

## **ADOPTION/CHILD CUSTODY/VISITATION/CHILD SUPPORT ENFORCEMENT**

### **CS/HB 77 — Supervised Visitation Programs**

by Healthcare Council and Rep. Porth and others (CS/SB 20 by Judiciary Committee and Senators Lynn and Rich)

Pursuant to s. 753.001, F.S., supervised visitation programs provide for “contact between a noncustodial parent and one or more children in the presence of a third person responsible for observing and ensuring the safety of those involved.” Supervised visitation programs may also be used to supervise the “movement of a child from the custodial to the noncustodial parent at the start of the visit and back to the custodial parent at the end of the visit.”

The Florida Supreme Court has, by administrative order, adopted the Minimum Standards for Supervised Visitation Program Agreements. The standards contained in the order provide that the chief judge of each judicial circuit has the responsibility for the oversight of court-ordered, supervised visitation and for agreements with service providers who meet the minimum standards.

This bill creates the “Keeping Children Safe Act” which limits visitation of a child by a parent, caregiver, or grandparent who has been reported to the child abuse hotline for sexual abuse of a child or has been convicted of certain crimes involving minors. Specifically, the bill creates a rebuttable presumption that visitation with a parent or caregiver will be detrimental to the child if the parent or caregiver has been reported to the child abuse hotline for sexual abuse of a child or has been convicted of certain crimes involving children. If the presumption is not rebutted, visitation must be prohibited or allowed only through a supervised visitation program.

The Clearinghouse on Supervised Visitation (Clearinghouse) is located within the College of Social Work at Florida State University. The Clearinghouse was created to provide statewide technical assistance on issues related to supervised visitation programs.

The bill directs the Clearinghouse to recommend to the Legislature standards that will ensure the quality and safety of supervised visitation programs and requires that, until permanent standards are implemented, supervised visitation programs are to comply with the Florida Supreme Court’s Minimum Standards for Supervised Visitation Programs Agreement.

In addition, the bill requires that a supervised visitation program that accepts referrals involving sexual abuse must satisfy not only the Minimum Standards for Supervised Visitation Programs Agreement, but also several additional requirements. Specifically, these supervised visitation programs must have specially trained staff and protocols for obtaining background material on client families before the initiation of services. The bill also directs the supervised visitation

program to suspend visits if the child appears traumatized or if the visitor engages in inappropriate behavior.

If approved by the Governor, these provisions take effect July 1, 2007.

*Vote: Senate 39-0; House 114-0*

### **CS/CS/HB 1309 — Office of Adoption and Child Protection**

by Policy and Budget Council; Healthcare Council; and Rep. Galvano and others (CS/CS/SB 1388 by Health and Human Services Appropriations Committee; Children, Families, and Elder Affairs Committee; and Senators Storms, Fasano, Baker, Joyner, and Gaetz and SB 2876 by Children, Families, and Elder Affairs Committee)

In 2006, the Legislature established a centralized Office of Child Abuse Prevention within the Executive Office of the Governor to examine, oversee, and implement child abuse prevention services. Recognizing that increasing the adoption rate for children who have been abused or neglected and cannot safely return to their families is an important part of the state's child abuse prevention efforts, this bill renames the Office of Child Abuse Prevention as the Office of Adoption and Child Protection (Office), and revises the purpose of the Office to include the promotion of adoption and the support of adoptive families.

The bill redesignates the director of the Office as the Chief Child Advocate, and authorizes the Office to establish a direct-support organization to support the state in carrying out its purposes and responsibilities regarding the promotion of adoption, the support of adoptive families, and the prevention of child abuse, by raising money, receiving grants, and making expenditures on behalf of the Office.

The bill also modifies the state's subsidized adoption program, which provides financial aid to prospective adoptive parents to enable them to adopt children in foster care who, because of their special needs, have proven difficult to place in permanent homes.

This bill provides that, subject to appropriation, the Department of Children Family Services shall pay an annual subsidy of \$5000 (or another agreed upon amount) to qualified adopting families for the support and maintenance of adopted children. The bill expands eligibility for these adoption subsidies to include children in the custody of DCF who do not otherwise meet the definition of a "special needs child."

The bill amends language in s. 409.166, F.S., to conform Florida law to federal law related to Title IV-E funding for maintenance adoption subsidies. These changes ensure compliance with federal Title IV-E, which reimburses the state for the care and maintenance of children in foster care as well as for maintenance adoption subsidies.

The bill appropriates \$2,991,305 in recurring funds from the General Revenue Fund, \$2,335,445 in recurring funds from the Federal Grants Trust Fund, and \$346,772 in recurring funds from the Welfare Transition Trust Fund to DCF for the purpose of providing adoption maintenance subsidies.

If approved by the Governor, these provisions take effect July 1, 2007.

*Vote: Senate 39-0; House 117-0*

## **CS/SB 1770 — Technology in Custody Proceedings**

by Judiciary Committee and Senator Lynn

Pursuant to s. 61.13 (2)(b), F.S., “it is the public policy of this state to assure that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, and joys, of childrearing . . .”

Consistent with this policy, this bill permits a court, in connection with child custody proceedings, to order electronic communication between a parent and a child through telephones, e-mail, web cams, and other technologies. The bill creates a presumption that telephone communication between a parent and a child is in a child’s best interests, and requires a court to order telephone communication unless the presumption is rebutted.

The bill provides that electronic communication must be used to supplement, rather than replace, face-to-face contact, and that court-ordered electronic communication may not have any impact on the calculation of child support. The bill requires the court to allocate between the parents any additional costs that will be incurred by either or both of them in order to implement the electronic communication, and requires the parents to timely furnish each other with access to information necessary to facilitate electronic communication.

The bill does not apply to judgments or orders issued before October 1, 2007, but permits a person whose child custody order does not prohibit electronic communication to seek court-ordered electronic communication without the need to prove a substantial change in circumstances.

If approved by the Governor, these provisions take effect October 1, 2007.

*Vote: Senate 35-0; House 118-0*

## **HB 7107 — Child Support Enforcement**

by Healthcare Council; and Rep. Galvano (CS/SB 2870 by Judiciary Committee; and Children, Families, and Elder Affairs Committee, SB 1996 by Senators Rich and Lynn, and SB 1682 by Senator Lawson)

In 2006, the Florida Supreme Court found that a legal father, i.e., a man married to a child’s mother at the time of birth, is an indispensable party in an action to determine paternity and to place support obligations on another man. In some cases, the whereabouts of the legal father are unknown, and he cannot be served because current law does not permit service of process by publication in paternity actions.

The bill permits service of process by publication on a legal father in a paternity action in which another man is alleged to be the biological father of the child after a diligent search and inquiry to locate the legal father is completed.

Additionally, the bill codifies the federal requirement regarding the mandatory annual fee for support services provided by the Department of Revenue (department), as well as the federal requirement that states report individuals who owe arrearages of child support in an amount exceeding \$2,500, so that the federal government can deny, revoke or limit that person's passport. The bill permits the department to waive electronic remittance of child support payments in specified circumstances. Finally, the bill requires the department to use automated administrative enforcement when responding to a request by another state to enforce support orders.

If approved by the Governor, these provisions take effect July 1, 2007.

*Vote: Senate 39-0; House 114-0*

## **DOMESTIC VIOLENCE**

### **CS/HB 55 — Domestic Violence**

by Jobs and Entrepreneurship Council and Rep. Porth and others (CS/CS/SB 188 by Judiciary Committee; Children, Families, and Elder Affairs Committee; and Senators Aronberg, Lynn, Crist, and Bullard)

Any person who is either the victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming the victim of any act of domestic violence may file a sworn petition for an injunction for protection against domestic violence. Florida law currently prohibits dismissing from employment any person who testifies in a judicial proceeding in response to a subpoena, but does not address other protections enumerated in this bill to victims of domestic violence.

The bill is tied to HB 63, which provides the public records exemption for records in public employee personnel files related to domestic violence.

The bill requires employers with 50 or more employees to allow employees who have been employed for at least three months to request and take up to three working days of leave with or without pay within a 12-month period if the employee is the victim of domestic violence and the leave is sought to:

- Seek an injunction for protection against domestic violence;
- Obtain medical care or mental health counseling;
- Obtain services from a victim-services organization;
- Make the employee's home secure or to seek new housing; or

- Seek legal assistance to address issues arising from the act of domestic violence and to attend and prepare for court-related proceedings arising from the act of domestic violence.

The bill requires employees to provide advance notice of the leave (except in cases of imminent danger) and use all annual or vacation leave, personal leave, and sick leave available to the employee prior to using the leave provided for in this bill (unless this requirement is waived by the employer).

The bill authorizes employers to require documentation of the act of domestic violence, requires employers to keep information relating to the employee's leave confidential, and prohibits employers from taking any disciplinary action against the employee for exercising rights under the bill. The bill specifies that the remedy for damages to an employee aggrieved under the bill is limited to a civil suit for damages or equitable relief in the circuit court.

If approved by the Governor, these provisions take effect July 1, 2007.

*Vote: Senate 39-0; House 117-0*

### **HB 63 — Public Records**

by Rep. Porth and others (CS/CS/SB 186 by Governmental Operations Committee; Children, Families, and Elder Affairs Committee; and Senators Aronberg, Lynn, Crist, and Bullard)

This bill is tied to HB 55, which requires the submission of documentation in order for an employee to be granted leave related to incidents of domestic violence. This bill creates a public records exemption for personal identifying information contained in records documenting an act of domestic violence and submitted to an agency by an agency employee in order to obtain leave. The bill also creates a public records exemption for written requests for leave submitted by an agency employee who is a victim of domestic violence and any agency time sheet that reflects such requests.

This bill provides for future review and repeal of the exemption and provides a statement of public necessity.

If approved by the Governor, these provisions take effect July 1, 2007, if CS/HB 55 or other similar legislation is passed, if such legislation is adopted in the same legislative session, or an extension thereof, and becomes law.

*Vote: Senate 39-0; House 116-0*

## **ELDER ISSUES**

### **CS/HB 397 — Caregivers for Adults**

by Healthcare Council and Rep. Anderson and others (CS/SB 434 by Children, Families and Elder Affairs Committee; and Senators Jones, Lynn, and Bullard)

This bill allows the Department of Elderly Affairs (DOEA) to establish a pilot program to train persons to act as companions and provide personal assistance to frail adults age 60 or older. The pilot program will start in either Pasco or Pinellas county or both and must end in three years or less.

The bill also requires DOEA to present a status report on the pilot program to the President of the Senate and the Speaker of the House of Representatives by January 1, 2010.

The bill appropriates \$75,000 in nonrecurring General Revenue for FY 2007-2008 to administer this pilot program.

The bill appropriates \$1,350,000 in recurring funds from the General Revenue Fund and \$1,650,000 in recurring funds from the Operations and Maintenance Trust Fund to DOEA for completing statewide implementation of the Aging Resource Centers.

If approved by the Governor, these provisions take effect on July 1, 2007.

*Vote: Senate 38-0; House 117-1*

### **CS/CS/SB 1916 — Assisted Living Facility Staff Training**

by Health and Human Services Appropriations Committee; Health Regulation Committee; and Senator Fasano

The bill amends s. 429.52, F.S., to require the Department of Elderly Affairs (DOEA) to adopt, or contract for the development of, a curriculum for training staff at Assisted Living Facilities (ALFs). The bill authorizes the department to consult with stakeholder agencies and associations in the development of the curriculum.

The bill requires that the training under s. 429.52(1), F.S., be conducted by a person registered with the DOEA and requires the DOEA to adopt rules establishing requirements for trainer registration. The bill provides that a person seeking the DOEA registration as a trainer must have completed the minimum core training education requirements, and must have passed the core competency test. The person must maintain continuing education, and must also:

- Possess a four-year degree from an accredited school and must have worked in a management position in an ALF for three years since completing the core education requirements and being certified;

- Possess five years experience with an ALF in a management position subsequent to completion of the core requirements and certification and one year of experience as an educator or trainer for an ALF or other long-term care facility employees;
- Possess experience as a trainer of core requirements for the DOEA; or
- Meet other qualification criteria as defined in rule.

The bill requires the DOEA to adopt rules to establish trainer registration requirements.

The bill amends s. 429.907, F.S., to provide an exception to the separate license requirement for separate premises of adult day care centers in the case of disaster or emergency that renders the current facility unusable. Under these circumstances, the licensee may continue operation at one or more premises under their current license for up to 180 days. The premises must be included in the licensee's comprehensive emergency management plan and approved by the county emergency management authority. The licensee of the adult day care center must notify Agency for Health Care Administration and county emergency management authorities within 24 hours of beginning operation in a separate premise.

If approved by the Governor, these provisions take effect July 1, 2007.

*Vote: Senate 37-0; House 116-0*

## **FEMALE GENITAL MUTILATION**

### **CS/HB 1441 — Female Genital Mutilation**

by Safety and Security Council and Rep. Thompson (CS/SB 894 by Criminal Justice Committee and Senator Joyner)

Using data from the 1990 U.S. Census, along with country-specific prevalence data on female genital mutilation (FGM), the Center for Disease Control estimated that in 1990, there were approximately 168,000 girls and women living in the United States with or at risk for FGM.

The bill creates s. 794.08, F.S., which makes it a felony to perform or contribute to the performance of FGM. The following felonies are specified:

- **First Degree Felony:** A person who commits FGM on a female younger than 18 years of age commits a felony of the first degree. A felony of the first degree is punishable by a term of imprisonment not exceeding 30 years, a term of imprisonment not exceeding life when specifically provided by statute, and/or a fine not to exceed ten thousand dollars.
- **Second Degree Felony:** A person who removes, or causes or permits the removal of a female younger than 18 years of age from the state for the purpose of FGM commits a felony of the second degree. A felony of the second degree is punishable by a term of imprisonment not exceeding 15 years and/or a fine not to exceed ten thousand dollars.

- **Third Degree Felony:** A parent or guardian who consents to the FGM of a female younger than 18 years of age commits a felony of the third degree. A felony of the third degree is punishable by a term of imprisonment not exceeding five years and/or a fine not to exceed five thousand dollars. The punishment of a habitual felony offender or a habitual violent felony offender is comprised of enhanced penalties or mandatory minimum prison terms.

The bill does not apply to a procedure performed by or under the direction of a licensed physician, osteopathic physician, registered nurse, practical nurse, advanced registered nurse practitioner, midwife, or physician assistant.

The bill creates an exception for procedures necessary to preserve the health of a female younger than 18 years of age. The bill eliminates consent of a female person younger than 18 or the consent of a parent, guardian, or person who is in a position of familial or custodial authority to a female person younger than 18 as a defense to the offense of FGM.

The bill also amends s. 921.0022, F.S., to create felony classifications in the offense severity ranking chart of the Criminal Punishment Code for the specified violations.

If approved by the Governor, these provisions take effect October 1, 2007.

*Vote: Senate 38-0; House 115-0*

## **FORENSIC MENTAL HEALTH**

### **CS/CS/HB 1477 — Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program**

by Policy and Budget Council; Healthcare Council; and Rep. Ausley and others (CS/CS/SB 542 by Criminal Justice Committee; Children, Families, and Elder Affairs Committee; and Senators Margolis, Rich, Bennett, King, Hill, Lynn, Wilson, and Crist)

According to experts in both the corrections and mental health fields, persons with mental illnesses are disproportionately represented in the criminal justice system. Identification and treatment of persons with serious mental illness who are involved in the criminal justice system has become a subject of intense scrutiny in Florida and across the country. The cost of this problem to communities for law enforcement, jails, and human services is enormous.

This bill creates the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program (grant program) for the purpose of providing funding to counties to allow them to plan, implement, or expand initiatives to address the issues of adults and juveniles who have mental illness and/or substance abuse disorders and who are in or at risk of entering the criminal justice system.

The bill directs the Substance Abuse and Mental Health Corporation (SAMH) to create a statewide grant review committee (review committee), specifies the membership of the review committee, and makes the review committee responsible for recommending to the Department of Children and Families (DCF) which counties should be approved for grants.

The bill authorizes counties to apply for one-year planning grants or three-year implementation or expansion grants, and provides that in order to be eligible to receive a grant, a county must have a county planning council or committee which includes specified members. The bill provides that an applicant county must match the grant with resources in an amount equal to the grant total, although fiscally-constrained counties may match half of the total grant. The administrative costs of any county making application for grants may not exceed 10 percent of the total amount of the grant.

The bill creates a technical assistance center at the Louis de la Parte Florida Mental Health Institute, establishes a Criminal Justice Mental Health Policy Council within SAMH, and requires SAMH and the technical assistance center to provide an annual report on certain specified issues on January 1 of each year, beginning on January 1, 2009.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 40-0; House 116-0*

## **HUMAN TRAFFICKING**

### **HB 7181 — Human Trafficking/Immigrant Survivor**

by Healthcare Council and Rep. Galvano and others (CS/SB 2032 by Health and Human Services Appropriations Committee and Senators Margolis and Lynn)

According to the Florida Coalition Against Human Trafficking, Florida is the second largest hub of human trafficking in the U.S.

The bill provides that during an interim period between application and receipt of a visa, victims of trafficking and other serious crimes are eligible for existing state and local benefits and services to the same extent as a refugee.

The bill provides that these individuals have access to a state-funded equivalent of the federal refugee cash, medical, and social service programs.

The bill permits an immigrant survivor of a serious crime to receive medical care, mental health care, and basic assistance in securing housing, food, and supportive services.

The bill provides for the creation of a state-funded component of the refugee cash, medical and social services programs to serve these victims during a temporary period while they wait for federal processing to be completed.

The bill provides that a sworn statement by a victim is sufficient evidence for determining eligibility if that statement is supported by at least one item of additional evidence providing a basis for the claim including, but not limited to:

- Police and court records;
- News articles;
- Documentation from a professional agency;
- Physical evidence; or
- A statement from an individual with knowledge of the circumstances.

The bill requires the development of a public awareness program for employers and other organizations that may come in contact with immigrant survivors of human trafficking.

If approved by the Governor, these provisions take effect July 1, 2007.

*Vote: Senate 39-0; House 119-0*

## **INDEPENDENT LIVING TRANSITION SERVICES**

### **CS/CS/SB 2114 — Independent Living Transition Services for Young Adults Exiting Foster Care**

by Health and Human Services Appropriations Committee; Judiciary Committee; and Senators Rich, Storms, Lynn, Margolis, and Baker

Adolescence is a time of growth, learning, and developing independence, and most youth, with the support of their family, make a successful transition to adulthood. However, youth in the foster care system often lack the guidance, support, and training to learn the skills necessary to function independently when they leave the system. Independent living transition services are designed to help foster youth and young adults formerly in foster care obtain life skills and education so that they can live independently.

This bill makes a number of changes to the laws pertaining to independent living transition services. Specifically, the bill:

- Permits a caseworker at an agency at which a minor has been placed in foster care to sign the minor's application for a learner's driver's license without assuming liability for damages caused by the minor driver (this exemption is already available to foster parents and group home representatives);
- Permits a caseworker at an agency at which a minor has been placed in foster care to sign and verify the minor's application for a driver's license pursuant to a court-approved transition plan without assuming personal liability for damages caused by the minor driver;

- Provides that foster parents or caregivers who develop a written plan of goals for a transitioning child will not be held responsible under administrative rules or laws pertaining to state licensure as a result of any actions of the child pursuant to the plan;
- Makes young adults who finish high school before they age out of foster care eligible for the Road to Independence Program;
- Makes young adults who are placed with a court-approved dependency guardian or adopted from foster care after reaching age 16 eligible for independent living transition services, specifically for the Road to Independence Program;
- Mandates that youth between the ages of 16 and 18 be formally evaluated for subsidized independent living services under certain circumstances;
- Allows certain foster children to contract for financial services despite being minors; and
- Extends Medicaid eligibility from age 20 to age 21.

The bill appropriates \$420,358 from the General Revenue Fund to DCF, and appropriates \$519,479 from the General Revenue Fund and \$686,089 from the Medical Care Trust Fund to the Agency for Health Care Administration to implement the act.

If approved by the Governor, these provisions take effect July 1, 2007.

*Vote: Senate 38-0; House 118-0*

## **OTHER**

### **SB 2 — Unattended Child in Motor Vehicle**

by Senators Dawson, Lynn, Argenziano, Lawson, and Hill

In Florida, from 1990 to the present, at least 102 children under the age of 15 died in vehicles in non-traffic incidents. In 2004, ten children died due to hyperthermia after being left in cars or entering vehicles that were unlocked. In addition to heat related injuries, children left unattended in vehicles have been injured and died from strangulation by a power window, from accidentally setting the car in motion, from carbon monoxide poisoning, from falling out of the vehicle and being run over, from choking and from abduction.

Current law prohibits a parent, legal guardian, or other person responsible for a child under the age of six years from leaving the child unattended or unsupervised in a motor vehicle for a period in excess of 15 minutes or for any period of time if the motor vehicle is running or the health of the child is in danger. Violation of the section is a noncriminal traffic infraction, punishable by a fine of not more than \$100, or by a fine of between \$50 and \$500 if the motor is running or the health of child is in danger.

This bill makes it a second degree misdemeanor to leave a child under the age of six unattended or unsupervised in a vehicle for longer than 15 minutes. In addition, the bill makes it a third

degree felony to violate the section and thereby cause great bodily harm, permanent disability or disfigurement.

If approved by the Governor, these provisions take effect July 1, 2007.

*Vote: Senate 37-2; House 67-46*

### **CS/HB 229 — Direct-support Org. for Guardian Ad Litem Program**

by Safety and Security Council and Rep. Mahon and others (CS/SB 1612 by Children, Families, and Elder Affairs Committee and Senators Rich, Lynn, and Crist)

Current law requires that a guardian ad litem be appointed to represent a child involved in a legal proceeding related to abuse, abandonment or neglect. The Statewide Guardian Ad Litem Office was created to provide such representation.

A direct-support organization (DSO) is a Florida corporation created to raise funds and make expenditures to benefit a governmental entity.

The bill authorizes the Statewide Guardian Ad Litem Office to create and contract with a not-for-profit direct-support organization to conduct programs and activities, raise funds, and make expenditures for the benefit of the office. The office currently oversees and provides assistance to all guardian ad litem and attorney ad litem programs within the judicial circuits.

If approved by the Governor, these provisions take effect July 1, 2007.

*Vote: Senate 36-0; House 117-0*

### **CS/SB 430 — Data Collection from Mental Health Facilities**

by Children, Families, and Elder Affairs Committee and Senators Saunders and Lynn

Florida's Baker Act requires that people who, because of mental illness, appear to a law enforcement officer to be a danger to themselves or others, be taken to the nearest designated receiving facility for emergency evaluation and/or treatment. Individuals may also present themselves at these facilities voluntarily for evaluation or treatment. Many of those who are taken for or seek mental health treatment under the Baker Act are indigent or uninsured.

Persons in need of Baker Act evaluation or treatment are transported to crisis stabilization units (CSUs) or short-term residential treatment programs (SRTs) with which the Department of Children and Family Services (DCF) has contracted for mental health services, or to private, community hospitals which have been designated as Baker Act receiving and treatment facilities. Individuals remain at the private facilities until space is available in a CSU or SRT.

This bill amends s. 394.461, F.S., requiring all facilities designated as public Baker Act receiving or treatment facilities pursuant to the section to report certain data to DCF. This includes both facilities under contract with DCF, as well as private facilities which do not contract with DCF.

The data to be reported by the facilities shall include information such as the number of licensed beds, the number of contract days, the number of admissions by payer class and diagnoses, the number of bed days by payer class, the average length of stay by payer class, and the total revenues by payer class. The data is to be submitted to DCF no later than 90 days following the end of the facility's fiscal year, with each facility's first report due for the six month period ending June 30, 2008. DCF shall issue an annual report based on the data.

If approved by the Governor, these provisions take effect July 1, 2007.

*Vote: Senate 38-0; House 119-0*

### **CS/HB 509 — Children and Youth Cabinet**

by Healthcare Council and Rep. Ausley and others (CS/SB 564 by Governmental Operations Committee and Senators Rich, Lynn, Hill, Peaden, Margolis, Wilson, and Joyner)

In October 2006, more than 1,000 community leaders, legislators, advocates and policy makers met at the Florida Children's Summit. Summit participants identified and discussed many public policy issues and proposals relating to children and youth. The Summit's recommendations are reflected in the Florida Children's Action Agenda 2007/2008 which identifies as its "flagship issue" the creation of a Florida Children's Cabinet. The Summit also recommended initiatives concerning health care, transition services, screening and assessment, and child care.

This bill creates the Children and Youth Cabinet (Cabinet), which is defined as a coordinating council, in the Executive Office of the Governor (EOG), and directs it to ensure that Florida's public policy promotes interdepartmental collaboration and program implementation so that services for children and youth are planned, managed, and delivered in a holistic and integrated manner.

The bill sets out the membership and meeting requirements of the Cabinet and specifies its duties and responsibilities. The bill permits the Governor to appoint an advisory board to assist the Cabinet, and specifies that the board should include representatives of advocacy groups, as well as young people who have received services funded by the state. The bill requires the Cabinet to provide an annual report by February 1 of each year.

If approved by the Governor, these provisions take effect July 1, 2007.

*Vote: Senate 39-0; House 119-0*

### **CS/SB 1394 — Children and Families**

by Children, Families, and Elder Affairs Committee and Senator Storms

This bill authorizes the Department of Children and Family Services (DCF or the department) to begin the process of departmental reorganization, subject to further legislative review. It directs DCF to integrate substance abuse and mental health programs into the overall structure and priorities of the department. It also authorizes DCF to plan for the realignment of department districts with judicial circuits and to phase in organizational changes as necessary to ensure that

children currently in the system are not adversely affected. The department is required to submit to the Legislature a report on its organizational modifications concurrently with the Sunset Review Report required by law.

The bill also authorizes DCF to establish community partnerships at the request of local communities and advisory groups at the state level, and it permits the department to use the name Department of Children and Families.

In addition, the bill includes the provisions contained in CS/SB 1390, amending s. 839.13(2), F.S., to make it clear that it is unlawful to create, alter, destroy, deface, overwrite, remove, or discard official records relating to individuals in the care and custody of a state agency and certain records of DCF.

If approved by the Governor, the provisions pertaining to departmental reorganization will take effect upon becoming law and will expire on June 30, 2008. The provisions pertaining to agency records will take effect on July 1, 2007.

*Vote: Senate 39-0; House 118-0*

### **SB 1950 — Open Government Sunset Review of Parental Identity of Abandoned Infant Exemption**

by Children, Families, and Elder Affairs Committee and Senator Lynn

Section 383.51, F.S., makes confidential and exempt from public disclosure the identity of a parent who leaves a newborn infant at a hospital, emergency medical services station, or fire station in accordance with s. 383.50, F.S. This public records exemption is statutorily scheduled to expire on October 2, 2007. This bill repeals the October 2, 2007 expiration date for this public records exemption.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 38-0; House 117-0*

## **SEXUALLY VIOLENT PREDATORS**

### **CS/SB 2866 — Florida Civil Commitment Center for Sexually Violent Predators**

by Criminal Justice Committee; and Children, Families, and Elder Affairs Committee

In 1998, the Legislature enacted the Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators Treatment and Care Act. The act provides that persons who are determined to be sexually violent predators may be civilly confined upon release from custody or expiration of a prison sentence. These individuals are committed to the Department of Children and Families (DCF) for long-term residential treatment, care, and custody at the Florida Civil Commitment Center (Commitment Center) located in Arcadia.

There is no statutory authorization for the security personnel or other staff of the Commitment Center to use force on persons confined there. There have been several incidents at the Commitment Center that have necessitated intervention and outside assistance from local law enforcement or other state agencies to regain control of the facility and assure the safety of residents and staff.

This bill authorizes employees of the Commitment Center to use non-lethal force on persons committed to the program under certain circumstances. The bill describes procedures for documenting the use of force and incident reporting, and makes it a separate criminal offense for an employee to act with malicious intent in battering or cruelly or inhumanly treating a person who is confined in a secure facility.

This bill also requires the agency having jurisdiction over an individual who is convicted of a sexually violent offense and who is being evaluated for civil commitment to provide any available documentation indicating whether the offender's criminal history includes incidents involving sexual acts or sexual motivation. In addition, the bill clarifies that DCF, the Agency for Persons with Disabilities, and entities that contract to operate a forensic facility or secure facility are considered "employing agencies" for certified correctional officers.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 39-0; House 117-0*

## **SUICIDE PREVENTION**

### **CS/HB 139 — Suicide Prevention**

by Healthcare Council and Rep. H. Gibson and others (CS/CS/SB 224 by Health and Human Services Appropriations Committee; Children, Families, and Elder Affairs Committee; and Senators Lynn, King, Geller, Rich, Wilson, Oelrich, and Crist)

Despite a number of legislatively mandated initiatives to address suicide, Florida currently ranks 15th in the nation for suicide deaths, with a rate of 13.7 per 100,000 in the population, higher than the national average. In 2005, there were 2,308 suicide deaths in Florida, making suicide the ninth leading cause of death in Florida.

This bill creates the Statewide Office for Suicide Prevention as a unit of the Office of Drug Control within the Executive Office of the Governor and specifies the duties of the office including:

- Developing a network of community-based programs to improve suicide prevention initiatives;
- Preparing and implementing a statewide plan with the advice of the Suicide Prevention Coordinating Council;

- Increasing public awareness concerning topics relating to suicide prevention; and
- Coordinating education and training curricula in suicide prevention efforts.

The bill creates a Suicide Prevention Coordinating Council to advise the Statewide Office on the development of a statewide plan for suicide prevention. The bill specifies the membership, terms of office, meeting requirements, and the duties of the Coordinating Council, including a duty to prepare and present a report annually to the Governor and the Legislature.

The bill authorizes the director of the Office of Drug Control to employ and direct the work of a coordinator for the Statewide Office for Suicide Prevention. The bill authorizes the office to seek and accept grants to support its operation, and provides that grant revenue shall be deposited in the Grants and Donations Trust Fund within the Executive Office of the Governor. The bill directs agencies under the control of the Governor to support the office as requested.

The bill authorizes two full-time equivalent positions and provides an appropriation of \$150,000 for implementation.

If approved by the Governor, these provisions take effect July 1, 2007.

*Vote: Senate 38-0; House 114-0*