either a statement adopting the alternative or a statement of the reasons rejecting the alternative in favor of the proposed rule.

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No good faith written proposals for a lower cost regulatory alternative to the proposed rule were received.

See attachment "A" (Americans for Immigrant Justice).

Adopted in entirety.

Adopted / rejected in part. *(Provide a description of the parts adopted or rejected, and provide a brief statement of the reasons adopting or rejecting this alternative in part).*

Rejected in entirety. *(Provide a brief statement of the reasons rejecting this alternative).* In their lower cost regulatory alternative ("LCRA"), Americans for Immigrant Justice (AIJ) fails to provide alternatives which substantially accomplish the objectives of the law being implemented, as required by section 120.541(1) (a), Florida Statutes.

Contrary to AIJ's statements contained in the LCRA, section (7) of the proposed rule is not duplicative of the federal government's policies and guidelines because ORR does not require in-person welfare checks to ensure the well-being of the UAC they choose to bring into the state. ORR merely requires a single telephone call be made to the sponsor and child 30 days after the child's release from ORR custody. The LCRA does not provide an alternative to in-person welfare checks that accomplishes the objectives of the law being implemented.

AIJ's LCRA proposal to withdraw sections 6 through 12 of the proposed rule also fails to substantially accomplish the objectives of the law being implemented. Accordingly, this LCRA is rejected in its entirety.

See attachment "B" (U.S. Committee for Refugees and Immigrants ("USCRI")).

Adopted in entirety.

Adopted / rejected in part. *(Provide a description of the parts adopted or rejected, and provide a brief statement of the reasons adopting or rejecting this alternative in part).*

Rejected in entirety. *(Provide a brief statement of the reasons rejecting this alternative).* In their proposal, U.S. Committee for Refugees and Immigrants (USCRI) provided a LCRA that was simply to abandon the rulemaking altogether. However, USCRI fails to provide any rationale demonstrating how the lower costs and objectives of the law will be achieved by not adopting any rule, as

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required by section 120.541(1)(a), Florida Statutes. Accordingly, USCRI's lower cost regulatory alternative is rejected.

See attachment "C".

Adopted in entirety.

Adopted / rejected in part. *(Provide a description of the parts adopted or rejected, and provide a brief statement of the reasons adopting or rejecting this alternative in part).*

Rejected in entirety. *(Provide a brief statement of the reasons rejecting this alternative).*

See attachment "D".

Adopted in entirety.

Adopted / rejected in part. *(Provide a description of the parts adopted or rejected, and provide a brief statement of the reasons adopting or rejecting this alternative in part).*

Rejected in entirety. *(Provide a brief statement of the reasons rejecting this alternative).*

See attachment "E".

Adopted in entirety.

Adopted / rejected in part. *(Provide a description of the parts adopted or rejected, and provide a brief statement of the reasons adopting or rejecting this alternative in part).*

Rejected in entirety. *(Provide a brief statement of the reasons rejecting this alternative).*

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