

1 services; providing conditions for competitive
2 procurement; providing for procurement and
3 contract for services that involve multiple
4 providers; providing requirements relating to
5 matching contributions; providing for
6 independent contract for assessment and case
7 management services; providing for penalties;
8 requiring certain notice; providing for
9 standards of conduct and disciplinary actions
10 with respect to department employees carrying
11 out contracting responsibilities; providing
12 requirements relating to the developmental
13 services Medicaid waiver service system;
14 requiring a report; providing for cancellation
15 of provider contracts; restricting new
16 contracts with canceled providers; providing
17 for liens against facility properties;
18 providing for performance-based incentives;
19 creating s. 402.731, F.S.; authorizing
20 certification programs for department employees
21 and service providers; providing rulemaking
22 authority; requiring employment programs for
23 staff to facilitate transition to privatized
24 community-based care; requiring contracts for
25 outpatient services; authorizing certain
26 time-limited exempt positions; amending s.
27 409.1671, F.S., relating to foster care and
28 related services; deleting provisions relating
29 to a statewide privatization plan; deleting
30 requirement that excess earnings be distributed
31 to all entities contributing to the excess;

1 providing for the designation of more than one
2 eligible lead community-based provider within a
3 single county under certain circumstances;
4 providing the establishment of a risk pool to
5 reduce financial risk to community-based
6 providers; providing for any excess earnings to
7 be distributed to all entities contributing to
8 the excess; creating s. 409.1675, F.S.;
9 providing conditions and procedures for placing
10 a lead community-based provider in
11 receivership; providing for notice and hearing;
12 providing powers and duties of a receiver;
13 providing for compensation; providing
14 liability; requiring a receiver to post a bond
15 under certain circumstances; providing for
16 termination of receivership; amending ss.
17 20.43, 39.001, 39.0015, 39.01, 39.201, 39.302,
18 216.136, 381.0072, 383.14, 393.064, 393.13,
19 394.462, 394.4674, 394.67, 394.75, 397.311,
20 397.321, 397.821, 397.901, 400.435, 402.17,
21 402.3015, 402.40, 402.47, 409.152, 409.1673,
22 410.0245, 411.01, 411.223, 411.224, 414.028,
23 414.105, 414.36, 916.107, 985.223, and 985.413,
24 F.S.; providing changes to conform with the
25 provisions of the act; repealing s. 402.185(2),
26 F.S., relating to funding for staff of the
27 Office of Standards and Evaluation of the
28 department; repealing s. 409.152(6), F.S.,
29 relating to designation of family preservation
30 programs by the health and human services
31 boards; providing a directive to the statute

1 editors to conform terminology; providing an
2 effective date.

3

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

5

6 Section 1. Subsection (4) of section 20.04, Florida
7 Statutes, is amended to read:

8 20.04 Structure of executive branch.--The executive
9 branch of state government is structured as follows:

10 (4) Within the Department of Children and Family
11 Services there are organizational units called "program
12 offices," headed by program directors ~~assistant secretaries~~.

13 Section 2. Section 20.19, Florida Statutes, is amended
14 to read:

15 (Substantial rewording of section. See
16 s. 20.19, F.S., for present text.)

17 20.19 Department of Children and Families.--There is
18 created a Department of Children and Family Services.

19 (1) MISSION AND PURPOSE.--

20 (a) The mission of the Department of Children and
21 Family Services is to work in partnership with local
22 communities to ensure the safety, well being, and
23 self-sufficiency of the people served.

24 (b) The department shall develop a strategic plan for
25 fulfilling its mission and establish a set of measurable
26 goals, objectives, performance standards, and quality
27 assurance requirements to ensure that the department is
28 accountable to the people of Florida.

29 (c) To the extent allowed by law and within specific
30 appropriations, the department shall deliver services by
31 contract through private providers.

1 (2) SECRETARY OF CHILDREN AND FAMILY SERVICES; DEPUTY
2 SECRETARY.--

3 (a) The head of the department is the Secretary of
4 Children and Family Services. The secretary is appointed by
5 the Governor, subject to confirmation by the Senate. The
6 secretary serves at the pleasure of the Governor.

7 (b) The secretary shall appoint a deputy secretary who
8 shall act in the absence of the secretary. The deputy
9 secretary is directly responsible to the secretary, performs
10 such duties as are assigned by the secretary, and serves at
11 the pleasure of the secretary.

12 (c) The secretary has the authority and responsibility
13 to ensure that the mission of the department is fulfilled in
14 accordance with state and federal laws, rules, and
15 regulations.

16 (3) PROGRAM DIRECTORS.--The secretary shall appoint
17 program directors who serve at the pleasure of the secretary.
18 The secretary may delegate to the program directors
19 responsibilities for the management, policy, program, and
20 fiscal functions of the department.

21 (4) PROGRAM OFFICES AND SUPPORT OFFICES.--

22 (a) The department is authorized to establish program
23 offices and support offices, each of which shall be headed by
24 a director or other management position who shall be appointed
25 by and serves at the pleasure of the secretary.

26 (b) The following program offices are established:

- 27 1. Adult Services.
28 2. Child Care Services.
29 3. Developmental Disabilities.
30 4. Economic Self-Sufficiency Services.
31 5. Family Safety.

- 1 6. Mental Health.
2 7. Refugee Services.
3 8. Substance Abuse.
4 (c) Program offices and support offices may be
5 consolidated, restructured, or rearranged by the secretary, in
6 consultation with the Executive Office of the Governor,
7 provided any such consolidation, restructuring, or rearranging
8 is capable of meeting functions and activities and achieving
9 outcomes as delineated in state and federal laws, rules, and
10 regulations. The secretary may appoint additional managers and
11 administrators as he or she determines are necessary for the
12 effective management of the department.
13 (5) SERVICE DISTRICTS.--
14 (a) The department shall plan and administer its
15 programs of family services through service districts and
16 subdistricts composed of the following counties:
17 1. District 1.--Escambia, Santa Rosa, Okaloosa, and
18 Walton Counties.
19 2. District 2, Subdistrict A.--Holmes, Washington,
20 Bay, Jackson, Calhoun, and Gulf Counties.
21 3. District 2, Subdistrict B.--Gadsden, Liberty,
22 Franklin, Leon, Wakulla, Jefferson, Madison, and Taylor
23 Counties.
24 4. District 3.--Hamilton, Suwannee, Lafayette, Dixie,
25 Columbia, Gilchrist, Levy, Union, Bradford, Putnam, and
26 Alachua Counties.
27 5. District 4.--Baker, Nassau, Duval, Clay, and St.
28 Johns Counties.
29 6. District 5.--Pasco and Pinellas Counties.
30 7. District 6.--Hillsborough and Manatee Counties.
31

- 1 8. District 7, Subdistrict A.--Seminole, Orange, and
2 Osceola Counties.
- 3 9. District 7, Subdistrict B.--Brevard County.
- 4 10. District 8, Subdistrict A.--Sarasota and DeSoto
5 Counties.
- 6 11. District 8, Subdistrict B.--Charlotte, Lee,
7 Glades, Hendry, and Collier Counties.
- 8 12. District 9.--Palm Beach County.
- 9 13. District 10.--Broward County.
- 10 14. District 11, Subdistrict A.--Miami-Dade County.
- 11 15. District 11, Subdistrict B.--Monroe County.
- 12 16. District 12.--Flagler and Volusia Counties.
- 13 17. District 13.--Marion, Citrus, Hernando, Sumter,
14 and Lake Counties.
- 15 18. District 14.--Polk, Hardee, and Highlands
16 Counties.
- 17 19. District 15.--Indian River, Okeechobee, St. Lucie,
18 and Martin Counties.
- 19 (b) The secretary shall appoint a district
20 administrator for each of the service districts. The district
21 administrator shall serve at the pleasure of the secretary and
22 shall perform such duties as assigned by the secretary.
23 Subject to the approval of the secretary, such duties shall
24 include transferring up to 10 percent of the total district
25 budget, the provisions of ss. 216.292 and 216.351
26 notwithstanding.
- 27 (6) COMMUNITY ALLIANCES.--
- 28 (a) The department shall, in consultation with local
29 communities, establish a community alliance of the
30 stakeholders, community leaders, client representatives and
31 funders of human services in each county to provide a focal

1 point for community participation and governance of
2 community-based services. An alliance may cover more than one
3 county when such arrangement is determined to provide for more
4 effective representation. The community alliance shall
5 represent the diversity of the community.

6 (b) The duties of the community alliance shall
7 include, but not necessarily be limited to:

8 1. Joint planning for resource utilization in the
9 community, including resources appropriated to the department
10 and any funds that local funding sources choose to provide.

11 2. Needs assessment and establishment of community
12 priorities for service delivery.

13 3. Determining community outcome goals to supplement
14 state-required outcomes.

15 4. Serving as a catalyst for community resource
16 development.

17 5. Providing for community education and advocacy on
18 issues related to delivery of services.

19 6. Promoting prevention and early intervention
20 services.

21 (c) The department shall ensure, to the greatest
22 extent possible, that the formation of each community alliance
23 builds on the strengths of the existing community human
24 services infrastructure.

25 (d) The initial membership of the community alliance
26 in a county shall be composed of the following:

27 1. The district administrator.

28 2. A representative from county government.

29 3. A representative from the school district.

30 4. A representative from the county United Way.

31 5. A representative from the county sheriff's office.

1 6. A representative from the circuit court
2 corresponding to the county.

3 7. A representative from the county children's board,
4 if one exists.

5 (e) At any time after the initial meeting of the
6 community alliance, the community alliance shall adopt bylaws
7 and may increase the membership of the alliance to include
8 individuals and organizations who represent funding
9 organizations, are community leaders, have knowledge of
10 community-based service issues, or otherwise represent
11 perspectives that will enable them to accomplish the duties
12 listed in paragraph (b), if in the judgment of the alliance,
13 such change is necessary to adequately represent the diversity
14 of the population within the community alliance service
15 districts.

16 (f) Members of the community alliances shall serve
17 without compensation, but are entitled to receive
18 reimbursement for per diem and travel expenses, as provided in
19 s. 112.061. Payment may also be authorized for preapproved
20 child care expenses or lost wages for members who are
21 consumers of the department's services and for preapproved
22 child care expenses for other members who demonstrate
23 hardship.

24 (g) Members of a community alliance are subject to the
25 provisions of part III of chapter 112, the Code of Ethics for
26 Public Officers and Employees.

27 (h) Actions taken by a community alliance must be
28 consistent with department policy and state and federal laws,
29 rules, and regulations.

30 (i) Alliance members shall annually submit a
31 disclosure statement of services interests to the department's

1 inspector general. Any member who has an interest in a matter
2 under consideration by the alliance must abstain from voting
3 on that matter.

4 (j) All alliance meetings are open to the public
5 pursuant to s. 286.011 and the public records provision of s.
6 119.07(1).

7 (7) PROTOTYPE REGION.--

8 (a) Notwithstanding the provisions of this section,
9 the department may consolidate the management and
10 administrative structure or function of the geographic area
11 that includes the counties in the sixth, twelfth, and
12 thirteenth judicial circuits as defined in s. 26.021. The
13 department shall evaluate the efficiency and effectiveness of
14 the operation of the prototype region and upon a determination
15 that there has been a demonstrated improvement in management
16 and oversight of services or cost savings from more efficient
17 administration of services, the secretary may consolidate
18 management and administration of additional areas of the
19 state. Any such additional consolidation shall comply with
20 the provisions of subsection (5) unless legislative
21 authorization to the contrary is provided.

22 (b) Within the prototype region, the budget transfer
23 authority defined in paragraph (5)(b) shall apply to the
24 consolidated geographic area.

25 (c) The department is authorized to contract for
26 services with a lead agency in each county of the prototype
27 area, except that the lead agency contract may cover more than
28 one county when it is determined that such coverage will
29 provide more effective or efficient services. The duties of
30 the lead agency shall include, but not necessarily be limited
31 to:

- 1 1. Directing and coordinating the program and services
2 within the scope of its contract.
- 3 2. Contracting for the provision of core services,
4 including intake and eligibility, assessment, service
5 planning, and case management. However, a lead agency may
6 obtain approval from the department to provide core services,
7 including intake and eligibility, assessment, service
8 planning, and case management, upon a finding by the
9 department that such lead agency is the only organization
10 within the service district capable of providing such service
11 or services within the department's quality assurance and
12 performance standards.
- 13 3. Creating a service provider network capable of
14 delivering the services contained in client service plans,
15 which shall include identifying the necessary services, the
16 necessary volume of services, and possible utilization
17 patterns and negotiating rates and expectations with
18 providers.
- 19 4. Managing and monitoring of provider contracts and
20 subcontracts.
- 21 5. Developing and implementing an effective bill
22 payment mechanism to ensure all providers are paid in a timely
23 fashion.
- 24 6. Providing or arranging for administrative services
25 necessary to support service delivery.
- 26 7. Utilizing departmentally approved training and
27 meeting departmentally defined credentials and standards.
- 28 8. Providing for performance measurement in accordance
29 with the department's quality assurance program and providing
30 for quality improvement and performance measurement.
31

1 9. Developing and maintaining effective interagency
2 collaboration to optimize service delivery.

3 10. Ensuring that all federal and state reporting
4 requirements are met.

5 11. Operating a consumer complaint and grievance
6 process.

7 12. Ensuring that services are coordinated and not
8 duplicated with other major payers, such as the local schools
9 and Medicaid.

10 13. Any other duties or responsibilities defined in s.
11 409.1671 related to community-based care.

12 (8) CONSULTATION WITH COUNTIES ON MANDATED
13 PROGRAMS.--It is the intent of the Legislature that when
14 county governments are required by law to participate in the
15 funding of programs, the department shall consult with
16 designated representatives of county governments in developing
17 policies and service delivery plans for those programs.

18 (9) PROCUREMENT OF HEALTH SERVICES.--Nothing contained
19 in chapter 287 shall require competitive bids for health
20 services involving examination, diagnosis, or treatment.

21 Section 3. The Department of Children and Family
22 Services shall report to the Speaker of the House of
23 Representatives and the President of the Senate by February 1,
24 2001, on the status of implementation of the prototype region
25 established pursuant to s. 20.19(7), Florida Statutes.

26 Section 4. Section 39.3065, Florida Statutes, is
27 amended to read:

28 39.3065 ~~Sheriffs of Pasco, Manatee, and Pinellas~~
29 ~~Counties~~ to provide child protective investigative services;
30 procedures; funding.--
31

1 (1) As described in this section, the Department of
2 Children and Family Services shall, by the end of fiscal year
3 1999-2000, transfer all responsibility for child protective
4 investigations for Pinellas County, Manatee County, Broward
5 County, and Pasco County to the sheriff of that county in
6 which the child abuse, neglect, or abandonment is alleged to
7 have occurred. Each sheriff is responsible for the provision
8 of all child protective investigations in his or her county.
9 Each individual who provides these services must complete the
10 training provided to and required of protective investigators
11 employed by the Department of Children and Family Services.

12 (2) During fiscal year 1998-1999, the Department of
13 Children and Family Services and each sheriff's office shall
14 enter into a contract for the provision of these services.
15 Funding for the services will be appropriated to the
16 Department of Children and Family Services, and the department
17 shall transfer to the respective sheriffs for the duration of
18 fiscal year 1998-1999, funding for the investigative
19 responsibilities assumed by the sheriffs, including federal
20 funds that the provider is eligible for and agrees to earn and
21 that portion of general revenue funds which is currently
22 associated with the services that are being furnished under
23 contract, and including, but not limited to, funding for all
24 investigative, supervisory, and clerical positions; training;
25 all associated equipment; furnishings; and other fixed capital
26 items. The contract must specify whether the department will
27 continue to perform part or none of the child protective
28 investigations during the initial year. The sheriffs may
29 either conduct the investigations themselves or may, in turn,
30 subcontract with law enforcement officials or with properly
31 trained employees of private agencies to conduct

1 investigations related to neglect cases only. If such a
2 subcontract is awarded, the sheriff must take full
3 responsibility for any safety decision made by the
4 subcontractor and must immediately respond with law
5 enforcement staff to any situation that requires removal of a
6 child due to a condition that poses an immediate threat to the
7 child's life. The contract must specify whether the services
8 are to be performed by departmental employees or by persons
9 determined by the sheriff. During this initial year, the
10 department is responsible for quality assurance, and the
11 department retains the responsibility for the performance of
12 all child protective investigations. The department must
13 identify any barriers to transferring the entire
14 responsibility for child protective services to the sheriffs'
15 offices and must pursue avenues for removing any such barriers
16 by means including, but not limited to, applying for federal
17 waivers. By January 15, 1999, the department shall submit to
18 the President of the Senate, the Speaker of the House of
19 Representatives, and the chairs of the Senate and House
20 committees that oversee departmental activities a report that
21 describes any remaining barriers, including any that pertain
22 to funding and related administrative issues. Unless the
23 Legislature, on the basis of that report or other pertinent
24 information, acts to block a transfer of the entire
25 responsibility for child protective investigations to the
26 sheriffs' offices, the sheriffs of Pasco County, Manatee
27 County, Broward County, and Pinellas County, beginning in
28 fiscal year 1999-2000, shall assume the entire responsibility
29 for such services, as provided in subsection (3).

30 (3)(a) Beginning in fiscal year 1999-2000, the
31 sheriffs of Pasco County, Manatee County, Broward County, and

1 Pinellas County have the responsibility to provide all child
2 protective investigations in their respective counties.
3 Beginning in fiscal year 2000-2001, the Department of Children
4 and Family Services is authorized to enter into grant
5 agreements with sheriffs of other counties to perform child
6 protective investigations in their respective counties.

7 (b) The sheriffs ~~of Pasco County, Manatee County, and~~
8 ~~Pinellas County~~ shall operate, at a minimum, in accordance
9 with the performance standards and outcome measures
10 established by the Legislature for protective investigations
11 conducted by the Department of Children and Family Services.
12 Each individual who provides these services must complete, at
13 a minimum, the training provided to and required of protective
14 investigators employed by the Department of Children and
15 Family Services.

16 (c) Funds for providing child protective
17 investigations ~~in Pasco County, Manatee County, and Pinellas~~
18 ~~County~~ must be identified in the annual appropriation made to
19 the Department of Children and Family Services, which shall
20 award grants for the full amount identified to the respective
21 sheriffs' offices. Notwithstanding the provisions of ss.
22 216.181(15)(b) and 216.351, the Department of Children and
23 Family Services may advance payments to the sheriffs for child
24 protective investigations.Funds for the child protective
25 investigations may not be integrated into the sheriffs'
26 regular budgets. Budgetary data and other data relating to the
27 performance of child protective investigations must be
28 maintained separately from all other records of the sheriffs'
29 offices and reported annually to the Department of Children
30 and Family Services.

31

1 (d) Program performance evaluation shall be based on
2 criteria mutually agreed upon by the respective sheriffs and
3 the Department of Children and Family Services. The program
4 performance evaluation shall be conducted by a team of peer
5 reviewers from the respective sheriffs' offices that perform
6 child protective investigations and representatives from the
7 department.~~a committee of seven persons appointed by the~~
8 ~~Governor and selected from those persons serving on the~~
9 ~~Department of Children and Family Services District 5 Health~~
10 ~~and Human Services Board and District 6 Health and Human~~
11 ~~Services Board. Two of the Governor's appointees must be~~
12 ~~residents of Pasco County, two of the Governor's appointees~~
13 ~~must be residents of Manatee County, and two of the Governor's~~
14 ~~appointees must be residents of Pinellas County. Such~~
15 ~~appointees shall serve at the pleasure of the Governor. The~~
16 ~~individuals appointed must have demonstrated experience in~~
17 ~~outcome evaluation, social service areas of protective~~
18 ~~investigation, or child welfare supervision.~~The Department of
19 Children and Family Services committee shall submit an annual
20 report regarding quality performance, outcome-measure
21 attainment, and cost efficiency to the President of the
22 Senate, the Speaker of the House of Representatives, and to
23 the Governor no later than January 31 of each year the
24 sheriffs are receiving general appropriations to provide child
25 protective investigations.

26 ~~(4) For the 1999-2000 fiscal year only, the Sheriff of~~
27 ~~Broward County shall perform the same child protective~~
28 ~~investigative services according to the same standards as are~~
29 ~~performed by the sheriffs of Pinellas County, Manatee County,~~
30 ~~and Pasco County under this section. This subsection expires~~
31 ~~July 1, 2000.~~

1 Section 5. Section 393.502, Florida Statutes, is
2 amended to read:
3 393.502 Family care councils.--
4 (1) CREATION; APPOINTMENT.--There shall be established
5 and located within each service district of the Department of
6 Children and Family Services a family care council. The
7 council shall consist of 10 ~~nine~~ persons recommended pursuant
8 to bylaws developed by the family care council and appointed
9 by the Governor ~~district health and human services board~~.
10 One-half of the members of the council must be consumers who
11 are family members or legal guardians of persons with
12 developmental disabilities. At least one-half of the members
13 of the council shall be current consumers of developmental
14 services. A chairperson for the council must be chosen by the
15 members to serve for 1 year. Members shall be appointed for a
16 2-year term and may be reappointed to not more than one
17 additional term. A person who is currently serving on another
18 board or council of the department may not be appointed to a
19 family care council.
20 (2) MEETINGS; CONTINUED EXISTENCE.--Council members
21 shall serve on a voluntary basis without payment for their
22 services. The council shall meet at least once a month.
23 (3) PURPOSE.--The purpose of the family care councils
24 shall be to advise ~~the health and human services boards~~ of the
25 department, to develop a plan for the delivery of
26 developmental services family support within the district, and
27 to monitor the implementation and effectiveness of services
28 and support provided under the plan. The primary functions of
29 the family care councils shall be to:
30 (a) Assist in providing information and outreach to
31 families.

1 (b) Review the effectiveness of developmental services
2 programs and make recommendations with respect to program
3 implementation.

4 (c) Advise district developmental services
5 administrators with respect to policy issues relevant to the
6 community and family support system in the district.

7 (d) Meet and share information with other district
8 family care councils.

9 Section 6. Section 393.503, Florida Statutes, is
10 amended to read:

11 393.503 Respite and family care subsidy expenditures;
12 funding.--The Department of Children and Family Services shall
13 determine the amount of expenditures per fiscal year for the
14 respite and family care subsidy to families and individuals
15 with developmental disabilities living in their own homes.
16 This information shall be made available to the family care
17 councils and to others requesting the information. The family
18 care councils shall review the expenditures and make
19 recommendations to the department ~~health and human services~~
20 ~~board~~ with respect to any new funds that are made available
21 for family care.

22 Section 7. Section 402.73, Florida Statutes, is
23 created to read:

24 402.73 Contracting and performance standards.--

25 (1) The Department of Children and Family Services
26 shall establish performance standards for all contracted
27 client services. Notwithstanding s. 287.057(3)(f), the
28 department must competitively procure any contract for client
29 services when any of the following occurs:

30 (a) The provider fails to meet appropriate performance
31 standards established by the department after the provider has

1 been given a reasonable opportunity to achieve the established
2 standards.

3 (b) A new program or service has been authorized and
4 funded by the Legislature and the annual value of the contract
5 for such program or service is \$300,000 or more.

6 (c) The department has concluded, after reviewing
7 market prices and available treatment options, that there is
8 evidence that the department can improve the performance
9 outcomes produced by its contract resources. At a minimum, the
10 department shall review market prices and available treatment
11 options biennially. The department shall compile the results
12 of the biennial review and include the results in its annual
13 performance report to the Legislature pursuant to chapter
14 94-249, Laws of Florida. The department shall provide notice
15 and an opportunity for public comment on its review of market
16 prices and available treatment options.

17 (2) The competitive requirements of subsection (1)
18 must be initiated for each contract that meets the criteria of
19 this subsection, unless the secretary makes a written
20 determination that particular facts and circumstances require
21 deferral of the competitive process. Facts and circumstances
22 must be specifically described for each individual contract
23 proposed for deferral and must include one or more of the
24 following:

25 (a) An immediate threat to the health, safety, or
26 welfare of the department's clients.

27 (b) A threat to appropriate use or disposition of
28 facilities that have been financed in whole, or in substantial
29 part, through contracts or agreements with a state agency.

30
31

1 (c) A threat to the service infrastructure of a
2 community which could endanger the well-being of the
3 department's clients.

4
5 Competitive procurement of client services contracts that meet
6 the criteria in subsection (1) may not be deferred for longer
7 than 1 year.

8 (3) The Legislature intends that the department obtain
9 services in the manner that is most cost-effective for the
10 state, that provides the greatest long-term benefits to the
11 clients receiving services, and that minimizes the disruption
12 of client services. In order to meet these legislative goals,
13 the department may adopt rules providing procedures for the
14 competitive procurement of contracted client services which
15 represent an alternative to the request-for-proposal or
16 invitation-to-bid process. The alternative competitive
17 procedures shall permit the department to solicit professional
18 qualifications from prospective providers and to evaluate such
19 statements of qualification before requesting service
20 proposals. The department may limit the firms invited to
21 submit service proposals to only those firms that have
22 demonstrated the highest level of professional capability to
23 provide the services under consideration, but may not invite
24 fewer than three firms to submit service proposals, unless
25 fewer than three firms submitted satisfactory statements of
26 qualification. The alternative procedures must, at a minimum,
27 allow the department to evaluate competing proposals and
28 select the proposal that provides the greatest benefit to the
29 state while considering the quality of the services,
30 dependability, and integrity of the provider, the
31 dependability of the provider's services, the experience of

1 the provider in serving target populations or client groups
2 substantially identical to members of the target population
3 for the contract in question, and the ability of the provider
4 to secure local funds to support the delivery of services,
5 including, but not limited to, funds derived from local
6 governments. These alternative procedures need not conform to
7 the requirements of s. 287.042 or s. 287.057(1) or (2).

8 (4) The department shall review the period for which
9 it executes contracts and, to the greatest extent practicable,
10 shall execute multiyear contracts to make the most efficient
11 use of the resources devoted to contract processing and
12 execution.

13 (5) When it is in the best interest of a defined
14 segment of its consumer population, the department may
15 competitively procure and contract for systems of treatment or
16 service that involve multiple providers, rather than procuring
17 and contracting for treatment or services separately from each
18 participating provider. The department must ensure that all
19 providers that participate in the treatment or service system
20 meet all applicable statutory, regulatory, service-quality,
21 and cost-control requirements. If other governmental entities
22 or units of special purpose government contribute matching
23 funds to the support of a given system of treatment or
24 service, the department shall formally request information
25 from those funding entities in the procurement process and may
26 take the information received into account in the selection
27 process. If a local government contributes match to support
28 the system of treatment or contracted service and if the match
29 constitutes at least 25 percent of the value of the contract,
30 the department shall afford the governmental match contributor
31 an opportunity to name an employee to the selection team

1 required by s. 287.057(15). Any employee so named shall
2 qualify as one of the employees required by s. 287.057(15).
3 The selection team shall include the named employee unless the
4 department sets forth in writing the reason such inclusion
5 would be contrary to the best interests of the state. No
6 governmental entity or unit of special purpose government may
7 name an employee to the selection team if it, or any of its
8 political subdivisions, executive agencies, or special
9 districts, intends to compete for the contract to be awarded.
10 The governmental funding entity or match contributor shall
11 comply with any deadlines and procurement procedures
12 established by the department. The department may also involve
13 nongovernmental funding entities in the procurement process
14 when appropriate.

15 (6) The department may contract for or provide
16 assessment and case management services independently from
17 treatment services.

18 (7) The department shall adopt, by rule, provisions
19 for including in its contracts incremental penalties to be
20 imposed by its contract managers on a service provider due to
21 the provider's failure to comply with a requirement for
22 corrective action. Any financial penalty that is imposed upon
23 a provider may not be paid from funds being used to provide
24 services to clients, and the provider may not reduce the
25 amount of services being delivered to clients as a method for
26 offsetting the impact of the penalty. If a financial penalty
27 is imposed upon a provider that is a corporation, the
28 department shall notify, at a minimum, the board of directors
29 of the corporation. The department may notify, at its
30 discretion, any additional parties that the department
31 believes may be helpful in obtaining the corrective action

1 that is being sought. Further, the rules adopted by the
2 department must include provisions that permit the department
3 to deduct the financial penalties from funds that would
4 otherwise be due to the provider, not to exceed 10 percent of
5 the amount that otherwise would be due to the provider for the
6 period of noncompliance. If the department imposes a financial
7 penalty, it shall advise the provider in writing of the cause
8 for the penalty. A failure to include such deductions in a
9 request for payment constitutes a ground for the department to
10 reject that request for payment. The remedies identified in
11 this subsection do not limit or restrict the department's
12 application of any other remedy available to it in the
13 contract or under law. The remedies described in this
14 subsection may be cumulative and may be assessed upon each
15 separate failure to comply with instructions from the
16 department to complete corrective action.

17 (8) The department shall develop standards of conduct
18 and a range of disciplinary actions for its employees which
19 are specifically related to carrying out contracting
20 responsibilities.

21 (9) The department must implement systems and controls
22 to ensure financial integrity and service provision quality in
23 the developmental services Medicaid waiver service system. The
24 Auditor General shall include specific reference to systems
25 and controls related to financial integrity in the
26 developmental services Medicaid waiver service system in his
27 or her audit of the department for each fiscal year.

28 (10) If a provider fails to meet the performance
29 standards established in the contract, the department may
30 allow a reasonable period for the provider to correct
31 performance deficiencies. If performance deficiencies are not

1 resolved to the satisfaction of the department within the
2 prescribed time, and if no extenuating circumstances can be
3 documented by the provider to the department's satisfaction,
4 the department must cancel the contract with the provider. The
5 department may not enter into a new contract with that same
6 provider for the services for which the contract was
7 previously canceled for a period of at least 24 months after
8 the date of cancellation. If an adult substance abuse services
9 provider fails to meet the performance standards established
10 in the contract, the department may allow a reasonable period,
11 not to exceed 6 months, for the provider to correct
12 performance deficiencies. If the performance deficiencies are
13 not resolved to the satisfaction of the department within 6
14 months, the department must cancel the contract with the adult
15 substance abuse provider, unless there is no other qualified
16 provider in the service district.

17 (11) The department shall include in its standard
18 contract document a requirement that it file a lien against
19 the property where facilities are located which have been
20 constructed or substantially renovated, in whole or in part,
21 through the use of state funds. However, the department is not
22 required to file a lien if the amount of state funds does not
23 exceed \$25,000 or 10 percent of the contract amount, whichever
24 amount is less. The lien must be recorded in the county where
25 the property is located upon the execution of the contract
26 authorizing such construction or renovation. The lien must
27 specify that the department has a financial interest in the
28 property equal to the pro rata portion of the state's original
29 investment of the then-fair-market value for renovations, or
30 the proportionate share of the cost of the construction. The
31 lien must also specify that the department's interest is

1 proportionately reduced and subsequently vacated over a
2 20-year period of depreciation. The contract must include a
3 provision that, as a condition of receipt of state funding for
4 this purpose, the provider agrees that, if it disposes of the
5 property before the department's interest is vacated, the
6 provider will refund the proportionate share of the state's
7 initial investment, as adjusted by depreciation.

8 (12) The department shall develop and refine
9 contracting and accountability methods that are
10 administratively efficient and that provide for optimal
11 provider performance.

12 (13) The department may competitively procure any
13 contract when it deems it is in the best interest of the state
14 to do so. The requirements described in subsection (1) do not,
15 and may not be construed to, limit in any way the department's
16 ability to competitively procure any contract it executes, and
17 the absence of any or all of the criteria described in
18 subsection (1) may not be used as the basis for an
19 administrative or judicial protest of the department's
20 determination to conduct competition, make an award, or
21 execute any contract.

22 (14) A contract may include cost-neutral,
23 performance-based incentives that may vary according to the
24 extent a provider achieves or surpasses the performance
25 standards set forth in the contract. Such incentives may be
26 weighted proportionally to reflect the extent to which the
27 provider has demonstrated that it has consistently met or
28 exceeded the contractual requirements and the department's
29 performance standards.

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1 (15) Nothing contained in chapter 287 shall require
2 competitive bids for health services involving examination,
3 diagnosis, or treatment.

4 Section 8. Section 402.731, Florida Statutes, is
5 created to read:

6 402.731 Department of Children and Family Services
7 certification programs for employees and service providers;
8 employment provisions for transition to community-based
9 care.--

10 (1) The Department of Children and Family Services is
11 authorized to create certification programs for its employees
12 and service providers to ensure that only qualified employees
13 and service providers provide client services. The department
14 is authorized to develop rules that include qualifications for
15 certification, including training and testing requirements,
16 continuing education requirements for ongoing certification,
17 and decertification procedures to be used to determine when an
18 individual no longer meets the qualifications for
19 certification and to implement the decertification of an
20 employee or agent.

21 (2) The department shall develop and implement
22 employment programs to attract and retain competent staff to
23 support and facilitate the transition to privatized
24 community-based care. Such employment programs shall include
25 lump-sum bonuses, salary incentives, relocation allowances, or
26 severance pay. The department shall also contract for the
27 delivery or administration of outplacement services. The
28 department shall establish time-limited exempt positions as
29 provided in s. 110.205(2)(h), in accordance with the authority
30 provided in s. 216.262(1)(c)1. Employees appointed to fill
31

1 such exempt positions shall have the same salaries and
2 benefits as career service employees.

3 Section 9. Paragraphs (a) and (b) of subsection (1),
4 paragraph (c) of subsection (3), and paragraph (a) of
5 subsection (4) of section 409.1671, Florida Statutes, are
6 amended, present subsection (7) is renumbered as subsection
7 (9), and new subsections (7) and (8) are added to said
8 section, to read:

9 409.1671 Foster care and related services;
10 privatization.--

11 (1)(a) It is the intent of the Legislature that the
12 Department of Children and Family Services shall privatize the
13 provision of foster care and related services statewide. It is
14 further the Legislature's intent to encourage communities and
15 other stakeholders in the well-being of children to
16 participate in assuring that children are safe and
17 well-nurtured. However, while recognizing that some local
18 governments are presently funding portions of certain foster
19 care and related services programs and may choose to expand
20 such funding in the future, the Legislature does not intend by
21 its privatization of foster care and related services that any
22 county, municipality, or special district be required to
23 assist in funding programs that previously have been funded by
24 the state. Nothing in this paragraph prohibits any county,
25 municipality, or special district from future voluntary
26 funding participation in foster care and related services. As
27 used in this section, the term "privatize" means to contract
28 with competent, community-based agencies. The department shall
29 submit a plan to accomplish privatization statewide, through a
30 competitive process, phased in over a 3-year period beginning
31 January 1, 2000. ~~This plan is to be submitted by July 1, 1999,~~

1 ~~to the President of the Senate, the Speaker of the House of~~
2 ~~Representatives, the Governor, and the minority leaders of~~
3 ~~both houses.~~This plan must be developed with local community
4 participation, including, but not limited to, input from
5 community-based providers that are currently under contract
6 with the department to furnish community-based foster care and
7 related services, and must include a methodology for
8 determining and transferring all available funds, including
9 federal funds that the provider is eligible for and agrees to
10 earn and that portion of general revenue funds which is
11 currently associated with the services that are being
12 furnished under contract. ~~Notwithstanding the provisions of s.~~
13 ~~215.425, all documented federal funds earned for the current~~
14 ~~fiscal year by the department and community-based agencies~~
15 ~~which exceed the amount appropriated by the Legislature shall~~
16 ~~be distributed to all entities that contributed to the excess~~
17 ~~earnings based on a schedule and methodology developed by the~~
18 ~~department and approved by the Executive Office of the~~
19 ~~Governor. Distribution shall be pro rata based on total~~
20 ~~earnings and shall be made only to those entities that~~
21 ~~contributed to excess earnings. Excess earnings of~~
22 ~~community-based agencies shall be used only in the district in~~
23 ~~which they were earned. Additional state funds appropriated by~~
24 ~~the Legislature for community-based agencies or made available~~
25 ~~pursuant to the budgetary amendment process described in s.~~
26 ~~216.177 shall be transferred to the community-based agencies.~~
27 ~~The department shall amend a community-based agency's contract~~
28 ~~to permit expenditure of the funds. The distribution program~~
29 ~~applies only to entities that were under privatization~~
30 ~~contracts as of July 1, 1999. This program is authorized for a~~
31 ~~period of 3 years beginning July 1, 1999, and ending June 30,~~

1 ~~2002. The Office of Program Policy Analysis and Government~~
2 ~~Accountability shall review this program and report to the~~
3 ~~Legislature by December 31, 2001. The review shall assess the~~
4 ~~program to determine how the additional resources were used,~~
5 ~~the number of additional clients served, the improvements in~~
6 ~~quality of service attained, the performance outcomes~~
7 ~~associated with the additional resources, and the feasibility~~
8 ~~of continuing or expanding this program.~~The methodology must
9 provide for the transfer of funds appropriated and budgeted
10 for all services and programs that have been incorporated into
11 the project, including all management, capital (including
12 current furniture and equipment), and administrative funds to
13 accomplish the transfer of these programs. This methodology
14 must address expected workload and at least the 3 previous
15 years' experience in expenses and workload. With respect to
16 any district or portion of a district in which privatization
17 cannot be accomplished within the 3-year timeframe, the
18 department must clearly state in its plan the reasons the
19 timeframe cannot be met and the efforts that should be made to
20 remediate the obstacles, which may include alternatives to
21 total privatization, such as public-private partnerships. As
22 used in this section, the term "related services" means family
23 preservation, independent living, emergency shelter,
24 residential group care, foster care, therapeutic foster care,
25 intensive residential treatment, foster care supervision, case
26 management, postplacement supervision, permanent foster care,
27 and family reunification. Unless otherwise provided for,
28 beginning in fiscal year 1999-2000, either the state attorney
29 or the Office of the Attorney General shall provide child
30 welfare legal services, pursuant to chapter 39 and other
31 relevant provisions, in Sarasota, Pinellas, Pasco, Broward,

1 and Manatee Counties. Such legal services shall commence and
2 be effective, as soon as determined reasonably feasible by the
3 respective state attorney or the Office of the Attorney
4 General, after the privatization of associated programs and
5 child protective investigations has occurred. When a private
6 nonprofit agency has received case management
7 responsibilities, transferred from the state under this
8 section, for a child who is sheltered or found to be dependent
9 and who is assigned to the care of the privatization project,
10 the agency may act as the child's guardian for the purpose of
11 registering the child in school if a parent or guardian of the
12 child is unavailable and his or her whereabouts cannot
13 reasonably be ascertained. The private nonprofit agency may
14 also seek emergency medical attention for such a child, but
15 only if a parent or guardian of the child is unavailable, his
16 or her whereabouts cannot reasonably be ascertained, and a
17 court order for such emergency medical services cannot be
18 obtained because of the severity of the emergency or because
19 it is after normal working hours. However, the provider may
20 not consent to sterilization, abortion, or termination of life
21 support. If a child's parents' rights have been terminated,
22 the nonprofit agency shall act as guardian of the child in all
23 circumstances.

24 (b) As used in this section, the term "eligible lead
25 community-based provider" means a single agency with which the
26 department shall contract for the provision of child
27 protective services in a community that is no smaller than a
28 county. The secretary of the department may authorize more
29 than one eligible lead community-based provider within a
30 single county when to do so will result in more effective

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1 delivery of foster care and related services.To compete for a
2 privatization project, such agency must have:
3 1. The ability to coordinate, integrate, and manage
4 all child protective services in the designated community in
5 cooperation with child protective investigations.
6 2. The ability to ensure continuity of care from entry
7 to exit for all children referred from the protective
8 investigation and court systems.
9 3. The ability to provide directly, or contract for
10 through a local network of providers, all necessary child
11 protective services.
12 4. The willingness to accept accountability for
13 meeting the outcomes and performance standards related to
14 child protective services established by the Legislature and
15 the Federal Government.
16 5. The capability and the willingness to serve all
17 children referred to it from the protective investigation and
18 court systems, regardless of the level of funding allocated to
19 the community by the state, provided all related funding is
20 transferred.
21 6. The willingness to ensure that each individual who
22 provides child protective services completes the training
23 required of child protective service workers by the Department
24 of Children and Family Services.
25 (3)
26 (c) The ~~annual~~ contract between the department and
27 community-based agencies must include provisions that specify
28 the procedures to be used by the parties to resolve
29 differences in interpreting the contract or to resolve
30 disputes as to the adequacy of the parties' compliance with
31 their respective obligations under the contract.

1 (4)(a) The department shall establish a quality
2 assurance program for privatized services. The quality
3 assurance program shall be based on standards established ~~may~~
4 ~~be performed~~ by a national accrediting organization such as
5 the Council on Accreditation of Services for Families and
6 Children, Inc. (COA) or the Council on Accreditation of
7 Rehabilitation Facilities (CARF). The department may ~~shall~~
8 develop a request for proposal for such oversight. This
9 program must be developed and administered at a statewide
10 level. The Legislature intends that the department be
11 permitted to have limited flexibility to use funds for
12 improving quality assurance. To this end, effective January 1,
13 2000, the department may transfer up to 0.125 percent of the
14 total funds from categories used to pay for these
15 contractually provided services, but the total amount of such
16 transferred funds may not exceed \$300,000 in any fiscal year.
17 When necessary, the department may establish, in accordance
18 with s. 216.177, additional positions that will be exclusively
19 devoted to these functions. Any positions required under this
20 paragraph may be established, notwithstanding ss.
21 216.262(1)(a) and 216.351. The department, in consultation
22 with the community-based agencies that are undertaking the
23 privatized projects, shall establish minimum thresholds for
24 each component of service, consistent with standards
25 established by the Legislature. Each program operated under
26 contract with a community-based agency must be evaluated
27 annually by the department. The department shall submit an
28 annual report regarding quality performance, outcome measure
29 attainment, and cost efficiency to the President of the
30 Senate, the Speaker of the House of Representatives, the
31 minority leader of each house of the Legislature, and the

1 Governor no later than January 31 of each year for each
2 project in operation during the preceding fiscal year.

3 (7) The department is authorized to establish and
4 administer a risk pool to reduce the financial risk to
5 eligible lead community-based providers resulting from
6 unanticipated caseload growth.

7 (8) Notwithstanding the provisions of s. 215.425, all
8 documented federal funds earned for the current fiscal year by
9 the department and community-based agencies which exceed the
10 amount appropriated by the Legislature shall be distributed to
11 all entities that contributed to the excess earnings based on
12 a schedule and methodology developed by the department and
13 approved by the Executive Office of the Governor. Distribution
14 shall be pro rata based on total earnings and shall be made
15 only to those entities that contributed to excess earnings.
16 Excess earnings of community-based agencies shall be used only
17 in the service district in which they were earned. Additional
18 state funds appropriated by the Legislature for
19 community-based agencies or made available pursuant to the
20 budgetary amendment process described in s. 216.177 shall be
21 transferred to the community-based agencies. The department
22 shall amend a community-based agency's contract to permit
23 expenditure of the funds. The distribution program applies
24 only to entities that were under privatization contracts as of
25 July 1, 1999. This program is authorized for a period of 3
26 years beginning July 1, 1999, and ending June 30, 2002. The
27 Office of Program Policy Analysis and Government
28 Accountability shall review this program and report to the
29 President of the Senate and the Speaker of the House of
30 Representatives by December 31, 2001. The review shall assess
31 the program to determine how the additional resources were

1 used, the number of additional clients served, the
2 improvements in quality of service attained, the performance
3 outcomes associated with the additional resources, and the
4 feasibility of continuing or expanding this program.

5 Section 10. Section 409.1675, Florida Statutes, is
6 created to read:

7 409.1675 Lead community-based providers;
8 receivership.--

9 (1) The Department of Children and Family Services may
10 petition a court of competent jurisdiction for the appointment
11 of a receiver for a lead community-based provider established
12 pursuant to s. 409.1671, when any of the following conditions
13 exist:

14 (a) The lead community-based provider is operating
15 without a license as a child-placing agency.

16 (b) The lead community-based provider has given less
17 than 120 days notice of its intent to cease operations, and
18 arrangements have not been made for another lead
19 community-based provider or for the department to continue the
20 uninterrupted provision of services.

21 (c) The department determines that conditions exist in
22 the lead community-based provider that present an imminent
23 danger to the health, safety, or welfare of the dependent
24 children under that provider's care or supervision.

25 (d) The lead community-based provider cannot meet its
26 current financial obligations to its employees, contractors,
27 or foster parents. Issuance of bad checks or the existence of
28 delinquent obligations for payment of salaries or utilities,
29 or invoices for essential services or commodities, shall
30 constitute prima facie evidence that the lead community-based
31

1 provider lacks the financial ability to meet its financial
2 obligations.

3 (2)(a) The petition for receivership shall take
4 precedence over other court business unless the court
5 determines that some other pending proceeding, having
6 statutory precedence, has priority.

7 (b) A hearing shall be conducted within 5 days after
8 the filing of the petition, at which time interested parties
9 shall have the opportunity to present evidence as to whether a
10 receiver should be appointed. The department shall give
11 reasonable notice of the hearing on the petition to the lead
12 community-based provider.

13 (c) The court shall grant the petition upon finding
14 that one or more of the conditions in subsection (1) exists
15 and the continued existence of the condition or conditions
16 jeopardize the health, safety, or welfare of dependent
17 children. A receiver may be appointed ex parte when the court
18 determines that one or more of the conditions in subsection
19 (1) exists. After such finding, the court may appoint any
20 person, including an employee of the department, qualified by
21 education, training, or experience to carry out the duties of
22 the receiver pursuant to this section, except that the court
23 shall not appoint any member of the governing board or any
24 officer of the lead community-based provider.

25 (d) A receiver may be appointed for up to 90 days and
26 the department may petition the court for additional 30-day
27 extensions. Sixty days after appointment of a receiver and
28 every 30 days thereafter until the receivership is terminated,
29 the department shall submit to the court an assessment of the
30 lead community-based provider's ability to ensure the health,
31

1 safety, and welfare of the dependent children under its
2 supervision.

3 (3) The receiver shall take such steps as are
4 reasonably necessary to ensure the continued health, safety,
5 and welfare of the dependent children under the supervision of
6 the lead community-based provider and shall exercise those
7 powers and perform those duties set out by the court,
8 including, but not limited to:

9 (a) Taking such action as is reasonably necessary to
10 protect or conserve the assets or property of the lead
11 community-based provider.

12 (b) Using the assets of the lead community-based
13 provider in the provision of care and services to dependent
14 children.

15 (c) Entering into contracts and hiring agents and
16 employees to carry out the powers and duties of the receiver
17 under this section.

18 (d) Having full power to direct, manage, hire and
19 discharge employees of the lead community-based provider. The
20 receiver shall hire and pay new employees at the rate of
21 compensation, including benefits, approved by the court.

22 (e) Honoring all leases, mortgages, and contractual
23 obligations of the lead community-based provider, but only to
24 the extent of payments which become due during the period of
25 the receivership.

26 (4)(a) The receiver shall deposit funds received in a
27 separate account and shall use this account for all
28 disbursements.

29 (b) A payment to the receiver of any sum owing to the
30 lead community-based provider shall discharge any obligation
31 to the provider to the extent of the payment.

1 (5)(a) A receiver may petition the court for temporary
2 relief from obligations entered into by the lead
3 community-based provider if the rent, price, or rate of
4 interest required to be paid under the agreement was
5 substantially in excess of a reasonable rent, price, or rate
6 of interest at the time the contract was entered into, or if
7 any material provision of the agreement was unreasonable, when
8 compared to contracts negotiated under similar conditions. Any
9 relief in this form provided by the court shall be limited to
10 the life of the receivership, unless otherwise determined by
11 the court.

12 (6) The court shall set the compensation of the
13 receiver, which shall be considered a necessary expense of a
14 receivership and may grant to the receiver such other
15 authority as necessary to ensure the health, safety, and
16 welfare of the children served.

17 (7) A receiver may be held liable in a personal
18 capacity only for the receiver's own gross negligence,
19 intentional acts, or breaches of fiduciary duty. This section
20 shall not be interpreted to be a waiver of sovereign immunity
21 should the department be appointed receiver.

22 (8) If the receiver is not the department, the court
23 may require a receiver to post a bond to ensure the faithful
24 performance of these duties.

25 (9) The court may terminate a receivership when:

26 (a) The court determines that the receivership is no
27 longer necessary because the conditions which gave rise to the
28 receivership no longer exist; or

29 (b) The department has entered into a contract with a
30 new lead community-based provider pursuant to s. 409.1671 and
31

1 that contractor is ready and able to assume the duties of the
2 previous provider.

3 (10) Within 30 days after the termination, unless this
4 time period is extended by the court, the receiver shall give
5 the court a complete accounting of all property of which the
6 receiver has taken possession, of all funds collected and
7 disbursed, and of the expenses of the receivership.

8 (11) Nothing in this section shall be construed to
9 relieve any employee of the lead community-based provider
10 placed in receivership of any civil or criminal liability
11 incurred, or any duty imposed by law, by reason of acts or
12 omissions of the employee prior to the appointment of a
13 receiver; nor shall anything contained in this section be
14 construed to suspend during the receivership any obligation of
15 the employee for payment of taxes or other operating or
16 maintenance expenses of the lead community-based provider or
17 for the payment of mortgages or liens.

18 Section 11. Subsection (5) of section 20.43, Florida
19 Statutes, is amended to read:

20 20.43 Department of Health.--There is created a
21 Department of Health.

22 (5) The department shall plan and administer its
23 public health programs through its county health departments
24 and may, for administrative purposes and efficient service
25 delivery, establish up to 15 service areas to carry out such
26 duties as may be prescribed by the secretary. The boundaries
27 of the service areas shall be the same as, or combinations of,
28 the service districts of the Department of Children and Family
29 Services ~~health and human services boards~~ established in s.
30 20.19 and, to the extent practicable, shall take into
31

1 consideration the boundaries of the jobs and education
2 regional boards.

3 Section 12. Paragraph (e) of subsection (2) and
4 paragraph (b) of subsection (7) of section 39.001, Florida
5 Statutes, are amended to read:

6 39.001 Purposes and intent; personnel standards and
7 screening.--

8 (2) DEPARTMENT CONTRACTS.--The department may contract
9 with the Federal Government, other state departments and
10 agencies, county and municipal governments and agencies,
11 public and private agencies, and private individuals and
12 corporations in carrying out the purposes of, and the
13 responsibilities established in, this chapter.

14 (e) The department shall develop and implement a
15 written and performance-based testing and evaluation program
16 ~~pursuant to s. 20.19(4)~~, to ensure measurable competencies of
17 all employees assigned to manage or supervise cases of child
18 abuse, abandonment, and neglect.

19 (7) PLAN FOR COMPREHENSIVE APPROACH.--

20 (b) The development of the comprehensive state plan
21 shall be accomplished in the following manner:

22 1. The department shall establish an interprogram task
23 force comprised of the Program Director for Family Safety
24 ~~Assistant Secretary for Children and Family Services~~, or a
25 designee, a representative from the Child Care Services
26 ~~Children and Families~~ Program Office, a representative from
27 the Family Safety Program Office, a representative from the
28 ~~Alcohol, Drug Abuse, and Mental Health~~ Program Office, a
29 representative from the Substance Abuse Program Office, a
30 representative from the Developmental Disabilities Services
31 Program Office, ~~a representative from the Office of Standards~~

1 ~~and Evaluation~~, and a representative from the Division of
2 Children's Medical Services of the Department of Health.
3 Representatives of the Department of Law Enforcement and of
4 the Department of Education shall serve as ex officio members
5 of the interprogram task force. The interprogram task force
6 shall be responsible for:

7 a. Developing a plan of action for better coordination
8 and integration of the goals, activities, and funding
9 pertaining to the prevention of child abuse, abandonment, and
10 neglect conducted by the department in order to maximize staff
11 and resources at the state level. The plan of action shall be
12 included in the state plan.

13 b. Providing a basic format to be utilized by the
14 districts in the preparation of local plans of action in order
15 to provide for uniformity in the district plans and to provide
16 for greater ease in compiling information for the state plan.

17 c. Providing the districts with technical assistance
18 in the development of local plans of action, if requested.

19 d. Examining the local plans to determine if all the
20 requirements of the local plans have been met and, if they
21 have not, informing the districts of the deficiencies and
22 requesting the additional information needed.

23 e. Preparing the state plan for submission to the
24 Legislature and the Governor. Such preparation shall include
25 the collapsing of information obtained from the local plans,
26 the cooperative plans with the Department of Education, and
27 the plan of action for coordination and integration of
28 departmental activities into one comprehensive plan. The
29 comprehensive plan shall include a section reflecting general
30 conditions and needs, an analysis of variations based on
31 population or geographic areas, identified problems, and

1 recommendations for change. In essence, the plan shall provide
2 an analysis and summary of each element of the local plans to
3 provide a statewide perspective. The plan shall also include
4 each separate local plan of action.

5 f. Working with the specified state agency in
6 fulfilling the requirements of subparagraphs 2., 3., 4., and
7 5.

8 2. The department, the Department of Education, and
9 the Department of Health shall work together in developing
10 ways to inform and instruct parents of school children and
11 appropriate district school personnel in all school districts
12 in the detection of child abuse, abandonment, and neglect and
13 in the proper action that should be taken in a suspected case
14 of child abuse, abandonment, or neglect, and in caring for a
15 child's needs after a report is made. The plan for
16 accomplishing this end shall be included in the state plan.

17 3. The department, the Department of Law Enforcement,
18 and the Department of Health shall work together in developing
19 ways to inform and instruct appropriate local law enforcement
20 personnel in the detection of child abuse, abandonment, and
21 neglect and in the proper action that should be taken in a
22 suspected case of child abuse, abandonment, or neglect.

23 4. Within existing appropriations, the department
24 shall work with other appropriate public and private agencies
25 to emphasize efforts to educate the general public about the
26 problem of and ways to detect child abuse, abandonment, and
27 neglect and in the proper action that should be taken in a
28 suspected case of child abuse, abandonment, or neglect. The
29 plan for accomplishing this end shall be included in the state
30 plan.

31

1 5. The department, the Department of Education, and
2 the Department of Health shall work together on the
3 enhancement or adaptation of curriculum materials to assist
4 instructional personnel in providing instruction through a
5 multidisciplinary approach on the identification,
6 intervention, and prevention of child abuse, abandonment, and
7 neglect. The curriculum materials shall be geared toward a
8 sequential program of instruction at the four progressional
9 levels, K-3, 4-6, 7-9, and 10-12. Strategies for encouraging
10 all school districts to utilize the curriculum are to be
11 included in the comprehensive state plan for the prevention of
12 child abuse, abandonment, and neglect.

13 6. Each district of the department shall develop a
14 plan for its specific geographical area. The plan developed at
15 the district level shall be submitted to the interprogram task
16 force for utilization in preparing the state plan. The
17 district local plan of action shall be prepared with the
18 involvement and assistance of the local agencies and
19 organizations listed in paragraph (a), as well as
20 representatives from those departmental district offices
21 participating in the treatment and prevention of child abuse,
22 abandonment, and neglect. In order to accomplish this, the
23 district administrator in each district shall establish a task
24 force on the prevention of child abuse, abandonment, and
25 neglect. The district administrator shall appoint the members
26 of the task force in accordance with the membership
27 requirements of this section. In addition, the district
28 administrator shall ensure that each subdistrict is
29 represented on the task force; and, if the district does not
30 have subdistricts, the district administrator shall ensure
31 that both urban and rural areas are represented on the task

1 force. The task force shall develop a written statement
2 clearly identifying its operating procedures, purpose, overall
3 responsibilities, and method of meeting responsibilities. The
4 district plan of action to be prepared by the task force shall
5 include, but shall not be limited to:

6 a. Documentation of the magnitude of the problems of
7 child abuse, including sexual abuse, physical abuse, and
8 emotional abuse, and child abandonment and neglect in its
9 geographical area.

10 b. A description of programs currently serving abused,
11 abandoned, and neglected children and their families and a
12 description of programs for the prevention of child abuse,
13 abandonment, and neglect, including information on the impact,
14 cost-effectiveness, and sources of funding of such programs.

15 c. A continuum of programs and services necessary for
16 a comprehensive approach to the prevention of all types of
17 child abuse, abandonment, and neglect as well as a brief
18 description of such programs and services.

19 d. A description, documentation, and priority ranking
20 of local needs related to child abuse, abandonment, and
21 neglect prevention based upon the continuum of programs and
22 services.

23 e. A plan for steps to be taken in meeting identified
24 needs, including the coordination and integration of services
25 to avoid unnecessary duplication and cost, and for alternative
26 funding strategies for meeting needs through the reallocation
27 of existing resources, utilization of volunteers, contracting
28 with local universities for services, and local government or
29 private agency funding.

30
31

1 f. A description of barriers to the accomplishment of
2 a comprehensive approach to the prevention of child abuse,
3 abandonment, and neglect.

4 g. Recommendations for changes that can be
5 accomplished only at the state program level or by legislative
6 action.

7 Section 13. Paragraph (b) of subsection (3) of section
8 39.0015, Florida Statutes, is amended to read:

9 39.0015 Child abuse prevention training in the
10 district school system.--

11 (3) DEFINITIONS.--As used in this section:

12 (b) "Child abuse" means those acts as defined in ss.
13 39.01(1), (2), (30), (43), (45), (52), and (63)~~(44)~~, ~~(46)~~,
14 ~~(53)~~, ~~and (64)~~, 827.04, and 984.03(1), (2), and (39).

15 Section 14. Subsection (31) of section 39.01, Florida
16 Statutes, is repealed, and subsection (25) of said section is
17 amended to read:

18 39.01 Definitions.--When used in this chapter, unless
19 the context otherwise requires:

20 (25) "District administrator" means the chief
21 operating officer of each service district of the department
22 as defined in s. 20.19(5)~~(7)~~and, where appropriate, includes
23 any district administrator whose service district falls within
24 the boundaries of a judicial circuit.

25 Section 15. Subsection (9) of section 39.201, Florida
26 Statutes, is amended to read:

27 39.201 Mandatory reports of child abuse, abandonment,
28 or neglect; mandatory reports of death; central abuse
29 hotline.--

30 (9) On an ongoing basis, the department's quality
31 assurance program shall review reports to the hotline

1 involving three or more unaccepted reports on a single child
2 in order to detect such things as harassment and situations
3 that warrant an investigation because of the frequency or
4 variety of the source of the reports. The Program Director for
5 Family Safety ~~assistant secretary~~ may refer a case for
6 investigation when it is determined, as a result of this
7 review, that an investigation may be warranted.

8 Section 16. Subsection (1) of section 39.302, Florida
9 Statutes, is amended to read:

10 39.302 Protective investigations of institutional
11 child abuse, abandonment, or neglect.--

12 (1) The department shall conduct a child protective
13 investigation of each report of institutional child abuse,
14 abandonment, or neglect. Upon receipt of a report which
15 alleges that an employee or agent of the department, or any
16 other entity or person covered by s. 39.01(31)~~(32)~~or(47)
17 ~~(48)~~, acting in an official capacity, has committed an act of
18 child abuse, abandonment, or neglect, the department shall
19 immediately initiate a child protective investigation and
20 orally notify the appropriate state attorney, law enforcement
21 agency, and licensing agency. These agencies shall
22 immediately conduct a joint investigation, unless independent
23 investigations are more feasible. When conducting
24 investigations onsite or having face-to-face interviews with
25 the child, such investigation visits shall be unannounced
26 unless it is determined by the department or its agent that
27 such unannounced visits would threaten the safety of the
28 child. When a facility is exempt from licensing, the
29 department shall inform the owner or operator of the facility
30 of the report. Each agency conducting a joint investigation
31 shall be entitled to full access to the information gathered

1 by the department in the course of the investigation. A
2 protective investigation must include an onsite visit of the
3 child's place of residence. In all cases, the department shall
4 make a full written report to the state attorney within 3
5 working days after making the oral report. A criminal
6 investigation shall be coordinated, whenever possible, with
7 the child protective investigation of the department. Any
8 interested person who has information regarding the offenses
9 described in this subsection may forward a statement to the
10 state attorney as to whether prosecution is warranted and
11 appropriate. Within 15 days after the completion of the
12 investigation, the state attorney shall report the findings to
13 the department and shall include in such report a
14 determination of whether or not prosecution is justified and
15 appropriate in view of the circumstances of the specific case.

16 Section 17. Paragraph (b) of subsection (9) of section
17 216.136, Florida Statutes, is amended to read:

18 216.136 Consensus estimating conferences; duties and
19 principals.--

20 (9) JUVENILE JUSTICE ESTIMATING CONFERENCE.--

21 (b) Principals.--The Executive Office of the Governor,
22 the Office of Economic and Demographic Research, and
23 professional staff who have forecasting expertise from the
24 Department of Juvenile Justice, the Department of Children and
25 Family Services Substance Alcohol, Drug Abuse, and Mental
26 Health Program Offices ~~Office~~, the Department of Law
27 Enforcement, the Senate Appropriations Committee staff, the
28 House of Representatives Appropriations Committee staff, or
29 their designees, are the principals of the Juvenile Justice
30 Estimating Conference. The responsibility of presiding over
31 sessions of the conference shall be rotated among the

1 principals. To facilitate policy and legislative
2 recommendations, the conference may call upon professional
3 staff of the Juvenile Justice Accountability Board and
4 appropriate legislative staff.

5 Section 18. Paragraph (a) of subsection (3) of section
6 381.0072, Florida Statutes, is amended to read:

7 381.0072 Food service protection.--It shall be the
8 duty of the Department of Health to adopt and enforce
9 sanitation rules consistent with law to ensure the protection
10 of the public from food-borne illness. These rules shall
11 provide the standards and requirements for the storage,
12 preparation, serving, or display of food in food service
13 establishments as defined in this section and which are not
14 permitted or licensed under chapter 500 or chapter 509.

15 (3) LICENSES REQUIRED.--

16 (a) Licenses; annual renewals.--Each food service
17 establishment regulated under this section shall obtain a
18 license from the department annually. Food service
19 establishment licenses shall expire annually and shall not be
20 transferable from one place or individual to another.
21 However, those facilities licensed by the department's Office
22 of Licensure and Certification, the Child Care Services
23 ~~Children and Families~~ Program Office, or the Developmental
24 Disabilities Services Program Office are exempt from this
25 subsection. It shall be a misdemeanor of the second degree,
26 punishable as provided in s. 381.0061, s. 775.082, or s.
27 775.083, for such an establishment to operate without this
28 license. The department may refuse a license, or a renewal
29 thereof, to any establishment that is not constructed or
30 maintained in accordance with law and with the rules of the
31

1 department. Annual application for renewal shall not be
2 required.

3 Section 19. Subsection (5) of section 383.14, Florida
4 Statutes, is amended to read:

5 383.14 Screening for metabolic disorders, other
6 hereditary and congenital disorders, and environmental risk
7 factors.--

8 (5) ADVISORY COUNCIL.--There is established a Genetics
9 and Infant Screening Advisory Council made up of 12 members
10 appointed by the Secretary of Health. The council shall be
11 composed of two consumer members, three practicing
12 pediatricians, at least one of whom must be a pediatric
13 hematologist, one representative from each of the four medical
14 schools in the state, the Secretary of Health or his or her
15 designee, one representative from the Department of Health
16 representing Children's Medical Services, and one
17 representative from the Developmental Disabilities ~~Services~~
18 Program Office of the Department of Children and Family
19 Services. All appointments shall be for a term of 4 years.
20 The chairperson of the council shall be elected from the
21 membership of the council and shall serve for a period of 2
22 years. The council shall meet at least semiannually or upon
23 the call of the chairperson. The council may establish ad hoc
24 or temporary technical advisory groups to assist the council
25 with specific topics which come before the council. Council
26 members shall serve without pay. Pursuant to the provisions of
27 s. 112.061, the council members are entitled to be reimbursed
28 for per diem and travel expenses. It is the purpose of the
29 council to advise the department about:

30 (a) Conditions for which testing should be included
31 under the screening program and the genetics program;

1 (b) Procedures for collection and transmission of
2 specimens and recording of results; and

3 (c) Methods whereby screening programs and genetics
4 services for children now provided or proposed to be offered
5 in the state may be more effectively evaluated, coordinated,
6 and consolidated.

7 Section 20. Subsection (1) of section 393.064, Florida
8 Statutes, is amended to read:

9 393.064 Prevention.--

10 (1) The Department of Children and Family Services, ~~in~~
11 ~~carrying out its assigned purpose under s. 20.19(1) of~~
12 ~~preventing to the maximum extent possible the occurrence and~~
13 ~~incidence of physical and mental diseases and disabilities,~~
14 shall give priority to the development, planning, and
15 implementation of programs which have the potential to
16 prevent, correct, cure, or reduce the severity of
17 developmental disabilities. The department shall direct an
18 interdepartmental and interprogram effort for the continued
19 development of a prevention plan and program. The department
20 shall identify, through demonstration projects, through
21 departmental program evaluation, and through monitoring of
22 programs and projects conducted outside of the department, any
23 medical, social, economic, or educational methods, techniques,
24 or procedures which have the potential to effectively
25 ameliorate, correct, or cure developmental disabilities. The
26 department shall determine the costs and benefits that would
27 be associated with such prevention efforts and shall
28 implement, or recommend the implementation of, those methods,
29 techniques, or procedures which are found likely to be
30 cost-beneficial. The department in its legislative budget
31

1 request shall identify funding needs for such prevention
2 programs.

3 Section 21. Paragraph (i) of subsection (4) of section
4 393.13, Florida Statutes, is amended to read:

5 393.13 Personal treatment of persons who are
6 developmentally disabled.--

7 (4) CLIENT RIGHTS.--For purposes of this subsection,
8 the term "client," as defined in s. 393.063, shall also
9 include any person served in a facility licensed pursuant to
10 s. 393.067.

11 (i) Clients shall have the right to be free from
12 unnecessary physical, chemical, or mechanical restraint.
13 Restraints shall be employed only in emergencies or to protect
14 the client from imminent injury to himself or herself or
15 others. Restraints shall not be employed as punishment, for
16 the convenience of staff, or as a substitute for a
17 habilitative plan. Restraints shall impose the least possible
18 restrictions consistent with their purpose and shall be
19 removed when the emergency ends. Restraints shall not cause
20 physical injury to the client and shall be designed to allow
21 the greatest possible comfort.

22 1. Mechanical supports used in normative situations to
23 achieve proper body position and balance shall not be
24 considered restraints, but shall be prescriptively designed
25 and applied under the supervision of a qualified professional
26 with concern for principles of good body alignment,
27 circulation, and allowance for change of position.

28 2. Totally enclosed cribs and barred enclosures shall
29 be considered restraints.

30 3. Daily reports on the employment of physical,
31 chemical, or mechanical restraints by those specialists

1 authorized in the use of such restraints shall be made to the
2 appropriate chief administrator of the facility, and a monthly
3 summary of such reports shall be relayed to the district
4 administrator and the district human rights advocacy
5 committee. The reports shall summarize all such cases of
6 restraints, the type used, the duration of usage, and the
7 reasons therefor. Districts shall submit districtwide
8 quarterly reports of these summaries to the state
9 Developmental Disabilities ~~Services~~ Program Office.

10 4. The department shall post a copy of the rules
11 promulgated under this section in each living unit of
12 residential facilities. A copy of the rules promulgated under
13 this section shall be given to all staff members of licensed
14 facilities and made a part of all preservice and inservice
15 training programs.

16 Section 22. Subsection (3) of section 394.462, Florida
17 Statutes, is amended to read:

18 394.462 Transportation.--

19 (3) EXCEPTIONS.--An exception to the requirements of
20 this section may be granted by the secretary of the department
21 for the purposes of improving service coordination or better
22 meeting the special needs of individuals. A proposal for an
23 exception must be submitted by the district administrator
24 after being approved ~~by the local health and human services~~
25 ~~board and~~ by the governing boards of any affected counties,
26 prior to submission to the secretary.

27 (a) A proposal for an exception must identify the
28 specific provision from which an exception is requested;
29 describe how the proposal will be implemented by participating
30 law enforcement agencies and transportation authorities; and
31

1 provide a plan for the coordination of services such as case
2 management.

3 (b) The exception may be granted only for:

4 1. An arrangement centralizing and improving the
5 provision of services within a district, which may include an
6 exception to the requirement for transportation to the nearest
7 receiving facility;

8 2. An arrangement by which a facility may provide, in
9 addition to required psychiatric services, an environment and
10 services which are uniquely tailored to the needs of an
11 identified group of persons with special needs, such as
12 persons with hearing impairments or visual impairments, or
13 elderly persons with physical frailties; or

14 3. A specialized transportation system that provides
15 an efficient and humane method of transporting patients to
16 receiving facilities, among receiving facilities, and to
17 treatment facilities.

18 (c) Any exception approved pursuant to this subsection
19 shall be reviewed and approved every 5 years by the secretary.

20 Section 23. Paragraph (e) of subsection (2) of section
21 394.4674, Florida Statutes, is amended to read:

22 394.4674 Plan and report.--

23 (2) The department shall prepare and submit a
24 semiannual report to the Legislature, until the conditions
25 specified in subsection (1) are met, which shall include, but
26 not be limited to:

27 (e) Any evidence of involvement between the ~~Alcohol,~~
28 ~~Drug Abuse,~~ and Mental Health Program Office and other program
29 offices within the department and between the department and
30 other state and private agencies and individuals to accomplish
31 the deinstitutionalization of patients in this age group.

1 Section 24. Subsections (17) and (19) of section
2 394.67, Florida Statutes, are amended to read:
3 394.67 Definitions.--As used in this part, the term:
4 (17) "Program office" means the ~~Alcohol, Drug Abuse,~~
5 ~~and~~ Mental Health Program Office of the Department of Children
6 and Family Services.
7 (19) "Service district" means a community service
8 district as established by the department under s. 20.19 for
9 the purpose of providing community ~~alcohol, drug abuse, and~~
10 mental health services.
11 Section 25. Paragraph (b) of subsection (11) of
12 section 394.75, Florida Statutes, is amended to read:
13 394.75 District alcohol, drug abuse, and mental health
14 plans.--
15 (11) The district administrator shall report annually
16 to the district planning council the status of funding for
17 priorities established in the district plan. Each report must
18 include:
19 (b) A description of the district plan priorities that
20 were included in the departmental budget request prepared
21 ~~under s. 20.19~~;
22 Section 26. Paragraph (a) of subsection (19) of
23 section 397.311, Florida Statutes, is amended to read:
24 397.311 Definitions.--As used in this chapter, except
25 part VIII:
26 (19) "Licensed service provider" means a public agency
27 under this chapter, a private for-profit or not-for-profit
28 agency under this chapter, a physician licensed under chapter
29 458 or chapter 459, or any other private practitioner licensed
30 under this chapter, or a hospital licensed under chapter 395,
31

1 which offers substance abuse impairment services through one
2 or more of the following licensable service components:
3 (a) Addictions receiving facility, which is a
4 community-based facility designated by the department to
5 receive, screen, and assess clients found to be substance
6 abuse impaired, in need of emergency treatment for substance
7 abuse impairment, or impaired by substance abuse to such an
8 extent as to meet the criteria for involuntary admission in s.
9 397.675, and to provide detoxification and stabilization. An
10 addictions receiving facility must be state-owned,
11 state-operated, or state-contracted, and licensed pursuant to
12 rules adopted by the department's Substance Abuse ~~Alcohol,~~
13 ~~Drug Abuse, and Mental Health~~ Program Office which include
14 specific authorization for the provision of levels of care and
15 a requirement of separate accommodations for adults and
16 minors. Addictions receiving facilities are designated as
17 secure facilities to provide an intensive level of care and
18 must have sufficient staff and the authority to provide
19 environmental security to handle aggressive and
20 difficult-to-manage behavior and deter elopement.

21 Section 27. Paragraph (b) of subsection (14) and
22 subsection (18) of section 397.321, Florida Statutes, is
23 amended to read:

24 397.321 Duties of the department.--The department
25 shall:

26 (14) In cooperation with service providers, foster and
27 actively seek additional funding to enhance resources for
28 prevention, intervention, and treatment services, including
29 but not limited to the development of partnerships with:

30 (b) Intradepartmental and interdepartmental program
31 offices, including, but not limited to, child care services;

1 family safety ~~children and families~~; delinquency services;
2 health services; economic services; and children's medical
3 services.

4 (18) Ensure that the department develops and ensures
5 the implementation of procedures between its Substance Abuse
6 ~~Alcohol, Drug Abuse, and Mental Health~~ Program Office and
7 other departmental programs, ~~particularly the Children and~~
8 ~~Families Program Office and the Delinquency Services Program~~
9 ~~Office~~, regarding the referral of substance abuse impaired
10 persons to service providers, information on service
11 providers, information on methods of identifying substance
12 abuse impaired juveniles, and procedures for referring such
13 juveniles to appropriate service providers.

14 Section 28. Subsection (3) of section 397.821, Florida
15 Statutes, is amended to read:

16 397.821 Juvenile substance abuse impairment prevention
17 and early intervention councils.--

18 (3) The council shall provide recommendations to the
19 Program Director for Substance Abuse ~~Assistant Secretary for~~
20 ~~Alcohol, Drug Abuse, and Mental Health~~ annually for
21 consideration for inclusion in the district ~~alcohol, drug~~
22 ~~abuse, and mental health planning councils for consideration~~
23 ~~for inclusion in the district~~ alcohol, drug abuse, and mental
24 health plans.

25 Section 29. Subsection (4) of section 397.901, Florida
26 Statutes, is amended to read:

27 397.901 Prototype juvenile addictions receiving
28 facilities.--

29 (4) The department shall adopt rules necessary to
30 implement this section. The rules must be written by the
31 department's Substance Abuse ~~Alcohol, Drug Abuse, and Mental~~

1 ~~Health~~ Program Office and must specify criteria for staffing
2 and services delineated for the provision of graduated levels
3 of care from nonintensive to environmentally secure for the
4 handling of aggressive and difficult-to-manage behavior and
5 the prevention of elopement.

6 Section 30. Subsection (2) of section 400.435, Florida
7 Statutes, is amended to read:

8 400.435 Maintenance of records; reports.--

9 (2) Within 60 days after the date of the biennial
10 inspection visit or within 30 days after the date of any
11 interim visit, the agency shall forward the results of the
12 inspection to the district ombudsman council in whose planning
13 and service area, as defined in part II, the facility is
14 located; to at least one public library or, in the absence of
15 a public library, the county seat in the county in which the
16 inspected assisted living facility is located; and, when
17 appropriate, to the district Adult Services and ~~district~~
18 ~~alcohol, drug abuse, and~~ Mental Health Program Offices.

19 Section 31. Paragraph (a) of subsection (1) of section
20 402.17, Florida Statutes, is amended to read:

21 402.17 Claims for care and maintenance; trust
22 property.--The Department of Children and Family Services
23 shall protect the financial interest of the state with respect
24 to claims which the state may have for the care and
25 maintenance of clients of the department. The department
26 shall, as trustee, hold in trust and administer money of
27 clients and property designated for the personal benefit of
28 clients. The department shall act as trustee of clients' money
29 and property entrusted to it in accordance with the usual
30 fiduciary standards applicable generally to trustees, and
31 shall act to protect both the short-term and long-term

1 interests of the clients for whose benefit it is holding such
2 money and property.

3 (1) CLAIMS FOR CARE AND MAINTENANCE.--

4 (a) The department shall perform the following acts:

5 1. Receive and supervise the collection of sums due
6 the state.

7 2. Bring any court action necessary to collect any
8 claim the state may have against any client, former client,
9 guardian of any client or former client, executor or
10 administrator of the client's estate, or any person against
11 whom any client or former client may have a claim.

12 3. Obtain a copy of any inventory or appraisal of the
13 client's property filed with any court.

14 4. Obtain from the Economic Self-Sufficiency Services
15 Program Office a financial status report on any client or
16 former client, including the ability of third parties
17 responsible for such client to pay all or part of the cost of
18 the client's care and maintenance.

19 5. Petition the court for appointment of a guardian or
20 administrator for an otherwise unrepresented client or former
21 client should the financial status report or other information
22 indicate the need for such action. The cost of any such action
23 shall be charged against the assets or estate of the client.

24 6. Represent the interest of the state in any
25 litigation in which a client or former client is a party.

26 7. File claims with any person, firm, or corporation
27 or with any federal, state, county, district, or municipal
28 agency on behalf of an unrepresented client.

29 8. Represent the state in the settlement of the
30 estates of deceased clients or in the settlement of estates in
31

1 which a client or a former client against whom the state may
2 have a claim has a financial interest.

3 9. Establish procedures by rule for the use of amounts
4 held in trust for the client to pay for the cost of care and
5 maintenance, if such amounts would otherwise cause the client
6 to become ineligible for services which are in the client's
7 best interests.

8 Section 32. Paragraph (a) of subsection (1) and
9 subsection (7) of section 402.3015, Florida Statutes, are
10 amended to read:

11 402.3015 Subsidized child care program; purpose; fees;
12 contracts.--

13 (1) The purpose of the subsidized child care program
14 is to provide quality child care to enhance the development,
15 including language, cognitive, motor, social, and self-help
16 skills of children who are at risk of abuse or neglect and
17 children of low-income families, and to promote financial
18 self-sufficiency and life skills for the families of these
19 children, unless prohibited by federal law. Priority for
20 participation in the subsidized child care program shall be
21 accorded to children under 13 years of age who are:

22 (a) Determined to be at risk of abuse, neglect, or
23 exploitation and who are currently clients of the department's
24 Family Safety ~~Children and Families~~ Program Office;

25 (7) To the extent funds are available, the department
26 shall contract for support services for children who are
27 clients of the department's Child Care Services ~~Children and~~
28 ~~Families~~ Program Office and who participate in the subsidized
29 child care program. Support services shall include, but need
30 not be limited to, transportation, child development programs,
31

1 child nutrition services, and parent training and family
2 counseling activities.

3 Section 33. Subsection (6) of section 402.40, Florida
4 Statutes, is amended to read:

5 402.40 Child welfare training academies established;
6 Child Welfare Standards and Training Council created;
7 responsibilities of council; Child Welfare Training Trust Fund
8 created.--

9 (6) ~~TIMEFRAME FOR ESTABLISHMENT OF TRAINING~~
10 ~~ACADEMIES.--By June 30, 1987, the department shall have~~
11 ~~established and have operational at least one training~~
12 ~~academy, which shall be located in subdistrict IIB. The~~
13 department shall contract for the operation of one or more
14 training academies ~~the academy~~ with Tallahassee Community
15 College. The number, location, and timeframe for
16 establishment of additional training academies shall be
17 according to the recommendation of the council as approved by
18 the Secretary of Children and Family Services.

19 Section 34. Subsection (2) of section 402.47, Florida
20 Statutes, is amended to read:

21 402.47 Foster grandparent and retired senior volunteer
22 services to high-risk and handicapped children.--

23 (2) The Department of Children and Family ~~Health and~~
24 ~~Rehabilitative~~ Services shall:

25 (a) Establish a program to provide foster grandparent
26 and retired senior volunteer services to high-risk and
27 handicapped children. Foster grandparent services and retired
28 senior volunteer services to high-risk and handicapped
29 children shall be under the supervision of the department
30 ~~Deputy Secretary for Human Services~~, in coordination with
31

1 intraagency and interagency programs and agreements as
2 provided for in s. 411.203.

3 (b) In authorized districts, contract with foster
4 grandparent programs and retired senior volunteer programs for
5 services to high-risk and handicapped children, utilizing
6 funds appropriated for handicap prevention.

7 (c) Develop guidelines for the provision of foster
8 grandparent services and retired senior volunteer services to
9 high-risk and handicapped children, and monitor and evaluate
10 the implementation of the program.

11 (d) Coordinate with the Federal Action State Office
12 and the department's Office of Prevention, Early Assistance,
13 and Child Development regarding the development of criteria
14 for program elements and funding.

15 Section 35. Subsection (7) of section 409.152, Florida
16 Statutes, is amended to read:

17 409.152 Service integration and family preservation.--

18 (7) On or before September 1, 1993, and annually
19 thereafter, the department shall submit to the Governor, the
20 President of the Senate, the Speaker of the House of
21 Representatives, and the appropriate substantive committees of
22 the Senate and the House of Representatives a copy of the
23 state and district plans described in this section ~~and the~~
24 ~~results or accomplishments of any district family preservation~~
25 ~~programs established by the health and human services boards.~~

26 Section 36. Paragraphs (a) and (b) of subsection (2)
27 of section 409.1673, Florida Statutes, are amended to read:

28 409.1673 Legislative findings; alternate care plans.--

29 (2) ALTERNATE CARE PLANS.--

30 (a) The department must, in a collaborative
31 partnership with community service providers, annually develop

1 and administer an objective plan with respect to services for
2 dependent children. The district's community service providers
3 ~~Each service district~~ must annually develop and submit to the
4 district administrator ~~health and human services board~~ by
5 March 31, 1995, and by March 31 of each succeeding year, an
6 alternate care plan that specifies the assessment and case
7 planning process and prescribes the services needed to ensure
8 the most appropriate alternate care placement for dependent
9 children who must be placed outside their homes. As used in
10 this section, the term "assessment" means the evaluation of a
11 child's physical, psychological, educational, vocational, and
12 social condition and the child's family environment as they
13 relate to the child's need for rehabilitative and treatment
14 services, including substance abuse treatment services, mental
15 health services, developmental services, educational and
16 remedial literacy services, medical services, family services,
17 and other specialized services.

18 (b) The plan must be developed by the department in
19 collaboration with community service providers, foster parent
20 providers, licensed residential child care providers, mental
21 health providers, parents and guardians, child care providers,
22 school system representatives, juvenile justice council
23 members, and other community representatives, and must be
24 approved by the district administrator ~~health and human~~
25 ~~services board~~. The plan must be approved prior to the
26 beginning of each fiscal year for use in preparing the
27 legislative budget request for the following fiscal year.

28 Section 37. Paragraph (a) of subsection (1) of section
29 410.0245, Florida Statutes, is amended to read:

30 410.0245 Study of service needs; report; multiyear
31 plan.--

1 (1)(a) The ~~Aging and~~ Adult Services Program Office of
2 the Department of Children and Family Services shall contract
3 for a study of the service needs of the 18-to-59-year-old
4 disabled adult population served or waiting to be served by
5 the community care for disabled adults program. The Division
6 of Vocational Rehabilitation of the Department of Labor and
7 Employment Security and other appropriate state agencies shall
8 provide information to the Department of Children and Family
9 Services when requested for the purposes of this study.

10 Section 38. Paragraph (a) of subsection (6) of section
11 411.01, Florida Statutes, is amended to read:

12 411.01 Florida Partnership for School Readiness;
13 school readiness coalitions.--

14 (6) PROGRAM ELIGIBILITY.--The school readiness program
15 shall be established for children under the age of
16 kindergarten eligibility. Priority for participation in the
17 school readiness program shall be given to children who meet
18 one or more of the following criteria:

19 (a) Children under the age of kindergarten eligibility
20 who are:

21 1. Children determined to be at risk of abuse,
22 neglect, or exploitation and who are currently clients of the
23 Family Safety ~~Children and Family Services~~ Program Office of
24 the Department of Children and Family Services.

25 2. Children at risk of welfare dependency, including
26 economically disadvantaged children, children of participants
27 in the WAGES program, children of migrant farmworkers, and
28 children of teen parents.

29 3. Children of working families whose family income
30 does not exceed 150 percent of the federal poverty level.

31

1 Section 39. Section 411.223, Florida Statutes, is
2 amended to read:

3 411.223 Uniform standards.--

4 (1) The Department of Children and Family Health and
5 ~~Rehabilitative~~ Services, in consultation with the Department
6 of Education, shall establish a minimum set of procedures for
7 each preschool child who receives preventive health care with
8 state funds. Preventive health care services shall meet the
9 minimum standards established by federal law for the Early
10 Periodic Screening, Diagnosis, and Treatment Program and shall
11 provide guidance on screening instruments which are
12 appropriate for identifying health risks and handicapping
13 conditions in preschool children.

14 (2) Duplicative diagnostic and planning practices
15 shall be eliminated to the extent possible. Diagnostic and
16 other information necessary to provide quality services to
17 high-risk or handicapped children shall be shared among the
18 program offices of the Department of Children and Family
19 ~~Health and Rehabilitative~~ Services, pursuant to the provisions
20 of s. 228.093.

21 Section 40. Paragraphs (c), (d), and (g) of subsection
22 (2) and subsection (5) of section 411.224, Florida Statutes,
23 are amended to read:

24 411.224 Family support planning process.--The
25 Legislature establishes a family support planning process to
26 be used by the Department of Children and Family Services as
27 the service planning process for targeted individuals,
28 children, and families under its purview.

29 (2) To the extent possible within existing resources,
30 the following populations must be included in the family
31 support planning process:

1 (c) Children from birth through age 5 who are served
2 by the Developmental Disabilities ~~Services~~ Program Office of
3 the Department of Children and Family Services.

4 (d) Children from birth through age 5 who are served
5 by the ~~Alcohol, Drug Abuse, and~~ Mental Health Program Office
6 of the Department of Children and Family Services.

7 (g) Children from birth through age 5 who are served
8 by the voluntary family services, protective supervision,
9 foster care, or adoption and related services programs of the
10 Child Care Services ~~Children and Families~~ Program Office of
11 the Department of Children and Family Services, and who are
12 eligible for ongoing services from one or more other programs
13 or agencies that participate in family support planning;
14 however, children served by the voluntary family services
15 program, where the planned length of intervention is 30 days
16 or less, are excluded from this population.

17 (5) There must be only a single-family support plan to
18 address the problems of the various family members unless the
19 family requests that an individual family support plan be
20 developed for different members of that family. The family
21 support plan must replace individual habilitation plans for
22 children from birth through 5 years old who are served by the
23 Developmental Disabilities ~~Services~~ Program Office of the
24 Department of Children and Family Services. To the extent
25 possible, the family support plan must replace other
26 case-planning forms used by the Department of Children and
27 Family Services.

28 Section 41. Paragraph (a) of subsection (1) of section
29 414.028, Florida Statutes, is amended to read:

30 414.028 Local WAGES coalitions.--The WAGES Program
31 State Board of Directors shall create and charter local WAGES

1 coalitions to plan and coordinate the delivery of services
2 under the WAGES Program at the local level. The boundaries of
3 the service area for a local WAGES coalition shall conform to
4 the boundaries of the service area for the regional workforce
5 development board established under the Enterprise Florida
6 workforce development board. The local delivery of services
7 under the WAGES Program shall be coordinated, to the maximum
8 extent possible, with the local services and activities of the
9 local service providers designated by the regional workforce
10 development boards.

11 (1)(a) Each local WAGES coalition must have a minimum
12 of 11 members, of which at least one-half must be from the
13 business community. The composition of the coalition
14 membership must generally reflect the racial, gender, and
15 ethnic diversity of the community as a whole. All members
16 shall be appointed to 3-year terms. The membership of each
17 coalition must include:

18 1. Representatives of the principal entities that
19 provide funding for the employment, education, training, and
20 social service programs that are operated in the service area,
21 including, but not limited to, representatives of local
22 government, the regional workforce development board, and the
23 United Way.

24 2. A representative of the district administrator in
25 the appropriate district of the Department of Children and
26 Family Services ~~health and human services board~~.

27 3. A representative of a community development board.

28 4. Three representatives of the business community who
29 represent a diversity of sizes of businesses.

30 5. Representatives of other local planning,
31 coordinating, or service-delivery entities.

1 6. A representative of a grassroots community or
2 economic development organization that serves the poor of the
3 community.

4 Section 42. Paragraph (e) of subsection (2) of section
5 414.105, Florida Statutes, is amended to read:

6 414.105 Time limitations of temporary cash
7 assistance.--Unless otherwise expressly provided in this
8 chapter, an applicant or current participant shall receive
9 temporary cash assistance for episodes of not more than 24
10 cumulative months in any consecutive 60-month period that
11 begins with the first month of participation and for not more
12 than a lifetime cumulative total of 48 months as an adult.

13 (2) A participant who is not exempt from work activity
14 requirements may earn 1 month of eligibility for extended
15 temporary cash assistance, up to maximum of 12 additional
16 months, for each month in which the participant is fully
17 complying with the work activities of the WAGES Program
18 through subsidized or unsubsidized public or private sector
19 employment. The period for which extended temporary cash
20 assistance is granted shall be based upon compliance with
21 WAGES Program requirements beginning October 1, 1996. A
22 participant may not receive temporary cash assistance under
23 this subsection, in combination with other periods of
24 temporary cash assistance for longer than a lifetime limit of
25 48 months. Hardship exemptions to the time limitations of this
26 chapter shall be limited to 20 percent of participants in all
27 subsequent years, as determined by the department and approved
28 by the WAGES Program State Board of Directors. Criteria for
29 hardship exemptions include:

30 (e) A recommendation of extension for a minor child of
31 a participating family that has reached the end of the

1 eligibility period for temporary cash assistance. The
2 recommendation must be the result of a review which determines
3 that the termination of the child's temporary cash assistance
4 would be likely to result in the child being placed into
5 emergency shelter or foster care. Temporary cash assistance
6 shall be provided through a protective payee. Staff of the
7 Child Care Services ~~Children and Families~~ Program Office of
8 the department shall conduct all assessments in each case in
9 which it appears a child may require continuation of temporary
10 cash assistance through a protective payee.

11

12 At the recommendation of the local WAGES coalition, temporary
13 cash assistance under a hardship exemption for a participant
14 who is eligible for work activities and who is not working
15 shall be reduced by 10 percent. Upon the employment of the
16 participant, full benefits shall be restored.

17 Section 43. Subsection (3) of section 414.36, Florida
18 Statutes, is amended to read:

19 414.36 Public assistance overpayment recovery program;
20 contracts.--

21 (3) The Economic Self-Sufficiency Services Program
22 Office of the department shall have responsibility for
23 contract management and for monitoring and policy development
24 functions relating to privatization of the public assistance
25 overpayment recovery program.

26 Section 44. Subsection (4) of section 916.107, Florida
27 Statutes, is amended to read:

28 916.107 Rights of forensic clients.--

29 (4) QUALITY OF TREATMENT.--Each client committed
30 pursuant to this chapter shall receive treatment or training
31 suited to the client's needs, which shall be administered

1 skillfully, safely, and humanely with full respect for the
2 client's dignity and personal integrity. Each client shall
3 receive such medical, vocational, social, educational, and
4 rehabilitative services as the client's condition requires to
5 bring about a return to court for disposition of charges or a
6 return to the community. In order to achieve this goal, the
7 department is directed to coordinate the services of the
8 ~~Alcohol, Drug Abuse and~~ Mental Health Program Office and the
9 Developmental Disabilities Services Program Office with all
10 other programs of the department and other appropriate state
11 agencies.

12 Section 45. Paragraph (e) of subsection (1) of section
13 985.223, Florida Statutes, is amended to read:

14 985.223 Incompetency in juvenile delinquency cases.--

15 (1) If, at any time prior to or during a delinquency
16 case, the court has reason to believe that the child named in
17 the petition may be incompetent to proceed with the hearing,
18 the court on its own motion may, or on the motion of the
19 child's attorney or state attorney must, stay all proceedings
20 and order an evaluation of the child's mental condition.

21 (e) For incompetency evaluations related to mental
22 retardation, the court shall order the Developmental
23 Disabilities Services Program Office within the Department of
24 Children and Family Services to examine the child to determine
25 if the child meets the definition of "retardation" in s.
26 393.063 and, if so, whether the child is competent to proceed
27 with delinquency proceedings.

28 Section 46. Paragraphs (b) and (d) of subsection (3)
29 and paragraph (c) of subsection (4) of section 985.413,
30 Florida Statutes, are amended to read:

31 985.413 District juvenile justice boards.--

1 (3) DISTRICT JUVENILE JUSTICE BOARDS.--

2 (b)1.a. The authority to appoint members to district
3 juvenile justice boards, and the size of each board, is as
4 follows:

5 (I) District 1 is to have a board composed of 12
6 members, to be appointed by the juvenile justice councils of
7 the respective counties, as follows: Escambia County, 6
8 members; Okaloosa County, 3 members; Santa Rosa County, 2
9 members; and Walton County, 1 member.

10 (II) District 2 is to have a board composed of 18
11 members, to be appointed by the juvenile justice councils in
12 the respective counties, as follows: Holmes County, 1 member;
13 Washington County, 1 member; Bay County, 2 members; Jackson
14 County, 1 member; Calhoun County, 1 member; Gulf County, 1
15 member; Gadsden County, 1 member; Franklin County, 1 member;
16 Liberty County, 1 member; Leon County, 4 members; Wakulla
17 County, 1 member; Jefferson County, 1 member; Madison County,
18 1 member; and Taylor County, 1 member.

19 (III) District 3 is to have a board composed of 15
20 members, to be appointed by the juvenile justice councils of
21 the respective counties, as follows: Hamilton County, 1
22 member; Suwannee County, 1 member; Lafayette County, 1 member;
23 Dixie County, 1 member; Columbia County, 1 member; Gilchrist
24 County, 1 member; Levy County, 1 member; Union County, 1
25 member; Bradford County, 1 member; Putnam County, 1 member;
26 and Alachua County, 5 members.

27 (IV) District 4 is to have a board composed of 12
28 members, to be appointed by the juvenile justice councils of
29 the respective counties, as follows: Baker County, 1 member;
30 Nassau County, 1 member; Duval County, 7 members; Clay County,
31 2 members; and St. Johns County, 1 member.

1 (V) District 5 is to have a board composed of 12
2 members, to be appointed by the juvenile justice councils of
3 the respective counties, as follows: Pasco County, 3 members;
4 and Pinellas County, 9 members.

5 (VI) District 6 is to have a board composed of 12
6 members, to be appointed by the juvenile justice councils of
7 the respective counties, as follows: Hillsborough County, 9
8 members; and Manatee County, 3 members.

9 (VII) District 7 is to have a board composed of 12
10 members, to be appointed by the juvenile justice councils of
11 the respective counties, as follows: Seminole County, 3
12 members; Orange County, 5 members; Osceola County, 1 member;
13 and Brevard County, 3 members.

14 (VIII) District 8 is to have a board composed of 12
15 members, to be appointed by the juvenile justice councils of
16 the respective counties, as follows: Sarasota County, 3
17 members; DeSoto County, 1 member; Charlotte County, 1 member;
18 Lee County, 3 members; Glades County, 1 member; Hendry County,
19 1 member; and Collier County, 2 members.

20 (IX) District 9 is to have a board composed of 12
21 members, to be appointed by the juvenile justice council of
22 Palm Beach County.

23 (X) District 10 is to have a board composed of 12
24 members, to be appointed by the juvenile justice council of
25 Broward County.

26 (XI) District 11 is to have a juvenile justice board
27 composed of 12 members to be appointed by the juvenile justice
28 council in the respective counties, as follows: Miami-Dade
29 ~~Dade~~ County, 6 members and Monroe County, 6 members.

30 (XII) District 12 is to have a board composed of 12
31 members, to be appointed by the juvenile justice council of

1 the respective counties, as follows: Flagler County, 3
2 members; and Volusia County, 9 members.

3 (XIII) District 13 is to have a board composed of 12
4 members, to be appointed by the juvenile justice councils of
5 the respective counties, as follows: Marion County, 4 members;
6 Citrus County, 2 members; Hernando County, 2 members; Sumter
7 County, 1 member; and Lake County, 3 members.

8 (XIV) District 14 is to have a board composed of 12
9 members, to be appointed by the juvenile justice councils of
10 the respective counties, as follows: Polk County, 9 members;
11 Highlands County, 2 members; and Hardee County, 1 member.

12 (XV) District 15 is to have a board composed of 12
13 members, to be appointed by the juvenile justice councils of
14 the respective counties, as follows: Indian River County, 3
15 members; Okeechobee County, 1 member; St. Lucie County, 5
16 members; and Martin County, 3 members.

17
18 The district administrator of the Department of Children and
19 Family Services in each district may ~~health and human services~~
20 ~~board in each district may appoint one of its members to~~ serve
21 as an ex officio member of the district juvenile justice board
22 established under this sub-subparagraph.

23 b. In any judicial circuit where a juvenile
24 delinquency and gang prevention council exists on the date
25 this act becomes law, and where the circuit and district or
26 subdistrict boundaries are identical, such council shall
27 become the district juvenile justice board, and shall
28 thereafter have the purposes and exercise the authority and
29 responsibilities provided in this section.

30 2. At any time after the adoption of initial bylaws
31 pursuant to paragraph (c), a district juvenile justice board

1 may adopt a bylaw to enlarge the size, by no more than three
2 members, and composition of the board to adequately reflect
3 the diversity of the population and community organizations in
4 the district.

5 3. All appointments shall be for 2-year terms.
6 Appointments to fill vacancies created by death, resignation,
7 or removal of a member are for the unexpired term. A member
8 may not serve more than three full consecutive terms.

9 4. A member who is absent for three meetings within
10 any 12-month period, without having been excused by the chair,
11 is deemed to have resigned, and the board shall immediately
12 declare the seat vacant. Members may be suspended or removed
13 for cause by a majority vote of the board members or by the
14 Governor.

15 5. Members are subject to the provisions of chapter
16 112, part III, Code of Ethics for Public Officers and
17 Employees.

18 (d) A district juvenile justice board has the purpose,
19 power, and duty to:

20 1. Advise the district juvenile justice manager and
21 the district administrator on the need for and the
22 availability of juvenile justice programs and services in the
23 district, including the educational services in Department of
24 Juvenile Justice programs.

25 2. Develop a district juvenile justice plan that is
26 based upon the juvenile justice plans developed by each county
27 within the district, and that addresses the needs of each
28 county within the district.

29 3. Develop a district interagency cooperation and
30 information-sharing agreement that supplements county
31

1 agreements and expands the scope to include appropriate
2 circuit and district officials and groups.

3 4. Coordinate the efforts of the district juvenile
4 justice board with the activities of the Governor's Juvenile
5 Justice and Delinquency Prevention Advisory Committee and
6 other public and private entities.

7 5. Advise and assist the district juvenile justice
8 manager in the provision of optional, innovative delinquency
9 services in the district to meet the unique needs of
10 delinquent children and their families.

11 6. Develop, in consultation with the district juvenile
12 justice manager, funding sources external to the Department of
13 Juvenile Justice for the provision and maintenance of
14 additional delinquency programs and services. The board may,
15 either independently or in partnership with one or more county
16 juvenile justice councils or other public or private entities,
17 apply for and receive funds, under contract or other funding
18 arrangement, from federal, state, county, city, and other
19 public agencies, and from public and private foundations,
20 agencies, and charities for the purpose of funding optional
21 innovative prevention, diversion, or treatment services in the
22 district for delinquent children and children at risk of
23 delinquency, and their families. To aid in this process, the
24 department shall provide fiscal agency services for the
25 councils.

26 7. Educate the community about and assist in the
27 community juvenile justice partnership grant program
28 administered by the Department of Juvenile Justice.

29 8. Advise the district administrator of the Department
30 of Children and Family Services ~~health and human services~~
31 ~~board~~, the district juvenile justice manager, and the

1 Secretary of Juvenile Justice regarding the development of the
2 legislative budget request for juvenile justice programs and
3 services in the district and the commitment region, and, in
4 coordination with the district administrator ~~health and human~~
5 ~~services board~~, make recommendations, develop programs, and
6 provide funding for prevention and early intervention programs
7 and services designed to serve children in need of services,
8 families in need of services, and children who are at risk of
9 delinquency within the district or region.

10 9. Assist the district juvenile justice manager in
11 collecting information and statistical data useful in
12 assessing the need for prevention programs and services within
13 the juvenile justice continuum program in the district.

14 10. Make recommendations with respect to, and monitor
15 the effectiveness of, the judicial administrative plan for
16 each circuit pursuant to Rule 2.050, Florida Rules of Judicial
17 Administration.

18 11. Provide periodic reports to the district
19 administrator ~~health and human services board~~ in the
20 appropriate district of the Department of Children and Family
21 Services. These reports must contain, at a minimum, data about
22 the clients served by the juvenile justice programs and
23 services in the district, as well as data concerning the unmet
24 needs of juveniles within the district.

25 12. Provide a written annual report on the activities
26 of the board to the district administrator, the Secretary of
27 Juvenile Justice, and the Juvenile Justice Accountability
28 Board. The report should include an assessment of the
29 effectiveness of juvenile justice continuum programs and
30 services within the district, recommendations for elimination,
31 modification, or expansion of existing programs, and

1 suggestions for new programs or services in the juvenile
2 justice continuum that would meet identified needs of children
3 and families in the district.

4 (4) DISTRICT JUVENILE JUSTICE PLAN; PROGRAMS.--

5 (c) The district juvenile justice board may use public
6 hearings and other appropriate processes to solicit input
7 regarding the development and updating of the district
8 juvenile justice plan. Input may be provided by parties which
9 include, but are not limited to:

10 1. Local level public and private service providers,
11 advocacy organizations, and other organizations working with
12 delinquent children.

13 2. County and municipal governments.

14 3. State agencies that provide services to children
15 and their families.

16 4. University youth centers.

17 5. Judges, state attorneys, public defenders, and The
18 Florida Bar.

19 6. Victims of crimes committed by children.

20 7. Law enforcement.

21 8. Delinquent children and their families and
22 caregivers.

23

24 The district juvenile justice board must develop its district
25 juvenile justice plan in close cooperation with the
26 ~~appropriate health and human services board of the~~ Department
27 of Children and Family Services, local school districts, local
28 law enforcement agencies, and other community groups and must
29 update the plan annually. To aid the planning process, the
30 Department of Juvenile Justice shall provide to district
31 juvenile justice boards routinely collected ethnicity data.

1 The Department of Law Enforcement shall include ethnicity as a
2 field in the Florida Intelligence Center database, and shall
3 collect the data routinely and make it available to district
4 juvenile justice boards.

5 Section 47. Subsection (2) of section 402.185 and
6 subsection (6) of section 409.152, Florida Statutes, are
7 repealed.

8 Section 48. This act shall take effect July 1, 2000.
9

10 *****

11 HOUSE SUMMARY

12 Revises mission and purpose, responsibilities, and
13 organization of the Department of Children and Family
14 Services. Establishes program offices for adult services,
15 child care services, developmental disabilities, economic
16 self-sufficiency services, family safety, mental health,
17 refugee services, and substance abuse. Provides for
18 establishment of support offices. Provides for
19 community-based service delivery through community
20 alliances. Provides for operation of a prototype
21 consolidated region for management and administration of
22 services. Provides for contracts with a lead agency in
23 each county in the region, and provides duties thereof.
24 Provides for child protective investigative services by
25 the county sheriffs, and for funding and training
26 therefor. Eliminates the health and human services
27 boards and innovation zones. Provides for appointment of
28 the family care councils by the Governor. Specifies
29 contracting and performance standards and requirements
30 for the department's contracted client services.
31 Authorizes certification programs for department
employees and service providers and requires employment
programs for staff to facilitate transition to privatized
community-based care. Requires contracts for outplacement
services and authorizes establishment of certain
time-limited positions. Revises provisions relating to
privatization of foster care and related services and to
placing a community-based provider in receivership. See
bill for details.