

Tab 1 SB 870 by Burton (CO-INTRODUCERS) Garcia; (Similar to H 00899) Surrendered Newborn Infants						
731132	A	S	CF, Book	Delete L.42:	03/17	12:23 PM
485718	A	S	CF, Burton	Delete L.43 - 44:	03/17	12:09 PM
949384	A	S	CF, Book	btw L.74 - 75:	03/17	12:22 PM
140998	A	S	CF, Burton	Delete L.132 - 321:	03/17	12:10 PM
693318	A	S	CF, Book	btw L.186 - 187:	03/17	12:23 PM
Tab 2 SB 1010 by Gruters; (Identical to H 01303) Substance Abuse and Mental Health Services						
739498	A	S	CF, Gruters	Delete L.40 - 181:	03/17	11:15 AM
Tab 3 SB 1278 by Simon; (Similar to H 01621) Direct-support Organizations of the Department of Children and Families						
306642	A	S	CF, Simon	Delete L.89 - 101:	03/17	09:57 AM
Tab 4 SB 1286 by Book; (Similar to H 01031) Designated Public Safe Exchange Locations						
Tab 5 SB 1306 by Harrell; (Identical to H 01339) Placement of Surrendered Newborn Infants						
Tab 6 SB 1322 by Grall; (Identical to H 01377) Adoption of Children in Dependency Court						
Tab 7 SB 1374 by Perry; (Identical to H 01211) Child Restraint Requirements						
Tab 8 SB 1396 by Garcia; (Compare to H 01411) Department of Elderly Affairs						
Tab 9 SB 1412 by Bradley; (Similar to H 01349) Mental Health						
119516	A	S	CF, Bradley	Delete L.181 - 280:	03/16	04:39 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CHILDREN, FAMILIES, AND ELDER AFFAIRS
Senator Garcia, Chair
Senator Thompson, Vice Chair

MEETING DATE: Monday, March 20, 2023
TIME: 12:30—3:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Garcia, Chair; Senator Thompson, Vice Chair; Senators Baxley, Book, Bradley, Brodeur, Ingoglia, and Rouson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 870 Burton (Similar H 899)	Surrendered Newborn Infants; Revising the definition of the term “newborn infant”; authorizing certain hospitals, emergency medical services stations, and fire stations to use newborn infant safety devices to accept surrendered newborn infants if the device meets specified criteria; authorizing a parent to leave a newborn infant with medical staff or a licensed health care professional at a hospital after the delivery of the newborn infant under certain circumstances; providing that a parent who leaves a newborn infant in a newborn infant safety device has the right to remain anonymous and not to be pursued or followed, with exceptions, etc.	HP 03/06/2023 Favorable CF 03/20/2023 RC
2	SB 1010 Gruters (Identical H 1303)	Substance Abuse and Mental Health Services; Revising requirements relating to the removal and replacement of certified recovery residence administrators; revising requirements relating to credentialing entities denying, revoking, or suspending certifications or imposing sanctions on a recovery residence; authorizing credentialing entities to approve certain certified recovery residence administrators to actively manage up to a specified number of residents if certain requirements are met; creating the Substance Abuse and Mental Health Treatment and Housing Task Force within the Department of Children and Families, etc.	CF 03/20/2023 AHS FP

COMMITTEE MEETING EXPANDED AGENDA

Children, Families, and Elder Affairs

Monday, March 20, 2023, 12:30—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 1278 Simon (Similar H 1621)	Direct-support Organizations of the Department of Children and Families; Authorizing the Department of Children and Families to establish a direct-support organization for a specified purpose; requiring the Secretary of Children and Families to appoint a board of directors for the direct-support organization; authorizing the department to allow the direct-support organization to use, without charge, the department's fixed property, facilities, and personnel services, subject to certain requirements; authorizing the direct-support organization to collect, expend, and provide funds for specified purposes, etc.	CF 03/20/2023 GO RC
4	SB 1286 Book (Similar H 1031)	Designated Public Safe Exchange Locations; Requiring that certain information be included in a parenting plan; specifying that a parent may not be found in violation of a parenting plan, time-sharing schedule, or child exchange order, or charged with a certain offense, under certain circumstances; requiring boards of county commissioners to designate certain areas as public safe exchange locations for a specified purpose; providing that a parent of a child or the parent's designee may not be charged with the offense of interference with custody under certain circumstances, etc.	CF 03/20/2023 JU RC
5	SB 1306 Harrell (Identical H 1339)	Placement of Surrendered Newborn Infants; Requiring licensed child-placing agencies to maintain a specified registry; requiring that certain information be removed from the registry under certain circumstances; prohibiting the child-placing agency from transferring certain costs to prospective adoptive parents; requiring licensed child-placing agencies to immediately place a surrendered newborn infant in the physical custody of an identified prospective adoptive parent; providing that the prospective adoptive parent becomes the guardian of such infant under certain conditions for a certain period of time; providing requirements for licensed child-placing agencies once they take physical custody of a surrendered newborn infant, etc.	CF 03/20/2023 JU RC

COMMITTEE MEETING EXPANDED AGENDA

Children, Families, and Elder Affairs

Monday, March 20, 2023, 12:30—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
6	SB 1322 Grall (Identical H 1377)	Adoption of Children in Dependency Court; Specifying that certain adoption consents are valid, binding, and enforceable by the court; specifying that a consent to adoption is not valid after certain petitions for termination of parental rights have been filed; requiring that the final hearing on a motion to intervene and the change of placement of the child be held by a certain date; requiring the court to grant party status to the current caregivers under certain circumstances; requiring the court to order the transfer of custody of the child to the adoptive parents under certain circumstances and in accordance with a certain transition plan, etc.	
		CF 03/20/2023 JU RC	
7	SB 1374 Perry (Identical H 1211)	Child Restraint Requirements; Revising requirements for the use of a crash-tested, federally approved child restraint device while transporting a child in a motor vehicle, etc.	
		CF 03/20/2023 TR RC	
8	SB 1396 Garcia (Compare H 1411)	Department of Elderly Affairs; Revising the list of individuals who may not be appointed as ombudsmen under the State Long-Term Care Ombudsman Program; deleting an exemption from level 2 background screening requirements for certain individuals; requiring the office to notify complainants within a specified timeframe after determining that a complaint against a professional guardian is not legally sufficient; requiring the office to provide a certain written statement to the complainant and the professional guardian within a specified timeframe after completing an investigation; requiring clerks of the court to report to the office within a specified timeframe after the court imposes any sanctions on a professional guardian, etc.	
		CF 03/20/2023 RC	

COMMITTEE MEETING EXPANDED AGENDA

Children, Families, and Elder Affairs

Monday, March 20, 2023, 12:30—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	SB 1412 Bradley (Similar H 1349)	Mental Health; Authorizing the Department of Children and Families to issue a conditional designation for up to a certain number of days to allow the implementation of certain corrective measures by receiving facilities, treatment facilities, and receiving systems; requiring the sheriff to administer or to permit the department to administer the appropriate psychotropic medication to forensic clients before admission to a state mental health treatment facility; revising what an expert is required to specifically report on for recommended treatment for a defendant to attain competence to proceed, if the expert finds that a defendant is incompetent to proceed; revising the circumstances under which every defendant who is charged with a felony and who is adjudicated incompetent to proceed may be involuntarily committed for treatment upon specified findings by the court, etc.	CF 03/20/2023 AHS FP

Other Related Meeting Documents

By Senator Burton

12-01357A-23

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1 A bill to be entitled
2 An act relating to surrendered newborn infants;
3 amending s. 383.50, F.S.; revising the definition of
4 the term "newborn infant"; defining the term "newborn
5 infant safety device"; authorizing certain hospitals,
6 emergency medical services stations, and fire stations
7 to use newborn infant safety devices to accept
8 surrendered newborn infants if the device meets
9 specified criteria; requiring such hospitals,
10 emergency medical services stations, and fire stations
11 to monitor the inside of the device 24 hours per day
12 and physically check and test the devices at specified
13 intervals; providing additional requirements for
14 certain fire stations using such devices; conforming
15 provisions to changes made by the act; authorizing a
16 parent to leave a newborn infant with medical staff or
17 a licensed health care professional at a hospital
18 after the delivery of the newborn infant under certain
19 circumstances; providing that a parent who leaves a
20 newborn infant in a newborn infant safety device has
21 the right to remain anonymous and not to be pursued or
22 followed, with exceptions; authorizing a parent to
23 surrender a newborn infant by calling 911 and
24 requesting an emergency medical services provider to
25 meet at a specified location to retrieve the newborn
26 infant; requiring the parent to stay with the newborn
27 infant until the emergency medical services provider
28 arrives; providing additional locations to which the
29 prohibition on the initiation of criminal

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30 investigations based solely on the surrendering of a
31 newborn infant applies; amending s. 63.0423, F.S.;
32 conforming a cross-reference; making conforming
33 changes; providing an effective date.
34

35 Be It Enacted by the Legislature of the State of Florida:
36

37 Section 1. Section 383.50, Florida Statutes, is amended to
38 read:

39 383.50 Treatment of surrendered newborn infant.—

40 (1) As used in this section, the term:

41 (a) "Newborn infant" means a child who a licensed physician
42 reasonably believes is approximately 30 7 days old or younger at
43 the time the child is left at a hospital, an emergency medical
44 services station, or a fire station.

45 (b) "Newborn infant safety device" means a device that is
46 installed in a supporting wall of a hospital, an emergency
47 medical services station, or a fire station and that has an
48 exterior point of access allowing an individual to place a
49 newborn infant inside and an interior point of access allowing
50 individuals inside the building to safely retrieve the newborn
51 infant.

52 (2) There is a presumption that the parent who leaves the
53 newborn infant in accordance with this section intended to leave
54 the newborn infant and consented to termination of parental
55 rights.

56 (3) (a) A hospital, an emergency medical services station,
57 or a fire station that is staffed 24 hours per day may use a
58 newborn infant safety device to accept surrendered newborn

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59 infants under this section if the device is:

60 1. Physically part of the hospital, emergency medical
61 services station, or fire station.

62 2. Temperature-controlled and ventilated for the safety of
63 newborns.

64 3. Equipped with a dual alarm system connected to the
65 physical location of the device which automatically triggers an
66 alarm inside the building when a newborn infant is placed in the
67 device.

68 4. Equipped with a surveillance system that allows
69 employees of the hospital, emergency medical services station,
70 or fire station to monitor the inside of the device 24 hours per
71 day.

72 5. Located such that the interior point of access is in an
73 area that is conspicuous and visible to the employees of the
74 hospital, emergency medical services station, or fire station.

75 (b) A hospital, an emergency medical services station, or a
76 fire station that uses a newborn infant safety device to accept
77 surrendered newborn infants shall use the device's surveillance
78 system to monitor the inside of the newborn infant safety device
79 24 hours per day and shall physically check the device at least
80 twice daily and test the device at least weekly to ensure that
81 the alarm system is in working order. A fire station that is
82 staffed 24 hours per day except when all firefighter first
83 responders are dispatched from the fire station for an emergency
84 must use the dual alarm system of the newborn infant safety
85 device to immediately dispatch the nearest first responder to
86 retrieve any newborn infant left in the newborn infant safety
87 device.

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88 (4)~~(3)~~ Each emergency medical services station or fire
89 station that is staffed with full-time firefighters, emergency
90 medical technicians, or paramedics shall accept any newborn
91 infant left with a firefighter, an emergency medical technician,
92 or a paramedic or in a newborn infant safety device. The
93 firefighter, emergency medical technician, or paramedic shall
94 consider these actions as implied consent to and shall:

95 (a) Provide emergency medical services to the newborn
96 infant to the extent that he or she is trained to provide those
97 services, and

98 (b) Arrange for the immediate transportation of the newborn
99 infant to the nearest hospital having emergency services.

100
101 A licensee as defined in s. 401.23, a fire department, or an
102 employee or agent of a licensee or fire department may treat and
103 transport a newborn infant pursuant to this section. If a
104 newborn infant is placed in the physical custody of an employee
105 or agent of a licensee or fire department or is placed in a
106 newborn infant safety device, such placement is ~~shall be~~
107 considered implied consent for treatment and transport. A
108 licensee, a fire department, or an employee or agent of a
109 licensee or fire department is immune from criminal or civil
110 liability for acting in good faith pursuant to this section.
111 Nothing in this subsection limits liability for negligence.

112 (5) (a) A newborn infant may be left with medical staff or a
113 licensed health care professional after the delivery of the
114 newborn infant in a hospital if the parent of the newborn infant
115 notifies medical staff or a licensed health care professional
116 that the parent is voluntarily surrendering the infant and does

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117 not intend to return.

118 (b)~~(4)~~ Each hospital of this state subject to s. 395.1041
119 shall, and any other hospital may, admit and provide all
120 necessary emergency services and care, as defined in s.
121 395.002(9), to any newborn infant left with the hospital in
122 accordance with this section. The hospital or any of its
123 licensed health care professionals shall consider these actions
124 as implied consent for treatment, and a hospital accepting
125 physical custody of a newborn infant has implied consent to
126 perform all necessary emergency services and care. The hospital
127 or any of its licensed health care professionals is immune from
128 criminal or civil liability for acting in good faith in
129 accordance with this section. Nothing in this subsection limits
130 liability for negligence.

131 (6)~~(5)~~ Except when there is actual or suspected child abuse
132 or neglect, any parent who leaves a newborn infant in a newborn
133 infant safety device or with a firefighter, an emergency medical
134 technician, or a paramedic at a fire station or an emergency
135 medical services station, or brings a newborn infant to an
136 emergency room of a hospital and expresses an intent to leave
137 the newborn infant and not return, has the absolute right to
138 remain anonymous and to leave at any time and may not be pursued
139 or followed unless the parent seeks to reclaim the newborn
140 infant. When an infant is born in a hospital and the mother
141 expresses intent to leave the infant and not return, upon the
142 mother's request, the hospital or registrar shall complete the
143 infant's birth certificate without naming the mother thereon.

144 (7)~~(6)~~ A parent of a newborn infant left at a hospital,
145 emergency medical services station, or fire station under this

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146 section may claim his or her newborn infant up until the court
147 enters a judgment terminating his or her parental rights. A
148 claim to the newborn infant must be made to the entity having
149 physical or legal custody of the newborn infant or to the
150 circuit court before whom proceedings involving the newborn
151 infant are pending.

152 (8)~~(7)~~ Upon admitting a newborn infant under this section,
153 the hospital shall immediately contact a local licensed child-
154 placing agency or alternatively contact the statewide central
155 abuse hotline for the name of a licensed child-placing agency
156 for purposes of transferring physical custody of the newborn
157 infant. The hospital shall notify the licensed child-placing
158 agency that a newborn infant has been left with the hospital and
159 approximately when the licensed child-placing agency can take
160 physical custody of the child. In cases where there is actual or
161 suspected child abuse or neglect, the hospital or any of its
162 licensed health care professionals shall report the actual or
163 suspected child abuse or neglect in accordance with ss. 39.201
164 and 395.1023 in lieu of contacting a licensed child-placing
165 agency.

166 (9)~~(8)~~ Any newborn infant admitted to a hospital in
167 accordance with this section is presumed eligible for coverage
168 under Medicaid, subject to federal rules.

169 (10)~~(9)~~ A newborn infant left at a hospital, an emergency
170 medical services station, or a fire station in accordance with
171 this section is ~~shall~~ not ~~be~~ deemed abandoned or ~~and~~ subject to
172 reporting and investigation requirements under s. 39.201 unless
173 there is actual or suspected child abuse or until the Department
174 of Health takes physical custody of the child.

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175 (11) If the parent of a newborn infant is unable to
176 surrender the newborn infant in accordance with this section,
177 the parent may dial 911 to request that an emergency medical
178 services provider meet the surrendering parent at a specified
179 location. The surrendering parent must stay with the newborn
180 infant until the emergency medical services provider arrives to
181 take custody of the newborn infant.

182 (12)~~(10)~~ A criminal investigation may ~~shall~~ not be
183 initiated solely because a newborn infant is left at a hospital,
184 an emergency medical services station, or a fire station under
185 this section unless there is actual or suspected child abuse or
186 neglect.

187 Section 2. Section 63.0423, Florida Statutes, is amended to
188 read:

189 63.0423 Procedures with respect to surrendered newborn
190 infants.—

191 (1) Upon entry of final judgment terminating parental
192 rights, a licensed child-placing agency that takes physical
193 custody of a newborn ~~an~~ infant surrendered at a hospital, an
194 emergency medical services station, or a fire station pursuant
195 to s. 383.50 assumes responsibility for the medical and other
196 costs associated with the emergency services and care of the
197 surrendered newborn infant from the time the licensed child-
198 placing agency takes physical custody of the surrendered newborn
199 infant.

200 (2) The licensed child-placing agency shall immediately
201 seek an order from the circuit court for emergency custody of
202 the surrendered newborn infant. The emergency custody order
203 shall remain in effect until the court orders preliminary

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204 approval of placement of the surrendered newborn infant in the
205 prospective home, at which time the prospective adoptive parents
206 become guardians pending termination of parental rights and
207 finalization of adoption or until the court orders otherwise.
208 The guardianship of the prospective adoptive parents shall
209 remain subject to the right of the licensed child-placing agency
210 to remove the surrendered newborn infant from the placement
211 during the pendency of the proceedings if such removal is deemed
212 by the licensed child-placing agency to be in the best interests
213 of the child. The licensed child-placing agency may immediately
214 seek to place the surrendered newborn infant in a prospective
215 adoptive home.

216 (3) The licensed child-placing agency that takes physical
217 custody of the surrendered newborn infant shall, within 24 hours
218 thereafter, request assistance from law enforcement officials to
219 investigate and determine, through the Missing Children
220 Information Clearinghouse, the National Center for Missing and
221 Exploited Children, and any other national and state resources,
222 whether the surrendered newborn infant is a missing child.

223 (4) The parent who surrenders the newborn infant in
224 accordance with s. 383.50 is presumed to have consented to
225 termination of parental rights, and express consent is not
226 required. Except when there is actual or suspected child abuse
227 or neglect, the licensed child-placing agency may ~~shall~~ not
228 attempt to pursue, search for, or notify that parent as provided
229 in s. 63.088 and chapter 49. For purposes of s. 383.50 and this
230 section, a surrendered newborn ~~an~~ infant who tests positive for
231 illegal drugs, narcotic prescription drugs, alcohol, or other
232 substances, but shows no other signs of child abuse or neglect,

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233 shall be placed in the custody of a licensed child-placing
234 agency. Such a placement does not eliminate the reporting
235 requirement under s. 383.50(8) ~~s. 383.50(7)~~. When the department
236 is contacted regarding a newborn ~~an~~ infant properly surrendered
237 under this section and s. 383.50, the department shall provide
238 instruction to contact a licensed child-placing agency and may
239 not take custody of the newborn infant unless reasonable efforts
240 to contact a licensed child-placing agency to accept the newborn
241 infant have not been successful.

242 (5) A petition for termination of parental rights under
243 this section may not be filed until 30 days after the date the
244 newborn infant was surrendered in accordance with s. 383.50. A
245 petition for termination of parental rights may not be granted
246 until a parent has failed to reclaim or claim the surrendered
247 newborn infant within the time period specified in s. 383.50.

248 (6) A claim of parental rights of the surrendered newborn
249 infant must be made to the entity having legal custody of the
250 surrendered newborn infant or to the circuit court before which
251 proceedings involving the surrendered newborn infant are
252 pending. A claim of parental rights of the surrendered newborn
253 infant may not be made after the judgment to terminate parental
254 rights is entered, except as otherwise provided by subsection
255 (9).

256 (7) If a claim of parental rights of a surrendered newborn
257 infant is made before the judgment to terminate parental rights
258 is entered, the circuit court may hold the action for
259 termination of parental rights in abeyance for a period of time
260 not to exceed 60 days.

261 (a) The court may order scientific testing to determine

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262 maternity or paternity at the expense of the parent claiming
263 parental rights.

264 (b) The court shall appoint a guardian ad litem for the
265 surrendered newborn infant and order whatever investigation,
266 home evaluation, and psychological evaluation are necessary to
267 determine what is in the best interests of the surrendered
268 newborn infant.

269 (c) The court may not terminate parental rights solely on
270 the basis that the parent left the newborn infant at a hospital,
271 an emergency medical services station, or a fire station in
272 accordance with s. 383.50.

273 (d) The court shall enter a judgment with written findings
274 of fact and conclusions of law.

275 (8) Within 7 business days after recording the judgment,
276 the clerk of the court shall mail a copy of the judgment to the
277 department, the petitioner, and any person whose consent was
278 required, if known. The clerk shall execute a certificate of
279 each mailing.

280 (9) (a) A judgment terminating parental rights of a
281 surrendered newborn infant pending adoption is voidable, and any
282 later judgment of adoption of that child ~~minor~~ is voidable, if,
283 upon the motion of a parent, the court finds that a person
284 knowingly gave false information that prevented the parent from
285 timely making known his or her desire to assume parental
286 responsibilities toward the child ~~minor~~ or from exercising his
287 or her parental rights. A motion under this subsection must be
288 filed with the court originally entering the judgment. The
289 motion must be filed within a reasonable time but not later than
290 1 year after the entry of the judgment terminating parental

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291 rights.

292 (b) No later than 30 days after the filing of a motion
293 under this subsection, the court shall conduct a preliminary
294 hearing to determine what contact, if any, will be allowed
295 ~~permitted~~ between a parent and the child pending resolution of
296 the motion. Such contact may be allowed only if it is requested
297 by a parent who has appeared at the hearing and the court
298 determines that it is in the best interests of the child. If the
299 court orders contact between a parent and the child, the order
300 must be issued in writing as expeditiously as possible and must
301 state with specificity any provisions regarding contact with
302 persons other than those with whom the child resides.

303 (c) The court may not order scientific testing to determine
304 the paternity or maternity of the child ~~minor~~ until such time as
305 the court determines that a previously entered judgment
306 terminating the parental rights of that parent is voidable
307 pursuant to paragraph (a), unless all parties agree that such
308 testing is in the best interests of the child. Upon the filing
309 of test results establishing that person's maternity or
310 paternity of the surrendered newborn infant, the court may order
311 visitation only if it appears to be in the best interests of the
312 child.

313 (d) Within 45 days after the preliminary hearing, the court
314 shall conduct a final hearing on the motion to set aside the
315 judgment and shall enter its written order as expeditiously as
316 possible thereafter.

317 (10) Except to the extent expressly provided in this
318 section, proceedings initiated by a licensed child-placing
319 agency for the termination of parental rights and subsequent

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320 adoption of a newborn infant left at a hospital, an emergency
321 medical services station, or a fire station in accordance with
322 s. 383.50 shall be conducted pursuant to this chapter.

323 Section 3. This act shall take effect July 1, 2023.



731132

LEGISLATIVE ACTION

Senate

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House

The Committee on Children, Families, and Elder Affairs (Book)
recommended the following:

Senate Amendment (with title amendment)

Delete line 42

and insert:

reasonably believes is approximately 7 days old or younger at

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 3 - 4

and insert:



731132

11

amending s. 383.50, F.S.; defining the term "newborn



485718

LEGISLATIVE ACTION

Senate

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House

The Committee on Children, Families, and Elder Affairs (Burton) recommended the following:

Senate Amendment

Delete lines 43 - 44
and insert:
the time the child is surrendered under this section ~~left at a
hospital, emergency medical services station, or fire station.~~



949384

LEGISLATIVE ACTION

Senate

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House

The Committee on Children, Families, and Elder Affairs (Book)
recommended the following:

Senate Amendment

Between lines 74 and 75
insert:

6. Constructed with material certified for use in explosive
containers to reduce the hazards associated with the detonation
of an explosive device which may result in injury or loss of
life to persons within the building.



140998

LEGISLATIVE ACTION

Senate

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House

The Committee on Children, Families, and Elder Affairs (Burton) recommended the following:

Senate Amendment (with title amendment)

Delete lines 132 - 321

and insert:

or neglect, any parent who leaves a newborn infant in accordance with this section ~~with a firefighter, emergency medical technician, or paramedic at a fire station or emergency medical services station,~~ or brings a newborn infant to an emergency room of a hospital and expresses an intent to leave the newborn infant and not return, has the absolute right to remain



11 anonymous and to leave at any time and may not be pursued or
12 followed unless the parent seeks to reclaim the newborn infant.
13 When an infant is born in a hospital and the mother expresses
14 intent to leave the infant and not return, upon the mother's
15 request, the hospital or registrar must ~~shall~~ complete the
16 infant's birth certificate without naming the mother thereon.

17 (7) ~~(6)~~ A parent of a newborn infant surrendered ~~left at a~~
18 ~~hospital, emergency medical services station, or fire station~~
19 under this section may claim his or her newborn infant up until
20 the court enters a judgment terminating his or her parental
21 rights. A claim to the newborn infant must be made to the entity
22 having physical or legal custody of the newborn infant or to the
23 circuit court before whom proceedings involving the newborn
24 infant are pending.

25 (8) ~~(7)~~ Upon admitting a newborn infant under this section,
26 the hospital shall immediately contact a local licensed child-
27 placing agency or alternatively contact the statewide central
28 abuse hotline for the name of a licensed child-placing agency
29 for purposes of transferring physical custody of the newborn
30 infant. The hospital shall notify the licensed child-placing
31 agency that a newborn infant has been left with the hospital and
32 approximately when the licensed child-placing agency can take
33 physical custody of the child. In cases where there is actual or
34 suspected child abuse or neglect, the hospital or any of its
35 licensed health care professionals shall report the actual or
36 suspected child abuse or neglect in accordance with ss. 39.201
37 and 395.1023 in lieu of contacting a licensed child-placing
38 agency.

39 (9) ~~(8)~~ Any newborn infant admitted to a hospital in



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40 accordance with this section is presumed eligible for coverage
41 under Medicaid, subject to federal rules.

42 ~~(10)(9)~~ A newborn infant surrendered ~~left at a hospital,~~
43 ~~emergency medical services station, or fire station~~ in
44 accordance with this section is shall not be deemed abandoned or
45 ~~and~~ subject to reporting and investigation requirements under s.
46 39.201 unless there is actual or suspected child abuse or until
47 the Department of Health takes physical custody of the child.

48 (11) If the parent of a newborn infant is otherwise unable
49 to surrender the newborn infant in accordance with this section,
50 the parent may dial 911 to request that an emergency medical
51 services provider meet the surrendering parent at a specified
52 location. The surrendering parent must stay with the newborn
53 infant until the emergency medical services provider arrives to
54 take custody of the newborn infant.

55 ~~(12)(10)~~ A criminal investigation may shall not be
56 initiated solely because a newborn infant is surrendered ~~left at~~
57 ~~a hospital~~ under this section unless there is actual or
58 suspected child abuse or neglect.

59 Section 2. Subsections (1), (4), (7), (9), and (10) of
60 section 63.0423, Florida Statutes, are amended to read:

61 63.0423 Procedures with respect to surrendered infants.—

62 (1) Upon entry of final judgment terminating parental
63 rights, a licensed child-placing agency that takes physical
64 custody of an infant surrendered ~~at a hospital, emergency~~
65 ~~medical services station, or fire station~~ pursuant to s. 383.50
66 assumes responsibility for the medical and other costs
67 associated with the emergency services and care of the
68 surrendered infant from the time the licensed child-placing



69 agency takes physical custody of the surrendered infant.

70 (4) The parent who surrenders the infant in accordance with
71 s. 383.50 is presumed to have consented to termination of
72 parental rights, and express consent is not required. Except
73 when there is actual or suspected child abuse or neglect, the
74 licensed child-placing agency may ~~shall~~ not attempt to pursue,
75 search for, or notify that parent as provided in s. 63.088 and
76 chapter 49. For purposes of s. 383.50 and this section, an
77 infant who tests positive for illegal drugs, narcotic
78 prescription drugs, alcohol, or other substances, but shows no
79 other signs of child abuse or neglect, shall be placed in the
80 custody of a licensed child-placing agency. Such a placement
81 does not eliminate the reporting requirement under s. 383.50(8)
82 ~~s. 383.50(7)~~. When the department is contacted regarding an
83 infant properly surrendered under this section and s. 383.50,
84 the department shall provide instruction to contact a licensed
85 child-placing agency and may not take custody of the infant
86 unless reasonable efforts to contact a licensed child-placing
87 agency to accept the infant have not been successful.

88 (7) If a claim of parental rights of a surrendered infant
89 is made before the judgment to terminate parental rights is
90 entered, the circuit court may hold the action for termination
91 of parental rights in abeyance for a period of time not to
92 exceed 60 days.

93 (a) The court may order scientific testing to determine
94 maternity or paternity at the expense of the parent claiming
95 parental rights.

96 (b) The court shall appoint a guardian ad litem for the
97 surrendered infant and order any ~~whatever~~ investigation, home



140998

98 evaluation, or ~~and~~ psychological evaluation ~~are~~ necessary to
99 determine what is in the best interests of the surrendered
100 infant.

101 (c) The court may not terminate parental rights solely on
102 the basis that the parent surrendered ~~left~~ the infant ~~at a~~
103 ~~hospital, emergency medical services station, or fire station~~ in
104 accordance with s. 383.50.

105 (d) The court shall enter a judgment with written findings
106 of fact and conclusions of law.

107 (9) (a) A judgment terminating parental rights to a
108 surrendered infant pending adoption is voidable, and any later
109 judgment of adoption of that child ~~minor~~ is voidable, if, upon
110 the motion of a parent, the court finds that a person knowingly
111 gave false information that prevented the parent from timely
112 making known his or her desire to assume parental
113 responsibilities toward the child ~~minor~~ or from exercising his
114 or her parental rights. A motion under this subsection must be
115 filed with the court originally entering the judgment. The
116 motion must be filed within a reasonable time but not later than
117 1 year after the entry of the judgment terminating parental
118 rights.

119 (b) No later than 30 days after the filing of a motion
120 under this subsection, the court shall conduct a preliminary
121 hearing to determine what contact, if any, will be allowed
122 ~~permitted~~ between a parent and the child pending resolution of
123 the motion. Such contact may be allowed only if it is requested
124 by a parent who has appeared at the hearing and the court
125 determines that it is in the best interests of the child. If the
126 court orders contact between a parent and the child, the order



127 must be issued in writing as expeditiously as possible and must
128 state with specificity any provisions regarding contact with
129 persons other than those with whom the child resides.

130 (c) The court may not order scientific testing to determine
131 the paternity or maternity of the child ~~minor~~ until such time as
132 the court determines that a previously entered judgment
133 terminating the parental rights of that parent is voidable
134 pursuant to paragraph (a), unless all parties agree that such
135 testing is in the best interests of the child. Upon the filing
136 of test results establishing that person's maternity or
137 paternity of the surrendered infant, the court may order
138 visitation only if it appears to be in the best interests of the
139 child.

140 (d) Within 45 days after the preliminary hearing, the court
141 shall conduct a final hearing on the motion to set aside the
142 judgment and shall enter its written order as expeditiously as
143 possible thereafter.

144 (10) Except to the extent expressly provided in this
145 section, proceedings initiated by a licensed child-placing
146 agency for the termination of parental rights and subsequent
147 adoption of a newborn infant surrendered ~~left at a hospital,~~
148 ~~emergency medical services station, or fire station~~ in
149 accordance with

151 ===== T I T L E A M E N D M E N T =====

152 And the title is amended as follows:

153 Delete lines 19 - 31

154 and insert:

155 circumstances; conforming provisions to changes made



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156 by the act; authorizing a parent to surrender a
157 newborn infant by calling 911 and requesting an
158 emergency medical services provider to meet at a
159 specified location to retrieve the newborn infant;
160 requiring the parent to stay with the newborn infant
161 until the emergency medical services provider arrives;
162 amending s. 63.0423, F.S.;



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LEGISLATIVE ACTION

Senate

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House

The Committee on Children, Families, and Elder Affairs (Book) recommended the following:

Senate Amendment (with title amendment)

Between lines 186 and 187

insert:

(13) Any hospital, fire station, or emergency medical services station that uses a newborn infant safety device under this section, and the local government having jurisdiction over such facility, is immune from liability for any harm, failure, injury, or loss of life that may result from use or misuse of the newborn infant safety device, and all liability shall be



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11 assumed by the manufacturer and the parent company of the
12 organization that owns such device.

13

14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 Delete line 31

17 and insert:

18 newborn infant applies; providing facilities that use
19 a newborn infant safety device, and the local
20 governments having jurisdiction over such facilities,
21 with immunity from liability related to the use of
22 such device; providing that all liability is assumed
23 by the manufacturer and parent organization having
24 ownership of such device; amending s. 63.0423, F.S.;

By Senator Gruters

22-00414B-23

20231010__

1 A bill to be entitled
2 An act relating to substance abuse and mental health
3 services; amending s. 397.487, F.S.; conforming a
4 provision to changes made by the act; revising
5 requirements relating to the removal and replacement
6 of certified recovery residence administrators;
7 revising requirements relating to credentialing
8 entities denying, revoking, or suspending
9 certifications or imposing sanctions on a recovery
10 residence; requiring the Department of Children and
11 Families to adopt rules; requiring that changes to
12 certification requirements by credentialing entities
13 be adopted by department rule before the change is
14 effective and enforceable; amending s. 397.4871, F.S.;
15 authorizing credentialing entities to approve certain
16 certified recovery residence administrators to
17 actively manage up to a specified number of residents
18 if certain requirements are met; prohibiting certain
19 certified recovery residence administrators who have
20 been removed from a recovery residence from continuing
21 to actively manage more than a specified number of
22 residents without being reapproved by a credentialing
23 entity; creating the Substance Abuse and Mental Health
24 Treatment and Housing Task Force within the Department
25 of Children and Families; providing a purpose for the
26 task force; specifying membership of the task force;
27 requiring the task force to meet at specified
28 intervals; requiring the task force to conduct a
29 specified study and review; requiring the task force

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20231010__

30 to submit a report to the department by a specified
31 date; requiring the department to submit a report to
32 the Governor and the Legislature by a specified date;
33 exempting certain recovery residences from certain
34 zoning laws and ordinances for a specified timeframe;
35 providing for expiration of the task force; providing
36 an effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 Section 1. Paragraph (a) of subsection (2) and paragraphs
41 (b) and (e) of subsection (8) of section 397.487, Florida
42 Statutes, are amended, and paragraph (f) is added to that
43 subsection, to read:

44 397.487 Voluntary certification of recovery residences.—

45 (2) The department shall approve at least one credentialing
46 entity by December 1, 2015, for the purpose of developing and
47 administering a voluntary certification program for recovery
48 residences. The approved credentialing entity shall:

49 (a) Establish recovery residence certification
50 requirements. However, any change to certification requirements
51 on or after October 1, 2023, must be adopted by department rule
52 pursuant to paragraph (8) (f).

53 (8) Onsite followup monitoring of a certified recovery
54 residence may be conducted by the credentialing entity to
55 determine continuing compliance with certification requirements.
56 The credentialing entity shall inspect each certified recovery
57 residence at least annually to ensure compliance.

58 (b) A certified recovery residence must notify the

22-00414B-23

20231010__

59 credentialing entity within 3 business days after the removal of
60 the recovery residence's certified recovery residence
61 administrator due to termination, resignation, or any other
62 reason. The recovery residence has 90 ~~30~~ days to retain a
63 certified recovery residence administrator. If a recovery
64 residence's certified recovery residence administrator has been
65 removed due to termination, resignation, or any other reason and
66 had been approved to actively manage more than 50 residents
67 pursuant to s. 397.4871(8), the recovery residence must retain
68 another certified recovery residence administrator within 90
69 days to continue to manage the approved additional number of
70 residents. The credentialing entity shall revoke the certificate
71 of compliance of any recovery residence that fails to comply
72 with this paragraph.

73 (e) Any decision by a department-recognized credentialing
74 entity to deny, revoke, or suspend a certification, or otherwise
75 impose sanctions on a recovery residence, must be initiated by a
76 formal notice provided to the recovery residence, and the
77 credentialing agency must take final action within 30 days after
78 the initial notification, ~~is reviewable by the department.~~ Upon
79 receiving an adverse determination, the recovery residence may
80 request an administrative hearing pursuant to ss. 120.569 and
81 120.57 ~~ss. 120.569 and 120.57(1)~~ within 30 days after final
82 action taken ~~completing any appeals process offered by the~~
83 credentialing entity or the department, as applicable.

84 (f) Effective October 1, 2023, the department shall adopt
85 by rule the certification requirements established by
86 credentialing entities which are in effect on that date. Any
87 changes to certification requirements by a credentialing entity

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20231010__

88 on or after October 1, 2023 must be adopted by department rule
89 before such change is effective and enforceable by credentialing
90 entities.

91 Section 2. Paragraph (b) of subsection (8) of section
92 397.4871, Florida Statutes, is amended to read:

93 397.4871 Recovery residence administrator certification.—
94 (8)

95 (b)1. A certified recovery residence administrator may not
96 actively manage more than 50 residents at any given time unless
97 written justification is provided to, and approved by, the
98 credentialing entity as to how the administrator is able to
99 effectively and appropriately respond to the needs of the
100 residents, to maintain residence standards, and to meet the
101 residence certification requirements of this section. However, a
102 certified recovery residence administrator may not actively
103 manage more than 100 residents at any given time except as
104 provided in subparagraph 2.

105 2. A credentialing entity may approve a certified recovery
106 residence administrator to actively manage up to 250 residents
107 if such administrator has been approved to actively manage 100
108 residents under subparagraph 1., if such administrator's
109 recovery residence is wholly owned or controlled by a licensed
110 service provider, and if the licensed service provider maintains
111 a ratio of at least one staff member to eight residents. A
112 certified recovery residence administrator approved under this
113 subparagraph who has been removed by a recovery residence due to
114 termination, resignation, or any other reason may not continue
115 to actively manage more than 100 residents for another recovery
116 residence without being reapproved by the credentialing entity

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117 pursuant to this subparagraph.

118 Section 3. (1) The Substance Abuse and Mental Health
119 Treatment and Housing Task Force, a task force as defined in s.
120 20.03(8), Florida Statutes, is created within the Department of
121 Children and Families. The purpose of the task force is to study
122 issues relating to the regulation of licensed private sector
123 substance abuse and mental health treatment service providers
124 and ancillary therapeutic housing in this state and provide
125 recommended changes to provide best-in-class services with
126 limited governmental intrusion. Except as otherwise provided in
127 this section, the task force shall operate in a manner
128 consistent with s. 20.052, Florida Statutes.

129 (2) The task force is composed of nine members, as follows:

130 (a) A representative of the Executive Office of the
131 Governor, appointed by the Governor.

132 (b) A member of the Senate, appointed by the President of
133 the Senate.

134 (c) A member of the House of Representatives, appointed by
135 the Speaker of the House of Representatives.

136 (d) A representative of the Office of the Attorney General,
137 appointed by the Governor.

138 (e) A representative of the Chief Financial Officer,
139 appointed by the Governor.

140 (f) A representative of the Palm Beach County State
141 Attorney Addiction Recovery Task Force, appointed by the
142 Governor.

143 (g) A representative of the Florida Association of Recovery
144 Residences, appointed by the Governor.

145 (h) A representative of the treatment industry, appointed

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20231010__

146 by the Governor.

147 (i) A member of The Florida Bar with knowledge and
148 experience in the treatment and therapeutic housing industry,
149 appointed by the Governor.

150 (3) The task force shall appoint a chair and vice-chair and
151 meet no less than monthly.

152 (4) (a) The task force, with assistance from the Department
153 of Children and Families, shall conduct a study to evaluate the
154 impact of chapter 419, Florida Statutes, on treatment services,
155 to identify obstacles to providing all forms of therapeutic,
156 medical, and clinical housing in this state to residents of this
157 state, and to identify any compliance issues with the federal
158 Americans with Disabilities Act and the federal Fair Housing
159 Amendments Act of 1988.

160 (b) The task force shall conduct a review of statewide
161 zoning codes to determine the effect, if any, that local
162 regulations have on the ability of private sector licensed
163 service providers to provide modern, effective, evidence-based
164 treatment and ancillary therapeutic housing to residents of this
165 state.

166 (5) (a) By December 31, 2024, the task force shall submit to
167 the Department of Children and Families a report of its findings
168 and recommendations, including any recommended amendments to
169 chapter 419, Florida Statutes.

170 (b) By June 30, 2025, the Department of Children and
171 Families shall submit a report of the task force's findings and
172 recommendations, and any additional findings and recommendations
173 made by the department, to the Governor, the President of the
174 Senate, and the Speaker of the House of Representatives.

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175 (6) From July 1, 2023, until July 1, 2026, any recovery
176 residence certified by the approved credentialing entity
177 pursuant to s. 397.487, Florida Statutes, is exempt from state
178 or local zoning laws or ordinances, including the requirements
179 of chapter 419, Florida Statutes, which do not apply to all
180 other single-family and multifamily dwellings.

181 (7) This section expires July 1, 2026.

182 Section 4. This act shall take effect July 1, 2023.



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LEGISLATIVE ACTION

Senate

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House

The Committee on Children, Families, and Elder Affairs (Gruters) recommended the following:

Senate Amendment (with title amendment)

Delete lines 40 - 181

and insert:

Section 1. Subsections (5) and (8) of section 397.487, Florida Statutes, are amended to read:

397.487 Voluntary certification of recovery residences.—

(5) Upon receiving a completed ~~complete~~ application, a credentialing entity shall conduct an onsite inspection of the recovery residence to determine whether the applicant meets the



739498

11 certification requirements.

12 (8) Periodic onsite ~~followup~~ monitoring of a certified
13 recovery residence may be conducted by the credentialing entity
14 to determine continuing compliance with certification
15 requirements. The credentialing entity shall inspect each
16 certified recovery residence at least annually to ensure
17 compliance with such certification requirements.

18 (a) A credentialing entity may suspend or revoke a
19 certification if the credentialing entity has made a written
20 determination that the recovery residence is not in compliance
21 with any provision of this section or has failed to remedy any
22 deficiency identified by the credentialing entity within the
23 time period specified.

24 (b) A certified recovery residence must notify the
25 credentialing entity within 3 business days after the removal of
26 the recovery residence's certified recovery residence
27 administrator due to termination, resignation, or any other
28 reason. The recovery residence has 90 ~~30~~ days to retain a
29 certified recovery residence administrator. The credentialing
30 entity shall initiate formal proceedings to revoke the
31 certificate of compliance of any recovery residence that fails
32 to comply with this paragraph.

33 (c) If any owner, director, or chief financial officer of a
34 certified recovery residence is arrested for or found guilty of,
35 or enters a plea of guilty or nolo contendere to, regardless of
36 adjudication, any offense listed in s. 435.04(2) while acting in
37 that capacity, the certified recovery residence shall
38 immediately remove the person from that position and shall
39 notify the credentialing entity within 3 business days after



739498

40 such removal. The credentialing entity shall revoke the
41 certificate of compliance of a recovery residence that fails to
42 meet these requirements.

43 (d) A credentialing entity shall revoke a recovery
44 residence's certificate of compliance if the recovery residence
45 provides false or misleading information to the credentialing
46 entity at any time.

47 (e) Any decision by a department-recognized credentialing
48 entity to deny, revoke, or suspend a certification, or otherwise
49 impose sanctions on a recovery residence, must be initiated by a
50 formal written notice provided to the recovery residence. The
51 recovery residence must have 90 days to cure the alleged
52 deficiency unless the alleged deficiency is an immediate threat
53 to the health, life, or safety of a resident or residents. If
54 the alleged deficiency is not cured within 90 days, the
55 credentialing entity may proceed with formal proceedings against
56 the recovery residence. The credentialing entity shall allow the
57 recovery residence to participate in all proceedings conducted
58 by the credentialing entity regarding the issues raised in the
59 formal written notice. The credentialing entity shall issue a
60 formal written notice of its final decision after the conclusion
61 of such proceedings, ~~is reviewable by the department.~~ Upon
62 receiving an adverse ~~decision determination,~~ the recovery
63 residence may request an administrative hearing pursuant to ss.
64 120.569 and 120.57 ~~ss. 120.569 and 120.57(1)~~ within 30 days
65 after the recovery residence receives formal written notice of
66 the final action taken ~~completing any appeals process offered by~~
67 the credentialing entity. The credentialing entity must keep
68 written records of decisions made and proceedings conducted



739498

69 pursuant to this paragraph and must make such records available
70 to the Division of Administrative Hearings upon request ~~or the~~
71 department, as applicable.

72 Section 2. Paragraph (b) of subsection (8) of section
73 397.4871, Florida Statutes, is amended to read:

74 397.4871 Recovery residence administrator certification.—
75 (8)

76 (b) A certified recovery residence administrator may not
77 actively manage more than 50 residents at any given time unless
78 written justification is provided to, and approved by, the
79 credentialing entity as to how the administrator is able to
80 effectively and appropriately respond to the needs of the
81 residents, to maintain residence standards, and to meet the
82 residence certification requirements of this section. ~~However,~~ A
83 certified recovery residence administrator may not actively
84 manage more than 100 residents at any given time. However, a
85 credentialing entity may approve a certified recovery residence
86 administrator to actively manage up to 250 residents if such
87 administrator's recovery residence provides therapeutic housing
88 and ancillary services exclusively to a licensed service
89 provider and if the licensed service provider maintains a ratio
90 of at least 1 supervisory employee to 8 residents. A certified
91 recovery residence administrator approved under this paragraph
92 to manage more than 100 residents who has been removed by a
93 recovery residence due to termination, resignation, or any other
94 reason may not continue to actively manage more than 100
95 residents for another recovery residence without being
96 reapproved by the credentialing entity pursuant to this
97 paragraph.



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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 3 - 35

and insert:

services; amending s. 397.487, F.S.; specifying the purpose of certain inspections by credentialing entities; revising authorizations relating to onsite monitoring of certified recovery residences by credentialing entities; revising requirements relating to the removal and replacement of certified recovery residence administrators; revising requirements relating to credentialing entities denying, revoking, or suspending certifications or imposing sanctions on a recovery residence; requiring credentialing entities to keep specified records and make such records available to the Division of Administrative Hearings upon request; amending s. 397.4871, F.S.; authorizing credentialing entities to approve certain certified recovery residence administrators to actively manage up to a specified number of residents if certain requirements are met; prohibiting certain certified recovery residence administrators who have been removed from a recovery residence from continuing to actively manage more than a specified number of residents without being reapproved by a credentialing entity; providing

By Senator Simon

3-01568A-23

20231278__

1 A bill to be entitled
2 An act relating to direct-support organizations of the
3 Department of Children and Families; amending s.
4 402.57, F.S.; authorizing the Department of Children
5 and Families to establish a direct-support
6 organization for a specified purpose; specifying
7 criteria for the direct-support organization;
8 requiring the direct-support organization to operate
9 under written contract with the department; providing
10 requirements for the contract; requiring the Secretary
11 of Children and Families to appoint a board of
12 directors for the direct-support organization;
13 providing for appointment of board members;
14 authorizing the department to allow the direct-support
15 organization to use, without charge, the department's
16 fixed property, facilities, and personnel services,
17 subject to certain requirements; defining the term
18 "personnel services"; authorizing the direct-support
19 organization to collect, expend, and provide funds for
20 specified purposes; prohibiting the use of such funds
21 for lobbying purposes; authorizing moneys to be held
22 in a separate depository account in the name of the
23 direct-support organization, subject to certain
24 requirements; requiring the direct-support
25 organization to provide for annual audits; providing
26 for future repeal; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
29

3-01568A-23

20231278__

30 Section 1. Section 402.57, Florida Statutes, is amended to
31 read:

32 402.57 Direct-support organizations ~~organization~~.—

33 (1) DEPARTMENT OF CHILDREN AND FAMILIES.—The Department of
34 Children and Families is authorized to create a direct-support
35 organization, the sole purpose of which is to support the
36 department in carrying out its purposes and responsibilities.

37 (a) The direct-support organization must be:

38 1. A not-for-profit corporation incorporated under chapter
39 617 and approved by the Department of State as a not-for-profit
40 corporation;

41 2. Organized and operated to conduct programs and
42 activities; to raise funds; to request and receive grants,
43 gifts, and bequests of moneys; to acquire, receive, hold,
44 invest, and administer, in its own name, securities, funds,
45 objects of value, or other property, real or personal; and to
46 make expenditures to or for the direct or indirect benefit of
47 the department and the individuals it serves; and

48 3. Determined by the department to be operating in a manner
49 consistent with the goals and purposes of the department, the
50 best interest of the state, and the needs of children and adults
51 served by the department.

52 (b) The direct-support organization shall operate under a
53 written contract with the department. The contract must provide
54 for all of the following:

55 1. Department approval of the articles of incorporation and
56 bylaws of the direct-support organization.

57 2. Submission of an annual budget for department approval.

58 3. Certification by the department that the direct-support

3-01568A-23

20231278__

59 organization is complying with the terms of the contract and
60 operating in a manner consistent with the goals and purposes of
61 the department and in the best interest of the state. Such
62 certification must be made annually and reported in the official
63 minutes of a meeting of the direct-support organization.

64 4. The reversion to the state of moneys and property held
65 in trust by the direct-support organization for the benefit of
66 those served by the department if the department ceases to exist
67 or the reversion to the department if the direct-support
68 organization is no longer approved to operate for the
69 department, a county commission, or a circuit board or ceases to
70 exist.

71 5. The fiscal year of the direct-support organization,
72 which must begin July 1 of each year and end June 30 of the
73 following year.

74 6. The disclosure of material provisions of the contract,
75 and the distinction between the department and the direct-
76 support organization, to donors of gifts, contributions, or
77 bequests, including such disclosure on all promotional and
78 fundraising publications.

79 (c) The Secretary of Children and Families shall appoint
80 the board of directors of the direct-support organization. The
81 board members shall be appointed according to the organization's
82 bylaws.

83 (d) The department may allow, without charge, appropriate
84 use of fixed property, facilities, and personnel services of the
85 department by the direct-support organization, subject to the
86 requirements of this section. As used in this subsection, the
87 term "personnel services" includes full-time or part-time

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20231278__

88 personnel, as well as payroll processing services.

89 1. The department may prescribe any conditions with which
90 the direct-support organization must comply in order to use
91 fixed property or facilities of the department.

92 2. The department may not allow the use of any fixed
93 property or facilities of the department by the direct-support
94 organization if it does not provide equal membership and
95 employment opportunities to all persons regardless of race,
96 color, religion, sex, age, or national origin.

97 3. The department shall adopt rules prescribing the
98 procedures by which the direct-support organization is governed
99 and any conditions with which a direct-support organization must
100 comply to use property, facilities, or personnel services of the
101 department.

102 (e) The direct-support organization may collect, expend,
103 and provide funds for:

104 1. Addressing gaps in services for the children and adults
105 served by the department.

106 2. Development, implementation, and operation of targeted
107 prevention efforts.

108 3. Services and activities that support the goals of the
109 department.

110 4. Functions of the direct-support organization's board of
111 directors, as necessary and approved by the department.

112
113 The funds of the direct-support organization may not be used for
114 the purpose of lobbying as defined in s. 11.045.

115 (f) Any moneys may be held in a separate depository account
116 in the name of the direct-support organization and subject to

3-01568A-23

20231278__

117 the provisions of the contract with the department.

118 (g) The direct-support organization shall provide for an
119 annual financial audit in accordance with s. 215.981.

120 (h) This subsection is repealed October 1, 2028, unless
121 reviewed and saved from repeal by the Legislature.

122 (2) CHILDREN AND YOUTH CABINET.—The Department of Children
123 and Families shall establish a direct-support organization to
124 assist the Children and Youth Cabinet established in s. 402.56
125 in carrying out its purposes and responsibilities, primarily
126 regarding fostering public awareness of children and youth
127 issues and developing new partners in the effort to serve
128 children and youth by raising money; submitting requests for and
129 receiving grants from the Federal Government, the state or its
130 political subdivisions, private foundations, and individuals;
131 and making expenditures to or for the benefit of the cabinet.
132 The sole purpose for the direct-support organization is to
133 support the cabinet.

134 (a) The direct-support organization must be:

135 1. ~~(a)~~ Incorporated under chapter 617 and approved by the
136 Department of State as a Florida corporation not for profit.

137 2. ~~(b)~~ Organized and operated to make expenditures to or for
138 the benefit of the cabinet.

139 3. ~~(c)~~ Approved by the department to be operating for the
140 benefit of and in a manner consistent with the goals of the
141 cabinet and in the best interest of the state.

142 (b) ~~(2)~~ The board of directors of the direct-support
143 organization shall consist of seven members appointed by the
144 Governor. Each member of the board of directors shall be
145 appointed to a 4-year term. However, for the purpose of

3-01568A-23

20231278__

146 providing staggered terms, the initial appointments shall be for
147 either 2 years or 4 years, as determined by the Governor.

148 (c)~~(3)~~ The direct-support organization shall operate under
149 a written contract with the department.

150 (d)~~(4)~~ All moneys received by the direct-support
151 organization must be deposited into an account of the direct-
152 support organization and shall be used in a manner consistent
153 with the goals of the cabinet.

154 (e)~~(5)~~ This subsection ~~section~~ is repealed October 1, 2024,
155 unless reviewed and saved from repeal by the Legislature.

156 Section 2. This act shall take effect upon becoming a law.



306642

LEGISLATIVE ACTION

Senate

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House

The Committee on Children, Families, and Elder Affairs (Simon) recommended the following:

Senate Amendment

Delete lines 89 - 101
and insert:

1. The department may not allow the use of any fixed property, facilities, or personnel services of the department by the direct-support organization if it does not provide equal membership and employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.



306642

11 2. The department may prescribe any conditions with which a
12 direct-support organization must comply to use fixed property,
13 facilities, or personnel services of the department and shall
14 adopt rules prescribing those conditions and the procedures by
15 which the direct-support organization is governed.

By Senator Book

35-01309A-23

20231286__

1 A bill to be entitled
2 An act relating to designated public safe exchange
3 locations; amending s. 61.13, F.S.; requiring that
4 certain information be included in a parenting plan;
5 specifying that a parent may not be found in violation
6 of a parenting plan, time-sharing schedule, or child
7 exchange order, or charged with a certain offense,
8 under certain circumstances; amending s. 125.01, F.S.;
9 requiring boards of county commissioners to designate
10 certain areas as public safe exchange locations for a
11 specified purpose; providing requirements for such
12 areas; providing immunity; amending s. 787.03, F.S.;
13 providing that a parent of a child or the parent's
14 designee may not be charged with the offense of
15 interference with custody under certain circumstances;
16 providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Paragraph (b) of subsection (2) of section
21 61.13, Florida Statutes, is amended, and subsection (10) is
22 added to that section, to read:

23 61.13 Support of children; parenting and time-sharing;
24 powers of court.—

25 (2)

26 (b) A parenting plan approved by the court must, at a
27 minimum, include all of the following information:

28 1. A detailed description of ~~Describe in adequate detail~~
29 how the parents will share and be responsible for the daily

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30 tasks associated with the upbringing of the child.~~†~~

31 2. ~~Include~~ The time-sharing schedule arrangements that
32 specify the time that the ~~minor~~ child will spend with each
33 parent. The parenting plan must state that at any time,
34 notwithstanding any provision in the agreed-upon parenting plan
35 or time-sharing schedule or order relating to the exchange of
36 the child, a parent or a parent's designee may choose to
37 exchange the child with the other parent or the other parent's
38 designee at a designated public safe exchange location as
39 provided in s. 125.01(8).~~†~~

40 3. A designation of ~~Designate~~ who will be responsible for
41 all of the following:

42 a. Any and all forms of health care. If the court orders
43 shared parental responsibility over health care decisions, the
44 parenting plan must provide that either parent may consent to
45 mental health treatment for the child.

46 b. School-related matters, including the address to be used
47 for school-boundary determination and registration.

48 c. Other activities.~~;~~ and

49 4. A detailed description of ~~Describe in adequate detail~~
50 the methods and technologies that the parents will use to
51 communicate with the child.

52 (10) A parent may not be found in violation of his or her
53 parenting plan, time-sharing schedule, or child exchange order,
54 or charged with the offense of interference with the parenting
55 plan, time-sharing schedule, or child exchange order under s.
56 787.03, if the parent or the parent's designee chooses to use a
57 designated public safe exchange location to exchange custody of
58 his or her child instead of a location that was previously

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59 agreed to by both parents or stated in the parenting plan, time-
60 sharing schedule, or child exchange order.

61 Section 2. Subsection (8) is added to section 125.01,
62 Florida Statutes, to read:

63 125.01 Powers and duties.—

64 (8) (a) Each board of county commissioners shall designate
65 one or more sheriff's office or police department locations that
66 have staff on site 24-hours a day as a public safe exchange
67 location at which parents or parents' designees may meet to
68 exchange custody of a child. The designation must be based on
69 the population of the county, as follows: a minimum of one
70 location for a population of less than 50,000; a minimum of two
71 locations for a population of less than 75,000; and a minimum of
72 three locations for a population of more than 75,000.

73 (b) Each sheriff's office or police department designated
74 as a public safe exchange location shall install a purple light
75 on the outside of the building so the building is identifiable
76 as a designated public safe exchange location. The parking lot
77 of each public safe exchange location must be accessible 24
78 hours a day, 7 days a week, and each public safe exchange
79 location shall provide adequate lighting and an external video
80 surveillance system that records continuously, 24 hours a day, 7
81 days a week, and that meets all of the following criteria:

82 1. At least one camera is fixed on the entrance to the
83 premises and is able to record the area in the vicinity of the
84 purple light.

85 2. Records images clearly and such images accurately
86 display the time and date.

87 3. Retains video surveillance recordings or images for at

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88 least 6 months.

89 (c) A cause of action may not be brought against the
90 county, the sheriff, a county commissioner, or a law enforcement
91 officer or an employee of the designated public safe exchange
92 location based on an incident that occurs when a parent or
93 parent's designee meets at a public safe exchange location to
94 exchange custody of his or her child.

95 Section 3. Subsection (7) is added to section 787.03,
96 Florida Statutes, to read:

97 787.03 Interference with custody.—

98 (7) A parent of a child or the parent's designee may not be
99 charged with an offense under this section solely for using or
100 attempting to use a designated public safe exchange location as
101 provided in s. 125.01(8) to exchange custody of his or her child
102 instead of a location that was previously agreed to by both
103 parents or specified in a parenting plan, time-sharing schedule,
104 or child exchange order.

105 Section 4. This act shall take effect July 1, 2023.

By Senator Harrell

31-01169A-23

20231306__

1 A bill to be entitled
2 An act relating to placement of surrendered newborn
3 infants; amending s. 63.039, F.S.; requiring licensed
4 child-placing agencies to maintain a specified
5 registry; requiring that certain information be
6 removed from the registry under certain circumstances;
7 prohibiting the child-placing agency from transferring
8 certain costs to prospective adoptive parents;
9 amending s. 63.0423, F.S.; requiring licensed child-
10 placing agencies to immediately place a surrendered
11 newborn infant in the physical custody of an
12 identified prospective adoptive parent; providing that
13 the prospective adoptive parent becomes the guardian
14 of such infant under certain conditions for a certain
15 period of time; providing requirements that apply if a
16 certain prospective adoptive home is not available;
17 requiring the court to require the child-placing
18 agency to make certain reasonable efforts to identify
19 an appropriate prospective adoptive parent; conforming
20 provisions to changes made by the act; amending s.
21 383.50, F.S.; providing requirements for licensed
22 child-placing agencies once they take physical custody
23 of a surrendered newborn infant; conforming provisions
24 to changes made by the act; providing an effective
25 date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Present subsections (3), (4), and (5) of section

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30 63.039, Florida Statutes, are redesignated as subsections (4),
31 (5), and (6), respectively, and a new subsection (3) is added to
32 that section, to read:

33 63.039 Duties ~~Duty~~ of adoption entity; ~~to~~ Prospective
34 Adoptive Parents of Infants registry; sanctions.—

35 (3) (a) A licensed child-placing agency shall establish and
36 maintain a registry of prospective adoptive parents of infants
37 with the names and addresses of prospective adoptive parents who
38 have received a favorable preliminary home study under s. 63.092
39 and have indicated the desire to be a prospective adoptive
40 parent only for a newborn infant surrendered under s. 383.50.

41 The licensed child-placing agency must remove the name and
42 address of a prospective adoptive parent from the registry when
43 the favorable preliminary home study for such prospective
44 adoptive parent is no longer valid as provided in s. 63.092(3).

45 (b) The child-placing agency may not transfer the cost of
46 establishing and maintaining the registry created pursuant to
47 this subsection to a prospective adoptive parent through either
48 the cost of the home study or through the cost of adoption of a
49 newborn infant under this section.

50 Section 2. Subsection (2) of section 63.0423, Florida
51 Statutes, is amended to read:

52 63.0423 Procedures with respect to surrendered infants.—

53 (2) Upon taking physical custody of a newborn infant
54 surrendered pursuant to s. 383.50, the licensed child-placing
55 agency shall immediately place the surrendered infant with an
56 identified prospective adoptive parent, at which time the
57 prospective adoptive parent becomes the guardian of the
58 surrendered infant pending termination of parental rights and

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59 finalization of adoption or until the court orders otherwise. If
60 a prospective adoptive parent from the registry is not
61 available, the licensed child-placing agency must seek an order
62 from the circuit court for emergency custody of the surrendered
63 infant. As a part of the emergency order, the court shall
64 require the licensed child-placing agency that has been unable
65 to identify a prospective adoptive parent for the surrendered
66 infant to make all reasonable efforts to identify an appropriate
67 prospective adoptive parent as soon as practicable, including
68 but not limited to, contacting all other licensed child-placing
69 agencies in this state to facilitate the identification of a
70 prospective adoptive parent from the registry described in s.
71 63.039. The emergency custody order ~~remains~~ shall remain in
72 effect until the court orders preliminary approval of placement
73 of the surrendered infant in a ~~the~~ prospective home, at which
74 time the prospective adoptive parent becomes ~~parents become~~
75 guardian ~~guardians~~ pending termination of parental rights and
76 finalization of adoption or until the court orders otherwise.
77 The guardianship of the prospective adoptive parent is ~~parents~~
78 ~~shall remain~~ subject to the right of the licensed child-placing
79 agency to remove the surrendered infant from the placement
80 during the pendency of the proceedings if such removal is deemed
81 by the licensed child-placing agency to be in the best interests
82 of the child. ~~The licensed child-placing agency may immediately~~
83 ~~seek to place the surrendered infant in a prospective adoptive~~
84 ~~home.~~

85 Section 3. Subsection (7) of section 383.50, Florida
86 Statutes, is amended to read:

87 383.50 Treatment of surrendered newborn infant.-

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88 (7) Upon admitting a newborn infant under this section, the
89 hospital shall immediately contact a local licensed child-
90 placing agency or alternatively contact the statewide central
91 abuse hotline for the name of a licensed child-placing agency
92 for purposes of transferring physical custody of the newborn
93 infant. The hospital shall notify the licensed child-placing
94 agency that a newborn infant has been left with the hospital and
95 approximately when the licensed child-placing agency can take
96 physical custody of the child. Once the licensed child-placing
97 agency takes physical custody of the newborn infant, the agency
98 shall immediately seek to place the surrendered newborn infant
99 with a prospective adoptive parent who is on the Prospective
100 Adoptive Parents of Infants registry established and maintained
101 under s. 63.039. If a prospective adoptive parent from the
102 registry is not available, the licensed child-placing agency
103 must follow the procedures in s. 63.0423. In cases where there
104 is actual or suspected child abuse or neglect, the hospital or
105 any of its licensed health care professionals shall report the
106 actual or suspected child abuse or neglect in accordance with
107 ss. 39.201 and 395.1023 in lieu of contacting a licensed child-
108 placing agency.

109 Section 4. This act shall take effect July 1, 2023.

By Senator Grall

29-01485-23

20231322__

1 A bill to be entitled
2 An act relating to adoption of children in dependency
3 court; amending s. 63.082, F.S.; specifying that
4 certain adoption consents are valid, binding, and
5 enforceable by the court; specifying that a consent to
6 adoption is not valid after certain petitions for
7 termination of parental rights have been filed; making
8 technical changes; requiring that the final hearing on
9 a motion to intervene and the change of placement of
10 the child be held by a certain date; deleting a
11 provision regarding the sufficiency of the home study
12 provided by the adoption entity; requiring that an
13 evidentiary hearing be granted if a certain motion to
14 intervene is filed; specifying the determinations to
15 be made at such hearing; providing legislative
16 findings; providing a rebuttable presumption;
17 requiring the court to grant party status to the
18 current caregivers under certain circumstances;
19 providing when such party status expires; specifying
20 the factors for consideration to rebut the rebuttable
21 presumption; requiring the court to order the transfer
22 of custody of the child to the adoptive parents under
23 certain circumstances and in accordance with a certain
24 transition plan; conforming provisions to changes made
25 by the act; requiring the Office of Program Policy
26 Analysis and Government Accountability (OPPAGA) to
27 conduct a certain analysis; requiring the Department
28 of Children and Families to provide a certain list of
29 child-caring and child-placing agencies to OPPAGA by a

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30 certain date; requiring certain child-caring and
31 child-placing agencies to provide certain data to
32 OPPAGA by a certain date; requiring OPPAGA to provide
33 a certain analysis and report to the Legislature by a
34 certain date; providing an effective date.

35
36 Be It Enacted by the Legislature of the State of Florida:

37
38 Section 1. Subsection (6) of section 63.082, Florida
39 Statutes, is amended to read:

40 63.082 Execution of consent to adoption or affidavit of
41 nonpaternity; family social and medical history; revocation of
42 consent.—

43 (6) (a) If a parent executes a consent for adoption of a
44 child ~~minor~~ with an adoption entity or qualified prospective
45 adoptive parents and the ~~minor~~ child is under the supervision of
46 the department, or otherwise subject to the jurisdiction of the
47 dependency court as a result of the entry of a shelter order, ~~a~~
48 or dependency petition, or a petition for termination of
49 parental rights pursuant to chapter 39, but parental rights have
50 not yet been terminated, the adoption consent is valid, binding,
51 and enforceable by the court. A consent to adoption of a child
52 with an adoption entity or qualified prospective adoptive
53 parents is not valid if executed after the filing of a petition
54 for termination of parental rights pursuant to s. 39.802.

55 (b) Upon execution of the consent of the parent, the
56 adoption entity may petition ~~shall be permitted~~ to intervene in
57 the dependency case as a party of ~~in~~ interest and must provide
58 the court that acquired jurisdiction over the child ~~minor~~,

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59 pursuant to the shelter order or dependency petition filed by
60 the department, a copy of the preliminary home study of the
61 identified prospective adoptive parents and any other evidence
62 of the suitability of the placement. The preliminary home study
63 must be maintained with strictest confidentiality within the
64 dependency court file and the department's file. A preliminary
65 home study must be provided to the court in all cases in which
66 an adoption entity has been allowed to intervene ~~intervened~~
67 pursuant to this section. Absent good cause or mutual agreement
68 of the parties, the final hearing on the motion to intervene and
69 the change of placement of the child must be held within 30 days
70 after the filing of the motion, and a written final order must
71 be filed within 15 days after the hearing ~~Unless the court has~~
72 ~~concerns regarding the qualifications of the home study~~
73 ~~provider, or concerns that the home study may not be adequate to~~
74 ~~determine the best interests of the child, the home study~~
75 ~~provided by the adoption entity shall be deemed to be sufficient~~
76 ~~and no additional home study needs to be performed by the~~
77 ~~department.~~

78 (c) If a motion to intervene and the change of placement of
79 the child by an adoption entity is filed ~~files a motion to~~
80 ~~intervene in the dependency case in accordance with this~~
81 ~~chapter~~, the dependency court must ~~shall~~ promptly grant an
82 evidentiary ~~a~~ hearing to determine whether:

83 1. The adoption entity has filed the required documents to
84 be allowed ~~permitted~~ to intervene; and

85 2. The fee and compensation structure of the adoption
86 entity creates any undue financial incentive for the parent to
87 consent or for the adoption entity to intervene;

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88 3. The preliminary home study is adequate and provides the
89 information required to make a best interests determination; and

90 4. The ~~whether~~ a change of placement of the child to the
91 prospective adoptive family is in the best interests of the
92 child. ~~Absent good cause or mutual agreement of the parties, the~~
93 final hearing on the motion to intervene and the change of
94 placement of the child must be held within 30 days after the
95 filing of the motion, and a written final order shall be filed
96 within 15 days after the hearing.

97 (d)1.a. The Legislature finds that there is a compelling
98 state interest to ensure that a child involved in chapter 39
99 proceedings is served in a way that minimizes his or her trauma,
100 provides safe placement, maintains continuity of bonded
101 placements, and achieves permanency as soon as possible.

102 b. The Legislature finds that the use of intervention into
103 dependency cases for the purpose of adoption has the potential
104 to be traumatic for a child in the dependency system and that
105 the disruption of a stable and bonded long-term placement and
106 the change of placement to a person or family to whom the child
107 has no bond or connection may create additional trauma.

108 c. The Legislature finds that the right of a parent to
109 determine an appropriate placement for a child who has been
110 found dependent is not absolute and must be weighed against
111 other factors that take the child's safety and well-being into
112 account.

113 d. It is the intent of the Legislature to reduce the
114 disruption of stable and bonded long-term placements that have
115 been identified as potential adoptive placements.

116 2. If the child has been in his or her current placement

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117 for at least 9 continuous months or 15 of the last 24 months
118 immediately preceding the filing of the motion to intervene and
119 the change of placement of the child and that placement is a
120 prospective adoptive placement, there is a rebuttable
121 presumption that it is in the child's best interest to remain in
122 his or her current placement. The court shall grant party status
123 to the current caregiver who is a prospective adoptive placement
124 for the limited purpose of filing motions and presenting
125 evidence pursuant to this subsection. This limited party status
126 expires upon the issuance of a final order on the motion to
127 intervene and the change of placement of the child. To rebut the
128 presumption established in this subparagraph, the intervening
129 party must prove by competent and substantial evidence that it
130 is in the best interests of the child to disrupt the current
131 stable prospective adoptive placement using the factors set
132 forth in subparagraph 3. and any other factors the court deems
133 relevant.

134 3. In determining whether changing placement to the
135 prospective adoptive parents selected by the parent or adoption
136 entity is in the best interests of the child, the court shall
137 consider and weigh all relevant factors, including, but not
138 limited to:

139 a. The permanency offered by each placement;

140 b. The established bond between the child and the current
141 caregiver with whom the child is residing if that placement is a
142 potential adoptive home;

143 c. The stability of the current placement if that placement
144 is a potential adoptive home, as well as the desirability of
145 maintaining continuity of that placement;

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146 d. The importance of maintaining sibling relationships, if
147 possible;

148 e. The reasonable preferences and wishes of the child, if
149 the court deems the child to be of sufficient maturity,
150 understanding, and experience to express a preference; and

151 f. The right of the parent to determine an appropriate
152 placement for the child.

153 (e) If after consideration of all relevant factors,
154 including those set forth in subparagraph (d)3. ~~paragraph (e),~~
155 the court determines that the home study is adequate and
156 provides the information necessary to determine that the
157 prospective adoptive parents are properly qualified to adopt the
158 minor child and that the change of placement ~~adoption~~ is in the
159 best interests of the minor child, the court ~~must~~ shall promptly
160 order the transfer of custody of the minor child to the
161 prospective adoptive parents, under the supervision of the
162 adoption entity, in accordance with a transition plan developed
163 by the department in consultation with the caregivers of the
164 current placement and the caregivers of the newly ordered
165 placement to minimize the trauma of removal of the child from
166 his or her current placement. The court may establish reasonable
167 requirements for the transfer of custody in the transfer order,
168 including a reasonable period of time to transition final
169 custody to the prospective adoptive parents. The adoption entity
170 shall thereafter provide monthly supervision reports to the
171 department until finalization of the adoption. If the child has
172 been determined to be dependent by the court, the department
173 must ~~shall~~ provide information to the prospective adoptive
174 parents at the time they receive placement of the dependent

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175 child regarding approved parent training classes available
176 within the community. The department shall file with the court
177 an acknowledgment of the prospective adoptive parents' ~~parent's~~
178 receipt of the information regarding approved parent training
179 classes available within the community.

180 ~~(e) In determining whether the best interests of the child~~
181 ~~are served by transferring the custody of the minor child to the~~
182 ~~prospective adoptive parent selected by the parent or adoption~~
183 ~~entity, the court shall consider and weigh all relevant factors,~~
184 ~~including, but not limited to:~~

185 ~~1. The permanency offered;~~

186 ~~2. The established bonded relationship between the child~~
187 ~~and the current caregiver in any potential adoptive home in~~
188 ~~which the child has been residing;~~

189 ~~3. The stability of the potential adoptive home in which~~
190 ~~the child has been residing as well as the desirability of~~
191 ~~maintaining continuity of placement;~~

192 ~~4. The importance of maintaining sibling relationships, if~~
193 ~~possible;~~

194 ~~5. The reasonable preferences and wishes of the child, if~~
195 ~~the court deems the child to be of sufficient maturity,~~
196 ~~understanding, and experience to express a preference;~~

197 ~~6. Whether a petition for termination of parental rights~~
198 ~~has been filed pursuant to s. 39.806(1)(f), (g), or (h);~~

199 ~~7. What is best for the child; and~~

200 ~~8. The right of the parent to determine an appropriate~~
201 ~~placement for the child.~~

202 (f) The adoption entity is ~~shall be~~ responsible for keeping
203 the dependency court informed of the status of the adoption

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204 proceedings at least every 90 days from the date of the order
205 changing placement of the child until the date of finalization
206 of the adoption.

207 (g) At the arraignment hearing held pursuant to s. 39.506,
208 in the order that approves the case plan pursuant to s. 39.603,
209 and in the order that changes the permanency goal to adoption
210 pursuant to s. 39.621, the court shall provide written notice to
211 the biological parent who is a party to the case of his or her
212 right to participate in a private adoption plan including
213 written notice of the factors set forth ~~provided~~ in subparagraph
214 (d)3. ~~paragraph (e).~~

215 Section 2. The Office of Program Policy Analysis and
216 Government Accountability (OPPAGA) shall conduct a comparative
217 analysis nationally of the state processes that allow private
218 adoption entities to intervene or participate in dependency
219 cases, including, at a minimum, processes and requirements for
220 intervention or participation of private adoption entities in
221 dependency cases; any statutory fee limits for intervention
222 adoption services, including attorney fees, recruitment fees,
223 marketing fees, matching fees, and counseling fees; and any
224 regulations on marketing and client recruitment methods or
225 strategies. By July 15, 2023, the Department of Children and
226 Families shall provide to OPPAGA a list of all child-caring
227 agencies registered under s. 409.176, Florida Statutes, and all
228 child-placing agencies licensed under s. 63.202, Florida
229 Statutes, and contact information for each such agency. By
230 October 1, 2023, all registered child-caring agencies and
231 licensed child-placing agencies shall provide OPPAGA with data
232 as requested by OPPAGA related to contact information for any

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233 intermediary adoption entities the agency contracts with, fees
234 and compensation for any portion of an intervention adoption the
235 agency has been involved with, and related costs for adoption
236 interventions initiated under chapter 39, Florida Statutes.
237 OPPAGA shall submit the analysis and report to the President of
238 the Senate and the Speaker of the House of Representatives by
239 January 1, 2024.

240 Section 3. This act shall take effect July 1, 2023.

By Senator Perry

9-01673A-23

20231374__

1 A bill to be entitled
 2 An act relating to child restraint requirements;
 3 amending s. 316.613, F.S.; revising requirements for
 4 the use of a crash-tested, federally approved child
 5 restraint device while transporting a child in a motor
 6 vehicle; providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:
 9

10 Section 1. Paragraph (a) of subsection (1) of section
 11 316.613, Florida Statutes, is amended to read:

12 316.613 Child restraint requirements.—

13 (1) (a) Every operator of a motor vehicle as defined in this
 14 section, while transporting a child in a motor vehicle operated
 15 on the roadways, streets, or highways of this state, must ~~shall~~,
 16 if the child is 7 ~~5~~ years of age or younger, provide for
 17 protection of the child by properly using a crash-tested,
 18 federally approved child restraint device.

19 1. For children aged through 2 ~~3~~ years, such restraint
 20 device must be a rear-facing five-point harness ~~separate carrier~~
 21 ~~or a vehicle manufacturer's integrated child seat.~~

22 2. For children aged 3 ~~4~~ through 4 ~~5~~ years, such restraint
 23 device must be a forward-facing or rear-facing five-point
 24 harness.

25 3. For children aged 5 through 7 years, such restraint
 26 device must be a separate carrier, an integrated child seat, or
 27 a child booster seat that incorporates the use of the motor
 28 vehicle's safety belt as defined in s. 316.614(3)(b) or must be
 29 a forward-facing five-point harness ~~may be used~~. However, the

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30 requirement to use a child restraint device under this
31 subparagraph does not apply when a safety belt is used as
32 required in s. 316.614(4) (a) and the child:

33 a. Is being transported gratuitously by an operator who is
34 not a member of the child's immediate family;

35 b. Is being transported in a medical emergency situation
36 involving the child; or

37 c. Has a medical condition that necessitates an exception
38 as evidenced by appropriate documentation from a health care
39 professional.

40 Section 2. This act shall take effect July 1, 2023.

By Senator Garcia

36-01294D-23

20231396__

1 A bill to be entitled
2 An act relating to the Department of Elderly Affairs;
3 amending s. 400.0069, F.S.; revising the list of
4 individuals who may not be appointed as ombudsmen
5 under the State Long-Term Care Ombudsman Program;
6 amending s. 430.0402, F.S.; revising the definition of
7 the term "direct service provider"; deleting an
8 exemption from level 2 background screening
9 requirements for certain individuals; deleting
10 obsolete language; amending s. 744.2001, F.S.;
11 deleting obsolete language; providing additional
12 duties for the executive director of the Office of
13 Public and Professional Guardians; amending s.
14 744.2003, F.S.; revising continuing education
15 requirements for professional guardians; amending s.
16 744.2004, F.S.; requiring the office to notify
17 complainants within a specified timeframe after
18 determining that a complaint against a professional
19 guardian is not legally sufficient; reducing the
20 timeframe within which the office must complete and
21 provide its initial investigative findings and
22 recommendations, if any, to the professional guardian
23 who is the subject of the investigation and to the
24 complainant; requiring the office to provide a certain
25 written statement to the complainant and the
26 professional guardian within a specified timeframe
27 after completing an investigation; deleting obsolete
28 language; amending s. 744.3145, F.S.; providing an
29 additional method of complying with certain

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30 instruction and education requirements for court-
 31 appointed guardians; amending s. 744.368, F.S.;
 32 requiring clerks of the court to report to the office
 33 within a specified timeframe after the court imposes
 34 any sanctions on a professional guardian; providing an
 35 effective date.

36
 37 Be It Enacted by the Legislature of the State of Florida:

38
 39 Section 1. Paragraph (b) of subsection (4) of section
 40 400.0069, Florida Statutes, is amended to read:

41 400.0069 Long-term care ombudsman districts; local long-
 42 term care ombudsman councils; duties; appointment.—

43 (4) Each district and local council shall be composed of
 44 ombudsmen whose primary residences are located within the
 45 boundaries of the district.

46 (b) The following individuals may not be appointed as
 47 ombudsmen:

48 1. The owner or representative of a long-term care
 49 facility.

50 2. A provider or representative of a provider of long-term
 51 care service.

52 3. An employee of the agency.

53 4. An employee of the department who is not employed in the
 54 State Long-Term Care Ombudsman Program, ~~except for staff~~
 55 ~~certified as ombudsmen in the district offices.~~

56 5. An employee of the Department of Children and Families.

57 6. An employee of the Agency for Persons with Disabilities.

58 Section 2. Paragraph (b) of subsection (1), paragraphs (a)

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59 and (c) of subsection (2), and subsection (3) of section
60 430.0402, Florida Statutes, are amended to read:

61 430.0402 Screening of direct service providers.-

62 (1)

63 (b) For purposes of this section, the term "direct service
64 provider" means a person 18 years of age or older who, pursuant
65 to a program to provide services to the elderly, has direct,
66 face-to-face contact with a client while providing services to
67 the client and has access to the client's living areas, funds,
68 personal property, or personal identification information as
69 defined in s. 817.568. The term also includes, but is not
70 limited to, the administrator or a similarly titled person who
71 is responsible for the day-to-day operations of the provider,
72 the financial officer or similarly titled person who is
73 responsible for the financial operations of the provider,
74 coordinators, managers, and supervisors of residential
75 facilities, ~~and~~ volunteers, and any other person seeking
76 employment with a provider who is expected to, or whose
77 responsibilities may require him or her to, provide personal
78 care or services directly to clients or have access to client
79 funds, financial matters, legal matters, personal property, or
80 living areas.

81 (2) Level 2 background screening pursuant to chapter 435
82 and this section is not required for the following direct
83 service providers:

84 (a) ~~1.~~ Licensed physicians, nurses, or other professionals
85 licensed by the Department of Health who have been fingerprinted
86 and undergone background screening as part of their licensure ~~;~~
87 ~~and~~

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88 ~~2. Attorneys in good standing with The Florida Bar;~~

89
90 if they are providing a service that is within the scope of
91 their licensed practice.

92 (c) Volunteers who assist on an intermittent basis for less
93 than 20 hours per month and who are not listed on the Department
94 of Law Enforcement Career Offender Search or the Dru Sjodin
95 National Sex Offender Public Website.

96 1. The program that provides services to the elderly is
97 responsible for verifying that the volunteer is not listed on
98 either database.

99 ~~2. Once the department is participating as a specified~~
100 ~~agency in the clearinghouse created under s. 435.12,~~ The
101 provider shall forward the volunteer information to the
102 Department of Elderly Affairs if the volunteer is not listed in
103 either database specified in subparagraph 1. The department must
104 then perform a check of the clearinghouse. If a disqualification
105 is identified in the clearinghouse, the volunteer must undergo
106 level 2 background screening pursuant to chapter 435 and this
107 section.

108 ~~(3) Until the department is participating as a specified~~
109 ~~agency in the clearinghouse created under s. 435.12,~~ the
110 ~~department may not require additional level 2 screening if the~~
111 ~~individual is qualified for licensure or employment by the~~
112 ~~Agency for Health Care Administration pursuant to the agency's~~
113 ~~background screening standards under s. 408.809 and the~~
114 ~~individual is providing a service that is within the scope of~~
115 ~~his or her licensed practice or employment.~~

116 Section 3. Subsections (2) and (3) of section 744.2001,

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117 Florida Statutes, are amended to read:

118 744.2001 Office of Public and Professional Guardians.—There
119 is created the Office of Public and Professional Guardians
120 within the Department of Elderly Affairs.

121 (2) The executive director shall, within available
122 resources:

123 (a) Have oversight responsibilities for all public and
124 professional guardians.

125 (b) Establish standards of practice for public and
126 professional guardians by rule, in consultation with
127 professional guardianship associations and other interested
128 stakeholders, ~~no later than October 1, 2016. The executive~~
129 ~~director shall provide a draft of the standards to the Governor,~~
130 ~~the Legislature, and the secretary for review by August 1, 2016.~~

131 (c) Review and approve the standards and criteria for the
132 education, registration, and certification of public and
133 professional guardians in Florida.

134 (d) Offer and make available online an education course to
135 satisfy the requirements of s. 744.3145(2).

136 (e) Produce and make available information about
137 alternatives to and types of guardianship for dissemination by
138 area agencies on aging as defined in s. 430.203 and aging
139 resource centers as described in s. 430.2053.

140 (3) The executive director's oversight responsibilities of
141 professional guardians ~~must be finalized by October 1, 2016, and~~
142 ~~shall~~ include, but are not limited to:

143 (a) Developing and implementing a monitoring tool to ensure
144 compliance of professional guardians with the standards of
145 practice established by the Office of Public and Professional

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146 Guardians. This monitoring tool may not include a financial
147 audit as required by the clerk of the circuit court under s.
148 744.368.

149 (b) Developing procedures, in consultation with
150 professional guardianship associations and other interested
151 stakeholders, for the review of an allegation that a
152 professional guardian has violated the standards of practice
153 established by the Office of Public and Professional Guardians
154 governing the conduct of professional guardians.

155 (c) Establishing disciplinary proceedings, conducting
156 hearings, and taking administrative action pursuant to chapter
157 120.

158 Section 4. Subsection (3) of section 744.2003, Florida
159 Statutes, is amended to read:

160 744.2003 Regulation of professional guardians; application;
161 bond required; educational requirements.—

162 (3) Each professional guardian as defined in s. 744.102(17)
163 and public guardian must receive a minimum of 40 hours of
164 instruction and training. Each professional guardian must
165 receive a minimum of 30 ~~16~~ hours of continuing education every 2
166 calendar years after the year in which the initial 40-hour
167 educational requirement is met. The required continuing
168 education must include at least 2 hours on fiduciary
169 responsibilities; 2 hours on professional ethics; 1 hour on
170 advance directives; 3 hours on abuse, neglect, and exploitation;
171 and 4 hours on guardianship law. The instruction and education
172 must be completed through a course approved or offered by the
173 Office of Public and Professional Guardians. The expenses
174 incurred to satisfy the educational requirements prescribed in

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175 this section may not be paid with the assets of any ward. This
176 subsection does not apply to any attorney ~~who is~~ licensed to
177 practice law in this state or an institution acting as guardian
178 under s. 744.2002(7).

179 Section 5. Subsections (1) and (6) of section 744.2004,
180 Florida Statutes, are amended to read:

181 744.2004 Complaints; disciplinary proceedings; penalties;
182 enforcement.—

183 (1) ~~By October 1, 2016,~~ The Office of Public and
184 Professional Guardians shall establish procedures to:

185 (a) Review and, if determined legally sufficient, initiate
186 an investigation within 10 business days after receipt of
187 ~~investigate~~ any complaint that a professional guardian has
188 violated the standards of practice established by the Office of
189 Public and Professional Guardians governing the conduct of
190 professional guardians. A complaint is legally sufficient if it
191 contains ultimate facts that show a violation of a standard of
192 practice by a professional guardian has occurred.

193 (b) Notify the complainant ~~Initiate an investigation~~ no
194 later than 10 business days after the Office of Public and
195 Professional Guardians determines that a complaint is not
196 legally sufficient ~~receives a complaint~~.

197 (c) Complete and provide initial investigative findings and
198 recommendations, if any, to the professional guardian and the
199 person who filed the complaint within 45 ~~60~~ days after receipt
200 of a complaint.

201 (d) Obtain supporting information or documentation to
202 determine the legal sufficiency of a complaint.

203 (e) Interview a ward, family member, or interested party to

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204 determine the legal sufficiency of a complaint.

205 (f) Dismiss any complaint if, at any time after legal
206 sufficiency is determined, it is found there is insufficient
207 evidence to support the allegations contained in the complaint.

208 (g) Within 10 business days after completing an
209 investigation, provide to the complainant and the professional
210 guardian a written statement specifying any finding of a
211 violation of a standard of practice by the professional guardian
212 and any actions taken, or specifying that no such violation was
213 found, as applicable.

214 (h) Coordinate, to the greatest extent possible, with the
215 clerks of court to avoid duplication of duties with regard to
216 the financial audits prepared by the clerks pursuant to s.
217 744.368.

218 (6) ~~By October 1, 2016,~~ The Department of Elderly Affairs
219 shall adopt rules to implement the provisions of this section.

220 Section 6. Subsection (4) of section 744.3145, Florida
221 Statutes, is amended to read:

222 744.3145 Guardian education requirements.—

223 (4) Each person appointed by the court to be a guardian
224 must complete the required number of hours of instruction and
225 education within 4 months after his or her appointment as
226 guardian. The instruction and education must be completed
227 through a course approved by the chief judge of the circuit
228 court and taught by a court-approved organization or through a
229 course offered by the Office of Public and Professional
230 Guardians under s. 744.2001. Court-approved organizations may
231 include, but are not limited to, community or junior colleges,
232 guardianship organizations, and the local bar association or The

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233 Florida Bar.

234 Section 7. Subsection (8) is added to section 744.368,
235 Florida Statutes, to read:

236 744.368 Responsibilities of the clerk of the circuit
237 court.—

238 (8) Within 10 business days after the court imposes any
239 sanctions on a professional guardian, including, but not limited
240 to, contempt of court or removal of the professional guardian,
241 the clerk shall report such actions to the Office of Public and
242 Professional Guardians.

243 Section 8. This act shall take effect July 1, 2023.

By Senator Bradley

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1 A bill to be entitled
2 An act relating to mental health; amending s. 394.461,
3 F.S.; authorizing the Department of Children and
4 Families to issue a conditional designation for up to
5 a certain number of days to allow the implementation
6 of certain corrective measures by receiving
7 facilities, treatment facilities, and receiving
8 systems; amending s. 916.107, F.S.; requiring the
9 sheriff to administer or to permit the department to
10 administer the appropriate psychotropic medication to
11 forensic clients before admission to a state mental
12 health treatment facility; amending s. 916.12, F.S.;
13 revising what an expert is required to specifically
14 report on for recommended treatment for a defendant to
15 attain competence to proceed, if the expert finds that
16 a defendant is incompetent to proceed; providing
17 report requirements; amending s. 916.13, F.S.;
18 revising the circumstances under which every defendant
19 who is charged with a felony and who is adjudicated
20 incompetent to proceed may be involuntarily committed
21 for treatment upon specified findings by the court;
22 requiring a court to review the examining expert's
23 report before issuing a commitment order; decreasing
24 the timeframe in which an administrator or his or her
25 designee is required to file a certain report with the
26 court; requiring that a defendant be transported to
27 the committing court's jurisdiction within a certain
28 number of days after certain occurrences; requiring
29 that the referring mental health facility transfer the

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30 patient with medication and assist in discharge
31 planning with medical teams at the receiving county
32 jail to ensure continuity of care; reenacting ss.
33 394.658(1)(a), 916.106(9), and 916.17(1) and (2),
34 F.S., relating to the Criminal Justice, Mental Health,
35 and Substance Abuse Reinvestment Grant Program
36 requirements; the definition of the term "forensic
37 client" or "client"; and conditional release;
38 respectively, to incorporate the amendment made to s.
39 916.13, F.S., in references thereto; providing an
40 effective date.

41
42 Be It Enacted by the Legislature of the State of Florida:

43
44 Section 1. Section 394.461, Florida Statutes, is amended to
45 read:

46 394.461 Designation of receiving and treatment facilities
47 and receiving systems.—The department is authorized to designate
48 and monitor receiving facilities, treatment facilities, and
49 receiving systems and may suspend or withdraw such designation
50 for failure to comply with this part and rules adopted under
51 this part. The department may issue a conditional designation
52 for up to 60 days to allow the implementation of corrective
53 measures. Unless designated by the department, facilities are
54 not permitted to hold or treat involuntary patients under this
55 part.

56 (1) RECEIVING FACILITY.—The department may designate any
57 community facility as a receiving facility. Any other facility
58 within the state, including a private facility or a federal

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59 facility, may be so designated by the department, provided that
60 such designation is agreed to by the governing body or authority
61 of the facility.

62 (2) TREATMENT FACILITY.—The department may designate any
63 state-owned, state-operated, or state-supported facility as a
64 state treatment facility. A civil patient may ~~shall~~ not be
65 admitted to a state treatment facility without previously
66 undergoing a transfer evaluation. Before a court hearing for
67 involuntary placement in a state treatment facility, the court
68 shall receive and consider the information documented in the
69 transfer evaluation. Any other facility, including a private
70 facility or a federal facility, may be designated as a treatment
71 facility by the department, provided that such designation is
72 agreed to by the appropriate governing body or authority of the
73 facility.

74 (3) PRIVATE FACILITIES.—Private facilities designated as
75 receiving and treatment facilities by the department may provide
76 examination and treatment of involuntary patients, as well as
77 voluntary patients, and are subject to all the provisions of
78 this part.

79 (4) REPORTING REQUIREMENTS.—

80 (a) A facility designated as a public receiving or
81 treatment facility under this section shall report to the
82 department on an annual basis the following data, unless these
83 data are currently being submitted to the Agency for Health Care
84 Administration:

- 85 1. Number of licensed beds.
- 86 2. Number of contract days.
- 87 3. Number of admissions by payor class and diagnoses.

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88 4. Number of bed days by payor class.

89 5. Average length of stay by payor class.

90 6. Total revenues by payor class.

91 (b) For the purposes of this subsection, "payor class"
92 means Medicare, Medicare HMO, Medicaid, Medicaid HMO, private-
93 pay health insurance, private-pay health maintenance
94 organization, private preferred provider organization, the
95 Department of Children and Families, other government programs,
96 self-pay patients, and charity care.

97 (c) The data required under this subsection shall be
98 submitted to the department no later than 90 days following the
99 end of the facility's fiscal year.

100 (d) The department shall issue an annual report based on
101 the data required pursuant to this subsection. The report shall
102 include individual facilities' data, as well as statewide
103 totals. The report shall be submitted to the Governor, the
104 President of the Senate, and the Speaker of the House of
105 Representatives.

106 (5) RECEIVING SYSTEM.—The department shall designate as a
107 receiving system one or more facilities serving a defined
108 geographic area developed pursuant to s. 394.4573 which is
109 responsible for assessment and evaluation, both voluntary and
110 involuntary, and treatment, stabilization, or triage for
111 patients who have a mental illness, a substance use disorder, or
112 co-occurring disorders. Any transportation plans developed
113 pursuant to s. 394.462 must support the operation of the
114 receiving system.

115 (6) RULES.—The department may adopt rules relating to:

116 (a) Procedures and criteria for receiving and evaluating

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117 facility applications for designation, which may include onsite
118 facility inspection and evaluation of an applicant's licensing
119 status and performance history, as well as consideration of
120 local service needs.

121 (b) Minimum standards consistent with this part that a
122 facility must meet and maintain in order to be designated as a
123 receiving or treatment facility and procedures for monitoring
124 continued adherence to such standards.

125 (c) Procedures and criteria for designating receiving
126 systems which may include consideration of the adequacy of
127 services provided by facilities within the receiving system to
128 meet the needs of the geographic area using available resources.

129 (d) Procedures for receiving complaints against a
130 designated facility or designated receiving system and for
131 initiating inspections and investigations of facilities or
132 receiving systems alleged to have violated the provisions of
133 this part or rules adopted under this part.

134 (e) Procedures and criteria for the suspension or
135 withdrawal of designation as a receiving facility or receiving
136 system.

137 Section 2. Subsection (1) of section 916.107, Florida
138 Statutes, is amended to read:

139 916.107 Rights of forensic clients.—

140 (1) RIGHT TO INDIVIDUAL DIGNITY.—

141 (a) The policy of the state is that the individual dignity
142 of the client shall be respected at all times and upon all
143 occasions, including any occasion when the forensic client is
144 detained, transported, or treated. Clients with mental illness,
145 intellectual disability, or autism ~~and~~ who are charged with

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146 committing felonies shall receive appropriate treatment or
147 training. In a criminal case involving a client who has been
148 adjudicated incompetent to proceed or not guilty by reason of
149 insanity, a jail may be used as an emergency facility for up to
150 15 days following the date the department or agency receives a
151 completed copy of the court commitment order containing all
152 documentation required by the applicable Florida Rules of
153 Criminal Procedure. For a forensic client who is held in a jail
154 awaiting admission to a facility of the department or agency,
155 evaluation and treatment or training may be provided in the jail
156 by the local community mental health provider for mental health
157 services, by the developmental disabilities program for persons
158 with intellectual disability or autism, the client's physician
159 or psychologist, or any other appropriate program until the
160 client is transferred to a civil or forensic facility. The
161 sheriff shall administer or permit the department to administer
162 the appropriate psychotropic medication to a forensic client
163 before his or her admission to a state mental health treatment
164 facility.

165 (b) Forensic clients who are initially placed in, or
166 subsequently transferred to, a civil facility as described in
167 part I of chapter 394 or to a residential facility as described
168 in chapter 393 shall have the same rights as other persons
169 committed to these facilities for as long as they remain there.

170 Section 3. Subsection (4) of section 916.12, Florida
171 Statutes, is amended to read:

172 916.12 Mental competence to proceed.—

173 (4) If an expert finds that the defendant is incompetent to
174 proceed, the expert shall report on any recommended treatment

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175 for the defendant to attain competence to proceed. In
176 considering the issues relating to treatment, the examining
177 expert shall specifically report on all of the following:

178 (a) The mental illness causing the incompetence. ~~;~~

179 (b) The completion of a clinical assessment by approved
180 mental health experts trained by the department to ensure the
181 safety of the patient and the community.

182 (c) The treatment or treatments appropriate for the mental
183 illness of the defendant and an explanation of each of the
184 possible treatment alternatives, including, at a minimum, mental
185 health services, treatment services, rehabilitative services,
186 support services, and case management services as those terms
187 are defined in s. 394.67(16), which may be provided by or within
188 multidisciplinary community treatment teams, such as Florida
189 Assertive Community Treatment, conditional release programs,
190 outpatient services or intensive outpatient treatment programs,
191 and supportive employment and supportive housing opportunities
192 in treating and supporting the recovery of the patient. ~~in order~~
193 of choices;

194 (d) ~~(e)~~ The availability of acceptable treatment, and, if
195 treatment is available in the community, the expert shall so
196 state in the report. ~~;~~ ~~and~~

197 (e) ~~(d)~~ The likelihood of the defendant's attaining
198 competence under the treatment recommended, an assessment of the
199 probable duration of the treatment required to restore
200 competence, and the probability that the defendant will attain
201 competence to proceed in the foreseeable future.

202
203 The examining expert's report to the court must include a full

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204 and detailed explanation regarding why the alternative treatment
205 options referenced in the evaluation are insufficient to meet
206 the needs of the defendant.

207 Section 4. Section 916.13, Florida Statutes, is amended to
208 read:

209 916.13 Involuntary commitment of defendant adjudicated
210 incompetent.—

211 (1) Every defendant who is charged with a felony and who is
212 adjudicated incompetent to proceed may be involuntarily
213 committed for treatment upon a finding by the court of clear and
214 convincing evidence that:

215 (a) The defendant has a mental illness and because of the
216 mental illness:

217 1. The defendant is manifestly incapable of surviving alone
218 or with the help of willing and responsible family or friends,
219 including available alternative services, and, without
220 treatment, the defendant is likely to suffer from neglect or
221 refuse to care for herself or himself and such neglect or
222 refusal poses a real and present threat of substantial harm to
223 the defendant's well-being; or

224 2. There is a substantial likelihood that in the near
225 future the defendant will inflict serious bodily harm on herself
226 or himself or another person, as evidenced by recent behavior
227 causing, attempting, or threatening such harm;

228 (b) All available, less restrictive treatment alternatives,
229 including treatment in community residential facilities, ~~or~~
230 community inpatient or outpatient settings, or any other mental
231 health services, treatment services, rehabilitative services,
232 support services, or case management services as those terms are

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233 defined or described in s. 394.67(16) which would offer an
234 opportunity for improvement of the defendant's condition have
235 been judged to be inappropriate; and

236 (c) There is a substantial probability that the mental
237 illness causing the defendant's incompetence will respond to
238 treatment and the defendant will regain competency to proceed in
239 the reasonably foreseeable future.

240

241 Before issuing a commitment order, the court must review the
242 examining expert's report to ensure alternative treatment
243 options have been fully considered and found insufficient to
244 meet the needs of the defendant.

245 (2) A defendant who has been charged with a felony and who
246 has been adjudicated incompetent to proceed due to mental
247 illness, and who meets the criteria for involuntary commitment
248 under this chapter, may be committed to the department, and the
249 department shall retain and treat the defendant.

250 (a) Immediately after receipt of a completed copy of the
251 court commitment order containing all documentation required by
252 the applicable Florida Rules of Criminal Procedure, the
253 department shall request all medical information relating to the
254 defendant from the jail. The jail shall provide the department
255 with all medical information relating to the defendant within 3
256 business days after receipt of the department's request or at
257 the time the defendant enters the physical custody of the
258 department, whichever is earlier.

259 (b) Within 60 days ~~6 months~~ after the date of admission and
260 at the end of any period of extended commitment, or at any time
261 the administrator or his or her designee determines that the

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262 defendant has regained competency to proceed or no longer meets
263 the criteria for continued commitment, the administrator or
264 designee shall file a report with the court pursuant to the
265 applicable Florida Rules of Criminal Procedure.

266 (c) ~~A competency hearing must be held within 30 days after~~
267 ~~the court receives notification that the defendant is competent~~
268 ~~to proceed or no longer meets the criteria for continued~~
269 ~~commitment.~~ The defendant must be transported in accordance with
270 s. 916.107 to the committing court's jurisdiction within 7 days
271 after notification that the defendant is competent to proceed or
272 no longer meets the criteria for continued commitment. A
273 determination on the issue of competency must be made at a
274 hearing within 30 days after the notification ~~for the hearing.~~
275 If the defendant is receiving psychotropic medication at a
276 mental health facility at the time he or she is discharged and
277 transferred to the jail, the administering of such medication
278 must continue unless the jail physician documents the need to
279 change or discontinue it. To ensure continuity of care, the
280 referring mental health facility shall transfer the patient with
281 up to 30 days of medications and assist in discharge planning
282 with medical teams at the receiving county jail. The jail and
283 department physicians shall collaborate to ensure that
284 medication changes do not adversely affect the defendant's
285 mental health status or his or her ability to continue with
286 court proceedings; however, the final authority regarding the
287 administering of medication to an inmate in jail rests with the
288 jail physician.

289 Section 5. For the purpose of incorporating the amendment
290 made by this act to section 916.13, Florida Statutes, in a

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291 reference thereto, paragraph (a) of subsection (1) of section
292 394.658, Florida Statutes, is reenacted to read:

293 394.658 Criminal Justice, Mental Health, and Substance
294 Abuse Reinvestment Grant Program requirements.—

295 (1) The Criminal Justice, Mental Health, and Substance
296 Abuse Statewide Grant Review Committee, in collaboration with
297 the Department of Children and Families, the Department of
298 Corrections, the Department of Juvenile Justice, the Department
299 of Elderly Affairs, and the Office of the State Courts
300 Administrator, shall establish criteria to be used to review
301 submitted applications and to select the county that will be
302 awarded a 1-year planning grant or a 3-year implementation or
303 expansion grant. A planning, implementation, or expansion grant
304 may not be awarded unless the application of the county meets
305 the established criteria.

306 (a) The application criteria for a 1-year planning grant
307 must include a requirement that the applicant county or counties
308 have a strategic plan to initiate systemic change to identify
309 and treat individuals who have a mental illness, substance abuse
310 disorder, or co-occurring mental health and substance abuse
311 disorders who are in, or at risk of entering, the criminal or
312 juvenile justice systems. The 1-year planning grant must be used
313 to develop effective collaboration efforts among participants in
314 affected governmental agencies, including the criminal,
315 juvenile, and civil justice systems, mental health and substance
316 abuse treatment service providers, transportation programs, and
317 housing assistance programs. The collaboration efforts shall be
318 the basis for developing a problem-solving model and strategic
319 plan for treating adults and juveniles who are in, or at risk of

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320 entering, the criminal or juvenile justice system and doing so
321 at the earliest point of contact, taking into consideration
322 public safety. The planning grant shall include strategies to
323 divert individuals from judicial commitment to community-based
324 service programs offered by the Department of Children and
325 Families in accordance with ss. 916.13 and 916.17.

326 Section 6. For the purpose of incorporating the amendment
327 made by this act to section 916.13, Florida Statutes, in a
328 reference thereto, subsection (9) of section 916.106, Florida
329 Statutes, is reenacted to read:

330 916.106 Definitions.—For the purposes of this chapter, the
331 term:

332 (9) "Forensic client" or "client" means any defendant who
333 has been committed to the department or agency pursuant to s.
334 916.13, s. 916.15, or s. 916.302.

335 Section 7. For the purpose of incorporating the amendment
336 made by this act to section 916.13, Florida Statutes, in
337 references thereto, subsections (1) and (2) of section 916.17,
338 Florida Statutes, are reenacted to read:

339 916.17 Conditional release.—

340 (1) Except for an inmate currently serving a prison
341 sentence, the committing court may order a conditional release
342 of any defendant in lieu of an involuntary commitment to a
343 facility pursuant to s. 916.13 or s. 916.15 based upon an
344 approved plan for providing appropriate outpatient care and
345 treatment. Upon a recommendation that outpatient treatment of
346 the defendant is appropriate, a written plan for outpatient
347 treatment, including recommendations from qualified
348 professionals, must be filed with the court, with copies to all

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349 parties. Such a plan may also be submitted by the defendant and
350 filed with the court with copies to all parties. The plan shall
351 include:

352 (a) Special provisions for residential care or adequate
353 supervision of the defendant.

354 (b) Provisions for outpatient mental health services.

355 (c) If appropriate, recommendations for auxiliary services
356 such as vocational training, educational services, or special
357 medical care.

358

359 In its order of conditional release, the court shall specify the
360 conditions of release based upon the release plan and shall
361 direct the appropriate agencies or persons to submit periodic
362 reports to the court regarding the defendant's compliance with
363 the conditions of the release and progress in treatment, with
364 copies to all parties.

365 (2) Upon the filing of an affidavit or statement under oath
366 by any person that the defendant has failed to comply with the
367 conditions of release, that the defendant's condition has
368 deteriorated to the point that inpatient care is required, or
369 that the release conditions should be modified, the court shall
370 hold a hearing within 7 days after receipt of the affidavit or
371 statement under oath. After the hearing, the court may modify
372 the release conditions. The court may also order that the
373 defendant be returned to the department if it is found, after
374 the appointment and report of experts, that the person meets the
375 criteria for involuntary commitment under s. 916.13 or s.
376 916.15.

377 Section 8. This act shall take effect July 1, 2023.



119516

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Children, Families, and Elder Affairs (Bradley) recommended the following:

Senate Amendment

Delete lines 181 - 280

and insert:

safety of the defendant and the community.

(c) The treatment or treatments appropriate for the mental illness of the defendant and an explanation of each of the possible treatment alternatives, including, at a minimum, mental health services, treatment services, rehabilitative services, support services, and case management services as those terms



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11 are defined in s. 394.67(16), which may be provided by or within
12 multidisciplinary community treatment teams, such as Florida
13 Assertive Community Treatment, conditional release programs,
14 outpatient services or intensive outpatient treatment programs,
15 and supportive employment and supportive housing opportunities
16 in treating and supporting the recovery of the defendant. ~~in~~
17 ~~order of choices;~~

18 (d) ~~(e)~~ The availability of acceptable treatment, and, if
19 treatment is available in the community, the expert shall so
20 state in the report. ~~;~~ and

21 (e) ~~(d)~~ The likelihood of the defendant's attaining
22 competence under the treatment recommended, an assessment of the
23 probable duration of the treatment required to restore
24 competence, and the probability that the defendant will attain
25 competence to proceed in the foreseeable future.

26
27 The examining expert's report to the court must include a full
28 and detailed explanation regarding why the alternative treatment
29 options referenced in the evaluation are insufficient to meet
30 the needs of the defendant.

31 Section 4. Section 916.13, Florida Statutes, is amended to
32 read:

33 916.13 Involuntary commitment of defendant adjudicated
34 incompetent.—

35 (1) Every defendant who is charged with a felony and who is
36 adjudicated incompetent to proceed may be involuntarily
37 committed for treatment upon a finding by the court of clear and
38 convincing evidence that:

39 (a) The defendant has a mental illness and because of the



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40 mental illness:

41 1. The defendant is manifestly incapable of surviving alone
42 or with the help of willing and responsible family or friends,
43 including available alternative services, and, without
44 treatment, the defendant is likely to suffer from neglect or
45 refuse to care for herself or himself and such neglect or
46 refusal poses a real and present threat of substantial harm to
47 the defendant's well-being; or

48 2. There is a substantial likelihood that in the near
49 future the defendant will inflict serious bodily harm on herself
50 or himself or another person, as evidenced by recent behavior
51 causing, attempting, or threatening such harm;

52 (b) All available, less restrictive treatment alternatives,
53 including treatment in community residential facilities, ~~or~~
54 community inpatient or outpatient settings, or any other mental
55 health services, treatment services, rehabilitative services,
56 support services, or case management services as those terms are
57 defined or described in s. 394.67(16) which would offer an
58 opportunity for improvement of the defendant's condition have
59 been judged to be inappropriate; and

60 (c) There is a substantial probability that the mental
61 illness causing the defendant's incompetence will respond to
62 treatment and the defendant will regain competency to proceed in
63 the reasonably foreseeable future.

64
65 Before issuing a commitment order, the court must review the
66 examining expert's report to ensure alternative treatment
67 options have been fully considered and found insufficient to
68 meet the needs of the defendant.



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69 (2) A defendant who has been charged with a felony and who
70 has been adjudicated incompetent to proceed due to mental
71 illness, and who meets the criteria for involuntary commitment
72 under this chapter, may be committed to the department, and the
73 department shall retain and treat the defendant.

74 (a) Immediately after receipt of a completed copy of the
75 court commitment order containing all documentation required by
76 the applicable Florida Rules of Criminal Procedure, the
77 department shall request all medical information relating to the
78 defendant from the jail. The jail shall provide the department
79 with all medical information relating to the defendant within 3
80 business days after receipt of the department's request or at
81 the time the defendant enters the physical custody of the
82 department, whichever is earlier.

83 (b) Within 60 days ~~6 months~~ after the date of admission and
84 at the end of any period of extended commitment, or at any time
85 the administrator or his or her designee determines that the
86 defendant has regained competency to proceed or no longer meets
87 the criteria for continued commitment, the administrator or
88 designee shall file a report with the court pursuant to the
89 applicable Florida Rules of Criminal Procedure.

90 (c) ~~A competency hearing must be held within 30 days after~~
91 ~~the court receives notification that the defendant is competent~~
92 ~~to proceed or no longer meets the criteria for continued~~
93 ~~commitment.~~ The defendant must be transported in accordance with
94 s. 916.107 to the committing court's jurisdiction within 7 days
95 after notification that the defendant is competent to proceed or
96 no longer meets the criteria for continued commitment. A
97 determination on the issue of competency must be made at a



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98 hearing within 30 days after the notification ~~for the hearing.~~
99 If the defendant is receiving psychotropic medication at a
100 mental health facility at the time he or she is discharged and
101 transferred to the jail, the administering of such medication
102 must continue unless the jail physician documents the need to
103 change or discontinue it. To ensure continuity of care, the
104 referring mental health facility shall transfer the defendant
105 with