

1 A bill to be entitled
2 An act relating to child welfare; creating s. 402.7306,
3 F.S.; requiring the Department of Children and Family
4 Services, the Department of Health, the Agency for Persons
5 with Disabilities, the Agency for Health Care
6 Administration, and community-based care lead agencies to
7 adopt policies for the administrative monitoring of child
8 welfare providers; authorizing private-sector entities to
9 establish an Internet-based data warehouse and archive for
10 the maintenance of specified records of child welfare
11 providers; providing agency and provider requirements;
12 amending s. 402.7305, F.S.; providing a limitation on the
13 frequency of monitoring of child-caring and child-placing
14 service providers; prohibiting certain duplicative
15 monitoring; amending s. 409.1451, F.S.; providing that
16 certain services provided to young adults formerly in
17 foster care are subject to a specific appropriation;
18 revising provisions relating to calculating the amount of,
19 issuing, and terminating an award granted under the Road-
20 to-Independence Program; repealing s. 409.1663, F.S.,
21 relating to adoption benefits for qualifying adoptive
22 employees of state agencies; amending s. 409.1671, F.S.;
23 revising provisions relating to funding for contracts
24 established between the Department of Children and Family
25 Services and community-based care lead agencies;
26 authorizing the department to outsource certain functions;
27 authorizing a community-based care lead agency to make
28 certain expenditures; amending s. 409.166, F.S.;

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29 | conforming a reference to changes made by the act;
 30 | providing an effective date.

31 |
 32 | Be It Enacted by the Legislature of the State of Florida:

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 34 | Section 1. Section 402.7306, Florida Statutes, is created
 35 | to read:

36 | 402.7306 Administrative monitoring for child welfare
 37 | providers.—The Department of Children and Family Services, the
 38 | Department of Health, the Agency for Persons with Disabilities,
 39 | the Agency for Health Care Administration, and community-based
 40 | care lead agencies shall identify and implement changes that
 41 | improve the efficiency of administrative monitoring of child
 42 | welfare services. To assist with that goal, each such agency
 43 | shall adopt the following policies:

44 | (1) Limit administrative monitoring to once every 3 years
 45 | if the child welfare provider is accredited by the Joint
 46 | Commission on the Accreditation of Healthcare Organizations, the
 47 | Commission on Accreditation of Rehabilitation Facilities, or the
 48 | Council on Accreditation of Children and Family Services.

49 | Notwithstanding the survey or inspection of an accrediting
 50 | organization specified in this subsection, an agency specified
 51 | in and subject to this section may continue to monitor the
 52 | provider as necessary with respect to:

53 | (a) Ensuring that services for which the agency is paying
 54 | are being provided.

55 | (b) Investigating complaints or suspected problems and
 56 | monitoring the provider's compliance with any resulting

57 negotiated terms and conditions, including provisions relating
 58 to consent decrees that are unique to a specific service and are
 59 not statements of general applicability.

60 (c) Ensuring compliance with federal and state laws,
 61 federal regulations, or state rules if such monitoring does not
 62 duplicate the accrediting organization's review pursuant to
 63 accreditation standards.

64 (2) Allow private-sector development and implementation of
 65 an Internet-based, secure, and consolidated data warehouse and
 66 archive for maintaining corporate, fiscal, and administrative
 67 records of child welfare providers. A provider shall ensure that
 68 the data is up to date and accessible to the applicable agency
 69 under this section and the appropriate agency subcontractor. A
 70 provider shall submit any revised, updated information to the
 71 data warehouse within 10 business days after receiving the
 72 request. An agency that conducts administrative monitoring of
 73 child welfare providers under this section must use the data
 74 warehouse for document requests. If the information provided to
 75 the agency by the provider's data warehouse is not current or is
 76 unavailable from the data warehouse and archive, the agency may
 77 contact the provider directly. At a minimum, the records must
 78 include the provider's:

- 79 (a) Articles of incorporation.
- 80 (b) Bylaws.
- 81 (c) Governing board and committee minutes.
- 82 (d) Financial audits.
- 83 (e) Expenditure reports.
- 84 (f) Compliance audits.

- 85 | (g) Organizational charts.
- 86 | (h) Governing board membership information.
- 87 | (i) Human resource policies and procedures.

88 | Section 2. Subsection (4) of section 402.7305, Florida
 89 | Statutes, is amended to read:

90 | 402.7305 Department of Children and Family Services;
 91 | procurement of contractual services; contract management.—

92 | (4) CONTRACT MONITORING REQUIREMENTS AND PROCESS.—The
 93 | department shall establish contract monitoring units staffed by
 94 | career service employees who report to a member of the Selected
 95 | Exempt Service or Senior Management Service and who have been
 96 | properly trained to perform contract monitoring.~~, with~~ At least
 97 | one member of the contract monitoring unit must possess
 98 | ~~possessing~~ specific knowledge and experience in the contract's
 99 | program area. The department shall establish a contract
 100 | monitoring process that includes ~~must include~~, but is ~~need~~ not
 101 | be limited to, the following requirements:

102 | (a) Performing a risk assessment at the start of each
 103 | fiscal year and preparing an annual contract monitoring schedule
 104 | that considers ~~includes consideration for~~ the level of risk
 105 | assigned. The department may monitor any contract at any time
 106 | regardless of whether such monitoring was originally included in
 107 | the annual contract monitoring schedule.

108 | (b) Preparing a contract monitoring plan, including
 109 | sampling procedures, before performing onsite monitoring at
 110 | external locations of a service provider. The plan must include
 111 | a description of the programmatic, fiscal, and administrative
 112 | components that will be monitored on site. If appropriate,

113 clinical and therapeutic components may be included.

114 (c) Conducting analyses of the performance and compliance
 115 of an external service provider by means of desk reviews if the
 116 external service provider will not be monitored on site during a
 117 fiscal year.

118 (d) Unless the department sets forth in writing the need
 119 for an extension, providing a written report presenting the
 120 results of the monitoring within 30 days after the completion of
 121 the onsite monitoring or desk review.

122 (e) Developing and maintaining a set of procedures
 123 describing the contract monitoring process.

124
 125 Notwithstanding any other provision of this section, the
 126 department shall limit monitoring of a child-caring or child-
 127 placing services provider under this subsection to only once per
 128 year. Such monitoring may not duplicate administrative
 129 monitoring that is included in the survey of a child welfare
 130 provider conducted by a national accreditation organization
 131 specified under s. 402.7306(1).

132 Section 3. Subsection (5) of section 409.1451, Florida
 133 Statutes, is amended to read:

134 409.1451 Independent living transition services.—

135 (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER CARE.—
 136 Subject to a specific appropriation ~~Based on the availability of~~
 137 ~~funds~~, the department shall provide or arrange for the following
 138 services to young adults formerly in foster care who meet the
 139 prescribed conditions and are determined eligible by the
 140 department. The department, or a community-based care lead

141 agency when the agency is under contract with the department to
 142 provide the services described under this subsection, shall
 143 develop a plan to implement those services. A plan shall be
 144 developed for each community-based care service area in the
 145 state. Each plan that is developed by a community-based care
 146 lead agency shall be submitted to the department. Each plan
 147 shall include the number of young adults to be served each month
 148 of the fiscal year and specify the number of young adults who
 149 will reach 18 years of age who will be eligible for the plan and
 150 the number of young adults who will reach 23 years of age and
 151 will be ineligible for the plan or who are otherwise ineligible
 152 during each month of the fiscal year; staffing requirements and
 153 all related costs to administer the services and program;
 154 expenditures to or on behalf of the eligible recipients; costs
 155 of services provided to young adults through an approved plan
 156 for housing, transportation, and employment; reconciliation of
 157 these expenses and any additional related costs with the funds
 158 allocated for these services; and an explanation of and a plan
 159 to resolve any shortages or surpluses in order to end the fiscal
 160 year with a balanced budget. The categories of services
 161 available to assist a young adult formerly in foster care to
 162 achieve independence are:

163 (a) Aftercare support services.-

164 1. Aftercare support services are available to assist
 165 young adults who were formerly in foster care in their efforts
 166 to continue to develop the skills and abilities necessary for
 167 independent living. The aftercare support services available
 168 include, but are not limited to, the following:

- 169 a. Mentoring and tutoring.
- 170 b. Mental health services and substance abuse counseling.
- 171 c. Life skills classes, including credit management and
- 172 preventive health activities.
- 173 d. Parenting classes.
- 174 e. Job and career skills training.
- 175 f. Counselor consultations.
- 176 g. Temporary financial assistance.
- 177 h. Financial literacy skills training.

178

179 The specific services to be provided under this subparagraph
 180 shall be determined by an aftercare services assessment and may
 181 be provided by the department or through referrals in the
 182 community.

183 2. Temporary assistance provided to prevent homelessness
 184 shall be provided as expeditiously as possible and within the
 185 limitations defined by the department.

186 3. A young adult who has reached 18 years of age but is
 187 not yet 23 years of age who leaves foster care at 18 years of
 188 age but who requests services prior to reaching 23 years of age
 189 is eligible for such services.

190 (b) Road-to-Independence Program.—

191 1. The Road-to-Independence Program is intended to help
 192 eligible students who are former foster children in this state
 193 to receive the educational and vocational training needed to
 194 achieve independence. The amount of the award may ~~shall~~ be based
 195 on the living and educational needs of the young adult and may
 196 ~~be up to, but may~~ not exceed \$675 per month. Payment for a

197 partial month shall be prorated on the basis of a 30-day month,
 198 ~~the amount of earnings that the student would have been eligible~~
 199 ~~to earn working a 40-hour-a-week federal minimum wage job.~~

200 2. A young adult who has earned a standard high school
 201 diploma or its equivalent as described in s. 1003.43 or s.
 202 1003.435, has earned a special diploma or special certificate of
 203 completion as described in s. 1003.438, or has reached 18 years
 204 of age but is not yet 21 years of age is eligible for the
 205 initial award, and a young adult under 23 years of age is
 206 eligible for renewal awards, if he or she:

207 a. Was a dependent child, under chapter 39, and was living
 208 in licensed foster care or in subsidized independent living at
 209 the time of his or her 18th birthday or is currently living in
 210 licensed foster care or subsidized independent living, or, after
 211 reaching the age of 16, was adopted from foster care or placed
 212 with a court-approved dependency guardian and has spent a
 213 minimum of 6 months in foster care immediately preceding such
 214 placement or adoption;

215 b. Spent at least 6 months living in foster care before
 216 reaching his or her 18th birthday;

217 c. Is a resident of this state as defined in s. 1009.40;
 218 and

219 d. Meets one of the following qualifications:

220 (I) Has earned a standard high school diploma or its
 221 equivalent as described in s. 1003.43 or s. 1003.435, or has
 222 earned a special diploma or special certificate of completion as
 223 described in s. 1003.438, and has been admitted for full-time
 224 enrollment in an eligible postsecondary education institution as

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225 defined in s. 1009.533;

226 (II) Is enrolled full time in an accredited high school;
227 or

228 (III) Is enrolled full time in an accredited adult
229 education program designed to provide the student with a high
230 school diploma or its equivalent.

231 3. A young adult applying for the Road-to-Independence
232 Program must apply for any other grants and scholarships for
233 which he or she may qualify. The department shall assist the
234 young adult in the application process and may use the federal
235 financial aid grant process to determine the funding needs of
236 the young adult.

237 4. An award shall be available to a young adult who is
238 considered a full-time student or its equivalent by the
239 educational institution in which he or she is enrolled, unless
240 that young adult has a recognized disability preventing full-
241 time attendance. The amount of the award, whether it is being
242 used by a young adult working toward completion of a high school
243 diploma or its equivalent or working toward completion of a
244 postsecondary education program, shall be determined based on an
245 assessment of the funding needs of the young adult. This
246 assessment must consider the young adult's living and
247 educational costs and other grants, scholarships, waivers,
248 earnings, and other income to be received by the young adult. An
249 award shall be available only to the extent that other grants
250 and scholarships are not sufficient to meet the living and
251 educational needs of the young adult, but an award may not be
252 less than \$25 in order to maintain Medicaid eligibility for the

253 young adult as provided in s. 409.903.

254 5. The amount of the award may be disregarded for purposes
 255 of determining the eligibility for, or the amount of, any other
 256 federal or federally supported assistance.

257 6.a. The department must advertise the criteria,
 258 application procedures, and availability of the program to:

259 (I) Children and young adults in, leaving, or formerly in
 260 foster care.

261 (II) Case managers.

262 (III) Guidance and family services counselors.

263 (IV) Principals or other relevant school administrators.

264 (V) Guardians ad litem.

265 (VI) Foster parents.

266 b. The department shall issue awards from the program for
 267 each young adult who meets all the requirements of the program
 268 subject to a specific appropriation ~~to the extent funding is~~
 269 ~~available.~~

270 c. An award shall be issued on the day ~~at the time~~ the
 271 eligible student reaches 18 years of age.

272 d. A young adult who is eligible for the Road-to-
 273 Independence Program, transitional support services, or
 274 aftercare services and who so desires shall be allowed to reside
 275 with the licensed foster family or group care provider with whom
 276 he or she was residing at the time of attaining his or her 18th
 277 birthday or to reside in another licensed foster home or with a
 278 group care provider arranged by the department.

279 e. If the award recipient transfers from one eligible
 280 institution to another and continues to meet eligibility

281 requirements, the award must be transferred with the recipient.

282 f. Funds awarded to any eligible young adult under this
 283 program are in addition to any other services or funds provided
 284 to the young adult by the department through transitional
 285 support services or aftercare services.

286 g. The department shall provide information concerning
 287 young adults receiving funding through the Road-to-Independence
 288 Program to the Department of Education for inclusion in the
 289 student financial assistance database, as provided in s.
 290 1009.94.

291 h. Funds are intended to help eligible young adults who
 292 are former foster children in this state to receive the
 293 educational and vocational training needed to become independent
 294 and self-supporting. The funds shall be terminated when the
 295 young adult has attained one of four postsecondary goals under
 296 subsection (3) or reaches 23 years of age, whichever occurs
 297 earlier. In order to initiate postsecondary education, to allow
 298 for a change in career goal, or to obtain additional skills in
 299 the same educational or vocational area, a young adult may earn
 300 no more than two diplomas, certificates, or credentials. A young
 301 adult attaining an associate of arts or associate of science
 302 degree shall be permitted to work toward completion of a
 303 bachelor of arts or a bachelor of science degree or an
 304 equivalent undergraduate degree. Road-to-Independence Program
 305 funds may not be used for education or training after a young
 306 adult has attained a bachelor of arts or a bachelor of science
 307 degree or an equivalent undergraduate degree.

308 i. The department shall evaluate and renew each award

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309 annually during the 90-day period before the young adult's
310 birthday. In order to be eligible for a renewal award for the
311 subsequent year, the young adult must:

312 (I) Complete the number of hours, or the equivalent
313 considered full time by the educational institution, unless that
314 young adult has a recognized disability preventing full-time
315 attendance, in the last academic year in which the young adult
316 earned an award, except for a young adult who meets the
317 requirements of s. 1009.41.

318 (II) Maintain appropriate progress as required by the
319 educational institution, except that, if the young adult's
320 progress is insufficient to renew the award at any time during
321 the eligibility period, the young adult may restore eligibility
322 by improving his or her progress to the required level.

323 j. Funds shall ~~may~~ be terminated during the interim
324 between an award and the evaluation for a renewal award if the
325 department determines that the award recipient is no longer
326 enrolled in an educational institution as defined in sub-
327 subparagraph 2.d., or is no longer a state resident. The
328 department shall notify a recipient who is terminated and inform
329 the recipient of his or her right to appeal.

330 k. An award recipient who does not qualify for a renewal
331 award or who chooses not to renew the award may subsequently
332 apply for reinstatement. An application for reinstatement must
333 be made before the young adult reaches 23 years of age, and a
334 student may not apply for reinstatement more than once. In order
335 to be eligible for reinstatement, the young adult must meet the
336 eligibility criteria and the criteria for award renewal for the

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337 program.

338 (c) Transitional support services.—

339 1. In addition to any services provided through aftercare
340 support or the Road-to-Independence Program, a young adult
341 formerly in foster care may receive other appropriate short-term
342 funding and services, which may include financial, housing,
343 counseling, employment, education, mental health, disability,
344 and other services, if the young adult demonstrates that the
345 services are critical to the young adult's own efforts to
346 achieve self-sufficiency and to develop a personal support
347 system. The department or community-based care provider shall
348 work with the young adult in developing a joint transition plan
349 that is consistent with a needs assessment identifying the
350 specific need for transitional services to support the young
351 adult's own efforts. The young adult must have specific tasks to
352 complete or maintain included in the plan and be accountable for
353 the completion of or making progress towards the completion of
354 these tasks. If the young adult and the department or community-
355 based care provider cannot come to agreement regarding any part
356 of the plan, the young adult may access a grievance process to
357 its full extent in an effort to resolve the disagreement.

358 2. A young adult formerly in foster care is eligible to
359 apply for transitional support services if he or she has reached
360 18 years of age but is not yet 23 years of age, was a dependent
361 child pursuant to chapter 39, was living in licensed foster care
362 or in subsidized independent living at the time of his or her
363 18th birthday, and had spent at least 6 months living in foster
364 care before that date.

365 3. If at any time the services are no longer critical to
 366 the young adult's own efforts to achieve self-sufficiency and to
 367 develop a personal support system, they shall be terminated.

368 (d) Payment of aftercare, Road-to-Independence Program, or
 369 transitional support funds.—

370 1. Payment of aftercare, Road-to-Independence Program, or
 371 transitional support funds shall be made directly to the
 372 recipient unless the recipient requests in writing to the
 373 community-based care lead agency, or the department, that the
 374 payments or a portion of the payments be made directly on the
 375 recipient's behalf in order to secure services such as housing,
 376 counseling, education, or employment training as part of the
 377 young adult's own efforts to achieve self-sufficiency.

378 2. After the completion of aftercare support services that
 379 satisfy the requirements of sub-subparagraph (a)1.h., payment of
 380 awards under the Road-to-Independence Program shall be made by
 381 direct deposit to the recipient, unless the recipient requests
 382 in writing to the community-based care lead agency or the
 383 department that:

384 a. The payments be made directly to the recipient by check
 385 or warrant;

386 b. The payments or a portion of the payments be made
 387 directly on the recipient's behalf to institutions the recipient
 388 is attending to maintain eligibility under this section; or

389 c. The payments be made on a two-party check to a business
 390 or landlord for a legitimate expense, whether reimbursed or not.
 391 A legitimate expense for the purposes of this sub-subparagraph
 392 shall include automobile repair or maintenance expenses;

393 | educational, job, or training expenses; and costs incurred,
 394 | except legal costs, fines, or penalties, when applying for or
 395 | executing a rental agreement for the purposes of securing a home
 396 | or residence.

397 | 3. The community-based care lead agency may purchase
 398 | housing, transportation, or employment services to ensure the
 399 | availability and affordability of specific transitional services
 400 | thereby allowing an eligible young adult to utilize these
 401 | services in lieu of receiving a direct payment. Prior to
 402 | purchasing such services, the community-based care lead agency
 403 | must have a plan approved by the department describing the
 404 | services to be purchased, the rationale for purchasing the
 405 | services, and a specific range of expenses for each service that
 406 | is less than the cost of purchasing the service by an individual
 407 | young adult. The plan must include a description of the
 408 | transition of a young adult using these services into
 409 | independence and a timeframe for achievement of independence. An
 410 | eligible young adult who prefers a direct payment shall receive
 411 | such payment. The plan must be reviewed annually and evaluated
 412 | for cost-efficiency and for effectiveness in assisting young
 413 | adults in achieving independence, preventing homelessness among
 414 | young adults, and enabling young adults to earn a livable wage
 415 | in a permanent employment situation.

416 | 4. The young adult who resides with a foster family may
 417 | not be included as a child in calculating any licensing
 418 | restriction on the number of children in the foster home.

419 | (e) Appeals process.—

420 | 1. The Department of Children and Family Services shall

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421 adopt by rule a procedure by which a young adult may appeal an
 422 eligibility determination or the department's failure to provide
 423 aftercare, Road-to-Independence Program, or transitional support
 424 services, or the termination of such services, if such funds are
 425 available.

426 2. The procedure developed by the department must be
 427 readily available to young adults, must provide timely
 428 decisions, and must provide for an appeal to the Secretary of
 429 Children and Family Services. The decision of the secretary
 430 constitutes final agency action and is reviewable by the court
 431 as provided in s. 120.68.

432 Section 4. Section 409.1663, Florida Statutes, is
 433 repealed.

434 Section 5. Subsections (8), (9), (10), and (11) of section
 435 409.1671, Florida Statutes, are renumbered as subsections (10),
 436 (14), (15), and (16), respectively, and new subsections (8),
 437 (9), (11), (12), and (13) are added to that section to read:

438 409.1671 Foster care and related services; outsourcing.—

439 (8) A contract established between the department and a
 440 community-based care lead agency under this section must be
 441 funded by a grant of general revenue, other applicable state
 442 funds, or applicable federal funding sources. A community-based
 443 care lead agency may carry forward documented unexpended state
 444 funds from one fiscal year to the next. Any unexpended funds
 445 that remain at the end of the contract period shall be returned
 446 to the department. Funds carried forward may be retained through
 447 any contract renewals and any new procurements as long as the
 448 community-based care lead agency is retained by the department.

449 (9) The method of payment for a fixed-price contract with
 450 a community-based care lead agency shall provide for a 2-month
 451 advance payment at the beginning of each fiscal year and equal
 452 monthly payments thereafter.

453 (11) Notwithstanding subsection (10), the amount of the
 454 annual contract for a community-based care lead agency may be
 455 increased by excess federal funds earned in accordance with s.
 456 216.181(11).

457 (12) The department may outsource programmatic,
 458 administrative, or fiscal monitoring oversight of community-
 459 based care lead agencies.

460 (13) Notwithstanding any other provision of law, a
 461 community-based care lead agency may make expenditures for staff
 462 cellular telephone allowances, contracts requiring deferred
 463 payments and maintenance agreements, security deposits for
 464 office leases, related agency but not personal professional
 465 membership dues, promotional materials, and grant writing
 466 services. Expenditures for food and refreshments, other than
 467 those provided to clients in the care of the agency and to
 468 foster parents, adoptive parents, and caseworkers during
 469 training sessions, are not allowable.

470 Section 6. Paragraph (b) of subsection (2) of section
 471 409.166, Florida Statutes, is amended to read:

472 409.166 Children within the child welfare system; adoption
 473 assistance program.—

474 (2) DEFINITIONS.—As used in this section, the term:

475 (b) "Adoption assistance" means financial assistance and
 476 services provided to a child and his or her adoptive family.

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477 Such assistance may include a maintenance subsidy, medical
478 assistance, Medicaid assistance, and reimbursement of
479 nonrecurring expenses associated with the legal adoption. The
480 term also includes a tuition exemption at a postsecondary career
481 program, community college, or state university, ~~and a state~~
482 ~~employee adoption benefit under s. 409.1663.~~

483 Section 7. This act shall take effect July 1, 2010.