

2017 Social Work Impact Legislation

2017 Legislation which passed both the House and Senate and will be sent to the Governor for his approval. These bills were chosen because of their impact on Social Work practice in Florida.

- 1) **CS/CS/HB 1121** makes multiple changes to the child welfare statutes to protect vulnerable children. The bill changes the process that DCF and the courts use to assess and order services for substance exposed newborns and children who enter households already under investigation or under the dependency court's jurisdiction to improve risk assessment. The bill expedites permanency for children by making changes to the procedures the dependency court and DCF use to identify and locate prospective parents to require inquiry and search much earlier in the dependency case. The bill facilitates more participation by a child in his or her case planning, streamlines processes for child protective investigators, and aligns statute with current practice including conditions for return and Family Functioning Assessments. The bill also: • Allows DCF to use confidential abuse registry information and investigation records for residential group home employment screening, to align with foster home screening requirements; • Defines "child welfare trainer" and grants DCF rulemaking authority to create requirements for child welfare trainers; • Permits hospitals and physician offices to release patient records to DCF or its contracted entities for investigations of abuse, neglect, or exploitation of children or vulnerable adults; and • Repeals obsolete sections of law related to residential group care, including provision
- 2) **CS/CS/HB 151** The bill expands the list of proceedings in which support animals may be used and expands the categories of allowable animals for use during proceedings. Current law authorizes a trial court to enter any order necessary to protect a child victim or witness, a person who has an intellectual disability, or a sexual offense victim or witness of any age from severe emotional or mental harm due to the presence of the defendant. The court may also allow the use of service or therapy animals in proceedings involving a sexual offense to assist a child victim or witness or a sexual offense victim or witness. The support animals must be evaluated and registered according to national standards. Local courts allowing such animals typically develop detailed requirements for their use. This bill: • Expands the list of proceedings in which support animals may be used to include any proceeding involving child abuse, abandonment, or neglect; • Expands the categories of allowable animals to include a "facility dog"; • Allows a court to set any conditions it finds just and appropriate when taking the testimony of a person who has an intellectual disability, including the use of a therapy animal or facility dog; • Replaces the requirement for evaluation and registration of an animal pursuant to national standards with a requirement that

an animal be trained, evaluated, and certified according to industry standards; and • Provides definitions for the terms "facility dog" and "therapy animal."

- 3) **CS/HB 1269** amends s. 39.303, F.S., to require the Surgeon General and Deputy Secretary for Children's Medical Services to consult with the Statewide Medical Director for Child Protection on decisions regarding screening, employment, and termination of CPT medical directors at headquarters and within the 15 districts statewide. The bill expands the required board certifications for CPT medical directors to include pediatrics or family medicine and changes the timeframe in which a CPT medical director with board-certification must obtain certification from 4 years to 2 years. The bill also changes "districts" to "circuits" and "district medical directors" to "child protection team medical directors" throughout the section. The bill requires DOH to develop, maintain, and coordinate one or more sexual abuse treatment programs, details requirements for the programs, and retitles s. 39.303, F.S., to include sexual abuse treatment programs. The bill requires DOH to convene a task force to develop a standardized protocol for forensic interviewing for children suspected of having been abused and provide staff to support the task force, as needed. The task force must include various representatives from the disciplines of law enforcement, child welfare, and mental health treatment. The bill does not require implementation of the standardized protocol but does require DOH to provide the protocol to the legislature by January 1, 2018. The bill expands the cases in which an expert witness certificate may be used, to include cases involving abandonment, dependency, and sexual abuse.
- 4) **CS/CS/HB 229** authorizes, rather than requires, DOH to retain one or more consultants to operate its impaired practitioner program. Under the bill, the contract with the consultant must require the consultant to accept referrals of practitioners who have or are suspected of having an impairment; arrange the evaluation and treatment of such practitioners, and monitor their progress and status to determine if and when they are able to safely to return to practice. The bill prohibits the consultant from providing evaluation and treatment services. Under the bill, a practitioner found to have an impairment may be accepted into the impaired practitioner program, and must enter into a participant contract which defines the planned or recommended treatment. The bill requires DOH or licensure boards, rather than probable cause panels, to oversee matters involving impaired practitioners. As with current law, if a participant fails or is terminated from the impaired practitioner program, a consultant must notify DOH for disciplinary proceedings. If the consultant concludes that a practitioner's impairment constitutes an immediate, serious danger to public health, the consultant must notify DOH, rather than the Surgeon General. The bill authorizes the consultant to release information to the participant, referral, or legal representative of the participant or referral. If the consultant discloses

information to DOH, the participant, referral, or legal representative of the participant or referral may obtain a copy of the consultant's file from either the consultant or DOH. Current law requires licensees to report violations of the core licensure statute (ch. 456, F.S.) and individual practice acts. The bill allows licensees to report certain individuals having an impairment or suspected of having an impairment to the consultant, rather than DOH. The bill retains the sovereign immunity for the consultant provided under current law, but deletes certain requirements that must be met by the consultant to be eligible for sovereign immunity. The bill repeals the authority of regulatory boards and DOH to adopt rules relating to the impaired practitioner program. Currently, the rules adopted under this section provide definitions of terms and designates the entities authorized as consultants. The bill authorizes DOH to issue or renew licenses of individuals who were convicted of or entered a plea of guilty or nolo contendere to a disqualifying offense before July 1, 2009, when the licensure disqualification law was enacted. The bill authorizes DOH to issue or renew the license of an individual who is convicted of or enters a plea of guilty or nolo contendere to a disqualifying felony if the applicant successfully completes a pretrial diversion program and the plea has been withdrawn or the charges have been dismissed.

- 5) **CS/HB 329** The bill prohibits a time-sharing plan from requiring a minor child to visit a parent residing in a recovery residence between the hours of 9 p.m. and 7 a.m., unless the court determines it is in the minor child's best interest. The bill also provides that a certified recovery residence may allow minor children to visit a resident parent, but may not allow the children to remain between the hours of 9 p.m. and 7 a.m., unless:
 - A court has determined it is in the minor child's best interest; or
 - The parent does not yet have a time-sharing plan and the recovery residence is a specialized residence for pregnant women or parents whose children reside with them.The bill prohibits a minor child from visiting a parent at a recovery residence at any time if any resident of the recovery residence is required to register as a sexual predator or sexual offender.
- 6) **CS/SB 396** requires certain postsecondary education institutions to provide information regarding student loans annually to students. Specifically, the bill:
 - Defines "student loans" to mean federal loans disbursed to a student to pay for education related expenses.
 - Establishes the requirement that a postsecondary education institution that disburses state financial aid provide the following up-to-date information annually to each student receiving student loans:
 - o an estimate of the student's total amount of borrowed student loans.
 - o An estimate of the student's total potential loan repayment amount associated with the total amount of student loans borrowed by the student.
 - o An estimate of the student's monthly loan repayment amount for the student's total amount of borrowed student loans.
 - o The percentage of the borrowing limit that the

student has reached at the time the information is provided. • Provides that an institution does not incur liability for providing the specified information. The bill takes effect July 1, 2017.

- 7) **CS/CS/SB 474** amends and creates a section of the Florida Statutes related to the provision of hospice care. The bill: • Requires the Department of Elder Affairs (DOEA) and the Agency for Health Care Administration (AHCA) to adopt federal guidelines and survey data for hospice outcome measures by December 31, 2019, and to develop a system for reporting hospice outcomes to consumers; • Creates new requirements for hospices that assist in the disposal of prescribed controlled substances after a patient's death; and • Expands the ways a person may obtain a hospice patient's medical records
- 8) **CS/HB 477** Chapter 893, F.S., sets forth the Florida Comprehensive Drug Abuse Prevention and Control Act ("the Act") which classifies controlled substances into five categories, known as schedules. These schedules regulate the manufacture, distribution, preparation, and dispensing of the substances listed therein. The distinguishing factors between the different schedules are the "potential for abuse" of the substances and whether there is a currently accepted medical use for the substances. The bill enhances existing penalties and creates new penalties for synthetic opioid drugs by: • Adding certain fentanyl related controlled substances to the substances for which distribution, that results in death and is the proximate cause of a user's death, is punishable as murder; • Adding a class of fentanyl derivatives and five "research drugs" to Schedule I; • Creating a first degree felony for possession of 10 grams or more of certain Schedule II substances including certain fentanyl related substances; • Revising the substances that constitute trafficking offenses for hydrocodone, oxycodone, phencyclidine, and phenethylamines; • Creating trafficking offenses for fentanyl, synthetic cannabinoids, and n-benzyl phenethylamines; and • Authorizing certain crime laboratory personnel to possess, store, and administer emergency opioid antagonists used to treat opioid overdoses. Additionally, the bill creates s. 893.015, F.S., to provide that a reference in any section of the Florida Statutes to chapter 893, F.S., or to any section or portion of a section of chapter 893, F.S., includes all subsequent amendments.
- 9) **CS/CS/HB 543** makes several changes to nursing education program regulation and many other programs within the Department of Health (DOH). The bill: • Authorizes DOH to request a date of birth on a licensure application and removes requirements for the size and forms of licenses • Requires DOH to deny license renewal of an applicant who owes fines and costs imposed in a licensure disciplinary proceeding unless the applicant has received an extension of time to pay; • Authorizes a regulatory board or DOH, if there is no board, to transfer funds from a profession's operating trust fund to cover a deficit related to prosecuting unlicensed activity and to waive licensure or renewal fees under

certain circumstances; • Authorizes DOH to administer the Conrad 30 Waiver program, which allows a limited number international physicians, employed by a facility in an underserved area, to waive certain federal requirements; • Requires certain pain management clinics to register with DOH at no cost; • Authorizes any entity approved by the BON to offer the required 3-hour continuing education class on the safe and efficient prescription of controlled substances; • Requires an ARNP to maintain a copy of his or her protocol at the location the ARNP practices and if the ARNP works with multiple supervising physicians in a group practice, the ARNP has to enter into a protocol with at least one physician; • Establishes standards for permitting and regulating in-state sterile compounding pharmacies and outsourcing facilities; • Authorizes DOH to issue a single license to a prosthetist-orthotist; • Establishes a path to licensure for certain students enrolled in physical therapist assistant programs; • Updated national licensure examinations for marriage and family therapists; and • Deletes obsolete language and makes technical changes.

- 10) **CS/CS/SB 590** authorizes the Department of Revenue (department) to establish parenting time plans agreed to by both parents in Title IV-D child support actions. The department will be required to provide parents Title IV-D Parenting Time Plans with a proposed administrative support order. The bill creates a standard Title IV-D Parenting Time Plan that may be used by parents. In the event the parents cannot agree on a parenting time plan, they will be referred to the circuit court for the establishment of a plan. In these instances, parents will not pay a fee to file a petition to determine a parenting time plan. The bill also requires the enforcement or modification of an established parenting time plan to be sought through a court of appropriate jurisdiction. The bill takes effect January 1, 2018.
- 11) **CS/SB 852** amends multiple statutes to include the term "commercial sexual exploitation." The term emphasizes the fact that sex is exchanged for money, goods, or services and better defines the victims served by the Department of Children and Families (DCF), sheriff's offices conducting child abuse investigations, and community-based care agencies. The bill: • Defines the term "commercial sexual exploitation" to mean the use of any person under the age of 18 for sexual purposes in exchange for, or the promise of, money, goods, or services; • Changes the date of the annual report by the DCF on commercial sex trafficking of minors from December 1st to October 1st; • Requires the DCF to maintain data specifying certain services available for verified victims of commercial sexual exploitation; • Adds the crime of "human trafficking involving commercial sexual activity" to the list of crimes where the defendant's confession is admissible during specified situations in trial; • Amends various sections of statute to remove references to the outdated definition of "sexually exploited child" and replace it with references to "commercial sexual exploitation;" •

Clarifies procedures for conducting a multidisciplinary staffing for alleged or verified victims of commercial sexual exploitation who are not eligible for relief or benefits under the federal Trafficking Victims Protection Act; REVISED: BILL: CS/SB 852 Page 2 • Requires that the multidisciplinary staffing develop a service plan for any child victims suspected or verified as victims of commercial sexual exploitation and that the plan identify the victim's needs and local services; • Specifies that services provided in the service plan be in the least restrictive environment and identifies types of services that may be included in the service plan; and • Requires the DCF or the sheriff's office to follow up with the verified victims of commercial sexual exploitation within six months. The bill provides an effective date of October 1, 2017.

- 12) **HB 883** establishes a 16th MDC at Florida Hospital in Orange County. Florida Hospital in Orange County established a self-funded memory disorder program in 2012. The bill does not provide an appropriation of funds to the MDC at the Florida Hospital.
- 13) **CS/SB 1694** requires the Department of Juvenile Justice, in collaboration with organizations that provide expertise, training, and advocacy in the areas of family and domestic violence, to develop materials detailing the resources and services available for parents and legal guardians who are victims of domestic violence. The materials must also include the resources available for a child who has committed acts of domestic violence or who has demonstrated behaviors that may escalate to domestic violence. The bill specifies which resources and services must be included in the materials and that the Department of Juvenile Justice must post the materials on its website. The materials must also be available to certified domestic violence centers and other specified entities. The bill requires the issues involved in child-to-parent domestic violence cases be included in the domestic violence portion of a law enforcement officer's basic skills course for his or her initial certification.
- 14) **CS/CS/HB 7059** • Establishes new criteria to identify a narrow class of repeat juvenile offenders at risk of further recidivism who must be placed in detention care until disposition of their cases. Under the bill, these juveniles, who are classified as "Prolific Juvenile Offenders", must have their adjudicatory hearing held within 45 days after being taken into custody and be held in detention care until disposition. • Requires secure detention for a juvenile awaiting placement in a nonsecure residential program. • Provides that nonsecure detention care periods are tolled on the date that it is alleged that a juvenile has violated detention care. Further, the bill specifies that days served by the child in any type of detention care before a violation are not counted toward the 21-day and 15-day maximum detention care periods, so that detention care may be continued by the court after a violation.

15) **HB 1385** The bill amends s. 741.281, F.S., to require a court to order certain defendants to attend and complete Batterer's Intervention Program (BIP) . A failure to complete BIP would result in a violation of probation, subjecting the offender to further criminal penalty. Additionally, the bill increases mandatory jail time for offenders who have been adjudicated guilty and who intentionally caused bodily harm to another, and further increases the penalty if, in addition to the previous two factors, the violence was committed in the presence of a related child under 16 years of age. Specifically: • An offender adjudicated guilty, who intentionally committed bodily harm to another person, must serve 10 days in jail for a first offense; 15 days in jail for a second offense; and 20 days in jail for a third or subsequent offense. • An offender described above whose violence was committed in the presence of a related child under age 16, must serve 15 days in jail for a first offense; 20 days in jail for a second offense; and 30 days in jail for a third or subsequent offense. Additionally, the bill amends s. 775.08435, F.S., to prohibit a court from withholding the adjudication of a defendant when he or she committed a third degree felony offense of domestic violence. The court would be prohibited from doing so, unless one of the following exceptions applies: • The state attorney makes a written request for adjudication to be withheld; or • The court makes written findings that the withholding of adjudication is reasonably justified based on the circumstances or statutory mitigating factors. The bill amends s. 741.30, F.S., to include a provision prohibiting a court from awarding attorney's fees in any proceeding for an injunction for protection against domestic violence. This prohibition addresses the current conflict between Florida's District Courts of Appeal regarding the issue. The bill does not appear to have a fiscal impact on state government. The bill may increase expenditures by local governments by increasing the minimum number of days that domestic violence offenders are incarcerated in local jails. The bill provides an effective date of October 1, 2017.