

By the Committees on Health and Human Services Appropriations;
Governmental Oversight and Accountability; and Children,
Families, and Elder Affairs; and Senator Storms

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1
2 A bill to be entitled
3 An act relating to a review of the Department of
4 Children and Family Services under the Florida
5 Government Accountability Act; reenacting and amending
6 s. 20.19, F.S., relating to the establishment of the
7 department; changing the name of the Department of
8 Children and Family Services to the Department of
9 Children and Families; revising provisions relating to
10 the establishment and structure of, and services
11 provided by, the department; providing for operating
12 units called circuits that conform to the geographic
13 boundaries of judicial circuits; providing for the
14 establishment of and requirements for membership and
15 participation in community alliances and community
16 partnerships; amending s. 20.04, F.S.; authorizing the
17 department to establish circuits or regions headed by
18 circuit administrators or region directors and
19 deleting a requirement for statutory enactment for
20 additional divisions or offices in the department;
21 amending s. 20.43, F.S.; revising provisions relating
22 to service area boundaries; amending s. 394.47865,
23 F.S.; deleting obsolete provisions relating to the
24 privatization of South Florida State Hospital;
25 amending s. 394.78, F.S.; deleting an obsolete
26 provision relating to dispute resolution; amending s.
27 394.9135, F.S.; requiring the transfer of certain
28 sexually violent offenders to the custody of the
29 United States Immigration and Customs Enforcement;

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30 requiring that the department put into place a
31 memorandum of understanding for retaining custody of
32 such an offender under certain circumstances; amending
33 s. 402.313, F.S.; revising licensure requirements for
34 family day care homes; amending s. 402.315, F.S.;
35 requiring the county, rather than the department, to
36 bear the costs of licensing family day care homes,
37 under certain circumstances; amending s. 402.40, F.S.;
38 defining the terms "child welfare certification" and
39 "core competency"; requiring that professionals
40 providing child welfare services demonstrate core
41 competency; requiring that the department recognize
42 certain certifications; requiring that certain persons
43 hold active certification; amending s. 409.1671, F.S.;
44 revising provisions relating to lead agencies;
45 requiring the department to annually evaluate each
46 agency; conforming provision to changes made by the
47 act; amending s. 409.1755, F.S.; decreasing the
48 membership of the One Church, One Child of Florida
49 Corporation, to conform to changes made by the act;
50 amending s. 420.621, F.S.; revising the definition of
51 the term "district" to conform to changes made by the
52 act; amending s. 420.622, F.S.; deleting a requirement
53 for the Governor to appoint the executive director of
54 the State Office of Homelessness; conforming a
55 provision; amending ss. 20.195, 39.01, 39.0121,
56 39.301, 39.302, 39.303, 39.806, 39.828, 49.011,
57 381.0072, 394.493, 394.4985, 394.67, 394.73, 394.74,
58 394.75, 394.76, 394.82, 394.9084, 397.821, 402.49,

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59 409.152, 409.1685, 410.0245, 410.603, 410.604,
60 411.224, 414.24, 415.1113, 420.623, 420.625, 429.35,
61 and 1002.67, F.S.; revising provisions to conform to
62 changes made by the act; correcting cross-references;
63 repealing ss. 39.311, 39.312, 39.313, 39.314, 39.315,
64 39.316, 39.317, and 39.318, F.S., relating to the
65 Family Builders Program; repealing s. 394.9083, F.S.,
66 relating to the Behavioral Health Services Integration
67 Workgroup; repealing s. 402.35, F.S., which provides
68 for department employees to be governed by Department
69 of Management Services rules; directing the Division
70 of Statutory Revision to prepare a reviser's bill;
71 requiring the Agency for Persons with Disabilities to
72 prepare a plan to perform its own administrative and
73 operational functions separate from the department;
74 directing the department to define legal services
75 associated with dependency proceeding and modify lead
76 agency funding; directing the department to establish
77 a procedure for assisting certain undocumented aliens
78 in returning to their country of origin; directing the
79 department to institute a program for identifying
80 undocumented aliens in mental health institutions who
81 may be appropriate candidates for removal; providing
82 an effective date.

83

84 Be It Enacted by the Legislature of the State of Florida:

85

86 Section 1. Section 20.19, Florida Statutes, is reenacted
87 and amended to read:

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88 (Substantial rewording of section. See
89 s. 20.19, F.S., for present text.)
90 20.19 Department of Children and Families.—There is created
91 a Department of Children and Families.

92 (1) MISSION AND PLAN.—

93 (a) The mission of the Department of Children and Families
94 is to work in partnership with local communities to ensure the
95 safety, well-being, and self-sufficiency of the people served.

96 (b) The department shall develop a strategic plan for
97 fulfilling its mission and establish a set of measurable goals,
98 objectives, performance standards, and quality assurance
99 requirements to ensure that the department is accountable to the
100 people of Florida.

101 (c) To the extent allowed by law and within specific
102 appropriations, the department shall deliver services by
103 contract through private providers.

104 (2) SECRETARY OF CHILDREN AND FAMILIES.—

105 (a) The head of the department is the Secretary of Children
106 and Families. The Governor shall appoint the secretary, who is
107 subject to confirmation by the Senate. The secretary serves at
108 the pleasure of the Governor.

109 (b) The secretary is responsible for planning,
110 coordinating, and managing the delivery of all services that are
111 the responsibility of the department.

112 (c) The secretary shall appoint a deputy secretary who
113 shall act in the absence of the secretary. The deputy secretary
114 is directly responsible to the secretary, performs such duties
115 as are assigned by the secretary, and serves at the pleasure of
116 the secretary.

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117 (d) The secretary shall appoint an Assistant Secretary for
118 Substance Abuse and Mental Health and may establish assistant
119 secretary positions as necessary to administer the requirements
120 of this section. All persons appointed to such positions shall
121 serve at the pleasure of the secretary. The department shall
122 integrate substance abuse and mental health programs into the
123 overall structure and priorities of the department.

124 (3) SERVICES PROVIDED.—

125 (a) The department shall establish the following program
126 offices, each of which shall be headed by a program director who
127 shall be appointed by and serve at the pleasure of the
128 secretary:

- 129 1. Adult protection.
- 130 2. Child care licensure.
- 131 3. Domestic violence.
- 132 4. Economic self-sufficiency.
- 133 5. Family safety.
- 134 6. Mental health.
- 135 7. Refugee services.
- 136 8. Substance abuse.
- 137 9. Homelessness.

138 (b) The secretary may appoint additional directors as
139 necessary for the effective management of the program services
140 provided by the department.

141 (4) OPERATING UNITS.—

142 (a) The department shall plan and administer its program
143 services through operating units called "circuits" that conform
144 to the geographic boundaries of the judicial circuits
145 established in s. 26.021. The department may also establish one

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146 or more regions consisting of one or more circuits. A region
147 shall provide administrative, management, and infrastructure
148 support to the circuits operating within the region. The region
149 shall consolidate support functions to provide the most
150 efficient use of resources to support the circuits operating
151 within the region.

152 (b) The secretary may appoint a circuit administrator for
153 each circuit and a region director for each region who shall
154 serve at the pleasure of the secretary and shall perform such
155 duties as are assigned by the secretary.

156 (5) COMMUNITY ALLIANCES AND PARTNERSHIPS; ADVISORY GROUPS.—
157 The department may, or at the request of a county government
158 shall, establish in each circuit one or more community alliances
159 or community partnerships. The purpose of a community alliance
160 or community partnership is to provide a focal point for
161 community participation and the governance of community-based
162 services. The membership of a community alliance or community
163 partnership shall represent the diversity of a community and
164 consist of stakeholders, community leaders, client
165 representatives, and entities that fund human services. The
166 secretary may also establish advisory groups at the state level
167 as necessary to ensure and enhance communication and provide
168 liaison with stakeholders, community leaders, and client
169 representatives.

170 (a) The duties of a community alliance or community
171 partnership may include, but are not limited to:

172 1. Participating in joint planning for the effective use of
173 resources in the community, including resources appropriated to
174 the department, and any funds that local funding sources choose

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175 to provide.

176 2. Performing a needs assessment and establishing community
177 priorities for service delivery.

178 3. Determining community outcome goals to supplement state-
179 required outcomes.

180 4. Serving as a catalyst for community resource
181 development.

182 5. Providing for community education and advocacy on issues
183 related to service delivery.

184 6. Promoting prevention and early intervention services.

185 (b) If one or more community alliances or community
186 partnerships are established in a circuit, the department shall
187 ensure, to the greatest extent possible, that the formation of
188 each alliance or partnership builds on the strengths of the
189 existing community human services infrastructure.

190 (c) Members of community alliances, community partnerships,
191 and advisory groups shall serve without compensation, but are
192 entitled to reimbursement for per diem and travel expenses in
193 accordance with s. 112.061. The department may also authorize
194 payment for preapproved child care expenses or lost wages for
195 members who are consumers of services provided by the
196 department.

197 (d) Members of community alliances, community partnerships,
198 and advisory groups are subject to part III of chapter 112, the
199 Code of Ethics for Public Officers and Employees.

200 (e) Actions taken by community alliances, community
201 partnerships, and advisory groups must be consistent with
202 department policy and state and federal laws, rules, and
203 regulations.

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204 (f) Each member of a community alliance or community
205 partnership must submit annually to the inspector general of the
206 department a disclosure statement of any interest in services
207 provided by the department. Any member who has an interest in a
208 matter under consideration by the community alliance, community
209 partnership, or advisory group must abstain from voting on that
210 matter.

211 (g) All meetings of community alliances, community
212 partnerships, and advisory groups are open to the public
213 pursuant to s. 286.011 and are subject to the public-records
214 provisions of s. 119.07(1).

215 (6) CONSULTATION WITH COUNTIES ON MANDATED PROGRAMS.—It is
216 the intent of the Legislature that when county governments are
217 required by law to participate in the funding of programs
218 serviced by the department, the department shall consult with
219 designated representatives of county governments in developing
220 policies and service delivery plans for those programs.

221 Section 2. Subsection (4) and paragraph (b) of subsection
222 (7) of section 20.04, Florida Statutes, are amended to read:

223 20.04 Structure of executive branch.—The executive branch
224 of state government is structured as follows:

225 (4) Within the Department of Children and ~~Families~~ Family
226 ~~Services~~ there are organizational units called "program
227 offices," headed by program directors, and operating units
228 called "circuits," headed by circuit administrators. In
229 addition, there may be "regions," headed by region directors.

230 (7)

231 (b) Within the limitations of this subsection, the head of
232 the department may recommend the establishment of additional

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233 divisions, bureaus, sections, and subsections of the department
234 to promote efficient and effective operation of the department.
235 However, additional divisions, or offices in ~~the Department of~~
236 ~~Children and Family Services~~, the Department of Corrections, and
237 the Department of Transportation, may be established only by
238 specific statutory enactment. New bureaus, sections, and
239 subsections of departments may be initiated by a department and
240 established as recommended by the Department of Management
241 Services and approved by the Executive Office of the Governor,
242 or may be established by specific statutory enactment.

243 Section 3. Paragraph (a) of subsection (4) of section
244 20.195, Florida Statutes, is amended to read:

245 20.195 Department of Children and Family Services; trust
246 funds.—The following trust funds shall be administered by the
247 Department of Children and Family Services:

248 (4) Domestic Violence Trust Fund.

249 (a) Funds to be credited to and uses of the trust fund
250 shall be administered in accordance with the provisions of s.
251 28.101, part XII ~~XIII~~ of chapter 39, and chapter 741.

252 Section 4. Subsection (5) of section 20.43, Florida
253 Statutes, is amended to read:

254 20.43 Department of Health.—There is created a Department
255 of Health.

256 (5) The department shall plan and administer its public
257 health programs through its county health departments and may,
258 for administrative purposes and efficient service delivery,
259 establish up to 15 service areas to carry out such duties as may
260 be prescribed by the State Surgeon General. ~~The boundaries of~~
261 ~~the service areas shall be the same as, or combinations of, the~~

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262 ~~service districts of the Department of Children and Family~~
263 ~~Services established in s. 20.19 and, to the extent practicable,~~
264 ~~shall take into consideration the boundaries of the jobs and~~
265 ~~education regional boards.~~

266 Section 5. Subsections (18) through (76) of section 39.01,
267 Florida Statutes, are renumbered as subsections (19) through
268 (75), respectively, subsection (10) is amended, present
269 subsection (26) is repealed, and present subsection (27) of that
270 section is renumbered as subsection (18) and amended, to read:

271 39.01 Definitions.—When used in this chapter, unless the
272 context otherwise requires:

273 (10) "Caregiver" means the parent, legal custodian,
274 permanent guardian, adult household member, or other person
275 responsible for a child's welfare as defined in subsection (46)
276 ~~(47)~~.

277 ~~(26) "District" means any one of the 15 service districts~~
278 ~~of the department established pursuant to s. 20.19.~~

279 (18) ~~(27)~~ "Circuit District administrator" means the chief
280 operating officer of each circuit ~~service district~~ of the
281 department as defined in s. 20.19 ~~(5)~~ and, where appropriate,
282 ~~includes any district administrator whose service district falls~~
283 ~~within the boundaries of a judicial circuit.~~

284 Section 6. Subsection (10) of section 39.0121, Florida
285 Statutes, is amended to read:

286 39.0121 Specific rulemaking authority.—Pursuant to the
287 requirements of s. 120.536, the department is specifically
288 authorized to adopt, amend, and repeal administrative rules
289 which implement or interpret law or policy, or describe the
290 procedure and practice requirements necessary to implement this

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291 chapter, including, but not limited to, the following:

292 (10) The ~~Family Builders Program~~, the Intensive Crisis
293 Counseling Program, and any other early intervention programs
294 and kinship care assistance programs.

295 Section 7. Paragraph (a) of subsection (15) of section
296 39.301, Florida Statutes, is amended to read:

297 39.301 Initiation of protective investigations.—

298 (15) (a) If the department or its agent determines that a
299 child requires immediate or long-term protection through:

300 1. Medical or other health care; or

301 2. Homemaker care, day care, protective supervision, or
302 other services to stabilize the home environment, including
303 intensive family preservation services through ~~the Family~~
304 ~~Builders Program~~ or the Intensive Crisis Counseling Program, ~~or~~
305 ~~both,~~

306
307 such services shall first be offered for voluntary acceptance
308 unless there are high-risk factors that may impact the ability
309 of the parents or legal custodians to exercise judgment. Such
310 factors may include the parents' or legal custodians' young age
311 or history of substance abuse or domestic violence.

312 Section 8. Subsection (1) of section 39.302, Florida
313 Statutes, is amended to read:

314 39.302 Protective investigations of institutional child
315 abuse, abandonment, or neglect.—

316 (1) The department shall conduct a child protective
317 investigation of each report of institutional child abuse,
318 abandonment, or neglect. Upon receipt of a report that alleges
319 that an employee or agent of the department, or any other entity

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320 or person covered by s. 39.01 (32) ~~(33)~~ or (46) ~~(47)~~, acting in an
321 official capacity, has committed an act of child abuse,
322 abandonment, or neglect, the department shall initiate a child
323 protective investigation within the timeframe established under
324 s. 39.201(5) and orally notify the appropriate state attorney,
325 law enforcement agency, and licensing agency, which shall
326 immediately conduct a joint investigation, unless independent
327 investigations are more feasible. When conducting investigations
328 onsite or having face-to-face interviews with the child,
329 investigation visits shall be unannounced unless it is
330 determined by the department or its agent that unannounced
331 visits threaten the safety of the child. If a facility is exempt
332 from licensing, the department shall inform the owner or
333 operator of the facility of the report. Each agency conducting a
334 joint investigation is entitled to full access to the
335 information gathered by the department in the course of the
336 investigation. A protective investigation must include an onsite
337 visit of the child's place of residence. The department shall
338 make a full written report to the state attorney within 3
339 working days after making the oral report. A criminal
340 investigation shall be coordinated, whenever possible, with the
341 child protective investigation of the department. Any interested
342 person who has information regarding the offenses described in
343 this subsection may forward a statement to the state attorney as
344 to whether prosecution is warranted and appropriate. Within 15
345 days after the completion of the investigation, the state
346 attorney shall report the findings to the department and shall
347 include in the report a determination of whether or not
348 prosecution is justified and appropriate in view of the

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349 circumstances of the specific case.

350 Section 9. Section 39.303, Florida Statutes, is amended to
351 read:

352 39.303 Child protection teams; services; eligible cases.—
353 The Children's Medical Services Program in the Department of
354 Health shall develop, maintain, and coordinate the services of
355 one or more multidisciplinary child protection teams in each of
356 the circuits ~~service districts~~ of the Department of Children and
357 Families ~~Family Services~~. Such teams may be composed of
358 appropriate representatives of school districts and appropriate
359 health, mental health, social service, legal service, and law
360 enforcement agencies. The Legislature finds that optimal
361 coordination of child protection teams and sexual abuse
362 treatment programs requires collaboration between the Department
363 of Health and the Department of Children and Families ~~Family~~
364 ~~Services~~. The two departments shall maintain an interagency
365 agreement that establishes protocols for oversight and
366 operations of child protection teams and sexual abuse treatment
367 programs. The State Surgeon General and the Deputy Secretary for
368 Children's Medical Services, in consultation with the Secretary
369 of Children and Families ~~Family Services~~, shall maintain the
370 responsibility for the screening, employment, and, if necessary,
371 the termination of child protection team medical directors, at
372 headquarters and in the circuits ~~15 districts~~. Child protection
373 team medical directors shall be responsible for oversight of the
374 teams in the circuits ~~districts~~.

375 (1) The Department of Health shall utilize and convene the
376 teams to supplement the assessment and protective supervision
377 activities of the family safety and preservation program of the

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378 Department of Children and Families ~~Family Services~~. Nothing in
379 this section shall be construed to remove or reduce the duty and
380 responsibility of any person to report pursuant to this chapter
381 all suspected or actual cases of child abuse, abandonment, or
382 neglect or sexual abuse of a child. The role of the teams shall
383 be to support activities of the program and to provide services
384 deemed by the teams to be necessary and appropriate to abused,
385 abandoned, and neglected children upon referral. The specialized
386 diagnostic assessment, evaluation, coordination, consultation,
387 and other supportive services that a child protection team shall
388 be capable of providing include, but are not limited to, the
389 following:

390 (a) Medical diagnosis and evaluation services, including
391 provision or interpretation of X rays and laboratory tests, and
392 related services, as needed, and documentation of findings
393 relative thereto.

394 (b) Telephone consultation services in emergencies and in
395 other situations.

396 (c) Medical evaluation related to abuse, abandonment, or
397 neglect, as defined by policy or rule of the Department of
398 Health.

399 (d) Such psychological and psychiatric diagnosis and
400 evaluation services for the child or the child's parent or
401 parents, legal custodian or custodians, or other caregivers, or
402 any other individual involved in a child abuse, abandonment, or
403 neglect case, as the team may determine to be needed.

404 (e) Expert medical, psychological, and related professional
405 testimony in court cases.

406 (f) Case staffings to develop treatment plans for children

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407 whose cases have been referred to the team. A child protection
408 team may provide consultation with respect to a child who is
409 alleged or is shown to be abused, abandoned, or neglected, which
410 consultation shall be provided at the request of a
411 representative of the family safety and preservation program or
412 at the request of any other professional involved with a child
413 or the child's parent or parents, legal custodian or custodians,
414 or other caregivers. In every such child protection team case
415 staffing, consultation, or staff activity involving a child, a
416 family safety and preservation program representative shall
417 attend and participate.

418 (g) Case service coordination and assistance, including the
419 location of services available from other public and private
420 agencies in the community.

421 (h) Such training services for program and other employees
422 of the Department of Children and Families ~~Family Services~~,
423 employees of the Department of Health, and other medical
424 professionals as is deemed appropriate to enable them to develop
425 and maintain their professional skills and abilities in handling
426 child abuse, abandonment, and neglect cases.

427 (i) Educational and community awareness campaigns on child
428 abuse, abandonment, and neglect in an effort to enable citizens
429 more successfully to prevent, identify, and treat child abuse,
430 abandonment, and neglect in the community.

431 (j) Child protection team assessments that include, as
432 appropriate, medical evaluations, medical consultations, family
433 psychosocial interviews, specialized clinical interviews, or
434 forensic interviews.

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436 All medical personnel participating on a child protection team
437 must successfully complete the required child protection team
438 training curriculum as set forth in protocols determined by the
439 Deputy Secretary for Children's Medical Services and the
440 Statewide Medical Director for Child Protection.

441 (2) The child abuse, abandonment, and neglect reports that
442 must be referred by the department to child protection teams of
443 the Department of Health for an assessment and other appropriate
444 available support services as set forth in subsection (1) must
445 include cases involving:

446 (a) Injuries to the head, bruises to the neck or head,
447 burns, or fractures in a child of any age.

448 (b) Bruises anywhere on a child 5 years of age or under.

449 (c) Any report alleging sexual abuse of a child.

450 (d) Any sexually transmitted disease in a prepubescent
451 child.

452 (e) Reported malnutrition of a child and failure of a child
453 to thrive.

454 (f) Reported medical neglect of a child.

455 (g) Any family in which one or more children have been
456 pronounced dead on arrival at a hospital or other health care
457 facility, or have been injured and later died, as a result of
458 suspected abuse, abandonment, or neglect, when any sibling or
459 other child remains in the home.

460 (h) Symptoms of serious emotional problems in a child when
461 emotional or other abuse, abandonment, or neglect is suspected.

462 (3) All abuse and neglect cases transmitted for
463 investigation to a circuit ~~district~~ by the hotline must be
464 simultaneously transmitted to the Department of Health child

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465 protection team for review. For the purpose of determining
466 whether face-to-face medical evaluation by a child protection
467 team is necessary, all cases transmitted to the child protection
468 team which meet the criteria in subsection (2) must be timely
469 reviewed by:

470 (a) A physician licensed under chapter 458 or chapter 459
471 who holds board certification in pediatrics and is a member of a
472 child protection team;

473 (b) A physician licensed under chapter 458 or chapter 459
474 who holds board certification in a specialty other than
475 pediatrics, who may complete the review only when working under
476 the direction of a physician licensed under chapter 458 or
477 chapter 459 who holds board certification in pediatrics and is a
478 member of a child protection team;

479 (c) An advanced registered nurse practitioner licensed
480 under chapter 464 who has a specialty ~~speciality~~ in pediatrics
481 or family medicine and is a member of a child protection team;

482 (d) A physician assistant licensed under chapter 458 or
483 chapter 459, who may complete the review only when working under
484 the supervision of a physician licensed under chapter 458 or
485 chapter 459 who holds board certification in pediatrics and is a
486 member of a child protection team; or

487 (e) A registered nurse licensed under chapter 464, who may
488 complete the review only when working under the direct
489 supervision of a physician licensed under chapter 458 or chapter
490 459 who holds certification in pediatrics and is a member of a
491 child protection team.

492 (4) A face-to-face medical evaluation by a child protection
493 team is not necessary when:

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494 (a) The child was examined for the alleged abuse or neglect
495 by a physician who is not a member of the child protection team,
496 and a consultation between the child protection team board-
497 certified pediatrician, advanced registered nurse practitioner,
498 physician assistant working under the supervision of a child
499 protection team board-certified pediatrician, or registered
500 nurse working under the direct supervision of a child protection
501 team board-certified pediatrician, and the examining physician
502 concludes that a further medical evaluation is unnecessary;

503 (b) The child protective investigator, with supervisory
504 approval, has determined, after conducting a child safety
505 assessment, that there are no indications of injuries as
506 described in paragraphs (2) (a)-(h) as reported; or

507 (c) The child protection team board-certified pediatrician,
508 as authorized in subsection (3), determines that a medical
509 evaluation is not required.

510
511 Notwithstanding paragraphs (a), (b), and (c), a child protection
512 team pediatrician, as authorized in subsection (3), may
513 determine that a face-to-face medical evaluation is necessary.

514 (5) In all instances in which a child protection team is
515 providing certain services to abused, abandoned, or neglected
516 children, other offices and units of the Department of Health,
517 and offices and units of the Department of Children and Families
518 ~~Family Services~~, shall avoid duplicating the provision of those
519 services.

520 (6) The Department of Health child protection team quality
521 assurance program and the Department of Children and Families'
522 ~~Family Services'~~ Family Safety Program Office quality assurance

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523 program shall collaborate to ensure referrals and responses to
524 child abuse, abandonment, and neglect reports are appropriate.
525 Each quality assurance program shall include a review of records
526 in which there are no findings of abuse, abandonment, or
527 neglect, and the findings of these reviews shall be included in
528 each department's quality assurance reports.

529 Section 10. Paragraph (k) of subsection (1) of section
530 39.806, Florida Statutes, is amended to read:

531 39.806 Grounds for termination of parental rights.—

532 (1) Grounds for the termination of parental rights may be
533 established under any of the following circumstances:

534 (k) A test administered at birth that indicated that the
535 child's blood, urine, or meconium contained any amount of
536 alcohol or a controlled substance or metabolites of such
537 substances, the presence of which was not the result of medical
538 treatment administered to the mother or the newborn infant, and
539 the biological mother of the child is the biological mother of
540 at least one other child who was adjudicated dependent after a
541 finding of harm to the child's health or welfare due to exposure
542 to a controlled substance or alcohol as defined in s.

543 39.01 (31) ~~(32)~~ (g), after which the biological mother had the
544 opportunity to participate in substance abuse treatment.

545 Section 11. Paragraph (a) of subsection (1) of section
546 39.828, Florida Statutes, is amended to read:

547 39.828 Grounds for appointment of a guardian advocate.—

548 (1) The court shall appoint the person named in the
549 petition as a guardian advocate with all the powers and duties
550 specified in s. 39.829 for an initial term of 1 year upon a
551 finding that:

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552 (a) The child named in the petition is or was a drug
553 dependent newborn as described in s. 39.01(31)~~(32)~~(g);

554 (b) The parent or parents of the child have voluntarily
555 relinquished temporary custody of the child to a relative or
556 other responsible adult;

557 (c) The person named in the petition to be appointed the
558 guardian advocate is capable of carrying out the duties as
559 provided in s. 39.829; and

560 (d) A petition to adjudicate the child dependent under this
561 chapter has not been filed.

562 Section 12. Subsection (13) of section 49.011, Florida
563 Statutes, is amended to read:

564 49.011 Service of process by publication; cases in which
565 allowed.—Service of process by publication may be made in any
566 court on any party identified in s. 49.021 in any action or
567 proceeding:

568 (13) For termination of parental rights pursuant to part
569 VIII ~~IX~~ of chapter 39 or chapter 63.

570 Section 13. Paragraph (a) of subsection (3) of section
571 381.0072, Florida Statutes, is amended to read:

572 381.0072 Food service protection.—It shall be the duty of
573 the Department of Health to adopt and enforce sanitation rules
574 consistent with law to ensure the protection of the public from
575 food-borne illness. These rules shall provide the standards and
576 requirements for the storage, preparation, serving, or display
577 of food in food service establishments as defined in this
578 section and which are not permitted or licensed under chapter
579 500 or chapter 509.

580 (3) LICENSES REQUIRED.—

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581 (a) *Licenses; annual renewals.*—Each food service
582 establishment regulated under this section shall obtain a
583 license from the department annually. Food service establishment
584 licenses shall expire annually and are not transferable from one
585 place or individual to another. However, those facilities
586 licensed by the department's Office of Licensure and
587 Certification, the Child Care Licensure ~~Services~~ Program Office,
588 or the Agency for Persons with Disabilities are exempt from this
589 subsection. It shall be a misdemeanor of the second degree,
590 punishable as provided in s. 381.0061, s. 775.082, or s.
591 775.083, for such an establishment to operate without this
592 license. The department may refuse a license, or a renewal
593 thereof, to any establishment that is not constructed or
594 maintained in accordance with law and with the rules of the
595 department. Annual application for renewal is not required.

596 Section 14. Subsection (3) of section 394.47865, Florida
597 Statutes, is amended to read:

598 394.47865 South Florida State Hospital; privatization.—

599 ~~(3)(a) Current South Florida State Hospital employees who
600 are affected by the privatization shall be given first
601 preference for continued employment by the contractor. The
602 department shall make reasonable efforts to find suitable job
603 placements for employees who wish to remain within the state
604 Career Service System.~~

605 ~~(b) Any savings that result from the privatization of South
606 Florida State Hospital shall be directed to the department's
607 service districts 9, 10, and 11 for the delivery of community
608 mental health services.~~

609 Section 15. Subsection (2) of section 394.493, Florida

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610 Statutes, is amended to read:

611 394.493 Target populations for child and adolescent mental
612 health services funded through the department.—

613 (2) Each mental health provider under contract with the
614 department to provide mental health services to the target
615 population shall collect fees from the parent or legal guardian
616 of the child or adolescent receiving services. The fees shall be
617 based on a sliding fee scale for families whose net family
618 income is at or above 150 percent of the Federal Poverty Income
619 Guidelines. The department shall adopt, by rule, a sliding fee
620 scale for statewide implementation. Fees collected from families
621 shall be retained in the circuit ~~service district~~ and used for
622 expanding child and adolescent mental health treatment services.

623 Section 16. Section 394.4985, Florida Statutes, is amended
624 to read:

625 394.4985 Circuitwide ~~Districtwide~~ information and referral
626 network; implementation.—

627 (1) Each circuit ~~service district~~ of the Department of
628 Children and Families ~~Family Services~~ shall develop a detailed
629 implementation plan for a circuitwide ~~districtwide~~ comprehensive
630 child and adolescent mental health information and referral
631 network to be operational by July 1, 1999. The plan must include
632 an operating budget that demonstrates cost efficiencies and
633 identifies funding sources for the circuit ~~district~~ information
634 and referral network. The plan must be submitted by the
635 department to the Legislature by October 1, 1998. The circuit
636 ~~district~~ shall use existing circuit ~~district~~ information and
637 referral providers if, in the development of the plan, it is
638 concluded that these providers would deliver information and

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639 referral services in a more efficient and effective manner when
640 compared to other alternatives. The circuit ~~district~~ information
641 and referral network must include:

642 (a) A resource file that contains information about the
643 child and adolescent mental health services as described in s.
644 394.495, including, but not limited to:

- 645 1. Type of program;
- 646 2. Hours of service;
- 647 3. Ages of persons served;
- 648 4. Program description;
- 649 5. Eligibility requirements; and
- 650 6. Fees.

651 (b) Information about private providers and professionals
652 in the community which serve children and adolescents with an
653 emotional disturbance.

654 (c) A system to document requests for services that are
655 received through the network referral process, including, but
656 not limited to:

- 657 1. Number of calls by type of service requested;
- 658 2. Ages of the children and adolescents for whom services
659 are requested; and
- 660 3. Type of referral made by the network.

661 (d) The ability to share client information with the
662 appropriate community agencies.

663 (e) The submission of an annual report to the department,
664 the Agency for Health Care Administration, and appropriate local
665 government entities, which contains information about the
666 sources and frequency of requests for information, types and
667 frequency of services requested, and types and frequency of

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668 referrals made.

669 (2) In planning the information and referral network, the
670 circuit district shall consider the establishment of a 24-hour
671 toll-free telephone number, staffed at all times, for parents
672 and other persons to call for information that concerns child
673 and adolescent mental health services and a community public
674 service campaign to inform the public about information and
675 referral services.

676 Section 17. Subsections (2) through (6) of section 394.67,
677 Florida Statutes, are renumbered as subsections (4) and (8),
678 respectively, and present subsections (7) and (8) are renumbered
679 as subsections (2) and (3), respectively, and amended to read:

680 394.67 Definitions.—As used in this part, the term:

681 ~~(2)-(7)~~ "Circuit District administrator" means the person
682 appointed by the Secretary of Children and Families Family
683 Services for the purpose of administering a department circuit
684 service district as set forth in s. 20.19.

685 ~~(3)-(8)~~ "Circuit District plan" or "plan" means the combined
686 circuit district substance abuse and mental health plan approved
687 by the circuit district administrator and governing bodies in
688 accordance with this part.

689 Section 18. Section 394.73, Florida Statutes, is amended to
690 read:

691 394.73 Joint alcohol, drug abuse, and mental health service
692 programs in two or more counties.—

693 (1) Subject to rules established by the department, any
694 county within a circuit service district shall have the same
695 power to contract for alcohol, drug abuse, and mental health
696 services as the department has under existing statutes.

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697 (2) In order to carry out the intent of this part and to
698 provide alcohol, drug abuse, and mental health services in
699 accordance with the circuit ~~district~~ plan, the counties within a
700 circuit ~~service district~~ may enter into agreements with each
701 other for the establishment of joint service programs. The
702 agreements may provide for the joint provision or operation of
703 services and facilities or for the provision or operation of
704 services and facilities by one participating county under
705 contract with other participating counties.

706 (3) When a circuit ~~service district~~ comprises two or more
707 counties or portions thereof, it is the obligation of the
708 planning council to submit to the governing bodies, prior to the
709 budget submission date of each governing body, an estimate of
710 the proportionate share of costs of alcohol, drug abuse, and
711 mental health services proposed to be borne by each such
712 governing body.

713 (4) Any county desiring to withdraw from a joint program
714 may submit to the circuit ~~district~~ administrator a resolution
715 requesting withdrawal therefrom together with a plan for the
716 equitable adjustment and division of the assets, property,
717 debts, and obligations, if any, of the joint program.

718 Section 19. Paragraph (a) of subsection (3) of section
719 394.74, Florida Statutes, is amended to read:

720 394.74 Contracts for provision of local substance abuse and
721 mental health programs.—

722 (3) Contracts shall include, but are not limited to:

723 (a) A provision that, within the limits of available
724 resources, substance abuse and mental health crisis services, as
725 defined in s. 394.67 (5) ~~(3)~~, shall be available to any individual

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726 residing or employed within the service area, regardless of
727 ability to pay for such services, current or past health
728 condition, or any other factor;

729 Section 20. Subsection (10) of section 394.75, Florida
730 Statutes, is amended to read:

731 394.75 State and circuit ~~district~~ substance abuse and
732 mental health plans.—

733 (10) The circuit ~~district~~ administrator shall ensure that
734 the circuit ~~district~~ plan:

735 (a) Conforms to the priorities in the state plan, the
736 requirements of this part, and the standards adopted under this
737 part;

738 (b) Ensures that the most effective and economical use will
739 be made of available public and private substance abuse and
740 mental health resources in the circuit ~~service-district~~; and

741 (c) Has adequate provisions made for review and evaluation
742 of the services provided in the circuit ~~service-district~~.

743 Section 21. Subsection (2) of section 394.76, Florida
744 Statutes, is amended to read:

745 394.76 Financing of circuit ~~district~~ programs and
746 services.—If the local match funding level is not provided in
747 the General Appropriations Act or the substantive bill
748 implementing the General Appropriations Act, such funding level
749 shall be provided as follows:

750 (2) If in any fiscal year the approved state appropriation
751 is insufficient to finance the programs and services specified
752 by this part, the department shall have the authority to
753 determine the amount of state funds available to each circuit
754 ~~service-district~~ for such purposes in accordance with the

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755 priorities in both the state and circuit ~~district~~ plans. The
756 circuit ~~district~~ administrator shall consult with the planning
757 council to ensure that the summary operating budget conforms to
758 the approved plan.

759 Section 22. Subsection (5) of section 394.78, Florida
760 Statutes, is amended to read:

761 394.78 Operation and administration; personnel standards;
762 procedures for audit and monitoring of service providers;
763 ~~resolution of disputes.~~

764 ~~(5) In unresolved disputes regarding this part or rules
765 established pursuant to this part, providers and district health
766 and human services boards shall adhere to formal procedures
767 specified under s. 20.19(8)(n).~~

768 Section 23. Subsections (3) and (4) of section 394.82,
769 Florida Statutes, are amended to read:

770 394.82 Funding of expanded services.—

771 (3) Each fiscal year, any funding increases for crisis
772 services or community mental health services that are included
773 in the General Appropriations Act shall be appropriated in a
774 lump-sum category as defined in s. 216.011(1)(aa). In accordance
775 with s. 216.181(6)(a), the Executive Office of the Governor
776 shall require the Department of Children and Families ~~Family~~
777 ~~Services~~ to submit a spending plan for the use of funds
778 appropriated for this purpose. The spending plan must include a
779 schedule for phasing in the new community mental health services
780 in each circuit ~~service-district~~ of the department and must
781 describe how the new services will be integrated and coordinated
782 with all current community-based health and human services.

783 (4) By January 1, 2004, the crisis services defined in s.

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784 394.67(5)~~(3)~~ shall be implemented, as appropriate, in the
785 state's public community mental health system to serve children
786 and adults who are experiencing an acute mental or emotional
787 crisis, as defined in s. 394.67(17). By January 1, 2006, the
788 mental health services defined in s. 394.67(15) shall be
789 implemented, as appropriate, in the state's public community
790 mental health system to serve adults and older adults who have a
791 severe and persistent mental illness and to serve children who
792 have a serious emotional disturbance or mental illness, as
793 defined in s. 394.492(6).

794 Section 24. Subsection (1) of section 394.9084, Florida
795 Statutes, is amended to read:

796 394.9084 Florida Self-Directed Care program.—

797 (1) The Department of Children and Families ~~Family~~
798 ~~Services~~, in cooperation with the Agency for Health Care
799 Administration, may provide a client-directed and choice-based
800 Florida Self-Directed Care program in all department circuits
801 ~~service districts~~, in addition to the pilot projects established
802 in district 4 and district 8, to provide mental health treatment
803 and support services to adults who have a serious mental
804 illness. The department may also develop and implement a client-
805 directed and choice-based pilot project in one circuit ~~district~~
806 to provide mental health treatment and support services for
807 children with a serious emotional disturbance who live at home.
808 If established, any staff who work with children must be
809 screened under s. 435.04. The department shall implement a
810 payment mechanism in which each client controls the money that
811 is available for that client's mental health treatment and
812 support services. The department shall establish interagency

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813 cooperative agreements and work with the agency, the Division of
814 Vocational Rehabilitation, and the Social Security
815 Administration to implement and administer the Florida Self-
816 Directed Care program.

817 Section 25. Subsection (1) of section 397.821, Florida
818 Statutes, is amended to read:

819 397.821 Juvenile substance abuse impairment prevention and
820 early intervention councils.-

821 (1) Each judicial circuit as set forth in s. 26.021 may
822 establish a juvenile substance abuse impairment prevention and
823 early intervention council composed of at least 12 members,
824 including representatives from law enforcement, the department,
825 school districts, state attorney and public defender offices,
826 the circuit court, the religious community, substance abuse
827 impairment professionals, child advocates from the community,
828 business leaders, parents, and high school students. However,
829 those circuits which already have in operation a council of
830 similar composition may designate the existing body as the
831 juvenile substance abuse impairment prevention and early
832 intervention council for the purposes of this section. Each
833 council shall establish bylaws providing for the length of term
834 of its members, but the term may not exceed 4 years. The circuit
835 ~~substate entity~~ administrator, as defined in s. 20.19, and the
836 chief judge of the circuit court shall each appoint six members
837 of the council. The circuit ~~substate entity~~ administrator shall
838 appoint a representative from the department, a school district
839 representative, a substance abuse impairment treatment
840 professional, a child advocate, a parent, and a high school
841 student. The chief judge of the circuit court shall appoint a

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842 business leader and representatives from the state attorney's
843 office, the public defender's office, the religious community,
844 the circuit court, and law enforcement agencies.

845 Section 26. Subsection (1) of section 394.9135, Florida
846 Statutes, is amended to read:

847 394.9135 Immediate releases from total confinement;
848 transfer of person ~~to department~~; time limitations on
849 assessment, notification, and filing petition to hold in
850 custody; filing petition after release.-

851 (1) If the anticipated release from total confinement of a
852 person who has been convicted of a sexually violent offense
853 becomes immediate for any reason, the agency with jurisdiction
854 shall upon immediate release from total confinement transfer
855 that person:

856 (a) To the custody of United States Immigration and Customs
857 Enforcement if a detainer order is in place for the person; or

858 (b) To the custody of the Department of Children and
859 Families ~~Family Services~~ to be held in an appropriate secure
860 facility.

861
862 The department shall put into place a memorandum of
863 understanding with United States Immigration and Customs
864 Enforcement to ensure that if Immigration and Customs
865 Enforcement is unable to deport the person for any reason, the
866 person shall be immediately transferred back to the custody of
867 the department for civil commitment and further proceedings
868 under this section.

869 Section 27. Subsection (1) of section 402.313, Florida
870 Statutes, is amended to read:

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871 402.313 Family day care homes.—

872 (1) Family day care homes shall be licensed under this act
873 if they are presently being licensed under an existing county
874 licensing ordinance, if they are participating in the subsidized
875 child care program, or if the board of county commissioners
876 passes a resolution that family day care homes be licensed. If
877 no county authority exists for the licensing of a family day
878 care home and the county passes a resolution requiring
879 licensure, the department shall have the authority to license
880 family day care homes under contract with the county ~~for the~~
881 ~~purchase of service system in the subsidized child care program.~~

882 (a) If not subject to license, family day care homes shall
883 register annually with the department, providing the following
884 information:

- 885 1. The name and address of the home.
- 886 2. The name of the operator.
- 887 3. The number of children served.
- 888 4. Proof of a written plan to provide at least one other
889 competent adult to be available to substitute for the operator
890 in an emergency. This plan shall include the name, address, and
891 telephone number of the designated substitute.
- 892 5. Proof of screening and background checks.
- 893 6. Proof of successful completion of the 30-hour training
894 course, as evidenced by passage of a competency examination,
895 which shall include:
 - 896 a. State and local rules and regulations that govern child
897 care.
 - 898 b. Health, safety, and nutrition.
 - 899 c. Identifying and reporting child abuse and neglect.

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900 d. Child development, including typical and atypical
901 language development; and cognitive, motor, social, and self-
902 help skills development.

903 e. Observation of developmental behaviors, including using
904 a checklist or other similar observation tools and techniques to
905 determine a child's developmental level.

906 f. Specialized areas, including early literacy and language
907 development of children from birth to 5 years of age, as
908 determined by the department, for owner-operators of family day
909 care homes.

910 7. Proof that immunization records are kept current.

911 8. Proof of completion of the required continuing education
912 units or clock hours.

913 (b) A family day care home not participating in the
914 subsidized child care program may volunteer to be licensed under
915 the provisions of this act.

916 (c) The department may provide technical assistance to
917 counties and family day care home providers to enable counties
918 and family day care providers to achieve compliance with family
919 day care homes standards.

920 Section 28. Subsection (2) of section 402.315, Florida
921 Statutes, is amended to read:

922 402.315 Funding; license fees.—

923 (2) The county ~~department~~ shall bear the costs of the
924 licensing of family day care homes when contracting with the
925 department pursuant to s. 402.313(1) ~~child care facilities when~~
926 ~~contracted to do so by a county or when directly responsible for~~
927 ~~licensing in a county which fails to meet or exceed state~~
928 ~~minimum standards.~~

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929 Section 29. Subsections (2), (3), and (7) of section
930 402.40, Florida Statutes, are amended to read:

931 402.40 Child welfare training.—

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

933 (a) “Child welfare certification” means a professional
934 credential awarded by the department or by a credentialing
935 entity recognized by the department to individuals demonstrating
936 core competency in any child welfare services practice area.

937 (b) “Child welfare services” means any intake, protective
938 investigations, preprotective services, protective services,
939 foster care, shelter and group care, and adoption and related
940 services program, including supportive services, supervision,
941 and legal services, provided to children who are alleged to have
942 been abused, abandoned, or neglected, or who are at risk of
943 becoming, are alleged to be, or have been found dependent
944 pursuant to chapter 39.

945 (c) “Core competency” means the knowledge, skills, and
946 abilities necessary to carry out work responsibilities.

947 (d) ~~(b)~~ “Person providing child welfare services” means a
948 person who has a responsibility for supervisory, ~~legal,~~ direct
949 care or support related work in the provision of child welfare
950 services pursuant to chapter 39.

951 (3) CHILD WELFARE TRAINING PROGRAM.—The department shall
952 establish a program for training pursuant to the provisions of
953 this section, and all persons providing child welfare services
954 shall be required to demonstrate core competency by earning and
955 maintaining a department or third-party-awarded child welfare
956 certification and participate in and successfully complete the
957 program of training pertinent to their areas of responsibility.

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958 (7) CERTIFICATION AND TRAINER QUALIFICATIONS.—The
959 department shall, in collaboration with the professionals and
960 providers described in subsection (5), develop minimum standards
961 for a certification process that ensures that participants have
962 successfully attained the knowledge, skills, and abilities
963 necessary to competently carry out their work responsibilities.
964 The department shall recognize third-party certification for
965 child welfare services staff which satisfies the core
966 competencies and meets the certification requirements
967 established in this section and shall develop minimum standards
968 for trainer qualifications which must be required of training
969 academies in the offering of the training curricula. Any person
970 providing child welfare services shall be required to master the
971 core competencies and hold an active child welfare certification
972 components of the curriculum that is ~~are~~ particular to that
973 person's work responsibilities.

974 Section 30. Subsection (2) of section 402.49, Florida
975 Statutes, is amended to read:

976 402.49 Mediation process established.—

977 (2) (a) The department shall appoint at least one mediation
978 panel in each of the department's circuits ~~service districts~~.
979 Each panel shall have at least three and not more than five
980 members and shall include a representative from the department,
981 a representative of an agency that provides similar services to
982 those provided by the agency that is a party to the dispute, and
983 additional members who are mutually acceptable to the department
984 and the agency that is a party to the dispute. Such additional
985 members may include laypersons who are involved in advocacy
986 organizations, members of boards of directors of agencies

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987 similar to the agency that is a party to the dispute, members of
988 families of department clients, members of department planning
989 councils in the area of services that are the subject of the
990 dispute, and interested and informed members of the local
991 community.

992 (b) If the parties to the conflict agree, a mediation panel
993 may hear a complaint that is filed outside of the panel's
994 circuit ~~service district~~.

995 Section 31. Subsection (3) of section 409.152, Florida
996 Statutes, is amended to read:

997 409.152 Service integration and family preservation.—

998 (3) Each circuit ~~service district~~ of the department shall
999 develop a family preservation service integration plan that
1000 identifies various programs that can be organized at the point
1001 of service delivery into a logical and cohesive family-centered
1002 services constellation. The plan shall include:

1003 (a) Goals and objectives for integrating services for
1004 families and avoiding barriers to service integration,
1005 procedures for centralized intake and assessment, a
1006 comprehensive service plan for each family, and an evaluation
1007 method of program outcome.

1008 (b) Recommendations for proposed changes to fiscal and
1009 substantive policies, regulations, and laws at local, circuit
1010 ~~district~~, and state delivery levels, including budget and
1011 personnel policies; purchasing flexibility and workforce
1012 incentives; discretionary resources; and incentives to reduce
1013 dependency on government programs and services.

1014 (c) Strategies for creating partnerships with the
1015 community, clients, and consumers of services which establish,

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1016 maintain, and preserve family units.

1017 Section 32. Paragraph (e) of subsection (1) and subsection
1018 (8) of section 409.1671, Florida Statutes, are amended, and
1019 paragraph (m) is added to subsection (1) of that section, to
1020 read:

1021 409.1671 Foster care and related services; outsourcing.—

1022 (1)

1023 (e) As used in this section, the term "eligible lead
1024 community-based provider" means a single agency with which the
1025 department contracts ~~shall contract~~ for the provision of child
1026 protective services in a community that is no smaller than a
1027 county. The secretary of the department may authorize more than
1028 one eligible lead community-based provider within a single
1029 county if it ~~when to do so~~ will result in more effective
1030 delivery of foster care and related services. To compete for an
1031 outsourcing project, such agency must have:

1032 1. The ability to coordinate, integrate, and manage all
1033 child protective services in the designated community in
1034 cooperation with child protective investigations.

1035 2. The ability to ensure continuity of care from entry to
1036 exit for all children referred from the protective investigation
1037 and court systems.

1038 3. The ability to provide directly, or contract ~~for~~ through
1039 a local network of providers, for all necessary child protective
1040 services. Such agencies should directly provide no more than 35
1041 percent of all child protective services provided.

1042 4. The willingness to be accountable ~~accept accountability~~
1043 for meeting the outcomes and performance standards related to
1044 child protective services established by the Legislature and the

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1045 Federal Government.

1046 5. The capability and the willingness to serve all children
1047 referred to it from the protective investigation and court
1048 systems, regardless of the level of funding allocated to the
1049 community by the state ~~if, provided~~ all related funding is
1050 transferred.

1051 6. The willingness to ensure that each individual who
1052 provides child protective services completes the training
1053 required of child protective service workers by the Department
1054 of Children and Family Services.

1055 7. The ability to maintain eligibility to receive all
1056 federal child welfare funds, including Title IV-E and IV-A
1057 funds, currently being used by the Department of Children and
1058 Family Services.

1059 8. Written agreements with Healthy Families Florida lead
1060 entities in their community, pursuant to s. 409.153, to promote
1061 cooperative planning for the provision of prevention and
1062 intervention services.

1063 9. A board of directors, of which at least 51 percent of
1064 the membership is comprised of persons residing in this state.
1065 Of the state residents, at least 51 percent must also reside
1066 within the service area of the eligible lead community-based
1067 provider.

1068 (m) In order to ensure an efficient and effective
1069 community-based care system, the department shall annually
1070 evaluate each lead agency's success in developing an effective
1071 network of local providers, improving the coordination and
1072 delivery of services to children, and investing appropriated
1073 funds into the community for direct services to children and

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1074 families.

1075 (8) Notwithstanding the provisions of s. 215.425, all
1076 documented federal funds earned for the current fiscal year by
1077 the department and community-based agencies which exceed the
1078 amount appropriated by the Legislature shall be distributed to
1079 all entities that contributed to the excess earnings based on a
1080 schedule and methodology developed by the department and
1081 approved by the Executive Office of the Governor. Distribution
1082 shall be pro rata based on total earnings and shall be made only
1083 to those entities that contributed to excess earnings. Excess
1084 earnings of community-based agencies shall be used only in the
1085 circuit ~~service district~~ in which they were earned. Additional
1086 state funds appropriated by the Legislature for community-based
1087 agencies or made available pursuant to the budgetary amendment
1088 process described in s. 216.177 shall be transferred to the
1089 community-based agencies. The department shall amend a
1090 community-based agency's contract to permit expenditure of the
1091 funds.

1092 Section 33. Section 409.1685, Florida Statutes, is amended
1093 to read:

1094 409.1685 Children in foster care; annual report to
1095 Legislature.—The Department of Children and Family Services
1096 shall submit a written report to the substantive committees of
1097 the Legislature concerning the status of children in foster care
1098 and concerning the judicial review mandated by part IX ~~X~~ of
1099 chapter 39. This report shall be submitted by March 1 of each
1100 year and ~~shall~~ include the following information for the prior
1101 calendar year:

1102 (1) The number of 6-month and annual judicial reviews

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1103 completed during that period.

1104 (2) The number of children in foster care returned to a
1105 parent, guardian, or relative as a result of a 6-month or annual
1106 judicial review hearing during that period.

1107 (3) The number of termination of parental rights
1108 proceedings instituted during that period including ~~which shall~~
1109 ~~include~~:

1110 (a) The number of termination of parental rights
1111 proceedings initiated pursuant to former s. 39.703; and

1112 (b) The total number of terminations of parental rights
1113 ordered.

1114 (4) The number of foster care children placed for adoption
1115 during that period.

1116 Section 34. Paragraph (a) of subsection (4) of section
1117 409.1755, Florida Statutes, is amended to read:

1118 409.1755 One Church, One Child of Florida Corporation Act;
1119 creation; duties.—

1120 (4) BOARD OF DIRECTORS.—

1121 (a) The One Church, One Child of Florida Corporation shall
1122 operate subject to the supervision and approval of a board of
1123 directors consisting of 21 ~~23~~ members, with one ~~two~~ directors
1124 representing each circuit ~~service district~~ of the Department of
1125 Children and Families ~~Family Services~~ and one director who shall
1126 be an at-large member.

1127 Section 35. Paragraph (a) of subsection (1) and subsection
1128 (2) of section 410.0245, Florida Statutes, are amended to read:

1129 410.0245 Study of service needs; report; multiyear plan.—

1130 (1) (a) The Adult Protection ~~Services~~ Program Office of the
1131 Department of Children and Families ~~Family Services~~ shall

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1132 contract for a study of the service needs of the 18-to-59-year-
1133 old disabled adult population served or waiting to be served by
1134 the community care for disabled adults program. The Division of
1135 Vocational Rehabilitation of the Department of Education and
1136 other appropriate state agencies shall provide information to
1137 the Department of Children and Families ~~Family Services~~ when
1138 requested for the purposes of this study.

1139 (2) Based on the findings of the study, the Adult
1140 Protection Services ~~Program~~ of the Department of Children and
1141 Families ~~Family Services~~ shall develop a multiyear plan which
1142 shall provide for the needs of disabled adults in this state and
1143 shall provide strategies for statewide coordination of all
1144 services for disabled adults. The multiyear plan shall include
1145 an inventory of existing services and an analysis of costs
1146 associated with existing and projected services. The multiyear
1147 plan shall be presented to the Governor, the President of the
1148 Senate, and the Speaker of the House of Representatives every 3
1149 years on or before March 1, beginning in 1992. On or before
1150 March 1 of each intervening year, the department shall submit an
1151 analysis of the status of the implementation of each element of
1152 the multiyear plan, any continued unmet need, and the
1153 relationship between that need and the department's budget
1154 request for that year.

1155 Section 36. Subsections (1) and (2) of section 410.603,
1156 Florida Statutes, are renumbered as subsections (2) and (3),
1157 respectively, and present subsection (3) of that section is
1158 renumbered as subsection (1) and amended to read:

1159 410.603 Definitions relating to Community Care for Disabled
1160 Adults Act.—As used in ss. 410.601-410.606:

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1161 (1)~~(3)~~ "Circuit District" means a specified geographic
1162 service area that conforms to the judicial circuits established
1163 in s. 26.021, ~~as defined in s. 20.19~~, in which the programs of
1164 the department are administered and services are delivered.

1165 Section 37. Subsection (2) of section 410.604, Florida
1166 Statutes, is amended to read:

1167 410.604 Community care for disabled adults program; powers
1168 and duties of the department.—

1169 (2) Any person who meets the definition of a disabled adult
1170 pursuant to s. 410.603 (3)~~(2)~~ is eligible to receive the services
1171 of the community care for disabled adults program. However, the
1172 community care for disabled adults program shall operate within
1173 the funds appropriated by the Legislature. Priority shall be
1174 given to disabled adults who are not eligible for comparable
1175 services in programs of or funded by the department or the
1176 Division of Vocational Rehabilitation of the Department of
1177 Education; who are determined to be at risk of
1178 institutionalization; and whose income is at or below the
1179 existing institutional care program eligibility standard.

1180 Section 38. Section 411.224, Florida Statutes, is amended
1181 to read:

1182 411.224 Family support planning process.—The Legislature
1183 establishes a family support planning process to be used by the
1184 Department of Children and Families ~~Family Services~~ as the
1185 service planning process for targeted individuals, children, and
1186 families under its purview.

1187 (1) The Department of Education shall take all appropriate
1188 and necessary steps to encourage and facilitate the
1189 implementation of the family support planning process for

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1190 individuals, children, and families within its purview.

1191 (2) To the extent possible within existing resources, the
1192 following populations must be included in the family support
1193 planning process:

1194 (a) Children from birth to age 5 who are served by the
1195 clinic and programs of the Division of Children's Medical
1196 Services of the Department of Health.

1197 (b) Children participating in the developmental evaluation
1198 and intervention program of the Division of Children's Medical
1199 Services of the Department of Health.

1200 (c) Children from age 3 through age 5 who are served by the
1201 Agency for Persons with Disabilities.

1202 (d) Children from birth through age 5 who are served by the
1203 Mental Health Program Office of the Department of Children and
1204 Families ~~Family Services~~.

1205 (e) Participants who are served by the Children's Early
1206 Investment Program established in s. 411.232.

1207 (f) Healthy Start participants in need of ongoing service
1208 coordination.

1209 (g) Children from birth through age 5 who are served by the
1210 voluntary family services, protective supervision, foster care,
1211 or adoption and related services programs of the Child Care
1212 Licensure ~~Services~~ Program Office of the Department of Children
1213 and Families ~~Family Services~~, and who are eligible for ongoing
1214 services from one or more other programs or agencies that
1215 participate in family support planning; however, children served
1216 by the voluntary family services program, where the planned
1217 length of intervention is 30 days or less, are excluded from
1218 this population.

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1219 (3) When individuals included in the target population are
1220 served by Head Start, local education agencies, or other
1221 prevention and early intervention programs, providers must be
1222 notified and efforts made to facilitate the concerned agency's
1223 participation in family support planning.

1224 (4) Local education agencies are encouraged to use a family
1225 support planning process for children from birth through 5 years
1226 of age who are served by the prekindergarten program for
1227 children with disabilities, in lieu of the Individual Education
1228 Plan.

1229 (5) There must be only a single-family support plan to
1230 address the problems of the various family members unless the
1231 family requests that an individual family support plan be
1232 developed for different members of that family. The family
1233 support plan must replace individual habilitation plans for
1234 children from 3 through 5 years old who are served by the Agency
1235 for Persons with Disabilities.

1236 (6) The family support plan at a minimum must include the
1237 following information:

1238 (a) The family's statement of family concerns, priorities,
1239 and resources.

1240 (b) Information related to the health, educational,
1241 economic and social needs, and overall development of the
1242 individual and the family.

1243 (c) The outcomes that the plan is intended to achieve.

1244 (d) Identification of the resources and services to achieve
1245 each outcome projected in the plan. These resources and services
1246 are to be provided based on availability and funding.

1247 (7) A family support plan meeting must be held with the

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1248 family to initially develop the family support plan and annually
1249 thereafter to update the plan as necessary. The family includes
1250 anyone who has an integral role in the life of the individual or
1251 child as identified by the individual or family. The family
1252 support plan must be reviewed periodically during the year, at
1253 least at 6-month intervals, to modify and update the plan as
1254 needed. Such periodic reviews do not require a family support
1255 plan team meeting but may be accomplished through other means
1256 such as a case file review and telephone conference with the
1257 family.

1258 (8) The initial family support plan must be developed
1259 within a 90-day period. If exceptional circumstances make it
1260 impossible to complete the evaluation activities and to hold the
1261 initial family support plan team meeting within a reasonable
1262 time period, these circumstances must be documented, and the
1263 individual or family must be notified of the reason for the
1264 delay. With the agreement of the family and the provider,
1265 services for which either the individual or the family is
1266 eligible may be initiated before the completion of the
1267 evaluation activities and the family support plan.

1268 (9) The Department of Children and Families ~~Family~~
1269 ~~Services~~, the Department of Health, and the Department of
1270 Education, to the extent that funds are available, must offer
1271 technical assistance to communities to facilitate the
1272 implementation of the family support plan.

1273 (10) The Department of Children and Families ~~Family~~
1274 ~~Services~~, the Department of Health, and the Department of
1275 Education shall adopt rules necessary to implement this act.

1276 Section 39. Section 414.24, Florida Statutes, is amended to

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1277 read:

1278 414.24 Integrated welfare reform and child welfare
1279 services.—The department shall develop integrated service
1280 delivery strategies to better meet the needs of families subject
1281 to work activity requirements who are involved in the child
1282 welfare system or are at high risk of involvement in the child
1283 welfare system. To the extent that resources are available, the
1284 department and the Department of Labor and Employment Security
1285 shall provide funds to one or more circuits ~~service districts~~ to
1286 promote development of integrated, nonduplicative case
1287 management within the department, the Department of Labor and
1288 Employment Security, other participating government agencies,
1289 and community partners. Alternative delivery systems shall be
1290 encouraged which include well-defined, pertinent outcome
1291 measures. Other factors to be considered shall include
1292 innovation regarding training, enhancement of existing
1293 resources, and increased private sector and business sector
1294 participation.

1295 Section 40. Subsection (8) of section 415.1113, Florida
1296 Statutes, is amended to read:

1297 415.1113 Administrative fines for false report of abuse,
1298 neglect, or exploitation of a vulnerable adult.—

1299 (8) All amounts collected under this section must be
1300 deposited into the Operations and Maintenance Trust Fund within
1301 the Adult Protection Services Program of the department.

1302 Section 41. Subsections (1) through (3) of section 420.621,
1303 Florida Statutes, are renumbered as subsections (2) through (4),
1304 respectively, and present subsection (4) of that section is
1305 renumbered as subsection (1) and amended to read:

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1306 420.621 Definitions.—As used in ss. 420.621-420.628, the
1307 term:

1308 (1)~~(4)~~ "Circuit District" means a specified geographic
1309 service area that conforms to the judicial circuits established
1310 in s. 26.021 ~~service district of the department, as set forth in~~
1311 ~~s. 20.19.~~

1312 Section 42. Subsection (1) of section 420.622, Florida
1313 Statutes, is amended to read:

1314 420.622 State Office on Homelessness; Council on
1315 Homelessness.—

1316 (1) The State Office on Homelessness is created within the
1317 Department of Children and Families ~~Family Services~~ to provide
1318 interagency, council, and other related coordination on issues
1319 relating to homelessness. ~~An executive director of the office~~
1320 ~~shall be appointed by the Governor.~~

1321 Section 43. Subsection (4) of section 420.623, Florida
1322 Statutes, is amended to read:

1323 420.623 Local coalitions for the homeless.—

1324 (4) ANNUAL REPORTS.—The department shall submit to the
1325 Governor, the Speaker of the House of Representatives, and the
1326 President of the Senate, by June 30, an annual report consisting
1327 of a compilation of data collected by local coalitions, progress
1328 made in the development and implementation of local homeless
1329 assistance continuums of care plans in each circuit district,
1330 local spending plans, programs and resources available at the
1331 local level, and recommendations for programs and funding.

1332 Section 44. Subsections (4) through (8) of section 420.625,
1333 Florida Statutes, are amended to read:

1334 420.625 Grant-in-aid program.—

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1335 (4) APPLICATION PROCEDURE.—Local agencies shall submit an
1336 application for grant-in-aid funds to the circuit ~~district~~
1337 administrator for review. During the first year of
1338 implementation, circuit ~~district~~ administrators shall begin to
1339 accept applications for circuit ~~district~~ funds no later than
1340 October 1, 1988, and by August 1 of each year thereafter for
1341 which funding for this section is provided. Circuit ~~District~~
1342 funds shall be made available to local agencies no more than 30
1343 days after the deadline date for applications for each funding
1344 cycle.

1345 (5) SPENDING PLANS.—The department shall develop guidelines
1346 for the development of spending plans and for the evaluation and
1347 approval by circuit ~~district~~ administrators of spending plans,
1348 based upon such factors as:

1349 (a) The demonstrated level of need for the program.

1350 (b) The demonstrated ability of the local agency or
1351 agencies seeking assistance to deliver the services and to
1352 assure that identified needs will be met.

1353 (c) The ability of the local agency or agencies seeking
1354 assistance to deliver a wide range of services as enumerated in
1355 subsection (3).

1356 (d) The adequacy and reasonableness of proposed budgets and
1357 planned expenditures, and the demonstrated capacity of the local
1358 agency or agencies to administer the funds sought.

1359 (e) A statement from the local coalition for the homeless
1360 as to the steps to be taken to assure coordination and
1361 integration of services in the circuit ~~district~~ to avoid
1362 unnecessary duplication and costs.

1363 (f) Assurances by the local coalition for the homeless that

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1364 alternative funding strategies for meeting needs through the
1365 reallocation of existing resources, utilization of volunteers,
1366 and local government or private agency funding have been
1367 explored.

1368 (g) The existence of an evaluation component designed to
1369 measure program outcomes and determine the overall effectiveness
1370 of the local programs for the homeless for which funding is
1371 sought.

1372 (6) ALLOCATION OF GRANT FUNDS TO CIRCUITS ~~DISTRICTS~~.—State
1373 grant-in-aid funds for local initiatives for the homeless shall
1374 be allocated by the department to, and administered by,
1375 department circuits ~~districts~~. Allocations shall be based upon
1376 sufficient documentation of:

1377 (a) The magnitude of the problem of homelessness in the
1378 circuit ~~district~~, and the demonstrated level of unmet need for
1379 services in the circuit ~~district~~ for those who are homeless or
1380 are about to become homeless.

1381 (b) A strong local commitment to seriously address the
1382 problem of homelessness as evidenced by coordinated programs
1383 involving preventive, emergency, and transitional services and
1384 by the existence of active local organizations committed to
1385 serving those who have become, or are about to become, homeless.

1386 (c) Agreement by local government and private agencies
1387 currently serving the homeless not to reduce current
1388 expenditures for services presently provided to those who are
1389 homeless or are about to become homeless if grant assistance is
1390 provided pursuant to this section.

1391 (d) Geographic distribution of circuit ~~district~~ programs to
1392 ensure that such programs serve both rural and urban areas, as

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1393 needed.

1394 (7) DISTRIBUTION TO LOCAL AGENCIES.—Circuit ~~District~~ funds
1395 so allocated shall be available for distribution by the circuit
1396 ~~district~~ administrator to local agencies to fund programs such
1397 as those set forth in subsection (3), based upon the
1398 recommendations of the local coalitions in accordance with
1399 spending plans developed by the coalitions and approved by the
1400 circuit ~~district~~ administrator. Not more than 10 percent of the
1401 total state funds awarded under a spending plan may be used by
1402 the local coalition for staffing and administration.

1403 (8) LOCAL MATCHING FUNDS.—Entities contracting to provide
1404 services through financial assistance obtained under this
1405 section shall provide a minimum of 25 percent of the funding
1406 necessary for the support of project operations. In-kind
1407 contributions, whether materials, commodities, transportation,
1408 office space, other types of facilities, or personal services,
1409 and contributions of money or services from homeless persons may
1410 be evaluated and counted as part or all of this required local
1411 funding, in the discretion of the circuit ~~district~~
1412 administrator.

1413 Section 45. Subsection (2) of section 429.35, Florida
1414 Statutes, is amended to read:

1415 429.35 Maintenance of records; reports.—

1416 (2) Within 60 days after the date of the biennial
1417 inspection visit required under s. 408.811 or within 30 days
1418 after the date of any interim visit, the agency shall forward
1419 the results of the inspection to the local ombudsman council in
1420 whose planning and service area, as defined in part II of
1421 chapter 400, the facility is located; to at least one public

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1422 library or, in the absence of a public library, the county seat
1423 in the county in which the inspected assisted living facility is
1424 located; and, when appropriate, to the circuit ~~district~~ Adult
1425 Protection Services and Mental Health Program Offices.

1426 Section 46. Paragraph (d) of subsection (3) of section
1427 1002.67, Florida Statutes, is amended to read:

1428 1002.67 Performance standards; curricula and
1429 accountability.—

1430 (3)

1431 (d) Each early learning coalition, the Agency for Workforce
1432 Innovation, and the department shall coordinate with the Child
1433 Care Licensure Services Program Office of the Department of
1434 Children and Families ~~Family Services~~ to minimize interagency
1435 duplication of activities for monitoring private prekindergarten
1436 providers for compliance with requirements of the Voluntary
1437 Prekindergarten Education Program under this part, the school
1438 readiness programs under s. 411.01, and the licensing of
1439 providers under ss. 402.301-402.319.

1440 Section 47. Sections 39.311, 39.312, 39.313, 39.314,
1441 39.315, 39.316, 39.317, 39.318, 394.9083, and 402.35, Florida
1442 Statutes, are repealed.

1443 Section 48. The Division of Statutory Revision of the Joint
1444 Legislative Management Committee is directed to prepare a
1445 reviser's bill for introduction at a subsequent session of the
1446 Legislature to change the term "Department of Children and
1447 Family Services" to "Department of Children and Families," the
1448 term "Secretary of Children and Family Services" to "Secretary
1449 of Children and Families," and the term "district administrator"
1450 to "circuit administrator," as that term relates to the

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1451 responsibilities of the Department of Children and Families,
1452 wherever that term appears in the Florida Statutes.

1453 Section 49. The Agency for Persons with Disabilities is
1454 directed to prepare a plan that will enable it to perform all of
1455 its own administrative and operational functions separate from
1456 the Department of Children and Family Services by July 1, 2015.
1457 The plan must identify resource requirements and a timeframe for
1458 completing the transfer of responsibilities from the Department
1459 of Children and Family Services, including submittal of a
1460 detailed justification for each position the agency estimates it
1461 would need to become administratively self-sufficient; an
1462 analysis of each function to determine if the Department of
1463 Children and Family Services could provide the service more
1464 efficiently on a reimbursed cost basis through an interagency
1465 agreement; and an estimate of the costs and benefits to be
1466 derived through the separation. The Department of Children and
1467 Family Services is directed to cooperate with the agency in
1468 preparing the plan. The plan shall be presented to the Speaker
1469 of the House of Representatives, the President of the Senate,
1470 and the appropriate substantive committees by January 15, 2011.

1471 Section 50. The Department of Children and Families,
1472 through its Office of General Counsel and in consultation with
1473 its contracted legal services providers and lead agency
1474 administrators, shall define the types of legal services
1475 associated with dependency proceedings. These legal services
1476 include, but are not limited to, service of process, court
1477 reporter and transcription services, expert witnesses, and legal
1478 publication. The department shall delineate the specific costs
1479 each lead agency will pay for those defined legal services, and

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1480 by contract amendment, modify lead agency funding amounts to
1481 shift funding and responsibility for those costs to the
1482 department through its Office of General Counsel.

1483 Section 51. The Department of Children and Families is
1484 directed to establish a procedure to assist undocumented aliens
1485 forensically committed in mental health institutions as not
1486 guilty by reason of insanity or civilly committed under the
1487 Baker Act to return to their country of origin. The procedure
1488 should include guidelines to identify appropriate candidates and
1489 a process to facilitate their voluntary repatriation.

1490 Section 52. The Department of Children and Families is
1491 directed to institute a program, modeled on the Department of
1492 Corrections' Institutional Hearing Program, to improve
1493 coordination with United States Immigration and Customs
1494 Enforcement to identify undocumented aliens in mental health
1495 institutions for whom removal may be appropriate. The program
1496 should allow undocumented aliens of any commitment status in
1497 state mental health treatment facilities to be identified and
1498 the removal process initiated early in their commitment.

1499 Section 53. This act shall take effect July 1, 2010.