
2021 Legislative Session

Summary Report

Department of Children and Families
Office of Legislative Affairs

Shevaun Harris
Secretary



Ron DeSantis
Governor

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INTRODUCTION

This summary is an overview of legislation passed by the Florida Legislature during the 2021 Regular Session that are of interest to or impact the clients and operations of the Florida Department of Children and Families (Department).

For additional information on the 2021 Regular Session, bill actions, legislative staff analyses, and more, please visit the websites below:

Florida House of Representatives: www.myfloridahouse.gov

Florida Senate: www.flsenate.gov

Online Sunshine: www.leg.state.fl.us

Florida Department of State, Laws of Florida: laws.flrules.org/node

Florida Governor Ron DeSantis: www.flgov.com

Overview of Legislation Pertaining to the Department of Children and Families

DEPARTMENT BILLS

HB 1231: Domestic Violence

Bill Sponsor: **Representative Melo**

Effective Date: July 1, 2021

Pending Governor's Approval

Legislative Intent

- Updates the legislative intent in s. 39.901, F.S., to reflect the current statutory definition of domestic violence; to acknowledge that intimate partner violence is a significant public health threat that has adverse impacts on Florida families; and to reflect the 2020 removal of the Florida Coalition Against Domestic Violence from statute and that the Department is responsible for certifying and monitoring domestic violence centers.

Certified Domestic Violence Centers

- Adds nonresidential outreach services as a minimum service certified domestic violence centers must provide to victims and their dependents.
- Requires certified domestic violence centers to obtain funding from local public and private sources in an amount that equals at least 25 percent of the amount of funding the center receives from the Domestic Violence Trust Fund established in s. 741.01.
- Allows certified domestic violence centers to carry forward up to 8 percent of their funding from one fiscal year to the next with certain conditions, which is similar to what is currently permitted for other child welfare community-based care lead agencies.

Batterers' Intervention Programs (BIPs)

- Authorizes the Department to again certify and monitor the approximately 130 BIPs that are currently in Florida. The Department performed this duty until 2012, when funding for the Department's BIP staff was eliminated. There has been no state certification or monitoring of BIPs since 2012, which, according to numerous stakeholders, has adversely impacted the overall quality and effectiveness of BIPs in their communities. Reauthorizing the Department to certify and monitor BIPs addresses the significant concerns expressed by judges, domestic violence advocates, prosecutors, probation officers, survivors and BIP providers.
- Permits certified BIPs to use a cognitive behavioral model or a psychoeducational model in their program content.

CHILD WELFARE

SB 80: Child Welfare

Bill Sponsor: **Senator Brodeur**

Effective Date: October 1, 2021

Pending Governor's Approval

Face Sheet

- Requires the Department to develop and include a “face sheet containing relevant information about the child and his or her case” in every child’s case record. The face sheet must be electronic and have the capability of being printed.

Priority Placement

- Creates a new section of statute which provides a list of items the Department, the community-based care lead agency (CBC), or court shall consider when determining if a proposed placement is in the best interest of the child. Although this is new language, this process is already in place.
- Adds another placement option in the placement priority: “5. Nonrelative caregiver that does not have an existing relationship with the child.”

Multidisciplinary Team (MDT)

- Creates Multidisciplinary Teams for the purpose of bringing together a diverse group of individuals to convene in an effort to help children achieve permanency, safety and overall family well-being.
- Requires MDTs for initial placements, changes in physical custody, changes in educational placement, placement decisions involving siblings, and other complex important decisions.
- Requires MDTs to conduct an assessment before formulating a decision. MDTs must be led by a facilitator who is a trained professional.
 - If there is a unanimous consensus that includes a Department representative, the decision is binding on the Department. If it is not unanimous, the Department makes a determination in the best interest, and the facilitator must provide a report to the court.

Transition Plans

- The Department shall contract for the development of model placement transition plans and related explanatory materials. The Department already has an existing contract with the Quality Parenting Initiative that has been approved for renewal that can be amended to incorporate the model plans.
- Requires a transition plan be created and implemented for every placement change a child makes, to include one caregiver to another, moves to a foster home, a group home, relatives, prospective guardians, prospective adoptive parents, reunification with parents. Emergency changes can occur prior to developing a plan.
- Requires specific considerations depending on the age of the child. Requires educational transition plans for transitions between childcare and early education programs as well as transitions between K-12 programs.
- Requires the Department, CBC, and others to assist in the development of a transition plan for the year after a child turns 16 (previously 180 days after 17); requires tasks to establish and maintain relationships and be updated as needed before the child turns 18.

Sibling Placement

- Requires the Department or lead agency to make reasonable efforts to place sibling groups in the same foster, kinship, adoptive, or guardianship home when in the best interest of each sibling and when an appropriate, capable, and willing joint placement for the sibling group is available.
- Details the factors to consider when placing sibling groups to include convening an MDT staffing to assess the sibling relationships from the perspective of each child.
- Requires contact be maintained when separated except when court finds it to be contrary to safety or well-being.
- Provides for continued contact if a sibling leaves care by the consent of the sibling's parent or a court order.

Postdisposition Change of Custody

- Grants "any party or current caregiver" the ability to deny a placement change.
- Requires rebuttable presumption if the child is in a home for 9 months, reunification is not a permanency option, the caregiver is not requesting change and change is not sought to reunify with a parent, sibling, or to move from nonrelative to relative. The court must hold an evidentiary hearing, give a caregiver party status, appoint an attorney ad litem for the child, and appoint an expert in bonding.
- Requires an MDT staffing at least 21 days before placement change unless there is an emergency. Upon caregiver objecting to the change, the child shall not be moved unless there is an emergency. The court must conduct a hearing and enter an order within 90 days.

Independent Living Transition

- Includes children who are 16 years of age in the transition-style review hearing; the court must give the child, foster parent, legal custodian, or Guardian ad Litem (GAL) the opportunity to address the court. The court must inquire about life skills acquired and whether they are age appropriate at the first Judicial Review after the child's 16th birthday.
- Requires the Department to assist older children in foster care and young adults in programs for youth aging out in making the transition to independent living and self-sufficiency.
- Lists requirements the Department must meet to support young adults in transition.

Office of Continuing Care

- Establishes an Office of Continuing Care for young adults who age out of care between the ages of 18 to 21, 22 with a disability and requires the Department to have a point of contact until they reach the age of 26 in order to receive ongoing support and care coordination; lists the duties of the Office of Continuing Care.

Aftercare Services

- Provides that subject to available funding, Aftercare services are also available to a young adult receiving Post Education Secondary Services (PESS) that is experiencing an emergency situation and whose resources are insufficient to meet the emergency situation, to include but not be limited to automobile repairs or large medical expenses.
- Requires each CBC to annually attempt to contact each young adult who has aged out of foster care and is potentially eligible for continuing care and communicate the availability of services of the Office of Continuing Care and inquire about the young adult's needs and provide services for intensive independent living development.

- Requires the Department’s annual Independent Living Advisory Council report to include the most recent data regarding the status of and outcomes for young adults who turned 18 while in foster care. The bill provides for a series of items to be included in the report and requires the report to include an analysis of such data and outcomes.
- Requires the council to consult with children currently in care regarding needs, preferences, and concerns related to preparation, transition, and support during independent living.
- Requires the Department to assist older children in foster care, and young adults in programs for youth aging out, in making the transition to independent living and self-sufficiency.

Vehicle Insurance and Driver Licenses

- Includes young adults receiving PESS as an eligible population for costs of licensure and incidental of licensure to be paid if they can demonstrate a barrier for employment or education.

Reinstatement of Parental Rights

- Establishes a process in Florida law to reinstate parental rights in a Chapter 39 proceeding by creating s. 39.8155, F.S.
- This newly created statute explains who may file a motion to reinstate a parent’s parental rights, under what circumstances the court may consider the motion, how supervised visitation and trial home visits should be conducted, and what must occur if the court grants reinstatement.

FICW Evaluation of Life Skills

- Requires the Florida Institute for Child Welfare (FICW) to conduct an evaluation on the effectiveness of the state’s efforts to assist young adults in foster care in developing independent living skills and analyze permanency outcomes. FICW is to include the input of current and former foster youth and attempt to interview those youth on their experience with the state’s approach to preparing them for adulthood, what independent living skills provided were age-appropriate or helpful, and what recommendations the youth have to improve the state’s approach in preparing them for adulthood.

SB 96: Child Welfare

Bill Sponsor: **Senator Book**

Effective Date: July 1, 2021

Pending Governor’s Approval

Central Abuse Hotline

- Central Abuse Hotline rewrite. While there is some minor rewording of the narrative, the provisions and responsibilities essentially remain the same, and the new requirements codify current practices at the Hotline. One new provision is added at s. 39.201(2)(h), F.S., in the mandatory reporting section. This provision requires an animal control officer to provide his or her name when making a report to the Hotline.

Initiation of Protective Investigations and Critical Incident Rapid Response Team (CIRRT) Expansion

- Requires the continual assessment of child safety throughout an investigation; in cases of sexual abuse, requires the assessment of all children who the alleged perpetrator had access to, who are not the subject of the allegation.

- Effective October 1, 2021, substantially expands the use of the CIRRT process by requiring deployment on verified reports of allegations of sexual abuse of a child currently placed in out-of-home care if the child was the subject of a verified report of abuse or neglect in the previous 6 months. The team may conduct all or part of the investigation remotely.
 - Requires a representative from a child advocacy center with specialized training in sexual abuse of a child to be included on the CIRRT if sexual abuse of the child who is the subject of the report is alleged or specialists deem it appropriate.
 - Requires the investigation be initiated within two business days and makes it clear that only one investigation is required for an instance of sexual abuse regardless of the number of reports that are received by the hotline. Each investigation must be conducted by a trained department employee and at least one professional employed by a different organization who is involved in conducting CIRRT investigations.
 - A preliminary report shall be provided to the Secretary no later than 45 days after the investigation begins. The Secretary's advisory committee shall include a review of CIRRT reports on sexual abuse in their quarterly meetings and reports.

Confidentiality of Child Abuse Reports/Records

- Includes the Agency for Health Care Administration (AHCA) and the Agency for Persons with Disabilities (APD) as agencies permitted to receive reports of abuse and neglect as these agencies are responsible for licensing facilities under chapters 393 and 394, F.S.
- Directs custodians of confidential records exempt under this section to grant access to such records requested by a legislative committee under s. 11.143, F.S., within seven business days if requested within that timeframe.

Penalties Relating to Reporting Child Abuse

- Cleans up mandatory reporter language and clarifies that certain educational employees are not relieved of the duty to report by notifying a supervisor.

Institutional Investigations

- Allows an alleged perpetrator in an institutional investigation to be represented by an attorney (at his or her own expense), or accompanied by another person if there is an agreement to comply with the confidentiality requirements of s. 39.202, F.S.

Child Advocacy Centers

- Provides a description of a Child Advocacy Center, including the population they serve as well as their goal of bringing multiple agencies together in a coordinated response to child abuse.

Multidisciplinary Legal Representation by Regional Counsel

- Allows the creation of Multidisciplinary legal representation model programs by the Office of Criminal Conflict and Civil Regional Counsel.
- Describes duties and required reporting for the Office of Criminal Conflict and Civil Regional Counsel and the Office of Program Policy Analysis and Government Accountability (OPPAGA).
- Requires the Department to collaborate to determine and execute the necessary documentation for Title IV-E matching funding.
 - Will require Federal Grant Trust Fund budget authority for the IV-E matching funds if the Offices of Regional Counsel create these Multidisciplinary legal team model programs.

Managing Entities (MEs)

- Requires the Department to collect and publish, annually, certain compensation information for employees of MEs who make in excess of 150 percent of the DCF Secretary's salary.
- Requires a certain statement identifying the ME as a contracted entity of the Department to be included on the ME website, promotional literature, ME-created documents, and forms provided to families, business cards, and letterhead.
- Creates requirements for ME boards, defines conflict of interest, requires certain disclosures by board members, and procedures for addressing potential and actual conflicts of interest.

Abuse, Neglect, and Abandonment Education

- Specifies rights of children in shelter or foster care, and provides responsibilities of the Department, CBCs, and other agency staff.
- Authorizes district school boards to establish specified educational programs for students ages 5 through 18 relating to identifying and reporting abuse, abandonment, and neglect and understanding their effects on a child. It also authorizes such programs to be provided in conjunction with other programs that are required in ss. 1003.42 and 1012.584, F.S.

Community-Based Care Lead Agencies (CBCs)

- Allows the Department, in collaboration with the local community alliance, to establish alternative approaches to providing community-based care in service areas in which conditions make it not feasible to competitively contract with a lead agency; details what must be in the plan and who the plan should be submitted to before implementation.
- Details the same conflict of interest definition, requires certain disclosures by board members, and procedures for addressing potential and actual conflicts of interest that are created for MEs in a different section of the bill.
- Requires a certain statement identifying the CBC as a contracted entity of the Department to be included on the CBC website, promotional literature, CBC-created documents, and forms provided to families, business cards, and letterhead.
- Requires CBCs to adhere to all best child welfare practices.
- Requires the Department to collect and publish, annually, certain compensation information for employees of CBCs who make in excess of 150 percent of the DCF Secretary's salary.
- Requires publishing of certain data listed in statute (to now include number and percentage of case managers who have 25 or more cases on their caseloads) on the CBC's website using a standard methodology determined by the Department.
- Requires CBCs to fund the cost of increased care if subcontracted service providers must provide services beyond contract limits to meet increased need or caseload.

Parenting Partnerships for Foster Children

- Codifies the Department's currently established Florida's Foster Information Center (FFIC) into statute and expands FFIC to include current foster parents.
- Authorizes Department to develop the training in collaboration with the Florida Foster and Adoptive Parent Association and the Quality Parenting Initiative. The training is to be focused on the life skills necessary for children in out-of-home care.
- Requires a CBC to provide a caregiver with resources and supports, including assisting the caregiver with initiating access to resources.
- Removes the requirement for residential group home employees, who work directly with children, to meet the same background and other screenings requirements as a level II family

foster home, but will continue to require background screening requirements pursuant to s. 39.0138, F.S., s. 39.202(2), F.S., and s. 435, F.S.

Mental Health Commission

- Creates a Commission on Mental health and Substance Abuse adjunct to the Department and requires the Department to provide administrative and staff support services for the Commission. Governor appoints 9 out of the 19 Commission positions.
- Requires interim report on September 1, 2022; and sets repeal of commission September 1, 2023.
- **See Page 19 for more information.**

Licensure of Family Foster Homes

- Creates new requirements for capacity waiver for foster homes to help increase foster capacity in-line with Federal definitions of foster family homes. The language allows more than 5 children in a home if a waiver is sought (feds allow 6 before waiver) for any dependent children that would place the count of dependent children over 5 or total children in the home over 7.
- Allows the Department to adopt rules to implement new waiver requirements in-line with federal guidelines.

Family Finding Program

- Requires the Department, in collaboration with sheriffs' offices that conduct child protective investigations and CBCs, to develop a formal family-finding program to be implemented by child protective investigators and CBCs. It is to begin as soon as a child is taken into custody of the Department.

Kinship Navigator Program

- Requires each CBC to establish a kinship navigator program. Currently, all but one CBC offers kinship services.

Education Practices Commission

- Requires the Education Practices Commission to suspend an educator certificate of instructional personnel that has knowingly failed to report known or suspected child abuse and has a final order for a previous instance of failure to report. The suspension must be for at least one year.

Cross-reporting Child Abuse and Animal Cruelty

- Creates a new section of statute, s. 39.208, F.S.
- Creates a 1-hour training requirement for all CPIs on animal abuse and the link to child abuse.
- Requires county and municipal animal control officers to complete the 1-hour training course developed by the Department.
- Requires CPIs to report animal abuse.
- Outlines animal control officer requirements to report child abuse.
- Creates penalties for failure to report animal abuse.
- Grants rulemaking authority.

SB 252: Child Care Facilities

Bill Sponsor: **Senator Stewart**

Effective Date: July 1, 2021

Pending Governor's Approval

- Requires licensed child care facilities and large family child care homes to equip any vehicle used for the transportation of children with an alarm that prompts the driver to inspect the vehicle for children before exiting the vehicle.
- Requires the Department to adopt minimum safety standards for these alarm systems. The Department is also required to maintain a list of approved alarm manufacturers and alarm systems that meet or exceed those standards.

HB 419: Early Learning and Early Grade Success

Bill Sponsor: **Representative Grall**

Effective Date: July 1, 2021

Chapter 2021-010, Laws of Florida

- Eliminates the Office of Early Learning and creates the Division of Early Learning within the Department of Education (DOE).
- Initiates a type two transfer of the Gold Seal Quality Care program from the Department to DOE.
- Creates a new statute for the Gold Seal Quality Care program, s. 1000.945, F.S., and removes all references to the previous Gold Seal statute, s. 402.281, F.S., effectively removing the Department's oversight of the Gold Seal Quality Care program.
- Requires a representative from the Office of Child Care Regulation to serve as a member of each Early Learning Coalition.

SB 716: Consent for Pelvic Examination

Bill Sponsor: **Senator Book**

Effective Date: July 1, 2021

Pending Governor's Approval

- Requires a health care practitioner, a medical student, or any other student receiving training as a health care professional to obtain consent of the patient or the patient's representative before performing a pelvic examination.
- However, consent is not required if:
 - a court orders the examination for the collection of evidence;
 - the examination is necessary for the provision of emergency services and care;
 - the patient has an emergency medical condition;
 - the examination is administered pursuant to a child protective investigation under Chapter 39, F.S.; or
 - the examination is administered pursuant to a criminal investigation of an alleged violation related to child abuse or neglect under s. 787.06(3)(a)1., (c)1., (f)1., or (g), F.S., or Chapters 794, 796, 800, 827, or 847, F.S.

SUBSTANCE ABUSE AND MENTAL HEALTH

SB 590: School Safety

Bill Sponsor: **Senator Harrell**

Effective Date: July 1, 2021

Pending Governor's Approval

- Requires schools, including charter schools, to make a reasonable attempt to notify the student's parent, guardian, or caregiver before the student is removed from school, school transportation, or a school-sponsored activity to be taken to a receiving facility for an involuntary examination.
- Adds a data analysis requirement to the involuntary examination report that the Department is required to complete to include both the initiation of involuntary examinations of children and the initiation of involuntary examinations of students who are removed from a school. This report is due November 1 of each odd-numbered year.
- Requires the Office of Safe Schools to provide data to support the evaluation of mental health services. The data must include, for each school, the number of involuntary examinations which are initiated at the school, on school transportation, or at a school-sponsored activity and the number of children for whom an involuntary examination is initiated.
- Adds requirement for each district school board, or charter school's governing board, to develop policy and procedures for timely notifying parents of incidents that impact student safety.
- Adds a requirement that each district school board shall adopt a policy to require the district superintendent to annually report to the Department of Education the number of involuntary examinations, which are initiated at a school, on school transportation, or at school-sponsored activity.
- Adds requirement that school safety officers must complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention.
- Adds requirement for student identification cards in grades 6 through 12 to include the telephone numbers for national or statewide crisis and suicide hotlines and text lines.
- Adds requirements to the mental health assistance allocation plans to include procedures to assist a mental health services provider, a behavioral health provider, or a school resource officer who has completed mental health crisis intervention training in attempting to verbally de-escalate a student's crisis situation before initiation an involuntary examination.
 - The procedure must include strategies to de-escalate a crisis situation for a student with a developmental disability.
 - The policies of the school district must require that in a student crisis situation, school or law enforcement personnel must make a reasonable attempt to contact a mental health professional who may initiate an involuntary examination, unless the child poses an imminent danger to themselves or others, before initiating an involuntary examination. This contact may be in person or using telehealth.
 - The mental health professional may be available to the school district either by contracts or interagency agreements with the managing entity, one or more local community behavioral health providers, the local mobile response team, or be a direct or contracted school district employee.

SB 804: Substance Abuse Services

Bill Sponsor: **Senator Harrell**

Effective Date: July 1, 2021

Pending Governor's Approval

- Stipulates that an applicant who willfully and knowingly makes a false representation of material fact in a license application or who willfully and knowingly omits any material fact from a license application commits a third-degree felony.
- Provides that background screening exemptions procedures found in s. 397.4073 or s. 435.07, F.S., shall apply to all recovery residence owners, directors, and chief financial officers, and all recovery residence administrators.
- Adds a statement indicating if a licensed provider does not pay fines associated with licensure violations within 60 days after the date set by the Department, it shall immediately suspend the provider's license.
- Adds a statement indicating if a provider does not pay the \$1,000 fine for an illegal referral to or from a recovery residence, the provider shall pay the fine plus interest at the rate specified in s. 55.03, F.S., for each day beyond the payment date. If the provider does not pay the fine plus any applicable interest within 60 days after the date set by the Department, it shall immediately suspend the service provider's license.

ECONOMIC SELF SUFFICIENCY

HB 1349: Assistance Programs

Bill Sponsor: **Representative Aloupis**

Effective Date: July 1, 2021

Pending Governor's Approval

- Requires a data sharing agreement be executed between the University of Florida Anita Zucker Center for Excellence in Early Childhood Studies, the Office of Early Learning (OEL), and the Department by September 1, 2021. The University of Florida Anita Zucker Center for Excellence in Childhood Studies will perform an analysis of the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), and Medicaid programs.
 - The data sharing agreement will be subject to federal requirements.
- Directs the Department to assist the University of Florida Anita Zucker Center for Excellence in Early Childhood Studies with receiving information required for their analysis, including assistance with seeking any required approvals or waivers from applicable federal agencies.
- Requires the Department, by November 1, 2021, to submit a program services data file to the University of Florida Anita Zucker Center for Excellence in Early Childhood Studies containing program service data for the preceding 10 federal fiscal years, if available.
- Requires the Department, by November 1, 2022, and each year thereafter, if applicable, to submit a supplemental data file to the University of Florida Anita Zucker Center for Excellence in Early Childhood Studies containing program service data from the preceding federal fiscal year.
- The data sharing agreement and analysis expires on June 30, 2023.

HB 1507: Workforce Related Programs and Services

Bill Sponsor: **Representative Yarborough**

Effective Date: July 1, 2021

Pending Governor's Approval

- Creates a system-wide approach to improve equity and access for all Floridians to have the opportunity to achieve self-sufficiency. It authorizes the Governor to seek federal waivers for greater flexibility and strategic investment in Florida's implementation of the Workforce Innovation and Opportunity Act (WIOA). The bill creates a "no-wrong-door" entry strategy with a common intake form and case management system where Floridians are not required to visit multiple locations when seeking access to education and workforce training.
- Creates the Office of Reimaging Education and Career Help (REACH) in the Executive Office of the Governor. The bill requires the Office of REACH to coordinate and facilitate a Memorandum of Understanding for SNAP and TANF recipients to "pre-certify" for WIOA training services without having to physically visit a one-stop center.
- Requires the Department to have a representative member serving on the state workforce development board.
- Requires the Department, in partnership with the Department of Economic Opportunity (DEO) and Local Workforce Development Boards (LWDBs), to develop a strategic planning element for the state plan for workforce development and includes specific requirements to be included in the state plan.
- Requires DEO and the Department to consult with LWDBs in developing an annual performance report that analyzes participants' transition from public assistance to self-sufficiency.
- Requires DEO, in consultation with the Department and DOE, in addition to the state board, to implement a single automated consumer-first workforce system that improves coordination among required one-stop partners and is necessary for the efficient and effective operation and management of the workforce development system.
- Amends s. 445.010, F.S., to outline information sharing in the consumer-first workforce system between partner agencies.

DOMESTIC VIOLENCE

SB 68: Public Records/Domestic Violence Centers

Bill Sponsor: **Senator Garcia**

Effective Date: Upon becoming law

Pending Governor's Approval

- Creates public records exemptions from s.119.07(1) and s. 24(a), Art. 1 of the State Constitution for the following:
 - Home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former staff and domestic violence advocates as defined in s. 90.5036(1)(b), of domestic violence centers certified by the Department pursuant to Chapter 39;
 - Names, home addresses, telephone numbers, places of employment, dates of birth, and photographs of the spouses and children of such personnel; and
 - Names and locations of schools and day care facilities attended by the children of such personnel.

SB 70: Domestic Violence Centers

Bill Sponsor: **Senator Garcia**

Effective Date: July 1, 2021

Pending Governor's Approval

- Criminalizes the malicious publication, dissemination or disclosure of any descriptive information or image that may identify the location of a domestic violence center certified by the Department or who otherwise maliciously discloses the location of a center. Persons convicted of this crime commit a misdemeanor of the first degree, punishable by up to one year in prison, imposition of a fine not to exceed \$1,000 and imposition of court costs. Persons convicted of this crime a second or subsequent time commit a felony of the third degree, punishable by up to five years in prison, imposition of a fine not to exceed \$5,000 and imposition of court costs.

GENERAL COUNSEL

SB 1040: Duties of the Attorney General (Section 17)

Bill Sponsor: **Senator Brodeur**

Effective Date: June 30, 2021

Pending Governor's Approval

- Shifts responsibility for the review of applications for restitution involving institutional claims from the Attorney General's Office to the Department.
- Requires the Department to promulgate rules for a process to approve or deny claims.
- Allows the Department, within current appropriations, to pay up to \$1,000 for individual claims involving patients at mental health treatment facilities and up to \$1,500 for children in foster care families.
- Requires the Department to ensure that eligible claimants receive restitution within a "reasonable amount of time." The term "reasonable amount of time" would likely need to be more clearly defined in rulemaking.

HB 7061: Taxation (Sections 38 and 53)

Bill Sponsor: **Representative Payne**

Effective Date: July 1, 2021

Chapter No. 2021-31, Laws of Florida

Strong Families Tax Credit

- Requires the Department to designate an eligible charitable organization, if it meets certain criteria. Once designated by the Department, an organization will be eligible to receive revenues from the Department of Revenue.
- Provides for responsibilities of eligible charitable organizations that include:
 - Background screening of all volunteers and staff.
 - Expend 100 percent of any contribution received under this section for the purposes specified.
 - Annually submit audits and federal Form 990.

- Notify the Department if they fail to fulfill their responsibilities.
- Provides for responsibilities of the Department that include:
 - Annually redesignating eligible charitable organizations.
 - Removing designations of organizations that fail to meet requirements.
 - Publishing information related to the tax credit program and eligible charitable organizations on the Department's website.
 - Compelling the return of funds provided to an eligible charitable organization that fails to comply with the requirements.
- Grants the Department rulemaking authority to administer the requirements of the section.
- Requires the Florida Institute for Child Welfare to perform an analysis of the use of funding provided by the tax credit authorized under s. 402.60, F.S., and submit a report to the Governor, the President of the Senate, and Speaker of the House of Representatives by October 31, 2025. This may require the Department to submit information to the Institute for the purpose of creating the report.

CONTRACTS

HB 1079: Agency Contracts for Commodities and Contractual Services

Bill Sponsor: **Senator Mariano**

Effective Date: July 1, 2021

Pending Governor's Approval

- Prohibits an agency from initiating a competitive solicitation that would require a change in law or change to the agency's original approved budget, unless specifically authorized.
- Requires agency contracts to include authorization for the agency to inspect certain financial and programmatic records of the contractor.
- Prohibits a contract from containing a nondisclosure clause that prohibits the release of certain information to the Legislature.
- For contract renewals or amendments that result in a longer contract term or increased payments, decreases the total contract threshold for when a report concerning contract performance is submitted to the Governor and Legislature.
- Requires the Secretary of Management Services to evaluate each alternate contract source and make a determination in writing that the contract will provide the best value to the state.
- Provides that if an agency issues a request for quote from a state term contract vendor for contractual services the agency must issue the request to a specified number of approved vendors.
- For single-source contracts, increases the number of days an agency must post a commodity or service sought to the vendor bid system.
- Requires each agency inspector general to complete a risk-based compliance audit of all contracts executed by the agency for the preceding three fiscal years and requires the audit to identify and evaluate any trend in vendor preference.
- Requires the creation of a continuing oversight team for certain contractual services contracts.
- Expands training requirements and delineates the roles and responsibilities of certain contract professionals.

- Provides that a vendor placed on the suspended vendor list is disqualified from bidding on or renewing a contract with the state.

BUDGET

SB 2500: General Appropriations Act

Bill Sponsor: **Appropriations**

Effective Date: July 1, 2021

Approved with Line-Item Veto

- **Department of Children and Families Total: \$3.75 billion**
 - \$2.0 billion General Revenue
 - \$1.7 billion Trust Funds
- **12,230.75 positions**

Child Welfare

- 109 FTE and \$9,526,169 to transfer Hillsborough and Broward Children’s Legal Services units from the Office of Attorney General to in-house operations.
- \$3,124,120 fund shift from General Revenue to Federal Grants Trust Fund to implement the Title IV-E funding model for Healthy Families.
- \$10,000,000 fund shift from Federal Grant Trust Fund to General Revenue to cover federal revenue short-fall earnings.
- 24 FTE and \$2,339,148 budget realignment to create the Domestic Violence Program Office to provide contract oversight and monitoring of state-wide services.
- \$629,034 to provide foster parents an annual cost of living increase as required by law that supports recruitment and retention efforts.
- \$11,200,000 to continue the Family First Transition Planning (\$29.2 M total grant) for items such as Family Foster Home Enhancements, Qualified Residential Treatment Program (QRTP) Transition Support and Assessments, Evidence-Based Prevention Services, and Path Forward (budget gaps).
- \$2,251,787 for the Local Match Reimbursement Initiative with Children’s Services Councils and Boards of County Commissioners.
- \$30,000,000 for Child Welfare Best Practices -- these funds will be used to implement the family finding and kinship navigator programs, for sexual abuse report investigations, to expand services for older youth in, or who recently exited, foster care, to expand the Keys 2 Independence program, and to expand post-adoption services.
- 45 FTEs and \$8,316,852 for multidisciplinary staffing teams and case consultation (pursuant to SB 80, or similar legislation passing).
- \$34,593,172 in funding related to COVID-19 grant awards for Chafee Foster Care Independent Living, Education and Training, Promoting Safe and Stable Families, and Adult Protection.
- \$5,179,891 to support the anticipated federal Title IV-E earnings for board rates of Level I foster homes which was implemented July 1, 2019.
- \$1,200,000 for the expansion of the evidence-based Motivation Interviewing model which is a method of counseling clients designed to promote behavior change and improve physiological, psychological, and lifestyle outcomes.
- \$8,235,052 to restore the child welfare performance incentive pilot projects in Circuits 6 and 13 with recurring funds.

- \$11,990,738 for maintenance adoption subsidy payments to assist and enable families to consider adoption of special needs children who have been traumatized by abuse and neglect, are unable to safely return home to their birth parents, and must remain in foster care until an approved adoptive family has been identified.
- \$483,700 for adoption incentive benefits for state employees and other applicants.
- \$10,000,000 to fund the CBC lead agency risk pool to mitigate operating deficits that may occur from unanticipated events.
- \$773,800 to provide continued services and improvements to the early education programs focused on comprehensive statewide birth through five needs assessment and in-depth strategic planning.
- \$3,912,297 to support an increase in grant awards for the Child Abuse Prevention and Treatment Act (CAPTA) that will focus on ensuring the safety and well-being of infants and their families who have been prenatally affected by substance use, including Fetal Alcohol Spectrum Disorder.

Economic Self-Sufficiency

- \$12,147,098 in cash assistance for payments related to relative caregivers, child only payments, unemployed parents, and eligible adults.
- \$1,280,000 for ACCESS deployment of automation/robotics solutions to gain efficiencies within the program business model and workforce.
- \$2,000,000 for Supplemental Nutrition Assistance Employment and Training third-party partners that will provide case management to address barriers to employment, career-related training, job placement, and job retention services necessary to achieve economic self-sufficiency.

Mental Health Services (Facilities)

- \$2,900,000 for medical care costs to support the increase in the number of persons served with complex medical conditions within state-operated facilities.
- \$1,124,881 for food product cost increases within our state-operated facilities.
- \$850,097 to install audio and video surveillance equipment for 11 buildings, providing comprehensive coverage of the living and treatment areas at our state-operated facilities.
- \$607,378 for video surveillance infrastructure at North Florida Evaluation and Treatment Center (NFETC) to replace end-of-life and broken cameras in nine living areas at the NFETC facility.
- \$8,420,673 for building code corrections and maintenance repair at Florida State Hospital for items such as fire alarms and safety requirement deficiencies.
- \$747,610 for fire alarm replacement at South Florida State Hospital, a state mental health treatment facility operated by Wellpath Recovery Solutions, LLC. The fire alarm system is outdated and has been identified by the fire alarm vendor and the State Fire Marshal as requiring corrections.

Community Mental Health and Substance Abuse

- \$7,198,532 fund shift from General Revenue to Federal Grants Trust Fund to increase the Medicaid footprint within Department FACT Teams.
- \$158,422,216 for the State Opioid Response (SOR) Discretionary Grant to address Florida's opioid crisis by increasing access to medication-assisted treatment, reducing opioid overdose

related deaths through the provision of prevention and treatment and recovery activities for opioid use disorder (OUD).

- \$11,267,851 in legal settlement funds for abatement of the opioid epidemic. These funds will provide additional treatment such as medication-assisted treatment, abstinence-based treatment, or other evidence-based programs for opioid use disorder.
- \$113,040,982 for the Substance Abuse and Mental Health Block Grant to expand capacity and increase services for adults with serious mental illness and adolescents with serious emotional disturbance. {Note: of the \$113.0M, \$80.5M is related to a COVID-19 grant increase.}
- \$1,442,256 to continue crisis services related Hurricane Michael grant funding.
- \$2,859,403 to continue emergency response services related to the COVID-19 Emergency Response grant.
- \$7,354,617 of increased funding in community services (budget transfer from state and private operated facilities).
- \$1,100,000 for supported employment opportunities for individuals with mental health disorders.
- \$3,000,000 to expand the 2-1-1 call volume and coordination initiative for mental health services.

Executive Direction

- Finalizes move of 138.5 current FTEs and \$11,514,330 to complete the realignment and structure of the Office of Quality Assurance.
- \$900,000 for the implementation of Florida Planning, Accounting, and Ledger Management (PALM) a web-based enterprise financial management solution.
- \$2,963,362 for Florida Safe Families Network (FSFN) cloud maintenance.

SB 2502: Implementing the 2021-22 General Appropriations Act

Bill Sponsor: **Appropriations**

Effective Date: July 1, 2021

Approved by the Governor

- Allows the Department to submit a budget amendment to realign program payments in the guardianship assistance, foster care Level 1 room and board, relative caregiver, and nonrelative caregiver programs due to changes in program enrollment resulting from the implementation of GAP.
- Authorizes the Department to submit a budget amendment to realign funding between specific appropriation categories within the Family Safety Program to bring funding in line with Title IV-E federal program requirements and maximize the use of federal funds.
- Requires AHCA to provide a new system, the Florida Health Care Connection (abbreviated "FX"), to provide better integration with subsystems supporting Florida's Medicaid program. AHCA will implement a project governance structure that includes an executive steering committee. The committee will include two representatives of the Department, appointed by the Secretary.

NEWLY CREATED OR MODIFIED COMMISSIONS, TASKFORCES, AND REPORTS

SB 80: Child Welfare

Reports Modified: 1—Independent Living Advisory Council Report

- Requires the Department’s annual Independent Living Advisory Council report to include the most recent data regarding the status of and outcomes for young adults who turned 18 while in foster care. The bill provides for a series of items to be included in the report and requires the report to include an analysis of such data and outcomes.

SB 96: Child Welfare

Commission/Taskforce Created: 1

Reports Created: 2—an Interim Report and a Final Report

- Creates s. 394.9086, F.S. to establish the Commission on Mental Health and Substance Abuse adjunct to the Department of Children and Families and requires the Department to provide administrative and staff support services for the Commission.
- Identifies the Commission’s purpose to examine current behavioral health service delivery, improve the effectiveness of behavioral health services system in Florida, and recommend changes that are necessary to implement the Commission’s recommendations.
- Creates the terms, membership composition, and meeting requirements for the 19-member Commission.
 1. A member of the Senate, appointed by the President of the Senate.
 2. A member of the House of Representatives, appointed by the Speaker of the House of Representatives.
 3. The Secretary of Children and Families or his or her designee.
 4. The Secretary of the Agency for Health Care Administration or his or her designee.
 5. A person living with a mental health disorder, appointed by the President of the Senate.
 6. A family member of a consumer of publicly funded mental health services, appointed by the President of the Senate.
 7. A representative of the Louis de la Parte Florida Mental Health Institute within the University of South Florida, appointed by the President of the Senate.
 8. A representative of a county school district, appointed by the President of the Senate.
 9. A representative of mental health courts, appointed by the Governor
 10. A representative of a treatment facility, as defined in s. 394.455, appointed by the Speaker of the House of Representatives.
 11. A representative of a managing entity, as defined in s. 394.9082(2), appointed by the Speaker of the House of Representatives.
 12. A representative of a community substance abuse provider, appointed by the Speaker of the House of Representatives.
 13. A psychiatrist licensed under chapter 458 or chapter 459 practicing within the mental health delivery system, appointed by the Speaker of the House of Representatives.
 14. A psychologist licensed under chapter 490 practicing within the mental health delivery system, appointed by the Governor.
 15. A mental health professional licensed under chapter 491, appointed by the Governor.
 16. An emergency room physician, appointed by the Governor.

17. A representative from the field of law enforcement, appointed by the Governor.
 18. A representative from the criminal justice system, appointed by the Governor.
 19. A representative of a child welfare agency involved in the delivery of behavioral health services, appointed by the Governor.
- The Governor appoints the chair from members of the commission. Appointments must be made by August 1, 2021.
 - The Commission must convene by September 1, 2021; must meet quarterly; and hold its meetings via teleconference or other electronic means.
 - Creates the duties for the Commission including:
 - Conducting a review and evaluation of the current behavioral health care system
 - Considering the needs of individuals with co-occurring disorders
 - Addressing emergency behavioral health care services regarding access, financing, and scope
 - Addressing the quality and effectiveness of the system
 - Addressing priority populations for publicly funded services, identifying comprehensive delivery systems, assessment and planning activities, and local government funding
 - Reviewing the implementation Chapter 2020-107, Laws of Florida
 - Identifying service gaps
 - Recommending how managing entities may fulfill their purpose of promoting service continuity
 - Making recommendations regarding the mission and objectives of current state-supported services and the planning, management, staffing, financing, contracting, coordination, and accountability that fosters the recommend mission and objectives.
 - Evaluating and recommending the establishment of a permanent agency-level entity to manage behavioral health services statewide. Minimally including:
 - Specific duties and organizational structure
 - Resource needs and sources of funding
 - Impact on access to and quality of services
 - Impact on individuals and their families in need of service and being served
 - Relation to and integration with and impact on providers, managing entities, communities, state agencies, and systems that provide behavioral health services in the state ensuring that they ability of such other agencies to carry out their mission and responsibilities is not impaired.
 - Creates a requirement for the Commission to submit an interim report, by September 1, 2022, on findings, and recommendations to the Florida Legislature and the Governor. The final report is due by September 1, 2023.
 - Repeals the law on September 1, 2023, unless reenacted by the Legislature.

SB 590: School Safety

Reports Modified: 1—Involuntary Examination Report

- Adds a data analysis requirement to the involuntary examination report that the Department is required to complete to include both the initiation of involuntary examinations of children and the initiation of involuntary examinations of students who are removed from a school.