

1 A bill to be entitled
2 An act relating to the Department of Children
3 and Family Services; amending s. 20.04, F.S.;
4 providing for program offices to be headed by
5 program directors rather than assistant
6 secretaries; amending s. 20.19, F.S.; revising
7 mission and purpose of the department;
8 providing duties and responsibilities of the
9 secretary, deputy secretary, and program
10 directors; providing for program offices and
11 support offices; providing for local services,
12 service districts, district administrators, and
13 community alliances; providing certain budget
14 transfer authority; providing for operation of
15 a prototype region; providing for contracts
16 with lead agencies; providing for consultation
17 with counties on mandated programs; requiring a
18 report; amending s. 39.3065, F.S.; providing
19 for the sheriff in any county to provide child
20 protective investigative services; requiring
21 individuals providing such services to complete
22 protective investigation training; providing
23 for funding; providing for performance
24 evaluation; requiring annual reports to the
25 department; providing for program performance
26 evaluation; providing for a pilot project to
27 serve in a managed care arrangement
28 non-Medicaid eligible persons for substance
29 abuse or mental health services; amending ss.
30 393.502 and 393.503, F.S.; revising provisions
31 relating to creation, appointment, and

1 operation of family care councils; requiring
2 establishment of a training program for council
3 members; providing for reimbursement for
4 members' per diem and travel expenses; deleting
5 references to health and human services boards;
6 creating s. 402.73, F.S.; providing contracting
7 and performance standards for contracted client
8 services; providing conditions for competitive
9 procurement; providing for procurement and
10 contract for services that involve multiple
11 providers; providing requirements relating to
12 matching contributions; providing for
13 independent contract for assessment and case
14 management services; providing for penalties;
15 requiring certain notice; providing for
16 standards of conduct and disciplinary actions
17 with respect to department employees carrying
18 out contracting responsibilities; providing
19 requirements relating to the developmental
20 services Medicaid waiver service system;
21 requiring a report; providing for cancellation
22 of provider contracts; restricting new
23 contracts with canceled providers; providing
24 for liens against facility properties;
25 providing for performance-based incentives;
26 creating s. 402.731, F.S.; authorizing
27 certification programs for department employees
28 and service providers; providing rulemaking
29 authority; requiring employment programs for
30 staff to facilitate transition to privatized
31 community-based care; requiring contracts for

1 outpatient services; authorizing certain
 2 time-limited exempt positions; amending s.
 3 409.1671, F.S., relating to foster care and
 4 related services; deleting provisions relating
 5 to a statewide privatization plan; deleting
 6 requirement that excess earnings be distributed
 7 to all entities contributing to the excess;
 8 providing for the designation of more than one
 9 eligible lead community-based provider within a
 10 single county under certain circumstances;
 11 providing the establishment of a risk pool to
 12 reduce financial risk to community-based
 13 providers; excluding certain entities from
 14 certain insurance requirements; providing for
 15 any excess earnings to be distributed to all
 16 entities contributing to the excess; creating
 17 s. 409.1675, F.S.; providing conditions and
 18 procedures for placing a lead community-based
 19 provider in receivership; providing for notice
 20 and hearing; providing powers and duties of a
 21 receiver; providing for compensation; providing
 22 liability; requiring a receiver to post a bond
 23 under certain circumstances; providing for
 24 termination of receivership; amending ss.
 25 20.43, 39.001, 39.0015, 39.01, 39.201, 39.302,
 26 216.136, 381.0072, 383.14, 393.064, 393.13,
 27 394.462, 394.4674, 394.67, 394.75, 397.311,
 28 397.321, 397.821, 397.901, 400.435, 402.17,
 29 402.3015, 402.40, 402.47, 409.152, 409.1673,
 30 410.0245, 411.01, 411.223, 411.224, 414.028,
 31 414.105, 414.36, 916.107, 985.223, and 985.413,

1 F.S.; providing changes to conform with the
2 provisions of the act; repealing s. 402.185(2),
3 F.S., relating to funding for staff of the
4 Office of Standards and Evaluation of the
5 department; repealing s. 409.152(6), F.S.,
6 relating to designation of family preservation
7 programs by the health and human services
8 boards; providing a directive to the statute
9 editors to conform terminology; providing
10 incentive grants for children service council
11 or juvenile welfare board; providing
12 requirements; authorizing rules; requiring the
13 Correctional Privatization Commission in
14 consultation with the Department of Children
15 and Families to issue a request for proposal
16 for the financing, design, construction,
17 acquisition, ownership, leasing, and operation
18 of a specified secure facility to house and
19 rehabilitate certain sexual predators;
20 authorizing the secretary of the Department of
21 Children and Families to approve the request
22 for proposal, the successful bidder, and the
23 contract; providing authority for the
24 commission to enter into a contract with a
25 provider; providing authority of the contractor
26 with respect to financing of the project;
27 providing authority of the state to enter into
28 certain agreements; providing for termination
29 of a specified program upon completion of the
30 facility; providing an effective date.
31

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

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

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

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

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

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

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

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

(1) MISSION AND PURPOSE.--

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

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

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

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

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

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

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

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

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

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

24 (b) The following program offices are established:

- 25 1. Adult Services.
- 26 2. Child Care Services.
- 27 3. Developmental Disabilities.
- 28 4. Economic Self-Sufficiency Services.
- 29 5. Family Safety.
- 30 6. Mental Health.
- 31 7. Refugee Services.

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

1 10. District 8, Subdistrict A.--Sarasota and DeSoto
2 Counties.

3 11. District 8, Subdistrict B.--Charlotte, Lee,
4 Glades, Hendry, and Collier Counties.

5 12. District 9.--Palm Beach County.

6 13. District 10.--Broward County.

7 14. District 11, Subdistrict A.--Miami-Dade County.

8 15. District 11, Subdistrict B.--Monroe County.

9 16. District 12.--Flagler and Volusia Counties.

10 17. District 13.--Marion, Citrus, Hernando, Sumter,
11 and Lake Counties.

12 18. District 14.--Polk, Hardee, and Highlands
13 Counties.

14 19. District 15.--Indian River, Okeechobee, St. Lucie,
15 and Martin Counties.

16 (b) The secretary shall appoint a district
17 administrator for each of the service districts. The district
18 administrator shall serve at the pleasure of the secretary and
19 shall perform such duties as assigned by the secretary.

20 Subject to the approval of the secretary, such duties shall
21 include transferring up to 10 percent of the total district
22 budget, the provisions of ss. 216.292 and 216.351
23 notwithstanding.

24 (6) COMMUNITY ALLIANCES.--

25 (a) The department shall, in consultation with local
26 communities, establish a community alliance of the
27 stakeholders, community leaders, client representatives and
28 funders of human services in each county to provide a focal
29 point for community participation and governance of
30 community-based services. An alliance may cover more than one
31 county when such arrangement is determined to provide for more

1 effective representation. The community alliance shall
2 represent the diversity of the community.

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

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

8 2. Needs assessment and establishment of community
9 priorities for service delivery.

10 3. Determining community outcome goals to supplement
11 state-required outcomes.

12 4. Serving as a catalyst for community resource
13 development.

14 5. Providing for community education and advocacy on
15 issues related to delivery of services.

16 6. Promoting prevention and early intervention
17 services.

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

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

24 1. The district administrator.

25 2. A representative from county government.

26 3. A representative from the school district.

27 4. A representative from the county United Way.

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

29 6. A representative from the circuit court
30 corresponding to the county.

31

1 7. A representative from the county children's board,
2 if one exists.

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

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

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

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

28 (i) Alliance members shall annually submit a
29 disclosure statement of services interests to the department's
30 inspector general. Any member who has an interest in a matter
31

1 under consideration by the alliance must abstain from voting
2 on that matter.

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

6 (7) PROTOTYPE REGION.--

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

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

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

1 1. Directing and coordinating the program and
2 children's services 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 appropriate
10 organization within the service district capable of providing
11 such service or services within the department's quality
12 assurance and 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.

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 district family care council.

7 (2) MEMBERSHIP.--

8 (a) Each district family care ~~The~~ council shall
9 consist of at least 10 and no more than 15 members ~~nine~~
10 ~~persons~~ recommended by a majority vote of the district family
11 care council and appointed by the Governor ~~district health and~~
12 ~~human services board.~~

13 (b) At least three ~~One-half~~ of the members of the
14 council must be consumers. One such member shall be a consumer
15 who received developmental services within the 4 years prior
16 to the date of recommendation, or the legal guardian of such a
17 consumer. The remainder of the council members shall be
18 parents, guardians, or siblings ~~who are family members or~~
19 ~~legal guardians~~ of persons with developmental disabilities who
20 qualify for developmental services pursuant to this chapter.
21 ~~At least one-half of the members of the council shall be~~
22 ~~current consumers of developmental services.~~

23 (c) A person who is currently serving on another board
24 or council of the department may not be appointed to a
25 district family care council.

26 (d) Employees of the department are not eligible to
27 serve on a district family care council.

28 (e) Persons related by consanguinity or affinity
29 within the third degree shall not serve on the same district
30 family care council at the same time.

31

1 (f) A chair ~~chairperson~~ for the council shall must be
2 chosen by the council members to serve for 1 year. A person
3 may serve no more than four 1-year terms as chair.

4 (3) TERMS; VACANCIES.--

5 (a) Council members shall be appointed for a 3-year
6 ~~2-year~~ term, except as provided in subsection (8), and may be
7 reappointed to ~~not more than~~ one additional term. ~~A person who~~
8 ~~is currently serving on another board or council of the~~
9 ~~department may not be appointed to a family care council.~~

10 (b) A member who has served two consecutive terms
11 shall not be eligible to serve again until 12 months have
12 elapsed since ending his or her service on the district
13 council.

14 (c) Upon expiration of a term or in the case of any
15 other vacancy, the district council shall, by majority vote,
16 recommend to the Governor for appointment a person for each
17 vacancy. If the Governor does not act on the council's
18 recommendations within 45 days after receiving them, the
19 persons recommended shall be considered to be appointed.

20 (4) COMMITTEE APPOINTMENTS.--The chair of the district
21 family care council may appoint persons to serve on council
22 committees. Such persons may include former members of the
23 council and persons not eligible to serve on the council.

24 (5) TRAINING.--

25 (a) The department, in consultation with the district
26 councils, shall establish a training program for district
27 family care council members. Each district shall provide the
28 training program when new persons are appointed to the
29 district council and at other times as the secretary deems
30 necessary.

31

1 (b) The training shall assist the council members to
2 understand the laws, rules, and policies applicable to their
3 duties and responsibilities.

4 (c) All persons appointed to a district council must
5 complete this training within 90 days after their appointment.
6 A person who fails to meet this requirement shall be
7 considered to have resigned from the council.

8 ~~(6)(2) MEETINGS; CONTINUED EXISTENCE.~~--Council members
9 shall serve on a voluntary basis without payment for their
10 services but shall be reimbursed for per diem and travel
11 expenses as provided for in s. 112.061. The council shall
12 meet at least six times per year ~~once a month.~~

13 ~~(7)(3) PURPOSE.~~--The purpose of the district family
14 care councils shall be to advise ~~the health and human services~~
15 ~~boards of~~ the department and its district advisory boards, to
16 develop a plan for the delivery of developmental services
17 family support within the district, and to monitor the
18 implementation and effectiveness of services and support
19 provided under the plan. The primary functions of the
20 district family care councils shall be to:

21 (a) Assist in providing information and outreach to
22 families.

23 (b) Review the effectiveness of developmental services
24 programs and make recommendations with respect to program
25 implementation.

26 (c) Advise district developmental services
27 administrators with respect to policy issues relevant to the
28 community and family support system in the district.

29 (d) Meet and share information with other district
30 family care councils.

31

1 (8) NEW COUNCILS.--When a district family care council
2 is established for the first time in a district, the Governor
3 shall appoint the first four council members, who shall serve
4 3-year terms. These members shall submit to the Governor,
5 within 90 days after their appointment, recommendations for at
6 least six additional members, selected by majority vote. If
7 the Governor does not act on the recommendations within 45
8 days after receiving them, the persons recommended shall be
9 considered to be appointed. Those members recommended for
10 appointment by the Governor shall serve for 2 years.

11 (9) FUNDING; FINANCIAL REVIEW.--The district family
12 care council may apply for, receive, and accept grants, gifts,
13 donations, bequests, and other payments from any public or
14 private entity or person. Each district council shall be
15 subject to an annual financial review by district staff
16 assigned by the district administrator. Each district council
17 shall exercise care and prudence in the expenditure of funds.
18 The district family care councils shall comply with state
19 expenditure requirements.

20 Section 6. Section 393.503, Florida Statutes, is
21 amended to read:

22 393.503 Respite and family care subsidy expenditures;
23 funding.--The Department of Children and Family Services shall
24 determine the amount of expenditures per fiscal year for the
25 respite and family care subsidy to families and individuals
26 with developmental disabilities living in their own homes.
27 This information shall be made available to the family care
28 councils and to others requesting the information. The family
29 care councils shall review the expenditures and make
30 recommendations to the department ~~health and human services~~

1 ~~board~~ with respect to any new funds that are made available
2 for family care.

3 Section 7. Section 402.73, Florida Statutes, is
4 created to read:

5 402.73 Contracting and performance standards.--

6 (1) The Department of Children and Family Services
7 shall establish performance standards for all contracted
8 client services. Notwithstanding s. 287.057(3)(f), the
9 department must competitively procure any contract for client
10 services when any of the following occurs:

11 (a) The provider fails to meet appropriate performance
12 standards established by the department after the provider has
13 been given a reasonable opportunity to achieve the established
14 standards.

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

18 (c) The department has concluded, after reviewing
19 market prices and available treatment options, that there is
20 evidence that the department can improve the performance
21 outcomes produced by its contract resources. At a minimum, the
22 department shall review market prices and available treatment
23 options biennially. The department shall compile the results
24 of the biennial review and include the results in its annual
25 performance report to the Legislature pursuant to chapter
26 94-249, Laws of Florida. The department shall provide notice
27 and an opportunity for public comment on its review of market
28 prices and available treatment options.

29 (2) The competitive requirements of subsection (1)
30 must be initiated for each contract that meets the criteria of
31 this subsection, unless the secretary makes a written

1 determination that particular facts and circumstances require
2 deferral of the competitive process. Facts and circumstances
3 must be specifically described for each individual contract
4 proposed for deferral and must include one or more of the
5 following:

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

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

11 (c) A threat to the service infrastructure of a
12 community which could endanger the well-being of the
13 department's clients.

14
15 Competitive procurement of client services contracts that meet
16 the criteria in subsection (1) may not be deferred for longer
17 than 1 year.

18 (3) The Legislature intends that the department obtain
19 services in the manner that is most cost-effective for the
20 state, that provides the greatest long-term benefits to the
21 clients receiving services, and that minimizes the disruption
22 of client services. In order to meet these legislative goals,
23 the department may adopt rules providing procedures for the
24 competitive procurement of contracted client services which
25 represent an alternative to the request-for-proposal or
26 invitation-to-bid process. The alternative competitive
27 procedures shall permit the department to solicit professional
28 qualifications from prospective providers and to evaluate such
29 statements of qualification before requesting service
30 proposals. The department may limit the firms invited to
31 submit service proposals to only those firms that have

1 demonstrated the highest level of professional capability to
 2 provide the services under consideration, but may not invite
 3 fewer than three firms to submit service proposals, unless
 4 fewer than three firms submitted satisfactory statements of
 5 qualification. The alternative procedures must, at a minimum,
 6 allow the department to evaluate competing proposals and
 7 select the proposal that provides the greatest benefit to the
 8 state while considering the quality of the services,
 9 dependability, and integrity of the provider, the
 10 dependability of the provider's services, the experience of
 11 the provider in serving target populations or client groups
 12 substantially identical to members of the target population
 13 for the contract in question, and the ability of the provider
 14 to secure local funds to support the delivery of services,
 15 including, but not limited to, funds derived from local
 16 governments. These alternative procedures need not conform to
 17 the requirements of s. 287.042 or s. 287.057(1) or (2).

18 (4) The department shall review the period for which
 19 it executes contracts and, to the greatest extent practicable,
 20 shall execute multiyear contracts to make the most efficient
 21 use of the resources devoted to contract processing and
 22 execution.

23 (5) When it is in the best interest of a defined
 24 segment of its consumer population, the department may
 25 competitively procure and contract for systems of treatment or
 26 service that involve multiple providers, rather than procuring
 27 and contracting for treatment or services separately from each
 28 participating provider. The department must ensure that all
 29 providers that participate in the treatment or service system
 30 meet all applicable statutory, regulatory, service-quality,
 31 and cost-control requirements. If other governmental entities

1 or units of special purpose government contribute matching
 2 funds to the support of a given system of treatment or
 3 service, the department shall formally request information
 4 from those funding entities in the procurement process and may
 5 take the information received into account in the selection
 6 process. If a local government contributes match to support
 7 the system of treatment or contracted service and if the match
 8 constitutes at least 25 percent of the value of the contract,
 9 the department shall afford the governmental match contributor
 10 an opportunity to name an employee to the selection team
 11 required by s. 287.057(15). Any employee so named shall
 12 qualify as one of the employees required by s. 287.057(15).
 13 The selection team shall include the named employee unless the
 14 department sets forth in writing the reason such inclusion
 15 would be contrary to the best interests of the state. No
 16 governmental entity or unit of special purpose government may
 17 name an employee to the selection team if it, or any of its
 18 political subdivisions, executive agencies, or special
 19 districts, intends to compete for the contract to be awarded.
 20 The governmental funding entity or match contributor shall
 21 comply with any deadlines and procurement procedures
 22 established by the department. The department may also involve
 23 nongovernmental funding entities in the procurement process
 24 when appropriate.

25 (6) The department may contract for or provide
 26 assessment and case management services independently from
 27 treatment services.

28 (7) The department shall adopt, by rule, provisions
 29 for including in its contracts incremental penalties to be
 30 imposed by its contract managers on a service provider due to
 31 the provider's failure to comply with a requirement for

1 corrective action. Any financial penalty that is imposed upon
2 a provider may not be paid from funds being used to provide
3 services to clients, and the provider may not reduce the
4 amount of services being delivered to clients as a method for
5 offsetting the impact of the penalty. If a financial penalty
6 is imposed upon a provider that is a corporation, the
7 department shall notify, at a minimum, the board of directors
8 of the corporation. The department may notify, at its
9 discretion, any additional parties that the department
10 believes may be helpful in obtaining the corrective action
11 that is being sought. Further, the rules adopted by the
12 department must include provisions that permit the department
13 to deduct the financial penalties from funds that would
14 otherwise be due to the provider, not to exceed 10 percent of
15 the amount that otherwise would be due to the provider for the
16 period of noncompliance. If the department imposes a financial
17 penalty, it shall advise the provider in writing of the cause
18 for the penalty. A failure to include such deductions in a
19 request for payment constitutes a ground for the department to
20 reject that request for payment. The remedies identified in
21 this subsection do not limit or restrict the department's
22 application of any other remedy available to it in the
23 contract or under law. The remedies described in this
24 subsection may be cumulative and may be assessed upon each
25 separate failure to comply with instructions from the
26 department to complete corrective action.

27 (8) The department shall develop standards of conduct
28 and a range of disciplinary actions for its employees which
29 are specifically related to carrying out contracting
30 responsibilities.

31

1 (9) The department must implement systems and controls
 2 to ensure financial integrity and service provision quality in
 3 the developmental services Medicaid waiver service system. The
 4 Auditor General shall include specific reference to systems
 5 and controls related to financial integrity in the
 6 developmental services Medicaid waiver service system in his
 7 or her audit of the department for each fiscal year.

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

28 (11) The department shall include in its standard
 29 contract document a requirement that it file a lien against
 30 the property where facilities are located which have been
 31 constructed or substantially renovated, in whole or in part,

1 through the use of state funds. However, the department is not
 2 required to file a lien if the amount of state funds does not
 3 exceed \$25,000 or 10 percent of the contract amount, whichever
 4 amount is less. The lien must be recorded in the county where
 5 the property is located upon the execution of the contract
 6 authorizing such construction or renovation. The lien must
 7 specify that the department has a financial interest in the
 8 property equal to the pro rata portion of the state's original
 9 investment of the then-fair-market value for renovations, or
 10 the proportionate share of the cost of the construction. The
 11 lien must also specify that the department's interest is
 12 proportionately reduced and subsequently vacated over a
 13 20-year period of depreciation. The contract must include a
 14 provision that, as a condition of receipt of state funding for
 15 this purpose, the provider agrees that, if it disposes of the
 16 property before the department's interest is vacated, the
 17 provider will refund the proportionate share of the state's
 18 initial investment, as adjusted by depreciation.

19 (12) The department shall develop and refine
 20 contracting and accountability methods that are
 21 administratively efficient and that provide for optimal
 22 provider performance.

23 (13) The department may competitively procure any
 24 contract when it deems it is in the best interest of the state
 25 to do so. The requirements described in subsection (1) do not,
 26 and may not be construed to, limit in any way the department's
 27 ability to competitively procure any contract it executes, and
 28 the absence of any or all of the criteria described in
 29 subsection (1) may not be used as the basis for an
 30 administrative or judicial protest of the department's
 31

1 determination to conduct competition, make an award, or
2 execute any contract.

3 (14) A contract may include cost-neutral,
4 performance-based incentives that may vary according to the
5 extent a provider achieves or surpasses the performance
6 standards set forth in the contract. Such incentives may be
7 weighted proportionally to reflect the extent to which the
8 provider has demonstrated that it has consistently met or
9 exceeded the contractual requirements and the department's
10 performance standards.

11 (15) Nothing contained in chapter 287 shall require
12 competitive bids for health services involving examination,
13 diagnosis, or treatment.

14 Section 8. Section 402.731, Florida Statutes, is
15 created to read:

16 402.731 Department of Children and Family Services
17 certification programs for employees and service providers;
18 employment provisions for transition to community-based
19 care.--

20 (1) The Department of Children and Family Services is
21 authorized to create certification programs for its employees
22 and service providers to ensure that only qualified employees
23 and service providers provide client services. The department
24 is authorized to develop rules that include qualifications for
25 certification, including training and testing requirements,
26 continuing education requirements for ongoing certification,
27 and decertification procedures to be used to determine when an
28 individual no longer meets the qualifications for
29 certification and to implement the decertification of an
30 employee or agent.

31

1 (2) The department shall develop and implement
2 employment programs to attract and retain competent staff to
3 support and facilitate the transition to privatized
4 community-based care. Such employment programs shall include
5 lump-sum bonuses, salary incentives, relocation allowances, or
6 severance pay. The department shall also contract for the
7 delivery or administration of outplacement services. The
8 department shall establish time-limited exempt positions as
9 provided in s. 110.205(2)(h), in accordance with the authority
10 provided in s. 216.262(1)(c)1. Employees appointed to fill
11 such exempt positions shall have the same salaries and
12 benefits as career service employees.

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

19 409.1671 Foster care and related services;
20 privatization.--

21 (1)(a) It is the intent of the Legislature that the
22 Department of Children and Family Services shall privatize the
23 provision of foster care and related services statewide. It is
24 further the Legislature's intent to encourage communities and
25 other stakeholders in the well-being of children to
26 participate in assuring that children are safe and
27 well-nurtured. However, while recognizing that some local
28 governments are presently funding portions of certain foster
29 care and related services programs and may choose to expand
30 such funding in the future, the Legislature does not intend by
31 its privatization of foster care and related services that any

1 county, municipality, or special district be required to
 2 assist in funding programs that previously have been funded by
 3 the state. Nothing in this paragraph prohibits any county,
 4 municipality, or special district from future voluntary
 5 funding participation in foster care and related services. As
 6 used in this section, the term "privatize" means to contract
 7 with competent, community-based agencies. The department shall
 8 submit a plan to accomplish privatization statewide, through a
 9 competitive process, phased in over a 3-year period beginning
 10 January 1, 2000. ~~This plan is to be submitted by July 1, 1999,~~
 11 ~~to the President of the Senate, the Speaker of the House of~~
 12 ~~Representatives, the Governor, and the minority leaders of~~
 13 ~~both houses.~~ This plan must be developed with local community
 14 participation, including, but not limited to, input from
 15 community-based providers that are currently under contract
 16 with the department to furnish community-based foster care and
 17 related services, and must include a methodology for
 18 determining and transferring all available funds, including
 19 federal funds that the provider is eligible for and agrees to
 20 earn and that portion of general revenue funds which is
 21 currently associated with the services that are being
 22 furnished under contract. ~~Notwithstanding the provisions of s.~~
 23 ~~215.425, all documented federal funds earned for the current~~
 24 ~~fiscal year by the department and community-based agencies~~
 25 ~~which exceed the amount appropriated by the Legislature shall~~
 26 ~~be distributed to all entities that contributed to the excess~~
 27 ~~earnings based on a schedule and methodology developed by the~~
 28 ~~department and approved by the Executive Office of the~~
 29 ~~Governor. Distribution shall be pro rata based on total~~
 30 ~~earnings and shall be made only to those entities that~~
 31 ~~contributed to excess earnings. Excess earnings of~~

~~1 community-based agencies shall be used only in the district in~~
~~2 which they were earned. Additional state funds appropriated by~~
~~3 the Legislature for community-based agencies or made available~~
~~4 pursuant to the budgetary amendment process described in s.~~
~~5 216.177 shall be transferred to the community-based agencies.~~
~~6 The department shall amend a community-based agency's contract~~
~~7 to permit expenditure of the funds. The distribution program~~
~~8 applies only to entities that were under privatization~~
~~9 contracts as of July 1, 1999. This program is authorized for a~~
~~10 period of 3 years beginning July 1, 1999, and ending June 30,~~
~~11 2002. The Office of Program Policy Analysis and Government~~
~~12 Accountability shall review this program and report to the~~
~~13 Legislature by December 31, 2001. The review shall assess the~~
~~14 program to determine how the additional resources were used,~~
~~15 the number of additional clients served, the improvements in~~
~~16 quality of service attained, the performance outcomes~~
~~17 associated with the additional resources, and the feasibility~~
~~18 of continuing or expanding this program.~~The methodology must
~~19 provide for the transfer of funds appropriated and budgeted~~
~~20 for all services and programs that have been incorporated into~~
~~21 the project, including all management, capital (including~~
~~22 current furniture and equipment), and administrative funds to~~
~~23 accomplish the transfer of these programs. This methodology~~
~~24 must address expected workload and at least the 3 previous~~
~~25 years' experience in expenses and workload. With respect to~~
~~26 any district or portion of a district in which privatization~~
~~27 cannot be accomplished within the 3-year timeframe, the~~
~~28 department must clearly state in its plan the reasons the~~
~~29 timeframe cannot be met and the efforts that should be made to~~
~~30 remediate the obstacles, which may include alternatives to~~
~~31 total privatization, such as public-private partnerships. As~~

1 used in this section, the term "related services" means family
2 preservation, independent living, emergency shelter,
3 residential group care, foster care, therapeutic foster care,
4 intensive residential treatment, foster care supervision, case
5 management, postplacement supervision, permanent foster care,
6 and family reunification. Unless otherwise provided for,
7 beginning in fiscal year 1999-2000, either the state attorney
8 or the Office of the Attorney General shall provide child
9 welfare legal services, pursuant to chapter 39 and other
10 relevant provisions, in Sarasota, Pinellas, Pasco, Broward,
11 and Manatee Counties. Such legal services shall commence and
12 be effective, as soon as determined reasonably feasible by the
13 respective state attorney or the Office of the Attorney
14 General, after the privatization of associated programs and
15 child protective investigations has occurred. When a private
16 nonprofit agency has received case management
17 responsibilities, transferred from the state under this
18 section, for a child who is sheltered or found to be dependent
19 and who is assigned to the care of the privatization project,
20 the agency may act as the child's guardian for the purpose of
21 registering the child in school if a parent or guardian of the
22 child is unavailable and his or her whereabouts cannot
23 reasonably be ascertained. The private nonprofit agency may
24 also seek emergency medical attention for such a child, but
25 only if a parent or guardian of the child is unavailable, his
26 or her whereabouts cannot reasonably be ascertained, and a
27 court order for such emergency medical services cannot be
28 obtained because of the severity of the emergency or because
29 it is after normal working hours. However, the provider may
30 not consent to sterilization, abortion, or termination of life
31 support. If a child's parents' rights have been terminated,

1 the nonprofit agency shall act as guardian of the child in all
2 circumstances.

3 (b) As used in this section, the term "eligible lead
4 community-based provider" means a single agency with which the
5 department shall contract for the provision of child
6 protective services in a community that is no smaller than a
7 county. The secretary of the department may authorize more
8 than one eligible lead community-based provider within a
9 single county when to do so will result in more effective
10 delivery of foster care and related services.To compete for a
11 privatization project, such agency must have:

12 1. The ability to coordinate, integrate, and manage
13 all child protective services in the designated community in
14 cooperation with child protective investigations.

15 2. The ability to ensure continuity of care from entry
16 to exit for all children referred from the protective
17 investigation and court systems.

18 3. The ability to provide directly, or contract for
19 through a local network of providers, all necessary child
20 protective services.

21 4. The willingness to accept accountability for
22 meeting the outcomes and performance standards related to
23 child protective services established by the Legislature and
24 the Federal Government.

25 5. The capability and the willingness to serve all
26 children referred to it from the protective investigation and
27 court systems, regardless of the level of funding allocated to
28 the community by the state, provided all related funding is
29 transferred.

30 6. The willingness to ensure that each individual who
31 provides child protective services completes the training

1 required of child protective service workers by the Department
2 of Children and Family Services.

3 (d) Other than an entity to which s. 768.28 applies,
4 any eligible lead community-based provider, as defined in
5 paragraph (b), or its employees or officers, except as
6 otherwise provided in paragraph (e), must, as a part of its
7 contract, obtain a minimum of \$1 million per claim/\$3 million
8 per incident in general liability insurance coverage. In any
9 tort action brought against such an eligible lead
10 community-based provider, net economic damages shall be
11 limited to \$1 million per claim, including, but not limited
12 to, past and future medical expenses, wage loss, and loss of
13 earning capacity, offset by any collateral source payment paid
14 or payable. In any tort action brought against such an
15 eligible lead community-based provider, noneconomic damages
16 shall be limited to \$200,000 per claim. A claims bill may be
17 brought on behalf of a claimant pursuant to s. 768.28 for any
18 amount exceeding the limits specified in this paragraph. Any
19 offset of collateral source payments made as of the date of
20 the settlement or judgment shall be in accordance with s.
21 768.76. The lead community-based provider shall not be liable
22 in tort for the acts or omissions of its subcontractors or the
23 officers, agents, or employees of its subcontractors.

24 (3)

25 (c) The ~~annual~~ contract between the department and
26 community-based agencies must include provisions that specify
27 the procedures to be used by the parties to resolve
28 differences in interpreting the contract or to resolve
29 disputes as to the adequacy of the parties' compliance with
30 their respective obligations under the contract.

31

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 (20) is added to section
15 397.321, Florida Statutes, to read:

16 397.321 Duties of the department.--The department
17 shall:

18 (20) The department may establish in district 9, in
19 cooperation with the Palm Beach County Board of County
20 Commissioners, a pilot project to serve in a managed care
21 arrangement non-Medicaid eligible persons who qualify to
22 receive substance abuse or mental health services from the
23 department. The department may contract with a not for profit
24 entity to conduct the pilot project. The results of the pilot
25 project shall be reported to the district administrator, and
26 the Secretary eighteen months after the initiation. The
27 department shall incur no additional administrative costs for
28 the pilot project.

29 Section 29. Subsection (3) of section 397.821, Florida
30 Statutes, is amended to read:

31

1 397.821 Juvenile substance abuse impairment prevention
2 and early intervention councils.--

3 (3) The council shall provide recommendations to the
4 Program Director for Substance Abuse ~~Assistant Secretary for~~
5 ~~Alcohol, Drug Abuse, and Mental Health~~ annually for
6 consideration for inclusion in the district ~~alcohol, drug~~
7 ~~abuse, and mental health planning councils for consideration~~
8 ~~for inclusion in the district~~ alcohol, drug abuse, and mental
9 health plans.

10 Section 30. Subsection (4) of section 397.901, Florida
11 Statutes, is amended to read:

12 397.901 Prototype juvenile addictions receiving
13 facilities.--

14 (4) The department shall adopt rules necessary to
15 implement this section. The rules must be written by the
16 department's Substance Abuse ~~Alcohol, Drug Abuse, and Mental~~
17 ~~Health~~ Program Office and must specify criteria for staffing
18 and services delineated for the provision of graduated levels
19 of care from nonintensive to environmentally secure for the
20 handling of aggressive and difficult-to-manage behavior and
21 the prevention of elopement.

22 Section 31. Subsection (2) of section 400.435, Florida
23 Statutes, is amended to read:

24 400.435 Maintenance of records; reports.--

25 (2) Within 60 days after the date of the biennial
26 inspection visit or within 30 days after the date of any
27 interim visit, the agency shall forward the results of the
28 inspection to the district ombudsman council in whose planning
29 and service area, as defined in part II, the facility is
30 located; to at least one public library or, in the absence of
31 a public library, the county seat in the county in which the

1 inspected assisted living facility is located; and, when
2 appropriate, to the district Adult Services and ~~district~~
3 ~~alcohol, drug abuse, and~~ Mental Health Program Offices.

4 Section 32. Paragraph (a) of subsection (1) of section
5 402.17, Florida Statutes, is amended to read:

6 402.17 Claims for care and maintenance; trust
7 property.--The Department of Children and Family Services
8 shall protect the financial interest of the state with respect
9 to claims which the state may have for the care and
10 maintenance of clients of the department. The department
11 shall, as trustee, hold in trust and administer money of
12 clients and property designated for the personal benefit of
13 clients. The department shall act as trustee of clients' money
14 and property entrusted to it in accordance with the usual
15 fiduciary standards applicable generally to trustees, and
16 shall act to protect both the short-term and long-term
17 interests of the clients for whose benefit it is holding such
18 money and property.

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

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

21 1. Receive and supervise the collection of sums due
22 the state.

23 2. Bring any court action necessary to collect any
24 claim the state may have against any client, former client,
25 guardian of any client or former client, executor or
26 administrator of the client's estate, or any person against
27 whom any client or former client may have a claim.

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

30 4. Obtain from the Economic Self-Sufficiency Services
31 Program Office a financial status report on any client or

1 former client, including the ability of third parties
2 responsible for such client to pay all or part of the cost of
3 the client's care and maintenance.

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

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

11 7. File claims with any person, firm, or corporation
12 or with any federal, state, county, district, or municipal
13 agency on behalf of an unrepresented client.

14 8. Represent the state in the settlement of the
15 estates of deceased clients or in the settlement of estates in
16 which a client or a former client against whom the state may
17 have a claim has a financial interest.

18 9. Establish procedures by rule for the use of amounts
19 held in trust for the client to pay for the cost of care and
20 maintenance, if such amounts would otherwise cause the client
21 to become ineligible for services which are in the client's
22 best interests.

23 Section 33. Paragraph (a) of subsection (1) and
24 subsection (7) of section 402.3015, Florida Statutes, are
25 amended to read:

26 402.3015 Subsidized child care program; purpose; fees;
27 contracts.--

28 (1) The purpose of the subsidized child care program
29 is to provide quality child care to enhance the development,
30 including language, cognitive, motor, social, and self-help
31 skills of children who are at risk of abuse or neglect and

1 children of low-income families, and to promote financial
2 self-sufficiency and life skills for the families of these
3 children, unless prohibited by federal law. Priority for
4 participation in the subsidized child care program shall be
5 accorded to children under 13 years of age who are:

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

9 (7) To the extent funds are available, the department
10 shall contract for support services for children who are
11 clients of the department's Child Care Services Children and
12 Families Program Office and who participate in the subsidized
13 child care program. Support services shall include, but need
14 not be limited to, transportation, child development programs,
15 child nutrition services, and parent training and family
16 counseling activities.

17 Section 34. Subsection (6) of section 402.40, Florida
18 Statutes, is amended to read:

19 402.40 Child welfare training academies established;
20 Child Welfare Standards and Training Council created;
21 responsibilities of council; Child Welfare Training Trust Fund
22 created.--

23 (6) ~~TIMEFRAME FOR ESTABLISHMENT OF TRAINING~~
24 ~~ACADEMIES.--By June 30, 1987, the department shall have~~
25 ~~established and have operational at least one training~~
26 ~~academy, which shall be located in subdistrict IIB. The~~
27 department shall contract for the operation of one or more
28 training academies ~~the academy~~ with Tallahassee Community
29 College. The number, location, and timeframe for
30 establishment of additional training academies shall be
31

1 according to the recommendation of the council as approved by
2 the Secretary of Children and Family Services.

3 Section 35. Subsection (2) of section 402.47, Florida
4 Statutes, is amended to read:

5 402.47 Foster grandparent and retired senior volunteer
6 services to high-risk and handicapped children.--

7 (2) The Department of Children and Family ~~Health and~~
8 ~~Rehabilitative~~ Services shall:

9 (a) Establish a program to provide foster grandparent
10 and retired senior volunteer services to high-risk and
11 handicapped children. Foster grandparent services and retired
12 senior volunteer services to high-risk and handicapped
13 children shall be under the supervision of the department
14 ~~Deputy Secretary for Human Services~~, in coordination with
15 intraagency and interagency programs and agreements as
16 provided for in s. 411.203.

17 (b) In authorized districts, contract with foster
18 grandparent programs and retired senior volunteer programs for
19 services to high-risk and handicapped children, utilizing
20 funds appropriated for handicap prevention.

21 (c) Develop guidelines for the provision of foster
22 grandparent services and retired senior volunteer services to
23 high-risk and handicapped children, and monitor and evaluate
24 the implementation of the program.

25 (d) Coordinate with the Federal Action State Office
26 and the department's Office of Prevention, Early Assistance,
27 and Child Development regarding the development of criteria
28 for program elements and funding.

29 Section 36. Subsection (7) of section 409.152, Florida
30 Statutes, is amended to read:

31 409.152 Service integration and family preservation.--

1 (7) On or before September 1, 1993, and annually
2 thereafter, the department shall submit to the Governor, the
3 President of the Senate, the Speaker of the House of
4 Representatives, and the appropriate substantive committees of
5 the Senate and the House of Representatives a copy of the
6 state and district plans described in this section ~~and the~~
7 ~~results or accomplishments of any district family preservation~~
8 ~~programs established by the health and human services boards.~~

9 Section 37. Paragraphs (a) and (b) of subsection (2)
10 of section 409.1673, Florida Statutes, are amended to read:

11 409.1673 Legislative findings; alternate care plans.--

12 (2) ALTERNATE CARE PLANS.--

13 (a) The department must in a collaborative
14 partnership with community service providers annually develop
15 and administer an objective plan with respect to services for
16 dependent children. The district's community service providers
17 ~~Each service district~~ must annually develop and submit to the
18 district administrator ~~health and human services board~~ by
19 March 31, 1995, and by March 31 of each succeeding year an
20 alternate care plan that specifies the assessment and case
21 planning process and prescribes the services needed to ensure
22 the most appropriate alternate care placement for dependent
23 children who must be placed outside their homes. As used in
24 this section, the term "assessment" means the evaluation of a
25 child's physical, psychological, educational, vocational, and
26 social condition and the child's family environment as they
27 relate to the child's need for rehabilitative and treatment
28 services, including substance abuse treatment services, mental
29 health services, developmental services, educational and
30 remedial literacy services, medical services, family services,
31 and other specialized services.

1 (b) The plan must be developed by the department in
2 collaboration with community service providers, foster parent
3 providers, licensed residential child care providers, mental
4 health providers, parents and guardians, child care providers,
5 school system representatives, juvenile justice council
6 members, and other community representatives, and must be
7 approved by the district administrator ~~health and human~~
8 ~~services board~~. The plan must be approved prior to the
9 beginning of each fiscal year for use in preparing the
10 legislative budget request for the following fiscal year.

11 Section 38. Paragraph (a) of subsection (1) of section
12 410.0245, Florida Statutes, is amended to read:

13 410.0245 Study of service needs; report; multiyear
14 plan.--

15 (1)(a) The ~~Aging and~~ Adult Services Program Office of
16 the Department of Children and Family Services shall contract
17 for a study of the service needs of the 18-to-59-year-old
18 disabled adult population served or waiting to be served by
19 the community care for disabled adults program. The Division
20 of Vocational Rehabilitation of the Department of Labor and
21 Employment Security and other appropriate state agencies shall
22 provide information to the Department of Children and Family
23 Services when requested for the purposes of this study.

24 Section 39. Paragraph (a) of subsection (6) of section
25 411.01, Florida Statutes, is amended to read:

26 411.01 Florida Partnership for School Readiness;
27 school readiness coalitions.--

28 (6) PROGRAM ELIGIBILITY.--The school readiness program
29 shall be established for children under the age of
30 kindergarten eligibility. Priority for participation in the
31

1 school readiness program shall be given to children who meet
2 one or more of the following criteria:

3 (a) Children under the age of kindergarten eligibility
4 who are:

5 1. Children determined to be at risk of abuse,
6 neglect, or exploitation and who are currently clients of the
7 Family Safety Children and Family Services Program Office of
8 the Department of Children and Family Services.

9 2. Children at risk of welfare dependency, including
10 economically disadvantaged children, children of participants
11 in the WAGES program, children of migrant farmworkers, and
12 children of teen parents.

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

15 Section 40. Section 411.223, Florida Statutes, is
16 amended to read:

17 411.223 Uniform standards.--

18 (1) The Department of Children and Family Health and
19 ~~Rehabilitative~~ Services, in consultation with the Department
20 of Education, shall establish a minimum set of procedures for
21 each preschool child who receives preventive health care with
22 state funds. Preventive health care services shall meet the
23 minimum standards established by federal law for the Early
24 Periodic Screening, Diagnosis, and Treatment Program and shall
25 provide guidance on screening instruments which are
26 appropriate for identifying health risks and handicapping
27 conditions in preschool children.

28 (2) Duplicative diagnostic and planning practices
29 shall be eliminated to the extent possible. Diagnostic and
30 other information necessary to provide quality services to
31 high-risk or handicapped children shall be shared among the

1 program offices of the Department of Children and Family
2 ~~Health and Rehabilitative~~ Services, pursuant to the provisions
3 of s. 228.093.

4 Section 41. Paragraphs (c), (d), and (g) of subsection
5 (2) and subsection (5) of section 411.224, Florida Statutes,
6 are amended to read:

7 411.224 Family support planning process.--The
8 Legislature establishes a family support planning process to
9 be used by the Department of Children and Family Services as
10 the service planning process for targeted individuals,
11 children, and families under its purview.

12 (2) To the extent possible within existing resources,
13 the following populations must be included in the family
14 support planning process:

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

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

21 (g) Children from birth through age 5 who are served
22 by the voluntary family services, protective supervision,
23 foster care, or adoption and related services programs of the
24 Child Care Services ~~Children and Families~~ Program Office of
25 the Department of Children and Family Services, and who are
26 eligible for ongoing services from one or more other programs
27 or agencies that participate in family support planning;
28 however, children served by the voluntary family services
29 program, where the planned length of intervention is 30 days
30 or less, are excluded from this population.

31

1 (5) There must be only a single-family support plan to
2 address the problems of the various family members unless the
3 family requests that an individual family support plan be
4 developed for different members of that family. The family
5 support plan must replace individual habilitation plans for
6 children from birth through 5 years old who are served by the
7 Developmental Disabilities ~~Services~~ Program Office of the
8 Department of Children and Family Services. To the extent
9 possible, the family support plan must replace other
10 case-planning forms used by the Department of Children and
11 Family Services.

12 Section 42. Paragraph (a) of subsection (1) of section
13 414.028, Florida Statutes, is amended to read:

14 414.028 Local WAGES coalitions.--The WAGES Program
15 State Board of Directors shall create and charter local WAGES
16 coalitions to plan and coordinate the delivery of services
17 under the WAGES Program at the local level. The boundaries of
18 the service area for a local WAGES coalition shall conform to
19 the boundaries of the service area for the regional workforce
20 development board established under the Enterprise Florida
21 workforce development board. The local delivery of services
22 under the WAGES Program shall be coordinated, to the maximum
23 extent possible, with the local services and activities of the
24 local service providers designated by the regional workforce
25 development boards.

26 (1)(a) Each local WAGES coalition must have a minimum
27 of 11 members, of which at least one-half must be from the
28 business community. The composition of the coalition
29 membership must generally reflect the racial, gender, and
30 ethnic diversity of the community as a whole. All members

31

1 shall be appointed to 3-year terms. The membership of each
2 coalition must include:

3 1. Representatives of the principal entities that
4 provide funding for the employment, education, training, and
5 social service programs that are operated in the service area,
6 including, but not limited to, representatives of local
7 government, the regional workforce development board, and the
8 United Way.

9 2. A representative of the district administrator in
10 the appropriate district of the Department of Children and
11 Family Services ~~health and human services board.~~

12 3. A representative of a community development board.

13 4. Three representatives of the business community who
14 represent a diversity of sizes of businesses.

15 5. Representatives of other local planning,
16 coordinating, or service-delivery entities.

17 6. A representative of a grassroots community or
18 economic development organization that serves the poor of the
19 community.

20 Section 43. Paragraph (e) of subsection (2) of section
21 414.105, Florida Statutes, is amended to read:

22 414.105 Time limitations of temporary cash
23 assistance.--Unless otherwise expressly provided in this
24 chapter, an applicant or current participant shall receive
25 temporary cash assistance for episodes of not more than 24
26 cumulative months in any consecutive 60-month period that
27 begins with the first month of participation and for not more
28 than a lifetime cumulative total of 48 months as an adult.

29 (2) A participant who is not exempt from work activity
30 requirements may earn 1 month of eligibility for extended
31 temporary cash assistance, up to maximum of 12 additional

1 months, for each month in which the participant is fully
 2 complying with the work activities of the WAGES Program
 3 through subsidized or unsubsidized public or private sector
 4 employment. The period for which extended temporary cash
 5 assistance is granted shall be based upon compliance with
 6 WAGES Program requirements beginning October 1, 1996. A
 7 participant may not receive temporary cash assistance under
 8 this subsection, in combination with other periods of
 9 temporary cash assistance for longer than a lifetime limit of
 10 48 months. Hardship exemptions to the time limitations of this
 11 chapter shall be limited to 20 percent of participants in all
 12 subsequent years, as determined by the department and approved
 13 by the WAGES Program State Board of Directors. Criteria for
 14 hardship exemptions include:

15 (e) A recommendation of extension for a minor child of
 16 a participating family that has reached the end of the
 17 eligibility period for temporary cash assistance. The
 18 recommendation must be the result of a review which determines
 19 that the termination of the child's temporary cash assistance
 20 would be likely to result in the child being placed into
 21 emergency shelter or foster care. Temporary cash assistance
 22 shall be provided through a protective payee. Staff of the
 23 Child Care Services ~~Children and Families~~ Program Office of
 24 the department shall conduct all assessments in each case in
 25 which it appears a child may require continuation of temporary
 26 cash assistance through a protective payee.

27
 28 At the recommendation of the local WAGES coalition, temporary
 29 cash assistance under a hardship exemption for a participant
 30 who is eligible for work activities and who is not working
 31

1 shall be reduced by 10 percent. Upon the employment of the
2 participant, full benefits shall be restored.

3 Section 44. Subsection (3) of section 414.36, Florida
4 Statutes, is amended to read:

5 414.36 Public assistance overpayment recovery program;
6 contracts.--

7 (3) The Economic Self-Sufficiency Services Program
8 Office of the department shall have responsibility for
9 contract management and for monitoring and policy development
10 functions relating to privatization of the public assistance
11 overpayment recovery program.

12 Section 45. Subsection (4) of section 916.107, Florida
13 Statutes, is amended to read:

14 916.107 Rights of forensic clients.--

15 (4) QUALITY OF TREATMENT.--Each client committed
16 pursuant to this chapter shall receive treatment or training
17 suited to the client's needs, which shall be administered
18 skillfully, safely, and humanely with full respect for the
19 client's dignity and personal integrity. Each client shall
20 receive such medical, vocational, social, educational, and
21 rehabilitative services as the client's condition requires to
22 bring about a return to court for disposition of charges or a
23 return to the community. In order to achieve this goal, the
24 department is directed to coordinate the services of the
25 ~~Alcohol, Drug Abuse and~~ Mental Health Program Office and the
26 Developmental Disabilities ~~Services~~ Program Office with all
27 other programs of the department and other appropriate state
28 agencies.

29 Section 46. Paragraph (e) of subsection (1) of section
30 985.223, Florida Statutes, is amended to read:

31 985.223 Incompetency in juvenile delinquency cases.--

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

7 (e) For incompetency evaluations related to mental
8 retardation, the court shall order the Developmental
9 Disabilities Services Program Office within the Department of
10 Children and Family Services to examine the child to determine
11 if the child meets the definition of "retardation" in s.
12 393.063 and, if so, whether the child is competent to proceed
13 with delinquency proceedings.

14 Section 47. Paragraphs (b) and (d) of subsection (3)
15 and paragraph (c) of subsection (4) of section 985.413,
16 Florida Statutes, are amended to read:

17 985.413 District juvenile justice boards.--

18 (3) DISTRICT JUVENILE JUSTICE BOARDS.--

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

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

27 (II) District 2 is to have a board composed of 18
28 members, to be appointed by the juvenile justice councils in
29 the respective counties, as follows: Holmes County, 1 member;
30 Washington County, 1 member; Bay County, 2 members; Jackson
31 County, 1 member; Calhoun County, 1 member; Gulf County, 1

1 member; Gadsden County, 1 member; Franklin County, 1 member;
2 Liberty County, 1 member; Leon County, 4 members; Wakulla
3 County, 1 member; Jefferson County, 1 member; Madison County,
4 1 member; and Taylor County, 1 member.

5 (III) District 3 is to have a board composed of 15
6 members, to be appointed by the juvenile justice councils of
7 the respective counties, as follows: Hamilton County, 1
8 member; Suwannee County, 1 member; Lafayette County, 1 member;
9 Dixie County, 1 member; Columbia County, 1 member; Gilchrist
10 County, 1 member; Levy County, 1 member; Union County, 1
11 member; Bradford County, 1 member; Putnam County, 1 member;
12 and Alachua County, 5 members.

13 (IV) District 4 is to have a board composed of 12
14 members, to be appointed by the juvenile justice councils of
15 the respective counties, as follows: Baker County, 1 member;
16 Nassau County, 1 member; Duval County, 7 members; Clay County,
17 2 members; and St. Johns County, 1 member.

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

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

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

31

1 (VIII) District 8 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: Sarasota County, 3
4 members; DeSoto County, 1 member; Charlotte County, 1 member;
5 Lee County, 3 members; Glades County, 1 member; Hendry County,
6 1 member; and Collier County, 2 members.

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

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

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

17 (XII) District 12 is to have a board composed of 12
18 members, to be appointed by the juvenile justice council of
19 the respective counties, as follows: Flagler County, 3
20 members; and Volusia County, 9 members.

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

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

30 (XV) District 15 is to have a board composed of 12
31 members, to be appointed by the juvenile justice councils of

1 the respective counties, as follows: Indian River County, 3
2 members; Okeechobee County, 1 member; St. Lucie County, 5
3 members; and Martin County, 3 members.

4
5 The district administrator of the Department of Children and
6 Family Services in each district may ~~health and human services~~
7 ~~board in each district may appoint one of its members to~~ serve
8 as an ex officio member of the district juvenile justice board
9 established under this sub-subparagraph.

10 b. In any judicial circuit where a juvenile
11 delinquency and gang prevention council exists on the date
12 this act becomes law, and where the circuit and district or
13 subdistrict boundaries are identical, such council shall
14 become the district juvenile justice board, and shall
15 thereafter have the purposes and exercise the authority and
16 responsibilities provided in this section.

17 2. At any time after the adoption of initial bylaws
18 pursuant to paragraph (c), a district juvenile justice board
19 may adopt a bylaw to enlarge the size, by no more than three
20 members, and composition of the board to adequately reflect
21 the diversity of the population and community organizations in
22 the district.

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

27 4. A member who is absent for three meetings within
28 any 12-month period, without having been excused by the chair,
29 is deemed to have resigned, and the board shall immediately
30 declare the seat vacant. Members may be suspended or removed
31

1 for cause by a majority vote of the board members or by the
2 Governor.

3 5. Members are subject to the provisions of chapter
4 112, part III, Code of Ethics for Public Officers and
5 Employees.

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

8 1. Advise the district juvenile justice manager and
9 the district administrator on the need for and the
10 availability of juvenile justice programs and services in the
11 district, including the educational services in Department of
12 Juvenile Justice programs.

13 2. Develop a district juvenile justice plan that is
14 based upon the juvenile justice plans developed by each county
15 within the district, and that addresses the needs of each
16 county within the district.

17 3. Develop a district interagency cooperation and
18 information-sharing agreement that supplements county
19 agreements and expands the scope to include appropriate
20 circuit and district officials and groups.

21 4. Coordinate the efforts of the district juvenile
22 justice board with the activities of the Governor's Juvenile
23 Justice and Delinquency Prevention Advisory Committee and
24 other public and private entities.

25 5. Advise and assist the district juvenile justice
26 manager in the provision of optional, innovative delinquency
27 services in the district to meet the unique needs of
28 delinquent children and their families.

29 6. Develop, in consultation with the district juvenile
30 justice manager, funding sources external to the Department of
31 Juvenile Justice for the provision and maintenance of

1 additional delinquency programs and services. The board may,
2 either independently or in partnership with one or more county
3 juvenile justice councils or other public or private entities,
4 apply for and receive funds, under contract or other funding
5 arrangement, from federal, state, county, city, and other
6 public agencies, and from public and private foundations,
7 agencies, and charities for the purpose of funding optional
8 innovative prevention, diversion, or treatment services in the
9 district for delinquent children and children at risk of
10 delinquency, and their families. To aid in this process, the
11 department shall provide fiscal agency services for the
12 councils.

13 7. Educate the community about and assist in the
14 community juvenile justice partnership grant program
15 administered by the Department of Juvenile Justice.

16 8. Advise the district administrator of the Department
17 of Children and Family Services ~~health and human services~~
18 ~~board~~, the district juvenile justice manager, and the
19 Secretary of Juvenile Justice regarding the development of the
20 legislative budget request for juvenile justice programs and
21 services in the district and the commitment region, and, in
22 coordination with the district administrator ~~health and human~~
23 ~~services board~~, make recommendations, develop programs, and
24 provide funding for prevention and early intervention programs
25 and services designed to serve children in need of services,
26 families in need of services, and children who are at risk of
27 delinquency within the district or region.

28 9. Assist the district juvenile justice manager in
29 collecting information and statistical data useful in
30 assessing the need for prevention programs and services within
31 the juvenile justice continuum program in the district.

1 10. Make recommendations with respect to, and monitor
2 the effectiveness of, the judicial administrative plan for
3 each circuit pursuant to Rule 2.050, Florida Rules of Judicial
4 Administration.

5 11. Provide periodic reports to the district
6 administrator ~~health and human services board~~ in the
7 appropriate district of the Department of Children and Family
8 Services. These reports must contain, at a minimum, data about
9 the clients served by the juvenile justice programs and
10 services in the district, as well as data concerning the unmet
11 needs of juveniles within the district.

12 12. Provide a written annual report on the activities
13 of the board to the district administrator, the Secretary of
14 Juvenile Justice, and the Juvenile Justice Accountability
15 Board. The report should include an assessment of the
16 effectiveness of juvenile justice continuum programs and
17 services within the district, recommendations for elimination,
18 modification, or expansion of existing programs, and
19 suggestions for new programs or services in the juvenile
20 justice continuum that would meet identified needs of children
21 and families in the district.

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

23 (c) The district juvenile justice board may use public
24 hearings and other appropriate processes to solicit input
25 regarding the development and updating of the district
26 juvenile justice plan. Input may be provided by parties which
27 include, but are not limited to:

28 1. Local level public and private service providers,
29 advocacy organizations, and other organizations working with
30 delinquent children.

31 2. County and municipal governments.

1 3. State agencies that provide services to children
2 and their families.

3 4. University youth centers.

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

6 6. Victims of crimes committed by children.

7 7. Law enforcement.

8 8. Delinquent children and their families and
9 caregivers.

10
11 The district juvenile justice board must develop its district
12 juvenile justice plan in close cooperation with the
13 ~~appropriate health and human services board of the~~ Department
14 of Children and Family Services, local school districts, local
15 law enforcement agencies, and other community groups and must
16 update the plan annually. To aid the planning process, the
17 Department of Juvenile Justice shall provide to district
18 juvenile justice boards routinely collected ethnicity data.
19 The Department of Law Enforcement shall include ethnicity as a
20 field in the Florida Intelligence Center database, and shall
21 collect the data routinely and make it available to district
22 juvenile justice boards.

23 Section 48. Subsection (2) of section 402.185 and
24 subsection (6) of section 409.152, Florida Statutes, are
25 repealed.

26 Section 49. Children Service Council or Juvenile
27 Welfare Board incentive grants.--

28 (1) Subject to specific appropriations, it is the
29 intent of the Legislature to provide incentives to encourage
30 Children Service Councils or Juvenile Welfare Boards to
31

1 provide support to local child welfare programs related to
2 implementation of community-based care.

3 (a) A Children Service Council or Juvenile Welfare
4 Board as authorized in s. 125.901, or by special act, may
5 submit a request for funding or continued funding to the
6 Department of Children and Families to support programs funded
7 by the council or board for local child welfare services
8 related to implementation of community-based care.

9 (b) The Department of Children and Families shall
10 establish grant application procedures.

11 (2) The Department of Children and Families shall make
12 award determinations no later than October 1 of each year.
13 All applicants shall be notified by the department of its
14 final action.

15 (3) Each council or board that is awarded a grant as
16 provided for in this section shall submit performance and
17 output information as determined by the Department of Children
18 and Families.

19 (4) The Department of Children and Families shall
20 establish rules as necessary to implement this section.

21 (1) The Correctional Privatization Commission
22 created under chapter 957, Florida Statutes, in consultation
23 with the Department of Children and Family Services, shall
24 develop and issue a request for proposal for the financing,
25 design, construction, acquisition, ownership, leasing, and
26 operation of a secure facility of at least 400 beds to house
27 and rehabilitate sexual predators committed under the Jimmy
28 Ryce Act of 1998. The Secretary of the Department of Children
29 and Families shall retain final approval of the request for
30 proposal, the successful bidder, and the contract.

31

1 (2) This constitutes specific legislative
2 authorization for the Correctional Privatization Commission to
3 enter into a contract with a provider for the financing,
4 design, construction, acquisition, ownership, leasing, and
5 operation of a secure facility to house and rehabilitate
6 sexual predators to be constructed upon the grounds of the
7 DeSoto Correctional Facility in DeSoto County housing the
8 DeSoto Correctional Institute.

9 (3) The selected contractor for the financing, design,
10 construction, acquisition, ownership, leasing and operation of
11 the secure facility is authorized to enter into a lease
12 arrangement or other private financing, or to sponsor the
13 issuance of tax exempt bonds, certificates of participation,
14 or other public or private means to finance the facility. The
15 state is authorized to enter into all such agreements as are
16 necessary, including lease alternatives, to bring the facility
17 to an operational state and to commence leasing of the
18 facility.

19 (4) Upon completion of the sexual predator secure
20 treatment facility in DeSoto County, the Martin Sexually
21 Violent Predator Treatment and Retaining Program shall be
22 phased out, to be terminated within 1 year of completion of
23 the facility.

24 Section 50. This act shall take effect July 1, 2000.
25
26
27
28
29
30
31