



Capitol Connection



Week Two - March 14, 2014

BOTH HOUSES TAKE ON CHILD WELFARE OVERHAUL THIS WEEK

Following [media coverage](#) that [potentially hundreds](#) of children had suffered senseless and seemingly preventable deaths while under the watch of the Florida Department of Children and Families (DCF), reforming the child welfare system has become one of the top priorities in both chambers of the Legislature. Since interim committee meetings began last fall, members (in both policy and budget committees) have heard from state agencies, Community-Based Care (CBC) agencies, national experts, the Office of Program Policy Analysis & Government Accountability (OPPAGA), and other stakeholders to get a better understanding of the shortcomings of the system, and what potential solutions may exist. All of the debates and workshops culminated this week when committees tasked with leading child welfare reform efforts introduced comprehensive proposed legislation in both houses.

Senate Children, Families, and Elder Affairs Committee

At the beginning of the meeting on Tuesday, March 11, Chair Eleanor Sobel (D-Hollywood) assured stakeholders there would be an open dialogue as they continue to build on the framework developed by the Committee. Stakeholder and member input will eventually culminate in a "strike all amendment" that will incorporate everyone's suggested changes. The committee introduced three bills that addressed a wide range of topics, each of which is detailed and discussed individually below.

SB 1666 (Formerly SPB 7072) "Child Abuse and Child Welfare Services" by Children, Families, and Elder Affairs; Sen. Sobel

- Sec. 1: Requires the creation of an Assistant Secretary of Child Welfare to provide greater attention and responsiveness
- Sec. 2: Recognizes that current employees do not need to be child welfare certified, because it would be too burdensome on the workforce
- Sec. 3: Requires social work degrees for child investigators and supervisors, including 80% of new hires. Current workers without a social work degree would be grandfathered in.
- Sec. 4: Creates a tuition exemption program for certain employees based on performance standards

- Sec. 5: Provides a \$3,000 payment each year for up to 4 years to employees who have social work degrees
- Sec. 6: Addresses rehoming issue; creates a criminal penalty for the abandonment of children
- Sec. 7: Creates the university partnership (likely based out of Florida State University's School of Social Work) to provide policy analysis and recommendations, and develop on-the-job training for CPIs and case workers
- Sec. 8: Amends school code to put CPIs and supervisors on the list of those exempted from fees
- Secs. 9 & 10: Repeals old statutes

The bill exempts those with social work degrees from certification, but requires certification for those without. Sen. Miguel Diaz de la Portilla (R-Miami) asked that all workers should get certified for "an additional level of training and protection," continuing education and following a code of ethics. Sen. Thad Altman (R-Melbourne) and Sen. Nancy Detert (R-Venice) stated that they would rather hold off on passing the bill to allow the committee to amend it further, but Chair Sobel explained that the bill could get amended at future committee stops.

Sen. Detert also expressed reservations over the social work requirement, mentioning that the Assistant Secretary would not qualify for his own job, despite having a Ph.D. and law degree. She offered an amendment that would allow the Assistant Secretary to have a degree in social work or seven years of relevant experience. She added that she believed that it should be applied to all child welfare employees as well.

SB 1668 (formerly SPB 7074) "Child Welfare" by Children, Families, and Elder Affairs; Sen. Detert

- Establishes that if one sibling is abused, the rest may be removed from the home, as well
- Establishes critical incident rapid response teams to send teams onto the scene of a child death or incident
- Requires DCF to publish more information on child deaths on the website
- Expands the scope of child death reviews from just deaths from abuse and neglect to all deaths for a child who had been reported to the DCF hotline
- Authorizes payment to nonrelative caregivers who are providing the same support as relative caregivers
- Modernizes outdated statutes, reorganizes Community Based Care (CBC) statutes

Sen. Alan Hays (R-Umatilla) expressed a concern that expanding the powers of the Community Alliances would create too many layers of bureaucracy (CBC boards, DCF, etc.). Mike Jordan, Executive Director of Marion County Children's Alliance and local CBC (Kids Central) board member, agreed and also discussed the complications that arise from the fact that this CBC has five counties in its jurisdiction. Mr. Jordan stated that the Marion Children's Alliance has mostly moved onto other things since its creation. He expressed frustration on board appointments by administrators in Tallahassee, who are sometimes unfamiliar with child welfare. He said his impression was that most Alliances are not very strong. Miranda Phillips from Florida Youth Shine testified on her struggles in the foster care system, including being separated from her sibling and the financial challenges of staying with a non-relative caregiver.

SB 1670 (Formerly SPB 7076) "Medically Complex Children" by Children, Families, and Elder Affairs; Sen. Grimsley

- Adds a definition of medical neglect to help provide additional guidance to DCF
- Requires Child Protection Teams from DOH to consult with certain trained physicians when needed
- Clarifies that the state will make every possible effort to try to keep children at home

- Further defines the state Medicaid program to ensure that children in the foster care system receive services, such as dental, medical, and behavioral health

House Healthy Families Subcommittee

Following the release of the Senate's package of child welfare bills, on Wednesday, March 12, the House of Representatives unveiled a single, comprehensive companion bill that contained many similar provisions.

PCB HFS 14-03 "Child Protection and Child Welfare Services" by Healthy Families

- Establishes an Assistant Secretary of Child Welfare to lead the department in carrying out its duties and responsibilities for child protection and welfare
- Increases education and training requirements of new child investigators by requiring them to have either:
 - A Bachelor of Social Work or Master of Social Work
 - A relevant human services degree with 12 hours of social work coursework
 - A relevant human services degree and social work training within 3 years
- Values individuals specializing in medically complex children or investigations
- Provides tuition reimbursement/loan forgiveness provisions, provided the student maintains a B average
- Increases transparency
- Requires basic information about child deaths to be reported on the DCF website
- Sets up rapid response teams
- Creates the Florida Institute for Child Welfare to be placed at the FSU School of Social Work, that would be a "brain trust" for conducting research and making recommendations to DCF
- Creates a taskforce within that Institute to come together and make specific recommendations
- Addresses sibling relationships and ensures that siblings have contact with each other
- Addresses and criminalizes rehomeing and abandoning a child
- Addresses "safety plans" and ensures that there are consequences to not following them
- Addresses medically fragile children
- Updates statutes on CBCs
- Facilitates community control of CBCs
- Requires representation of local entities, including school districts, United Way, and law enforcement
- Ensures that members of the local Community Alliances are involved in the CBC procurement process, which is to take place locally
- Ensures that reliable data is gathered
- Adds a new goal to ensure that children become responsible adults
- Ensures that the entire system is accountable

Discussion and Testimony

Rep. Kathleen Peters (R-St. Petersburg) stated that judges had told her that sheriffs made for the best child investigators. She did not believe that there was enough evidence for requiring social work degrees, and that those provisions went too far. Chair Harrell stated that the House bill was less rigorous than the Senate version by allowing additional training and certification within three years and with possible tuition reimbursement.

Chair Harrell emphasized that Community Alliances were not there to govern CBCs, but to inform the public and make recommendations.

Rep. Lori Berman (D-Boynton Beach) expressed concern that the bill did not do enough to address CPI burnout.

Regarding the section on Consultation for Medically Complex Children, Dr. Randell Alexander from the University of Florida Department of Pediatrics testified that pediatricians and child protection teams are already trained to treat these children and medical neglect issues.

Debra Dowd of the Florida Developmental Disabilities Council asked members to ensure that Medically Complex Children would receive a plan that would get them a permanent home. A similar strategy in Texas reduced the number of these children in nursing homes from 200 to 60.

DCF Deputy Secretary Pete Digre commended the committee on including safety plan language, which states that a CPI can no longer close a case where a child has a safety plan without handing it off to case management. He also backed professionalization of the workforce, and accompanying provisions for tuition assistance and loan forgiveness. He mentioned a process started by DCF called Rapid Safety Feedback that looks at families with children under 4 and intercepts problems before they occur. Finally, Mr. Digre supported the bill's focus on cause analysis and making sure law enforcement and children's advocates are part of child protection teams.

PCB HFS 14-02 "Human Trafficking" by Healthy Families

In addition to introducing a bill to reform the child welfare system, the Healthy Families Subcommittee, also debuted a bill that will provide comprehensive services for children trapped in the illicit sex trade. Attorney General Pam Bondi, who has been extremely active on this issue, was in attendance to introduce the bill. Some of the provisions of the proposed committee bill include:

- Creates new administrative requirements to ensure that DCF and CBCs have the infrastructure to respond to the needs of these victims
- Creates clearer guidelines for "safe houses" and safe foster homes, and ensures that those who work there provide the quality care that these victims deserve
- Creates a pilot program to test a secure safe house
- Responding to the concerns of advocates, the PCB ensures that education was part of the treatment and discharge plan
- Makes substantive changes to the process of being placed in a safe house
- Mandates that an individual must have a lawyer, not just a Guardian ad Litem

During the discussion of the bill, Rep. Sharon Pritchett (D-Miramar) wanted to ensure that children who needed court services on weekends, when courts often have skeleton crews working, would have access to needed services.

Regarding the secure detention facility pilot program, Rep. Lori Berman (D-Boynton Beach) expressed concerns that locking up children, who were already victims of sex trafficking, in a secure facility might further victimize them. Chair Harrell assured the committee that the facility would be quite welcoming and "a place of healing."

HB 989 by Rep. Carlos Trujillo (R-Doral) was passed unanimously by the House Criminal Justice Subcommittee on Monday, March 10. The bill will makes many changes with regards to human trafficking:

- Includes human trafficking in the definition of term "sexual abuse of child"
- Includes human trafficking within provisions providing for confidentiality of court records concerning certain offenses involving children
- Includes human trafficking victims within provisions prohibiting disclosure of identifying information of certain crime victims
- Provides that victims of human trafficking are eligible for crime victim compensation awards and allows them to be eligible for financial relocation assistance

Its companion, [SB 768](#) by Sen. Oscar Braynon (D-Miami Gardens), is still awaiting its first hearing in the Criminal Justice Committee.

Sexually Exploited Children

[HB 1071](#) by Rep. Erik Fresen (R-Miami) specifies and makes provisions for when a child believed to be commercially exploited may be taken into custody, requires reassessment of children who run away, and specifies that safe harbor provisions apply to children who are victims of commercial sexual exploitation, among other things. It is still waiting to be heard by the House Healthy Families Subcommittee.

Motor Vehicle Insurance and Driver Education for Children in Care

[SB 744](#) by Sen. Nancy Detert (R-Venice) passed its second committee, Senate Transportation, on Thursday, March 13. It will now go to the Senate Banking and Insurance Committee. The bill would establish a statewide pilot program to pay for the costs of driver education, licensure, and the costs incidental to licensure, as well as motor vehicle insurance for a child in licensed out-of-home care. Its companion, [HB 977](#) by Rep. Ben Albritton (R-Bartow) is still in its first committee, the House Healthy Families Subcommittee.

EARLY LEARNING

Early Learning Bill Assigned to House Education Appropriations, Senate to Hold Early Learning Workshop

Drafted over the course of many interim committee meetings, [HB 7069](#) by Chair Marlene O'Toole (R-The Villages) and the House Education Committee will address early learning health and safety standards, licensing, and more. The bill has now been assigned to Rep. Erik Fresen's (R-Miami) Education Appropriations Subcommittee, its only committee of reference. Some notable components of the bill include the following:

- Renames the School Readiness program as the Child Care and Development program
- Requires that private providers must be licensed or, if the provider is a licensed-exempt faith-based provider or nonpublic school, agree to substantially comply with specified child care licensing standards and submit to inspections by the Department of Children and Families (DCF) or local licensing agency
- Denies providers with serious health and safety violations in the previous year program eligibility unless certain requirements are met
- Requires that by January 1, 2016, personnel must be at least 18 years of age and hold a high school diploma (or equivalent); practitioners must be trained in developmentally appropriate practices aligned to the age and needs of children served
- Requires the Office of Early Learning (OEL) to develop online training on the School Readiness program performance standards and provider personnel to complete the training
- Requires the Office of Early Learning to conduct a 2-year pilot project to study the impact of assessing the early literacy skills of Voluntary Prekindergarten Education Program participants who are English Language Learners, in both English and Spanish

Though the House bill does not currently have a corresponding bill in the Senate, Sen. John Legg's (R-Lutz) Education Committee will hold an early learning workshop on Tuesday, March 18, at 8 a.m.

Licensing of Facilities that Offer Health and Human Services

[SB 394](#) by Sen. Audrey Gibson (D-Jacksonville) will be heard on Monday, March 17, in the Senate Health and Human Services Appropriations Subcommittee. The bill makes the following changes to the regulations of family day care homes, child care facilities, and large family child care homes:

- Amends the definitions of "child care" and "child care facility" to delete the requirement that a payment, fee, or grant be made for care in order to be considered a child care facility
- Requires that child care facilities exempt from licensing requirements include the state or local agency license number or registration number of the facility when advertising
- Requires licensed or registered family day care homes and large family child care homes to conspicuously display the license or registration in the common area of the home
- Requires that the substitute for a registered family day care home meet the screening and training requirements of DCF
- Specifies that background checks are required for the operator, each household member, and the designated substitute of a registered family day care home

The bill's companion, [HB 303](#) by Rep. Lori Berman (D-Boynton Beach), was passed by the Healthy Families Subcommittee on Wednesday, March 5, and is currently in Health Care Appropriations.

HEALTHY CHILDREN

Newborn Health Screening

[SB 722](#) by Sen. Rene Garcia (R-Hialeah) was passed unanimously by its first committee, Senate Health Policy, on Tuesday, March 11. It will now go to the Senate Children, Families, and Elder Affairs Committee. The bill will allow the State Public Health Laboratory to release the results of a newborn's hearing and metabolic tests or screenings to the newborn's health care practitioner, a term which is expanded to include a physician or physician assistant, osteopathic physician or physician assistant, advanced registered nurse practitioner, registered nurse, licensed practical nurse, midwife, speech-language pathologist or audiologist, or a dietician or nutritionist. Sen. Aaron Bean (R-Fernandina Beach) added an amendment that would require physicians who diagnose a child as deaf or hard at hearing to ask parents if they would like more information regarding American Sign Language and other resources.

Its companion, [HB 591](#) by Rep. Gayle Harrell (R-Port St. Lucie), passed unanimously out of the House Health Quality Subcommittee on February 18, but is still waiting to be heard by the House Health and Human Services Committee, the bill's final committee assignment.

Florida KidCare Program

[HB 7](#) by Rep. Jose Felix Diaz (R-Miami) would allow children of legal immigrants, who have lived in the United States less than five years, to be eligible for KidCare. The bill still awaits a hearing in the House Health Care Appropriations Subcommittee after being passed unanimously on February 11 by the House Health Innovation Subcommittee. Its companion, [SB 282](#) by Sen. Rene Garcia (R-Hialeah), has been referred to the Senate Health Policy Subcommittee, but has not been heard yet. Agency staff estimated that these bills would extend health coverage to a total of 25,555 children, if enacted.

ACTION ALERT:

For proponents of the bills, it is timely to thank the sponsors for supporting children, contact your members to ask them to co-sponsor the bills, and also contact leadership of the committees noted to help get the bills heard.

JUVENILE JUSTICE

Juvenile Justice Education Programs

[HB 173](#) by Rep. Janet Adkins (R-Fernandina Beach) was passed unanimously by the full House on Wednesday, March 12. The bill would enhance transition services by requiring that local school districts, Florida Department of Juvenile Justice reentry personnel and local workforce personnel be

part of a youth's transition planning. It would also require that school districts consider the needs of individual youth when they return to school, and enhance career and technical training. This bill seeks to improve accountability, enhance access to virtual education, and require state and federal education dollars to follow the youth who generate them. Its companion, [SB 598](#) by Sen. Aaron Bean (R-Fernandina Beach), was passed unanimously by the Senate Education Committee on Tuesday, March 11. It is now in the Senate Criminal Justice Committee.

Juvenile Sentencing

[SB 384](#) by Sen. Rob Bradley (R-Fleming Island) was passed on a 14:3 vote by the Senate Appropriations Committee on Thursday, March 13. The bill will now go to the floor. According to the staff analysis, the bill would conform "Florida law to recent United States Supreme Court decisions involving the sentencing of juvenile offenders. The bill provides that any offender who is convicted of murder that was committed before he or she was 18 years old may be sentenced to life imprisonment only after a mandatory hearing at which the judge considers certain factors relative to the offender's age and attendant circumstances. For capital offenses, the judge must impose a minimum sentence of at least 35 years if life imprisonment is not appropriate. The bill also provides for a judicial hearing to review any sentence of more than 25 years, including a life sentence that is imposed for a non-homicide offense committed when the offender was less than 18 years old."

Its House companion, [HB 7035](#) by Rep. J.W. Grant (R-Tampa) and Criminal Justice, passed its first stop in the Justice Appropriations Subcommittee on Tuesday, March 11, on an 11:2 vote. The bill is now in its last committee, House Judiciary.

OTHER BILLS AFFECTING CHILDREN

Resident Status for Tuition Purposes

[HB 851](#) by Rep. Jeanette Nunez (R-Miami) passed out of House Appropriations, its final committee on Thursday, March 13. The bill, which has garnered the strong support of House Speaker Will Weatherford (R-Wesley Chapel), would allow undocumented students to receive in-state tuition at state colleges and universities. Its companion, [SB 1400](#) by Sen. Jack Latvala (R-Clearwater), will be heard by its first committee, Senate Education, on Tuesday, March 18. Senate President Don Gaetz (R-Niceville) [recently expressed](#) some reservations about the proposal.

Child Safety Devices in Motor Vehicles

A bill that would revise booster seat requirements for children has passed its second committee. [SB 518](#) by Sen. Anitere Flores (R-Miami) was approved on an 8:1 vote on Wednesday, March 12, by the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development. The bill proposes to require an approved child restraint device for all children less than 7 years of age, if the child is less than 4 feet 9 inches in height. According to the staff analysis, only Florida and South Dakota still allow the use of adult seat belts without a booster seat for children less than 5 years of age. During the hearing, Sen. Audrey Gibson (D-Jacksonville) wondered why non-relative children were exempt from the provisions of the bill. Sen. Flores responded that while she wished all otherwise eligible children would be required to use appropriate safety precautions, there were too many practical concerns to account for. The House companion, [HB 225](#) by Rep. Keith Perry (R-Gainesville), has yet to be voted on by the House Transportation and Highway Safety Subcommittee. Sen. Thad Altman (R-Melbourne), the previous sponsor of this bill for the past several years, is also sponsoring a similar bill, [SB 454](#), that is currently awaiting a hearing in the Senate Transportation Committee.

SPECIAL DISTRICTS

Lobbying of Special Districts

SB 846 by Sen. Jack Latvala (R-Clearwater), "Government Ethics" regulates those who lobby certain independent special districts by creating a statute that closely resembles the legislative lobbying provisions and the executive branch lobbying provisions, as well as those used by The Children's Trust. The bill:

- Requires lobbyists to register for each principal represented
- Prohibits unregistered lobbyists from representing clients before special districts
- Requires the filing of quarterly compensation reports
- Requires special districts to maintain the filings and make them available to the public
- Imposes fines for failing to file the quarterly compensation reports
- Prohibits expenditures from lobbyists
- Provides jurisdiction to the Commission on Ethics concerning complaints alleging violations of the new requirements
- Requires the districts to adopt procedures and forms to implement the new system

The bill passed unanimously out of the Senate Committee on Appropriations on Thursday, March 13, and now goes to floor of the Senate. It does not currently have a House sponsor.

Please contact Diana Ragbeer, Director of Public Policy and Communications at diana@thechildrenstrust.org should you need further information.