

1
2 An act relating to children and families;
3 amending s. 39.01, F.S.; revising the
4 definition of the term "long-term custody";
5 defining the term "long-term licensed custody";
6 amending s. 39.013, F.S.; providing for
7 precedence of orders of the circuit court in
8 dependency matters involving dissolution or
9 other custody action; deleting provisions
10 relating to state funding of court-appointed
11 counsel for legal guardians at shelter
12 hearings; amending s. 39.0132, F.S., relating
13 to oaths, records, and confidential
14 information; amending s. 39.202, F.S.; revising
15 provisions relating to access to and
16 disclosure of reports and records in cases of
17 child abuse or neglect; amending s. 39.402,
18 F.S., relating to placement in a shelter;
19 amending s. 39.502, F.S., relating to notice,
20 process, and services; amending s. 39.503,
21 F.S., relating to procedures when the identity
22 or location of the parent is unknown; creating
23 a new pt. VII of ch. 39, F.S., relating to
24 disposition and postdisposition change of
25 custody; creating a new pt. IX of ch. 39, F.S.,
26 relating to permanency; renumbering and
27 amending s. 39.508, F.S.; revising provisions
28 relating to disposition hearings and powers of
29 disposition; amending s. 39.5085, F.S.;
30 providing intent for achieving permanency
31 through a variety of permanency options;

1 conforming a cross-reference; creating s.
2 39.522, F.S.; providing for postdisposition
3 change of custody; amending s. 39.601, F.S.;
4 providing requirements relating to case plans;
5 amending s. 39.603, F.S., relating to court
6 hearings for approval of case planning;
7 authorizing, rather than requiring, court
8 appointment of a guardian ad litem under
9 certain circumstances; creating s. 39.621,
10 F.S.; providing for permanency determinations
11 by the court; creating s. 39.622, F.S.;
12 providing conditions and requirements for court
13 placement of a child in long-term custody;
14 creating s. 39.623, F.S.; providing conditions
15 and requirements for court approval of
16 placement in long-term licensed custody;
17 creating s. 39.624, F.S.; providing conditions
18 and requirements for court approval of
19 placement in independent living; amending s.
20 39.701, F.S.; revising provisions relating to
21 judicial review hearings; amending s. 39.803,
22 F.S.; revising procedure relating to diligent
23 search, after filing of a termination of
24 parental rights petition, for a parent whose
25 identity or location is unknown; amending s.
26 39.804, F.S.; providing a penalty for false
27 statements concerning paternity; amending s.
28 39.806, F.S.; providing abandonment as a ground
29 for termination of parental rights; amending s.
30 39.807, F.S.; providing responsibilities of the
31 guardian ad litem; amending s. 39.811, F.S.;

1 providing for court-ordered disposition of the
2 child in long-term custody following
3 termination of parental rights; amending s.
4 435.045, F.S.; authorizing placement in a
5 foster home pending
6 federal-criminal-records-check results;
7 requiring certain disclosure by prospective and
8 approved foster parents; amending s. 409.2554,
9 F.S.; conforming cross-references; repealing s.
10 402.40(3), F.S.; abolishing the Child Welfare
11 Standards and Training Council; amending s.
12 20.04, F.S.; providing for program offices to
13 be headed by program directors rather than
14 assistant secretaries; amending s. 20.19, F.S.;
15 revising mission and purpose of the department;
16 providing duties and responsibilities of the
17 secretary, deputy secretary, and program
18 directors; providing for program offices and
19 support offices; providing for local services,
20 service districts, district administrators, and
21 community alliances; providing certain budget
22 transfer authority; providing for the
23 department to develop projections of the number
24 of child abuse and neglect cases and to propose
25 legislative budget requests based on Child
26 Welfare League Standards; providing for
27 operation of a prototype region; providing for
28 contracts with lead agencies; providing for
29 consultation with counties on mandated
30 programs; amending s. 39.3065, F.S.; providing
31 for the sheriff in any county to provide child

1 protective investigative services; requiring
2 individuals providing such services to complete
3 protective investigation training; providing
4 for funding; providing for performance
5 evaluation; requiring reports to the department
6 as specified in the grant agreement; providing
7 for program performance evaluation; amending s.
8 318.21, F.S.; providing for disposition of
9 civil penalties to the Grants and Donations
10 Trust Fund in the Office of State Courts
11 Administrator; amending s. 397.321, F.S.;
12 providing for a pilot project to serve in a
13 managed care arrangement non-Medicaid eligible
14 persons for substance abuse or mental health
15 services; amending ss. 393.502 and 393.503,
16 F.S.; revising provisions relating to creation,
17 appointment, and operation of family care
18 councils; requiring establishment of a training
19 program for council members; providing for
20 reimbursement for members' per diem and travel
21 expenses; deleting references to health and
22 human services boards; creating s. 402.73,
23 F.S.; providing contracting and performance
24 standards for contracted client services;
25 providing conditions for competitive
26 procurement; providing for procurement and
27 contract for services that involve multiple
28 providers; providing requirements relating to
29 matching contributions; providing for
30 independent contract for assessment and case
31 management services; providing for penalties;

1 requiring certain notice; providing for
2 standards of conduct and disciplinary actions
3 with respect to department employees carrying
4 out contracting responsibilities; providing
5 requirements relating to the developmental
6 services Medicaid waiver service system;
7 requiring a report; providing for cancellation
8 of provider contracts; restricting new
9 contracts with canceled providers; providing
10 that contract documents include a requirement
11 that any state funds provided for purchase of
12 or improvement to real property are contingent
13 upon the granting of a security interest;
14 providing for performance-based incentives;
15 creating s. 402.731, F.S.; authorizing
16 certification programs for department employees
17 and service providers; providing rulemaking
18 authority; requiring employment programs for
19 staff to facilitate transition to privatized
20 community-based care; requiring contracts for
21 outpatient services; authorizing certain
22 time-limited exempt positions; amending s.
23 409.1671, F.S., relating to foster care and
24 related services; deleting provisions relating
25 to a statewide privatization plan; deleting
26 requirement that excess earnings be distributed
27 to all entities contributing to the excess;
28 providing for the designation of more than one
29 eligible lead community-based provider within a
30 single county under certain circumstances;
31 providing the establishment of a risk pool to

1 reduce financial risk to community-based
2 providers; excluding certain entities from
3 certain insurance requirements; providing for
4 any excess earnings to be distributed to all
5 entities contributing to the excess; creating
6 s. 409.1675, F.S.; providing conditions and
7 procedures for placing a lead community-based
8 provider in receivership; providing for notice
9 and hearing; providing powers and duties of a
10 receiver; providing for compensation; providing
11 liability; requiring a receiver to post a bond
12 under certain circumstances; providing for
13 termination of receivership; amending s.
14 409.176, F.S.; authorizing the facility
15 administrator or designee to consent to routine
16 and emergency medical care within specified
17 conditions; amending ss. 20.43, 39.001,
18 39.0015, 39.01, 39.201, 39.302, 216.136,
19 381.0072, 383.14, 393.064, 393.13, 394.462,
20 394.4674, 394.67, 394.75, 397.311, 397.321,
21 397.821, 397.901, 400.435, 402.17, 402.3015,
22 402.40, 402.47, 409.152, 409.1673, 410.0245,
23 411.01, 411.223, 411.224, 414.028, 414.105,
24 414.36, 916.107, 985.223, and 985.413, F.S.;
25 providing changes to conform with the
26 provisions of the act; repealing s. 402.185(2),
27 F.S., relating to funding for staff of the
28 Office of Standards and Evaluation of the
29 department; repealing s. 409.152(6), F.S.,
30 relating to designation of family preservation
31 programs by the health and human services

1 boards; providing a directive to the statute
2 editors to conform terminology; providing
3 incentive grants for children's services
4 council or juvenile welfare board; providing
5 requirements; authorizing rules; requiring the
6 Correctional Privatization Commission in
7 consultation with the Department of Children
8 and Family Services to issue a request for
9 proposal for the financing, design,
10 construction, acquisition, ownership, leasing,
11 and operation of a specified secure facility to
12 house and rehabilitate certain sexual
13 predators; authorizing the Secretary of
14 Children and Family Services to approve the
15 request for proposal, the successful bidder,
16 and the contract; providing authority for the
17 commission to enter into a contract with a
18 provider; providing authority of the contractor
19 with respect to financing of the project;
20 providing authority of the state to enter into
21 certain agreements; providing for termination
22 of a specified program upon completion of the
23 facility; amending s. 409.145, F.S.;
24 authorizing the Department of Children and
25 Family Services to continue providing foster
26 care services to certain individuals who are
27 enrolled full-time in a degree-granting program
28 in a postsecondary educational institution;
29 specifying circumstances under which such
30 services shall be terminated; repealing s.
31 216.1365, F.S.; requiring the Criminal Justice

1 Estimating Conference to project future bed
2 needs and other program needs for sexually
3 violent predators; amending s. 216.136, F.S.;
4 requiring the Criminal Justice Estimating
5 Conference to project future bed needs and
6 other program needs for sexually violent
7 predators; amending s. 960.07, F.S.; expanding
8 the time within which a victim of an offense
9 committed by a sexually violent predator may
10 apply for compensation from the Crimes
11 Compensation Trust Fund; amending s. 394.913,
12 F.S.; increasing the period of time for the
13 multidisciplinary team to determine if an
14 offender is a sexually violent predator;
15 amending s. 394.930, F.S.; requiring the
16 Department of Children and Family Services to
17 adopt rules for education and training for
18 members of multidisciplinary teams and other
19 professionals who evaluate sexually violent
20 predators; amending s. 394.931, F.S.; requiring
21 the Department of Children and Family Services
22 to implement a long-term study to determine the
23 effectiveness of involuntary civil commitment
24 of sexually violent predators; directing the
25 Department of Children and Family Services to
26 study the feasibility of establishing a
27 certification or licensure program for
28 non-clinical social workers; requiring a report
29 to the Legislature; creating s. 784.085, F.S.;
30 prohibiting battery of a child by throwing,
31 tossing, projecting, or expelling certain

1 fluids; providing a penalty; providing a
2 definition; amending s. 921.0022, F.S.,
3 relating to the criminal Punishment Code;
4 conforming provisions to changes made by the
5 act; creating s. 683.23, F.S.; designating the
6 second Monday in September of each year as
7 "Florida Missing Children's Day"; providing
8 legislative intent with respect to providing
9 competent legal representation for children in
10 state custody; requiring that the Office of the
11 State Courts Administrator create a pilot
12 Attorney Ad Litem Program in the Ninth Judicial
13 Circuit; authorizing the office to contract
14 with a private or public entity to operate the
15 pilot program; providing for the pilot program
16 to operate independently of other state
17 agencies responsible for the care of children
18 in state custody; providing for administration
19 of the program; requiring that the Office of
20 the State Courts Administrator develop a
21 training program for attorneys ad litem;
22 requiring that the court direct the pilot
23 program to assign an attorney ad litem;
24 requiring that the Department of Children and
25 Family Services provide information to the
26 pilot-program administrator; providing for
27 assigning an attorney ad litem to represent the
28 child's wishes; requiring the Office of the
29 State Courts Administrator to make annual
30 reports to the Legislature; requiring that the
31 Office of the States Courts Administrator

1 evaluate the pilot program; requesting that the
2 Supreme Court adopt rules of juvenile
3 procedure; providing appropriations for the
4 pilot program; providing an effective date.
5

6 Be It Enacted by the Legislature of the State of Florida:
7

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

10 20.04 Structure of executive branch.--The executive
11 branch of state government is structured as follows:

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

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

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

19 20.19 Department of Children and Families.--There is
20 created a Department of Children and Family Services.

21 (1) MISSION AND PURPOSE.--

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

26 (b) The department shall develop a strategic plan for
27 fulfilling its mission and establish a set of measurable
28 goals, objectives, performance standards, and quality
29 assurance requirements to ensure that the department is
30 accountable to the people of Florida.
31

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

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

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

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

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

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

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

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

29 (b) The following program offices are established:

30 1. Adult Services.

31 2. Child Care Services.

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

- 1 6. District 5.--Pasco and Pinellas Counties.
2 7. District 6.--Hillsborough and Manatee Counties.
3 8. District 7, Subdistrict A.--Seminole, Orange, and
4 Osceola Counties.
5 9. District 7, Subdistrict B.--Brevard County.
6 10. District 8, Subdistrict A.--Sarasota and DeSoto
7 Counties.
8 11. District 8, Subdistrict B.--Charlotte, Lee,
9 Glades, Hendry, and Collier Counties.
10 12. District 9.--Palm Beach County.
11 13. District 10.--Broward County.
12 14. District 11, Subdistrict A.--Miami-Dade County.
13 15. District 11, Subdistrict B.--Monroe County.
14 16. District 12.--Flagler and Volusia Counties.
15 17. District 13.--Marion, Citrus, Hernando, Sumter,
16 and Lake Counties.
17 18. District 14.--Polk, Hardee, and Highlands
18 Counties.
19 19. District 15.--Indian River, Okeechobee, St. Lucie,
20 and Martin Counties.
21 (b) The secretary shall appoint a district
22 administrator for each of the service districts. The district
23 administrator shall serve at the pleasure of the secretary and
24 shall perform such duties as assigned by the secretary.
25 Subject to the approval of the secretary, such duties shall
26 include transferring up to 10 percent of the total district
27 budget, the provisions of ss. 216.292 and 216.351
28 notwithstanding.
29 (c) Each fiscal year the secretary shall, in
30 consultation with the relevant employee representatives,
31 develop projections of the number of child abuse and neglect

- 1 cases and shall include in the department's legislative budget
2 request a specific appropriation for funds and positions for
3 the next fiscal year in order to provide an adequate number of
4 full-time equivalent:
- 5 1. Child protection investigation workers so that
6 caseloads do not exceed the Child Welfare League Standards by
7 more than two cases; and
- 8 2. Child protection case workers so that caseloads do
9 not exceed the Child Welfare League Standard by more than two
10 cases.
- 11 (6) COMMUNITY ALLIANCES.--
- 12 (a) The department shall, in consultation with local
13 communities, establish a community alliance of the
14 stakeholders, community leaders, client representatives and
15 fundors of human services in each county to provide a focal
16 point for community participation and governance of
17 community-based services. An alliance may cover more than one
18 county when such arrangement is determined to provide for more
19 effective representation. The community alliance shall
20 represent the diversity of the community.
- 21 (b) The duties of the community alliance shall
22 include, but not necessarily be limited to:
- 23 1. Joint planning for resource utilization in the
24 community, including resources appropriated to the department
25 and any funds that local funding sources choose to provide.
- 26 2. Needs assessment and establishment of community
27 priorities for service delivery.
- 28 3. Determining community outcome goals to supplement
29 state-required outcomes.
- 30 4. Serving as a catalyst for community resource
31 development.

1 5. Providing for community education and advocacy on
2 issues related to delivery of services.

3 6. Promoting prevention and early intervention
4 services.

5 (c) The department shall ensure, to the greatest
6 extent possible, that the formation of each community alliance
7 builds on the strengths of the existing community human
8 services infrastructure.

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

11 1. The district administrator.

12 2. A representative from county government.

13 3. A representative from the school district.

14 4. A representative from the county United Way.

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

16 6. A representative from the circuit court
17 corresponding to the county.

18 7. A representative from the county children's board,
19 if one exists.

20 (e) At any time after the initial meeting of the
21 community alliance, the community alliance shall adopt bylaws
22 and may increase the membership of the alliance to include
23 individuals and organizations who represent funding
24 organizations, are community leaders, have knowledge of
25 community-based service issues, or otherwise represent
26 perspectives that will enable them to accomplish the duties
27 listed in paragraph (b), if in the judgment of the alliance,
28 such change is necessary to adequately represent the diversity
29 of the population within the community alliance service
30 districts.

31

1 (f) Members of the community alliances shall serve
2 without compensation, but are entitled to receive
3 reimbursement for per diem and travel expenses, as provided in
4 s. 112.061. Payment may also be authorized for preapproved
5 child care expenses or lost wages for members who are
6 consumers of the department's services and for preapproved
7 child care expenses for other members who demonstrate
8 hardship.

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

12 (h) Actions taken by a community alliance must be
13 consistent with department policy and state and federal laws,
14 rules, and regulations.

15 (i) Alliance members shall annually submit a
16 disclosure statement of services interests to the department's
17 inspector general. Any member who has an interest in a matter
18 under consideration by the alliance must abstain from voting
19 on that matter.

20 (j) All alliance meetings are open to the public
21 pursuant to s. 286.011 and the public records provision of s.
22 119.07(1).

23 (7) PROTOTYPE REGION.--

24 (a) Notwithstanding the provisions of this section,
25 the department may consolidate the management and
26 administrative structure or function of the geographic area
27 that includes the counties in the sixth, twelfth, and
28 thirteenth judicial circuits as defined in s. 26.021. The
29 department shall evaluate the efficiency and effectiveness of
30 the operation of the prototype region and upon a determination
31 that there has been a demonstrated improvement in management

1 and oversight of services or cost savings from more efficient
2 administration of services, the secretary may consolidate
3 management and administration of additional areas of the
4 state. Any such additional consolidation shall comply with
5 the provisions of subsection (5) unless legislative
6 authorization to the contrary is provided.

7 (b) Within the prototype region, the budget transfer
8 authority defined in paragraph (5)(b) shall apply to the
9 consolidated geographic area.

10 (c) The department is authorized to contract for
11 children's services with a lead agency in each county of the
12 prototype area, except that the lead agency contract may cover
13 more than one county when it is determined that such coverage
14 will provide more effective or efficient services. The duties
15 of the lead agency shall include, but not necessarily be
16 limited to:

17 1. Directing and coordinating the program and
18 children's services within the scope of its contract.

19 2. Contracting for the provision of core services,
20 including intake and eligibility, assessment, service
21 planning, and case management. However, a lead agency may
22 obtain approval from the department to provide core services,
23 including intake and eligibility, assessment, service
24 planning, and case management, upon a finding by the
25 department that such lead agency is the only appropriate
26 organization within the service district capable of providing
27 such service or services within the department's quality
28 assurance and performance standards.

29 3. Creating a service provider network capable of
30 delivering the services contained in client service plans,
31 which shall include identifying the necessary services, the

- 1 necessary volume of services, and possible utilization
2 patterns and negotiating rates and expectations with
3 providers.
- 4 4. Managing and monitoring of provider contracts and
5 subcontracts.
- 6 5. Developing and implementing an effective bill
7 payment mechanism to ensure all providers are paid in a timely
8 fashion.
- 9 6. Providing or arranging for administrative services
10 necessary to support service delivery.
- 11 7. Utilizing departmentally approved training and
12 meeting departmentally defined credentials and standards.
- 13 8. Providing for performance measurement in accordance
14 with the department's quality assurance program and providing
15 for quality improvement and performance measurement.
- 16 9. Developing and maintaining effective interagency
17 collaboration to optimize service delivery.
- 18 10. Ensuring that all federal and state reporting
19 requirements are met.
- 20 11. Operating a consumer complaint and grievance
21 process.
- 22 12. Ensuring that services are coordinated and not
23 duplicated with other major payers, such as the local schools
24 and Medicaid.
- 25 13. Any other duties or responsibilities defined in s.
26 409.1671 related to community-based care.
- 27 (8) CONSULTATION WITH COUNTIES ON MANDATED
28 PROGRAMS.--It is the intent of the Legislature that when
29 county governments are required by law to participate in the
30 funding of programs, the department shall consult with
31

1 designated representatives of county governments in developing
2 policies and service delivery plans for those programs.

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

6 Section 3. Section 39.3065, Florida Statutes, is
7 amended to read:

8 39.3065 Sheriffs of ~~Pasco, Manatee, and Pinellas~~
9 ~~Counties~~ to provide child protective investigative services;
10 procedures; funding.--

11 (1) As described in this section, the Department of
12 Children and Family Services shall, by the end of fiscal year
13 1999-2000, transfer all responsibility for child protective
14 investigations for Pinellas County, Manatee County, Broward
15 County, and Pasco County to the sheriff of that county in
16 which the child abuse, neglect, or abandonment is alleged to
17 have occurred. Each sheriff is responsible for the provision
18 of all child protective investigations in his or her county.
19 Each individual who provides these services must complete the
20 training provided to and required of protective investigators
21 employed by the Department of Children and Family Services.

22 (2) During fiscal year 1998-1999, the Department of
23 Children and Family Services and each sheriff's office shall
24 enter into a contract for the provision of these services.
25 Funding for the services will be appropriated to the
26 Department of Children and Family Services, and the department
27 shall transfer to the respective sheriffs for the duration of
28 fiscal year 1998-1999, funding for the investigative
29 responsibilities assumed by the sheriffs, including federal
30 funds that the provider is eligible for and agrees to earn and
31 that portion of general revenue funds which is currently

1 associated with the services that are being furnished under
2 contract, and including, but not limited to, funding for all
3 investigative, supervisory, and clerical positions; training;
4 all associated equipment; furnishings; and other fixed capital
5 items. The contract must specify whether the department will
6 continue to perform part or none of the child protective
7 investigations during the initial year. The sheriffs may
8 either conduct the investigations themselves or may, in turn,
9 subcontract with law enforcement officials or with properly
10 trained employees of private agencies to conduct
11 investigations related to neglect cases only. If such a
12 subcontract is awarded, the sheriff must take full
13 responsibility for any safety decision made by the
14 subcontractor and must immediately respond with law
15 enforcement staff to any situation that requires removal of a
16 child due to a condition that poses an immediate threat to the
17 child's life. The contract must specify whether the services
18 are to be performed by departmental employees or by persons
19 determined by the sheriff. During this initial year, the
20 department is responsible for quality assurance, and the
21 department retains the responsibility for the performance of
22 all child protective investigations. The department must
23 identify any barriers to transferring the entire
24 responsibility for child protective services to the sheriffs'
25 offices and must pursue avenues for removing any such barriers
26 by means including, but not limited to, applying for federal
27 waivers. By January 15, 1999, the department shall submit to
28 the President of the Senate, the Speaker of the House of
29 Representatives, and the chairs of the Senate and House
30 committees that oversee departmental activities a report that
31 describes any remaining barriers, including any that pertain

1 to funding and related administrative issues. Unless the
2 Legislature, on the basis of that report or other pertinent
3 information, acts to block a transfer of the entire
4 responsibility for child protective investigations to the
5 sheriffs' offices, the sheriffs of Pasco County, Manatee
6 County, Broward County, and Pinellas County, beginning in
7 fiscal year 1999-2000, shall assume the entire responsibility
8 for such services, as provided in subsection (3).

9 (3)(a) Beginning in fiscal year 1999-2000, the
10 sheriffs of Pasco County, Manatee County, Broward County, and
11 Pinellas County have the responsibility to provide all child
12 protective investigations in their respective counties.
13 Beginning in fiscal year 2000-2001, the Department of Children
14 and Family Services is authorized to enter into grant
15 agreements with sheriffs of other counties to perform child
16 protective investigations in their respective counties.

17 (b) ~~The sheriffs of Pasco County, Manatee County, and~~
18 ~~Pinellas County~~ shall operate, at a minimum, in accordance
19 with the performance standards and outcome measures
20 established by the Legislature for protective investigations
21 conducted by the Department of Children and Family Services.
22 Each individual who provides these services must complete, at
23 a minimum, the training provided to and required of protective
24 investigators employed by the Department of Children and
25 Family Services.

26 (c) Funds for providing child protective
27 investigations ~~in Pasco County, Manatee County, and Pinellas~~
28 ~~County~~ must be identified in the annual appropriation made to
29 the Department of Children and Family Services, which shall
30 award grants for the full amount identified to the respective
31 sheriffs' offices. Notwithstanding the provisions of ss.

1 216.181(15)(b) and 216.351, the Department of Children and
2 Family Services may advance payments to the sheriffs for child
3 protective investigations.Funds for the child protective
4 investigations may not be integrated into the sheriffs'
5 regular budgets. Budgetary data and other data relating to the
6 performance of child protective investigations must be
7 maintained separately from all other records of the sheriffs'
8 offices and reported to the Department of Children and Family
9 Services as specified in the grant agreement.

10 (d) Program performance evaluation shall be based on
11 criteria mutually agreed upon by the respective sheriffs and
12 the Department of Children and Family Services. The program
13 performance evaluation shall be conducted by a team of peer
14 reviewers from the respective sheriffs' offices that perform
15 child protective investigations and representatives from the
16 department.~~a committee of seven persons appointed by the~~
17 ~~Governor and selected from those persons serving on the~~
18 ~~Department of Children and Family Services District 5 Health~~
19 ~~and Human Services Board and District 6 Health and Human~~
20 ~~Services Board. Two of the Governor's appointees must be~~
21 ~~residents of Pasco County, two of the Governor's appointees~~
22 ~~must be residents of Manatee County, and two of the Governor's~~
23 ~~appointees must be residents of Pinellas County. Such~~
24 ~~appointees shall serve at the pleasure of the Governor. The~~
25 ~~individuals appointed must have demonstrated experience in~~
26 ~~outcome evaluation, social service areas of protective~~
27 ~~investigation, or child welfare supervision.~~The Department of
28 Children and Family Services ~~committee~~ shall submit an annual
29 report regarding quality performance, outcome-measure
30 attainment, and cost efficiency to the President of the
31 Senate, the Speaker of the House of Representatives, and to

1 the Governor no later than January 31 of each year the
2 sheriffs are receiving general appropriations to provide child
3 protective investigations.

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

10 Section 4. Paragraph (a) of subsection (2) of section
11 318.21, Florida Statutes, as amended by section 135 of chapter
12 98-403, Laws of Florida, is amended to read:

13 318.21 Disposition of civil penalties by county
14 courts.--All civil penalties received by a county court
15 pursuant to the provisions of this chapter shall be
16 distributed and paid monthly as follows:

17 (2) Of the remainder:

18 (a) Five and six-tenths percent shall be paid to the
19 General Revenue Fund of the state, except that the first
20 \$300,000 shall be deposited into the Grants and Donations
21 Trust Fund in the state courts system ~~Department of Children~~
22 ~~and Family Services~~ for administrative costs, training costs,
23 and costs associated with the implementation and maintenance
24 of Florida foster care citizen review panels in a
25 constitutional charter county as provided for in s. 39.702
26 ~~39.4531~~.

27 Section 5. Section 393.502, Florida Statutes, is
28 amended to read:

29 393.502 Family care councils.--
30
31

1 (1) ~~CREATION; APPOINTMENT.~~--There shall be established
2 and located within each service district of the department of
3 ~~Children and Family Services~~ a district family care council.

4 (2) MEMBERSHIP.--

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

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

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

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

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

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

31 (3) TERMS; VACANCIES.--

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

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

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

16 (4) COMMITTEE APPOINTMENTS.--The chair of the district
17 family care council may appoint persons to serve on council
18 committees. Such persons may include former members of the
19 council and persons not eligible to serve on the council.

20 (5) TRAINING.--

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

27 (b) The training shall assist the council members to
28 understand the laws, rules, and policies applicable to their
29 duties and responsibilities.

30 (c) All persons appointed to a district council must
31 complete this training within 90 days after their appointment.

1 A person who fails to meet this requirement shall be
2 considered to have resigned from the council.

3 (6)(2) MEETINGS; CONTINUED EXISTENCE.--Council members
4 shall serve on a voluntary basis without payment for their
5 services but shall be reimbursed for per diem and travel
6 expenses as provided for in s. 112.061. The council shall
7 meet at least six times per year ~~once a month~~.

8 (7)(3) PURPOSE.--The purpose of the district family
9 care councils shall be to advise ~~the health and human services~~
10 ~~boards of the department and its district advisory boards,~~ to
11 develop a plan for the delivery of developmental services
12 family support within the district, and to monitor the
13 implementation and effectiveness of services and support
14 provided under the plan. The primary functions of the
15 district family care councils shall be to:

16 (a) Assist in providing information and outreach to
17 families.

18 (b) Review the effectiveness of developmental services
19 programs and make recommendations with respect to program
20 implementation.

21 (c) Advise district developmental services
22 administrators with respect to policy issues relevant to the
23 community and family support system in the district.

24 (d) Meet and share information with other district
25 family care councils.

26 (8) NEW COUNCILS.--When a district family care council
27 is established for the first time in a district, the Governor
28 shall appoint the first four council members, who shall serve
29 3-year terms. These members shall submit to the Governor,
30 within 90 days after their appointment, recommendations for at
31 least six additional members, selected by majority vote. If

1 the Governor does not act on the recommendations within 45
2 days after receiving them, the persons recommended shall be
3 considered to be appointed. Those members recommended for
4 appointment by the Governor shall serve for 2 years.

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

14 Section 6. Section 393.503, Florida Statutes, is
15 amended to read:

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

27 Section 7. Section 402.73, Florida Statutes, is
28 created to read:

29 402.73 Contracting and performance standards.--

30 (1) The Department of Children and Family Services
31 shall establish performance standards for all contracted

1 client services. Notwithstanding s. 287.057(3)(f), the
2 department must competitively procure any contract for client
3 services when any of the following occurs:

4 (a) The provider fails to meet appropriate performance
5 standards established by the department after the provider has
6 been given a reasonable opportunity to achieve the established
7 standards.

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

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

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

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

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

4 (c) A threat to the service infrastructure of a
5 community which could endanger the well-being of the
6 department's clients.

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

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

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

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

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

1 constitutes at least 25 percent of the value of the contract,
2 the department shall afford the governmental match contributor
3 an opportunity to name an employee to the selection team
4 required by s. 287.057(15). Any employee so named shall
5 qualify as one of the employees required by s. 287.057(15).
6 The selection team shall include the named employee unless the
7 department sets forth in writing the reason such inclusion
8 would be contrary to the best interests of the state. No
9 governmental entity or unit of special purpose government may
10 name an employee to the selection team if it, or any of its
11 political subdivisions, executive agencies, or special
12 districts, intends to compete for the contract to be awarded.
13 The governmental funding entity or match contributor shall
14 comply with any deadlines and procurement procedures
15 established by the department. The department may also involve
16 nongovernmental funding entities in the procurement process
17 when appropriate.

18 (6) The department may contract for or provide
19 assessment and case management services independently from
20 treatment services.

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

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

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

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

31

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

21 (11) The department shall include in its standard
22 contract document a requirement that any state funds provided
23 for the purchase of or improvements to real property are
24 contingent upon the contractor or political subdivision
25 granting to the state a security interest in the property at
26 least to the amount of the state funds provided for at least 5
27 years from the date of purchase or the completion of the
28 improvements or as further required by law. The contract must
29 include a provision that, as a condition of receipt of state
30 funding for this purpose, the provider agrees that, if it
31 disposes of the property before the department's interest is

1 vacated, the provider will refund the proportionate share of
2 the state's initial investment, as adjusted by depreciation.

3 (12) The department shall develop and refine
4 contracting and accountability methods that are
5 administratively efficient and that provide for optimal
6 provider performance.

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

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

25 (15) Nothing contained in chapter 287 shall require
26 competitive bids for health services involving examination,
27 diagnosis, or treatment.

28 Section 8. Section 402.731, Florida Statutes, is
29 created to read:

30 402.731 Department of Children and Family Services
31 certification programs for employees and service providers;

1 employment provisions for transition to community-based
2 care.--

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

14 (2) The department shall develop and implement
15 employment programs to attract and retain competent staff to
16 support and facilitate the transition to privatized
17 community-based care. Such employment programs shall include
18 lump-sum bonuses, salary incentives, relocation allowances, or
19 severance pay. The department shall also contract for the
20 delivery or administration of outplacement services. The
21 department shall establish time-limited exempt positions as
22 provided in s. 110.205(2)(h), in accordance with the authority
23 provided in s. 216.262(1)(c)1. Employees appointed to fill
24 such exempt positions shall have the same salaries and
25 benefits as career service employees.

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

1 409.1671 Foster care and related services;
2 privatization.--

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

1 federal funds that the provider is eligible for and agrees to
2 earn and that portion of general revenue funds which is
3 currently associated with the services that are being
4 furnished under contract. ~~Notwithstanding the provisions of s.
5 215.425, all documented federal funds earned for the current
6 fiscal year by the department and community-based agencies
7 which exceed the amount appropriated by the Legislature shall
8 be distributed to all entities that contributed to the excess
9 earnings based on a schedule and methodology developed by the
10 department and approved by the Executive Office of the
11 Governor. Distribution shall be pro rata based on total
12 earnings and shall be made only to those entities that
13 contributed to excess earnings. Excess earnings of
14 community-based agencies shall be used only in the district in
15 which they were earned. Additional state funds appropriated by
16 the Legislature for community-based agencies or made available
17 pursuant to the budgetary amendment process described in s.
18 216.177 shall be transferred to the community-based agencies.
19 The department shall amend a community-based agency's contract
20 to permit expenditure of the funds. The distribution program
21 applies only to entities that were under privatization
22 contracts as of July 1, 1999. This program is authorized for a
23 period of 3 years beginning July 1, 1999, and ending June 30,
24 2002. The Office of Program Policy Analysis and Government
25 Accountability shall review this program and report to the
26 Legislature by December 31, 2001. The review shall assess the
27 program to determine how the additional resources were used,
28 the number of additional clients served, the improvements in
29 quality of service attained, the performance outcomes
30 associated with the additional resources, and the feasibility
31 of continuing or expanding this program. The methodology must~~

1 provide for the transfer of funds appropriated and budgeted
2 for all services and programs that have been incorporated into
3 the project, including all management, capital (including
4 current furniture and equipment), and administrative funds to
5 accomplish the transfer of these programs. This methodology
6 must address expected workload and at least the 3 previous
7 years' experience in expenses and workload. With respect to
8 any district or portion of a district in which privatization
9 cannot be accomplished within the 3-year timeframe, the
10 department must clearly state in its plan the reasons the
11 timeframe cannot be met and the efforts that should be made to
12 remediate the obstacles, which may include alternatives to
13 total privatization, such as public-private partnerships. As
14 used in this section, the term "related services" means family
15 preservation, independent living, emergency shelter,
16 residential group care, foster care, therapeutic foster care,
17 intensive residential treatment, foster care supervision, case
18 management, postplacement supervision, permanent foster care,
19 and family reunification. Unless otherwise provided for,
20 beginning in fiscal year 1999-2000, either the state attorney
21 or the Office of the Attorney General shall provide child
22 welfare legal services, pursuant to chapter 39 and other
23 relevant provisions, in Sarasota, Pinellas, Pasco, Broward,
24 and Manatee Counties. Such legal services shall commence and
25 be effective, as soon as determined reasonably feasible by the
26 respective state attorney or the Office of the Attorney
27 General, after the privatization of associated programs and
28 child protective investigations has occurred. When a private
29 nonprofit agency has received case management
30 responsibilities, transferred from the state under this
31 section, for a child who is sheltered or found to be dependent

1 and who is assigned to the care of the privatization project,
2 the agency may act as the child's guardian for the purpose of
3 registering the child in school if a parent or guardian of the
4 child is unavailable and his or her whereabouts cannot
5 reasonably be ascertained. The private nonprofit agency may
6 also seek emergency medical attention for such a child, but
7 only if a parent or guardian of the child is unavailable, his
8 or her whereabouts cannot reasonably be ascertained, and a
9 court order for such emergency medical services cannot be
10 obtained because of the severity of the emergency or because
11 it is after normal working hours. However, the provider may
12 not consent to sterilization, abortion, or termination of life
13 support. If a child's parents' rights have been terminated,
14 the nonprofit agency shall act as guardian of the child in all
15 circumstances.

16 (b) As used in this section, the term "eligible lead
17 community-based provider" means a single agency with which the
18 department shall contract for the provision of child
19 protective services in a community that is no smaller than a
20 county. The secretary of the department may authorize more
21 than one eligible lead community-based provider within a
22 single county when to do so will result in more effective
23 delivery of foster care and related services. To compete for a
24 privatization project, such agency must have:

25 1. The ability to coordinate, integrate, and manage
26 all child protective services in the designated community in
27 cooperation with child protective investigations.

28 2. The ability to ensure continuity of care from entry
29 to exit for all children referred from the protective
30 investigation and court systems.

31

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

4 4. The willingness to accept accountability for
5 meeting the outcomes and performance standards related to
6 child protective services established by the Legislature and
7 the Federal Government.

8 5. The capability and the willingness to serve all
9 children referred to it from the protective investigation and
10 court systems, regardless of the level of funding allocated to
11 the community by the state, provided all related funding is
12 transferred.

13 6. The willingness to ensure that each individual who
14 provides child protective services completes the training
15 required of child protective service workers by the Department
16 of Children and Family Services.

17 (d) Other than an entity to which s. 768.28 applies,
18 any eligible lead community-based provider, as defined in
19 paragraph (b), or its employees or officers, except as
20 otherwise provided in paragraph (e), must, as a part of its
21 contract, obtain a minimum of \$1 million per claim/\$3 million
22 per incident in general liability insurance coverage. In any
23 tort action brought against such an eligible lead
24 community-based provider, net economic damages shall be
25 limited to \$1 million per claim, including, but not limited
26 to, past and future medical expenses, wage loss, and loss of
27 earning capacity, offset by any collateral source payment paid
28 or payable. In any tort action brought against such an
29 eligible lead community-based provider, noneconomic damages
30 shall be limited to \$200,000 per claim. A claims bill may be
31 brought on behalf of a claimant pursuant to s. 768.28 for any

1 amount exceeding the limits specified in this paragraph. Any
2 offset of collateral source payments made as of the date of
3 the settlement or judgment shall be in accordance with s.
4 768.76. The lead community-based provider shall not be liable
5 in tort for the acts or omissions of its subcontractors or the
6 officers, agents, or employees of its subcontractors.

7 (3)

8 (c) The ~~annual~~ contract between the department and
9 community-based agencies must include provisions that specify
10 the procedures to be used by the parties to resolve
11 differences in interpreting the contract or to resolve
12 disputes as to the adequacy of the parties' compliance with
13 their respective obligations under the contract.

14 (4)(a) The department shall establish a quality
15 assurance program for privatized services. The quality
16 assurance program shall be based on standards established ~~may~~
17 ~~be performed~~ by a national accrediting organization such as
18 the Council on Accreditation of Services for Families and
19 Children, Inc. (COA) or the Council on Accreditation of
20 Rehabilitation Facilities (CARF). The department may ~~shall~~
21 develop a request for proposal for such oversight. This
22 program must be developed and administered at a statewide
23 level. The Legislature intends that the department be
24 permitted to have limited flexibility to use funds for
25 improving quality assurance. To this end, effective January 1,
26 2000, the department may transfer up to 0.125 percent of the
27 total funds from categories used to pay for these
28 contractually provided services, but the total amount of such
29 transferred funds may not exceed \$300,000 in any fiscal year.
30 When necessary, the department may establish, in accordance
31 with s. 216.177, additional positions that will be exclusively

1 devoted to these functions. Any positions required under this
2 paragraph may be established, notwithstanding ss.
3 216.262(1)(a) and 216.351. The department, in consultation
4 with the community-based agencies that are undertaking the
5 privatized projects, shall establish minimum thresholds for
6 each component of service, consistent with standards
7 established by the Legislature. Each program operated under
8 contract with a community-based agency must be evaluated
9 annually by the department. The department shall submit an
10 annual report regarding quality performance, outcome measure
11 attainment, and cost efficiency to the President of the
12 Senate, the Speaker of the House of Representatives, the
13 minority leader of each house of the Legislature, and the
14 Governor no later than January 31 of each year for each
15 project in operation during the preceding fiscal year.

16 (7) The department is authorized to establish and
17 administer a risk pool to reduce the financial risk to
18 eligible lead community-based providers resulting from
19 unanticipated caseload growth.

20 (8) Notwithstanding the provisions of s. 215.425, all
21 documented federal funds earned for the current fiscal year by
22 the department and community-based agencies which exceed the
23 amount appropriated by the Legislature shall be distributed to
24 all entities that contributed to the excess earnings based on
25 a schedule and methodology developed by the department and
26 approved by the Executive Office of the Governor. Distribution
27 shall be pro rata based on total earnings and shall be made
28 only to those entities that contributed to excess earnings.
29 Excess earnings of community-based agencies shall be used only
30 in the service district in which they were earned. Additional
31 state funds appropriated by the Legislature for

1 community-based agencies or made available pursuant to the
2 budgetary amendment process described in s. 216.177 shall be
3 transferred to the community-based agencies. The department
4 shall amend a community-based agency's contract to permit
5 expenditure of the funds. The distribution program applies
6 only to entities that were under privatization contracts as of
7 July 1, 1999. This program is authorized for a period of 3
8 years beginning July 1, 1999, and ending June 30, 2002. The
9 Office of Program Policy Analysis and Government
10 Accountability shall review this program and report to the
11 President of the Senate and the Speaker of the House of
12 Representatives by December 31, 2001. The review shall assess
13 the program to determine how the additional resources were
14 used, the number of additional clients served, the
15 improvements in quality of service attained, the performance
16 outcomes associated with the additional resources, and the
17 feasibility of continuing or expanding this program.

18 Section 10. Section 409.1675, Florida Statutes, is
19 created to read:

20 409.1675 Lead community-based providers;
21 receivership.--

22 (1) The Department of Children and Family Services may
23 petition a court of competent jurisdiction for the appointment
24 of a receiver for a lead community-based provider established
25 pursuant to s. 409.1671 when any of the following conditions
26 exist:

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

29 (b) The lead community-based provider has given less
30 than 120 days notice of its intent to cease operations, and
31 arrangements have not been made for another lead

1 community-based provider or for the department to continue the
2 uninterrupted provision of services.

3 (c) The department determines that conditions exist in
4 the lead community-based provider which present an imminent
5 danger to the health, safety, or welfare of the dependent
6 children under that provider's care or supervision. Whenever
7 possible, the department shall make a reasonable effort to
8 facilitate the continued operation of the program.

9 (d) The lead community-based provider cannot meet its
10 current financial obligations to its employees, contractors,
11 or foster parents. Issuance of bad checks or the existence of
12 delinquent obligations for payment of salaries, utilities, or
13 invoices for essential services or commodities shall
14 constitute prima facie evidence that the lead community-based
15 provider lacks the financial ability to meet its financial
16 obligations.

17 (2)(a) The petition for receivership shall take
18 precedence over other court business unless the court
19 determines that some other pending proceeding, having
20 statutory precedence, has priority.

21 (b) A hearing shall be conducted within 5 days after
22 the filing of the petition, at which time interested parties
23 shall have the opportunity to present evidence as to whether a
24 receiver should be appointed. The department shall give
25 reasonable notice of the hearing on the petition to the lead
26 community-based provider.

27 (c) The court shall grant the petition upon finding
28 that one or more of the conditions in subsection (1) exists
29 and the continued existence of the condition or conditions
30 jeopardizes the health, safety, or welfare of dependent
31 children. A receiver may be appointed ex parte when the court

1 determines that one or more of the conditions in subsection
2 (1) exists. After such finding, the court may appoint any
3 person, including an employee of the department who is
4 qualified by education, training, or experience to carry out
5 the duties of the receiver pursuant to this section, except
6 that the court shall not appoint any member of the governing
7 board or any officer of the lead community-based provider. The
8 receiver may be selected from a list of persons qualified to
9 act as receivers which is developed by the department and
10 presented to the court with each petition of receivership.

11 (d) A receiver may be appointed for up to 90 days and
12 the department may petition the court for additional 30-day
13 extensions. Sixty days after appointment of a receiver and
14 every 30 days thereafter until the receivership is terminated,
15 the department shall submit to the court an assessment of the
16 lead community-based provider's ability to ensure the health,
17 safety, and welfare of the dependent children under its
18 supervision.

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

25 (a) Taking such action as is reasonably necessary to
26 protect or conserve the assets or property of the lead
27 community-based provider. The receiver may use the assets and
28 property and any proceeds from any transfer thereof only in
29 the performance of the powers and duties set forth in this
30 section and by order of the court.

31

1 (b) Using the assets of the lead community-based
2 provider in the provision of care and services to dependent
3 children.

4 (c) Entering into contracts and hiring agents and
5 employees to carry out the powers and duties of the receiver
6 under this section.

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

11 (e) Honoring all leases, mortgages, and contractual
12 obligations of the lead community-based provider, but only to
13 the extent of payments that become due during the period of
14 the receivership.

15 (4)(a) The receiver shall deposit funds received in a
16 separate account and shall use this account for all
17 disbursements.

18 (b) A payment to the receiver of any sum owing to the
19 lead community-based provider shall discharge any obligation
20 to the provider to the extent of the payment.

21 (5) A receiver may petition the court for temporary
22 relief from obligations entered into by the lead
23 community-based provider if the rent, price, or rate of
24 interest required to be paid under the agreement was
25 substantially in excess of a reasonable rent, price, or rate
26 of interest at the time the contract was entered into, or if
27 any material provision of the agreement was unreasonable when
28 compared to contracts negotiated under similar conditions. Any
29 relief in this form provided by the court shall be limited to
30 the life of the receivership, unless otherwise determined by
31 the court.

1 (6) The court shall set the compensation of the
2 receiver, which shall be considered a necessary expense of a
3 receivership and may grant to the receiver such other
4 authority necessary to ensure the health, safety, and welfare
5 of the children served.

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

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

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

15 (a) The court determines that the receivership is no
16 longer necessary because the conditions that gave rise to the
17 receivership no longer exist; or

18 (b) The department has entered into a contract with a
19 new lead community-based provider pursuant to s. 409.1671 and
20 that contractor is ready and able to assume the duties of the
21 previous provider.

22 (10) Within 30 days after the termination, unless this
23 time period is extended by the court, the receiver shall give
24 the court a complete accounting of all property of which the
25 receiver has taken possession, of all funds collected and
26 disbursed, and of the expenses of the receivership.

27 (11) Nothing in this section shall be construed to
28 relieve any employee of the lead community-based provider
29 placed in receivership of any civil or criminal liability
30 incurred, or any duty imposed by law, by reason of acts or
31 omissions of the employee prior to the appointment of a

1 receiver; nor shall anything contained in this section be
2 construed to suspend during the receivership any obligation of
3 the employee for payment of taxes or other operating or
4 maintenance expenses of the lead community-based provider or
5 for the payment of mortgages or liens. The lead
6 community-based provider shall retain the right to sell or
7 mortgage any facility under receivership, subject to the prior
8 approval of the court that ordered the receivership.

9 Section 11. Paragraph (g) in subsection (6) of section
10 409.176, Florida Statutes, is created to read:

11 409.176 Registration of residential child-caring
12 agencies and family foster homes.--

13 (6) Each child served by a Type II facility shall be
14 covered by a written contract, executed at the time of
15 admission or prior thereto, between the facility and the
16 parent, legal guardian, or person having legal custody of the
17 child. Such person shall be given a copy of the contract at
18 the time of its execution, and the facility shall retain the
19 original contract. Each contract shall:

20 (a) Enumerate the basic services and accommodations
21 provided by the facility.

22 (b) State that the facility is a Type II facility.

23 (c) Contain the address and telephone number of the
24 qualified association.

25 (d) Specify the charges, if any, to the parent, legal
26 guardian, or person having legal custody of the child.

27 (e) Contain a clear statement regarding disciplinary
28 procedures.

29 (f) State that the goal of the facility is to return
30 the child it serves to the parent, legal guardian, or person
31

1 having legal custody of the child, within 1 year from the time
2 the child enters the facility.

3 (g) Authorize the facility administrator or his or her
4 designee to consent to routine and emergency medical care on
5 behalf of the parent, legal guardian, or person having legal
6 custody of the child, provided the facility administrator
7 shall immediately notify the parent, legal guardian, or person
8 having legal custody of the child of medical care being
9 provided on their behalf. Authorization of this power shall be
10 granted only upon the separate consent in the contract of the
11 parent, legal guardian, or person having legal custody of the
12 child.

13

14 A copy of the contract signed by the parent, legal guardian,
15 or person having legal custody of the child shall be filed
16 with the qualified association within 10 days after the child
17 enters the facility.

18 Section 12. 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 13. 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 14. 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 15. Subsection (31) of section 39.01, Florida
16 Statutes, is repealed, subsection (25) of that section is
17 amended, present subsections (32) through (41) and (43)
18 through (72) of that section are redesignated as subsections
19 (32) through (40) and (42) through (71), respectively, present
20 subsection (42) of that section is redesignated as subsection
21 (41) and amended, and a new subsection (72) is added to that
22 section, to read:

23 39.01 Definitions.--When used in this chapter, unless
24 the context otherwise requires:

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

30 (41)~~(42)~~ "Long-term custody" or "long-term custodial
31 relationship" means the relationship that a juvenile court

1 order creates between a child and an adult relative of the
2 child or other legal custodian approved by the court when the
3 child cannot be placed in the custody of a parent and adoption
4 ~~termination of parental rights~~ is not deemed to be in the best
5 interest of the child. Long-term custody confers upon the
6 relative or other legal custodian, other than the department,
7 the right to physical custody of the child, a right which will
8 not be disturbed by the court except upon request of the legal
9 custodian or upon a showing that the best interest of the
10 child necessitates a change of custody for the child. A
11 relative or other legal custodian who has been designated as a
12 long-term custodian shall have all of the rights and duties of
13 a parent, including, but not limited to, the right and duty to
14 protect, train, and discipline the child and to provide the
15 child with food, shelter, and education, and ordinary medical,
16 dental, psychiatric, and psychological care, unless these
17 rights and duties are otherwise enlarged or limited by the
18 court order establishing the long-term custodial relationship.

19 (72) "Long-term licensed custody" means the
20 relationship that a juvenile court order creates between a
21 child and a placement licensed by the state to provide
22 residential care for dependent children, if the licensed
23 placement is willing and able to continue to care for the
24 child until the child reaches the age of majority.

25 Section 16. Present subsection (10) of section 39.013,
26 Florida Statutes, is amended, present subsections (4) through
27 (10) are renumbered as subsections (5) through (11),
28 respectively, and a new subsection (4) is added to that
29 section, to read:

30 39.013 Procedures and jurisdiction; right to
31 counsel.--

1 (4) The order of the circuit court hearing dependency
2 matters shall be filed by the clerk of the court in any
3 dissolution or other custody action or proceeding and shall
4 take precedence over other custody and visitation orders
5 entered in those actions.

6 (11)~~(10)~~ Court-appointed counsel representing indigent
7 parents ~~or legal guardians~~ at shelter hearings shall be paid
8 from state funds appropriated by general law.

9 Section 17. Subsections (2) and (3), paragraph (a) of
10 subsection (4), and paragraphs (b) and (d) of subsection (6)
11 of section 39.0132, Florida Statutes, are amended to read:

12 39.0132 Oaths, records, and confidential
13 information.--

14 (2) The court shall make and keep records of all cases
15 brought before it pursuant to this chapter and shall preserve
16 the records pertaining to a dependent child until 7 years
17 after the last entry was made, or until the child is 18 years
18 of age, whichever date is first reached, and may then destroy
19 them, except that records of cases where orders were entered
20 permanently depriving a parent of the custody of a juvenile
21 shall be preserved permanently. The court shall make official
22 records, consisting of all petitions and orders filed in a
23 case arising pursuant to this chapter part and any other
24 pleadings, certificates, proofs of publication, summonses,
25 warrants, and other writs which may be filed therein.

26 (3) The clerk shall keep all court records required by
27 this chapter part separate from other records of the circuit
28 court. All court records required by this chapter part shall
29 not be open to inspection by the public. All records shall be
30 inspected only upon order of the court by persons deemed by
31 the court to have a proper interest therein, except that,

1 subject to the provisions of s. 63.162, a child and the
2 parents of the child and their attorneys, guardian ad litem,
3 law enforcement agencies, and the department and its designees
4 shall always have the right to inspect and copy any official
5 record pertaining to the child. The court may permit
6 authorized representatives of recognized organizations
7 compiling statistics for proper purposes to inspect and make
8 abstracts from official records, under whatever conditions
9 upon their use and disposition the court may deem proper, and
10 may punish by contempt proceedings any violation of those
11 conditions.

12 (4)(a) All information obtained pursuant to this part
13 in the discharge of official duty by any judge, employee of
14 the court, authorized agent of the department, correctional
15 probation officer, or law enforcement agent is confidential
16 and exempt from s. 119.07(1) and may not be disclosed to
17 anyone other than the authorized personnel of the court, the
18 department and its designees, correctional probation officers,
19 law enforcement agents, guardian ad litem, and others entitled
20 under this chapter to receive that information, except upon
21 order of the court.

22 (6) No court record of proceedings under this chapter
23 shall be admissible in evidence in any other civil or criminal
24 proceeding, except that:

25 (b) Records of proceedings under this chapter ~~part~~
26 forming a part of the record on appeal shall be used in the
27 appellate court in the manner hereinafter provided.

28 (d) Records of proceedings under this chapter ~~part~~ may
29 be used to prove disqualification pursuant to s. 435.06 and
30 for proof regarding such disqualification in a chapter 120
31 proceeding.

1 Section 18. Paragraph (e) of subsection (2) of section
2 39.202, Florida Statutes, is amended to read:

3 39.202 Confidentiality of reports and records in cases
4 of child abuse or neglect.--

5 (2) Access to such records, excluding the name of the
6 reporter which shall be released only as provided in
7 subsection (4), shall be granted only to the following
8 persons, officials, and agencies:

9 (e) Any person alleged in the report as having caused
10 the abuse, abandonment, or neglect of a child. This access
11 shall be made available no later than 30 days after the
12 department receives the initial report of abuse, abandonment,
13 or neglect and, when the alleged perpetrator is not a parent,
14 shall be limited to information involving the protective
15 investigation only and shall not include any information
16 relating to subsequent dependency proceedings. However, any
17 information otherwise made confidential or exempt by law shall
18 not be released pursuant to this paragraph.

19 Section 19. Paragraph (c) of subsection (8) of section
20 39.402, Florida Statutes, is amended to read:

21 39.402 Placement in a shelter.--

22 (8)

23 (c) At the shelter hearing, the court shall:

24 1. Appoint a guardian ad litem to represent the best
25 interest of the child, unless the court finds that such
26 representation is unnecessary;

27 2. Inform the parents or legal custodians of their
28 right to counsel to represent them at the shelter hearing and
29 at each subsequent hearing or proceeding, and the right of the
30 parents to appointed counsel, pursuant to the procedures set
31 forth in s. 39.013; and

1 3. Give the parents or legal custodians an opportunity
2 to be heard and to present evidence.

3 Section 20. Subsection (18) of section 39.502, Florida
4 Statutes, is amended to read:

5 39.502 Notice, process, and service.--

6 (18) In all proceedings under this ~~part~~ ~~chapter~~, the
7 court shall provide to the parent or legal custodian of the
8 child, at the conclusion of any hearing, a written notice
9 containing the date of the next scheduled hearing. The court
10 shall also include the date of the next hearing in any order
11 issued by the court.

12 Section 21. Subsection (5) of section 39.503, Florida
13 Statutes, is amended to read:

14 39.503 Identity or location of parent unknown; special
15 procedures.--

16 (5) If the inquiry under subsection (1) identifies a
17 parent or prospective parent, and that person's location is
18 unknown, the court shall direct the ~~petitioner~~ ~~department~~ to
19 conduct a diligent search for that person before scheduling a
20 disposition hearing regarding the dependency of the child
21 unless the court finds that the best interest of the child
22 requires proceeding without notice to the person whose
23 location is unknown.

24 Section 22. (1) Present part VII of chapter 39,
25 Florida Statutes, is redesignated as part VIII, and a new part
26 VII, is created, consisting of section 39.521, Florida
27 Statutes, entitled "Disposition; Postdisposition Change of
28 Custody."

29 (2) Present parts VIII through XI of chapter 39,
30 Florida Statutes, are redesignated as parts X through XIII,
31 respectively, and a new part IX is created, consisting of

1 sections 39.621, 39.622, 39.623, and 39.624, Florida Statutes,
2 entitled "Permanency."

3 Section 23. Section 39.508, Florida Statutes, is
4 renumbered as section 39.521, Florida Statutes, and amended to
5 read:

6 39.521 ~~39.508~~ Disposition hearings; powers of
7 disposition.--

8 (1) A ~~At the~~ disposition hearing shall be conducted by
9 the court, if the court finds that the facts alleged in the
10 petition for dependency were proven in the adjudicatory
11 hearing, or if the parents or legal custodians have consented
12 to the finding of dependency or admitted the allegations in
13 the petition, have failed to appear for the arraignment
14 hearing after proper notice, or have not been located despite
15 a diligent search having been conducted.

16 (a) ~~A written, the court shall receive and consider a~~
17 ~~case plan and a predisposition study prepared, which must be~~
18 ~~in writing and presented~~ by an authorized agent of the
19 department must be filed with the court and served upon the
20 parents of the child, provided to the representative of the
21 guardian ad litem program, if the program has been appointed,
22 and provided to all other parties, not less than 72 hours
23 before the disposition hearing. All such case plans must be
24 approved by the court. If the court does not approve the case
25 plan at the disposition hearing, the court must set a hearing
26 within 30 days after the disposition hearing to review and
27 approve the case plan.

28 (b) When any child is adjudicated by a court to be
29 dependent, the court having jurisdiction of the child has the
30 power by order to:

31

1 1. Require the parent and, when appropriate, the legal
2 custodian and the child, to participate in treatment and
3 services identified as necessary.

4 2. Require, if the court deems necessary, the parties
5 to participate in dependency mediation.

6 3. Require placement of the child either under the
7 protective supervision of an authorized agent of the
8 department in the home of one or both of the child's parents
9 or in the home of a relative of the child or another adult
10 approved by the court, or in the custody of the department.
11 Protective supervision continues until the court terminates it
12 or until the child reaches the age of 18, whichever date is
13 first. Protective supervision shall be terminated by the court
14 whenever the court determines that permanency has been
15 achieved for the child, whether with a parent, another
16 relative, or a legal custodian, and that protective
17 supervision is no longer needed. The termination of
18 supervision may be with or without retaining jurisdiction, at
19 the court's discretion, and shall in either case be considered
20 a permanency option for the child. The order terminating
21 supervision by the department shall set forth the powers of
22 the custodian of the child and shall include the powers
23 ordinarily granted to a guardian of the person of a minor
24 unless otherwise specified. Upon the court's termination of
25 supervision by the department, no further judicial reviews are
26 required, so long as permanency has been established for the
27 child.

28 (c) At the conclusion of the disposition hearing, the
29 court shall schedule the initial judicial review hearing which
30 must be held no later than 90 days after the date of the
31 disposition hearing or after the date of the hearing at which

1 the court approves the case plan, whichever occurs earlier,
2 but in no event shall the review hearing be held later than 6
3 months after the date of the child's removal from the home.

4 (d) The court shall, in its written order of
5 disposition, include all of the following:

6 1. The placement or custody of the child.

7 2. Special conditions of placement and visitation.

8 3. Evaluation, counseling, treatment activities, and
9 other actions to be taken by the parties, if ordered.

10 4. The persons or entities responsible for supervising
11 or monitoring services to the child and parent.

12 5. Continuation or discharge of the guardian ad litem,
13 as appropriate.

14 6. The date, time, and location of the next scheduled
15 review hearing, which must occur within the earlier of:

16 a. Ninety days after the disposition hearing;

17 b. Ninety days after the court accepts the case plan;

18 c. Six months after the date of the last review
19 hearing; or

20 d. Six months after the date of the child's removal
21 from his or her home, if no review hearing has been held since
22 the child's removal from the home.

23 7. If the child is in an out-of-home placement, child
24 support to be paid by the parents, or the guardian of the
25 child's estate if possessed of assets which under law may be
26 disbursed for the care, support, and maintenance of the child.
27 The court may exercise jurisdiction over all child support
28 matters, shall adjudicate the financial obligation, including
29 health insurance, of the child's parents or guardian, and
30 shall enforce the financial obligation as provided in chapter
31 61. The state's child support enforcement agency shall enforce

1 child support orders under this section in the same manner as
2 child support orders under chapter 61. Placement of the child
3 shall not be contingent upon issuance of a support order.

4 8.a. If the court does not commit the child to the
5 temporary legal custody of an adult relative, legal custodian,
6 or other adult approved by the court, the disposition order
7 shall include the reasons for such a decision and shall
8 include a determination as to whether diligent efforts were
9 made by the department to locate an adult relative, legal
10 custodian, or other adult willing to care for the child in
11 order to present that placement option to the court instead of
12 placement with the department.

13 b. If diligent efforts are made to locate an adult
14 relative willing and able to care for the child but, because
15 no suitable relative is found, the child is placed with the
16 department or a legal custodian or other adult approved by the
17 court, both the department and the court shall consider
18 transferring temporary legal custody to an adult relative
19 approved by the court at a later date, but neither the
20 department nor the court is obligated to so place the child if
21 it is in the child's best interest to remain in the current
22 placement.

23
24 For the purposes of this subparagraph, "diligent efforts to
25 locate an adult relative" means a search similar to the
26 diligent search for a parent, but without the continuing
27 obligation to search after an initial adequate search is
28 completed.

29 9. Other requirements necessary to protect the health,
30 safety, and well-being of the child, to preserve the stability
31

1 of the child's educational placement, and to promote family
2 preservation or reunification whenever possible.

3 (e) If the court finds that the prevention or
4 reunification efforts of the department will allow the child
5 to remain safely at home or be safely returned to the home,
6 the court shall allow the child to remain in or return to the
7 home after making a specific finding of fact that the reasons
8 for removal have been remedied to the extent that the child's
9 safety, well-being, and physical, mental, and emotional health
10 will not be endangered.

11 (f) If the court places the child in an out-of-home
12 placement, the disposition order must include a written
13 determination that the child cannot safely remain at home with
14 reunification or family preservation services and that removal
15 of the child is necessary to protect the child. If the child
16 has been removed before the disposition hearing, the order
17 must also include a written determination as to whether, after
18 removal, the department has made a reasonable effort to
19 reunify the parent and child, if reasonable efforts are
20 required. Reasonable efforts to reunify are not required if
21 the court has found that any of the acts listed in s.
22 39.806(1)(f)-(i) have occurred. The department has the burden
23 of demonstrating that it has made reasonable efforts under
24 this paragraph.

25 1. For the purposes of this paragraph, the term
26 "reasonable effort" means the exercise of reasonable diligence
27 and care by the department to provide the services ordered by
28 the court or delineated in the case plan.

29 2. In support of its determination as to whether
30 reasonable efforts have been made, the court shall:

31

1 a. Enter written findings as to whether or not
2 prevention or reunification efforts were indicated.

3 b. If prevention or reunification efforts were
4 indicated, include a brief written description of what
5 appropriate and available prevention and reunification efforts
6 were made.

7 c. Indicate in writing why further efforts could or
8 could not have prevented or shortened the separation of the
9 parent and child.

10 3. A court may find that the department has made a
11 reasonable effort to prevent or eliminate the need for removal
12 if:

13 a. The first contact of the department with the family
14 occurs during an emergency;

15 b. The appraisal by the department of the home
16 situation indicates that it presents a substantial and
17 immediate danger to the child's safety or physical, mental, or
18 emotional health which cannot be mitigated by the provision of
19 preventive services;

20 c. The child cannot safely remain at home, either
21 because there are no preventive services that can ensure the
22 health and safety of the child or, even with appropriate and
23 available services being provided, the health and safety of
24 the child cannot be ensured; or

25 d. The parent is alleged to have committed any of the
26 acts listed as grounds for expedited termination of parental
27 rights in s. 39.806(1)(f)-(i).

28 4. A reasonable effort by the department for
29 reunification of the parent and child has been made if the
30 appraisal of the home situation by the department indicates
31 that the severity of the conditions of dependency is such that

1 reunification efforts are inappropriate. The department has
2 the burden of demonstrating to the court that reunification
3 efforts were inappropriate.

4 5. If the court finds that the prevention or
5 reunification effort of the department would not have
6 permitted the child to remain safely at home, the court may
7 commit the child to the temporary legal custody of the
8 department or take any other action authorized by this
9 chapter.

10 (2) The predisposition study ~~shall cover for any~~
11 ~~dependent child all factors specified in s. 61.13(3), and must~~
12 ~~also~~ provide the court with the following documented
13 information:

14 (a) The capacity and disposition of the parents to
15 provide the child with food, clothing, medical care, or other
16 remedial care recognized and permitted under the laws of this
17 state in lieu of medical care, and other material needs.

18 (b) The length of time the child has lived in a
19 stable, satisfactory environment and the desirability of
20 maintaining continuity.

21 (c) The mental and physical health of the parents.

22 (d) The home, school, and community record of the
23 child.

24 (e) The reasonable preference of the child, if the
25 court deems the child to be of sufficient intelligence,
26 understanding, and experience to express a preference.

27 (f) Evidence of domestic violence or child abuse.

28 (g) ~~(a)~~ An assessment defining the dangers and risks of
29 returning the child home, including a description of the
30 changes in and resolutions to the initial risks.

31

1 ~~(h)(b)~~ A description of what risks are still present
2 and what resources are available and will be provided for the
3 protection and safety of the child.

4 ~~(i)(c)~~ A description of the benefits of returning the
5 child home.

6 ~~(j)(d)~~ A description of all unresolved issues.

7 ~~(k)(e)~~ A Florida Abuse Hotline Information System
8 ~~(FAHIS)~~~~An abuse registry~~ history and criminal records check
9 for all caregivers, family members, and individuals residing
10 within the household from which the child was removed.

11 ~~(l)(f)~~ The complete report and recommendation of the
12 child protection team of the Department of Health or, if no
13 report exists, a statement reflecting that no report has been
14 made.

15 ~~(m)(g)~~ All opinions or recommendations from other
16 professionals or agencies that provide evaluative, social,
17 reunification, or other services to the parent and child.

18 ~~(n)(h)~~ A listing ~~The availability~~ of appropriate and
19 available prevention and reunification services for the parent
20 and child to prevent the removal of the child from the home or
21 to reunify the child with the parent after removal, including
22 the availability of family preservation services and an
23 explanation of the following:

24 1. If the services were or were not provided.

25 2. If the services were provided, the outcome of the
26 services.

27 3. If the services were not provided, why they were
28 not provided.

29 4. If the services are currently being provided and if
30 they need to be continued through the Family Builders Program,
31 the Intensive Crisis Counseling Program, or both.

1 (o)(i) A listing ~~The inappropriateness~~ of other
2 prevention and reunification services that were available but
3 determined to be inappropriate and why.

4 ~~(j) The efforts by the department to prevent~~
5 ~~out-of-home placement of the child or, when applicable, to~~
6 ~~reunify the parent and child if appropriate services were~~
7 ~~available, including the application of intensive family~~
8 ~~preservation services through the Family Builders Program, the~~
9 ~~Intensive Crisis Counseling Program, or both.~~

10 ~~(k) Whether the services were provided to the parent~~
11 ~~and child.~~

12 ~~(l) If the services were provided, whether they were~~
13 ~~sufficient to meet the needs of the child and the parent and~~
14 ~~to enable the child to remain safely at home or to be returned~~
15 ~~home.~~

16 ~~(m) If the services were not provided, the reasons for~~
17 ~~such lack of action.~~

18 ~~(n) The need for, or appropriateness of, continuing~~
19 ~~the services if the child remains in the custody of the parent~~
20 ~~or if the child is placed outside the home.~~

21 (p)(o) Whether dependency mediation was provided.

22 (q)(p) If the child has been removed from the home and
23 there is a parent ~~or legal custodian~~ who may be considered for
24 custody pursuant to this section, a recommendation as to
25 whether placement of the child with that parent ~~or legal~~
26 ~~custodian~~ would be detrimental to the child.

27 (r)(q) If the child has been removed from the home and
28 will be remaining with a relative or other adult approved by
29 the court, a home study report concerning the proposed
30 placement shall be included in the predisposition report.
31 Prior to recommending to the court any out-of-home placement

1 for a child other than placement in a licensed shelter or
2 foster home, the department shall conduct a study of the home
3 of the proposed legal custodians, which must include, at a
4 minimum:

5 1. An interview with the proposed legal custodians to
6 assess their ongoing commitment and ability to care for the
7 child.

8 2. Records checks through the Florida Abuse Hotline
9 Information System (FAHIS), and local and statewide criminal
10 and juvenile records checks through the Department of Law
11 Enforcement, on all household members 12 years of age or older
12 and any other persons made known to the department who are
13 frequent visitors in the home. Out-of-state criminal records
14 checks must be initiated for any individual designated above
15 who has resided in a state other than Florida provided that
16 state's laws allow the release of these records. The
17 out-of-state criminal records must be filed with the court
18 within 5 days after receipt by the department or its agent.

19 3. An assessment of the physical environment of the
20 home.

21 4. A determination of the financial security of the
22 proposed legal custodians.

23 5. A determination of suitable child care arrangements
24 if the proposed legal custodians are employed outside of the
25 home.

26 6. Documentation of counseling and information
27 provided to the proposed legal custodians regarding the
28 dependency process and possible outcomes.

29 7. Documentation that information regarding support
30 services available in the community has been provided to the
31 proposed legal custodians.

1
2 The department shall not place the child or continue the
3 placement of the child in a home under shelter or
4 postdisposition placement if the results of the home study are
5 unfavorable, unless the court finds that this placement is in
6 the child's best interest.

7 (s)~~(r)~~ If the child has been removed from the home, a
8 determination of the amount of child support each parent will
9 be required to pay pursuant to s. 61.30.

10 (t) If placement of the child with anyone other than
11 the child's parent is being considered, the predisposition
12 study shall include the designation of a specific length of
13 time as to when custody by the parent will be reconsidered.

14
15 Any other relevant and material evidence, including other
16 written or oral reports, may be received by the court in its
17 effort to determine the action to be taken with regard to the
18 child and may be relied upon to the extent of its probative
19 value, even though not competent in an adjudicatory hearing.
20 Except as otherwise specifically provided, nothing in this
21 section prohibits the publication of proceedings in a hearing.

22 ~~(3)(a)1. Notwithstanding s. 435.045(1), the department~~
23 ~~may place a child in a foster home which otherwise meets~~
24 ~~licensing requirements if state and local criminal records~~
25 ~~checks do not disqualify the applicant, and the department has~~
26 ~~submitted fingerprint information to the Florida Department of~~
27 ~~Law Enforcement for forwarding to the Federal Bureau of~~
28 ~~Investigation and is awaiting the results of the federal~~
29 ~~criminal records check.~~

30 ~~2. Prospective and approved foster parents must~~
31 ~~disclose to the department any prior or pending local, state,~~

1 ~~or federal criminal proceedings in which they are or have been~~
2 ~~involved.~~

3 ~~(b) Prior to recommending to the court any out-of-home~~
4 ~~placement for a child other than placement in a licensed~~
5 ~~shelter or foster home, the department shall conduct a study~~
6 ~~of the home of the proposed legal custodians, which must~~
7 ~~include, at a minimum:~~

8 ~~1. An interview with the proposed legal custodians to~~
9 ~~assess their ongoing commitment and ability to care for the~~
10 ~~child.~~

11 ~~2. Records checks through the department's automated~~
12 ~~abuse information system, and local and statewide criminal and~~
13 ~~juvenile records checks through the Department of Law~~
14 ~~Enforcement, on all household members 12 years of age or older~~
15 ~~and any other persons made known to the department who are~~
16 ~~frequent visitors in the home.~~

17 ~~3. An assessment of the physical environment of the~~
18 ~~home.~~

19 ~~4. A determination of the financial security of the~~
20 ~~proposed legal custodians.~~

21 ~~5. A determination of suitable child care arrangements~~
22 ~~if the proposed legal custodians are employed outside of the~~
23 ~~home.~~

24 ~~6. Documentation of counseling and information~~
25 ~~provided to the proposed legal custodians regarding the~~
26 ~~dependency process and possible outcomes.~~

27 ~~7. Documentation that information regarding support~~
28 ~~services available in the community has been provided to the~~
29 ~~proposed legal custodians.~~

30 ~~(c) The department shall not place the child or~~
31 ~~continue the placement of the child in the home of the~~

1 ~~proposed legal custodians if the results of the home study are~~
2 ~~unfavorable.~~

3 ~~(4) If placement of the child with anyone other than~~
4 ~~the child's parent is being considered, the predisposition~~
5 ~~study shall include the designation of a specific length of~~
6 ~~time as to when custody by the parent will be reconsidered.~~

7 ~~(5) The predisposition study may not be made before~~
8 ~~the adjudication of dependency unless the parents of the child~~
9 ~~consent.~~

10 ~~(6) A case plan and predisposition study must be filed~~
11 ~~with the court and served upon the parents of the child,~~
12 ~~provided to the representative of the guardian ad litem~~
13 ~~program, if the program has been appointed, and provided to~~
14 ~~all other parties not less than 72 hours before the~~
15 ~~disposition hearing. All such case plans must be approved by~~
16 ~~the court. If the court does not approve the case plan at the~~
17 ~~disposition hearing, the court must set a hearing within 30~~
18 ~~days after the disposition hearing to review and approve the~~
19 ~~case plan.~~

20 ~~(7) The initial judicial review must be held no later~~
21 ~~than 90 days after the date of the disposition hearing or~~
22 ~~after the date of the hearing at which the court approves the~~
23 ~~case plan, whichever occurs earlier, but in no event shall the~~
24 ~~review be held later than 6 months after the date of the~~
25 ~~child's removal from the home.~~

26 ~~(3)(8)~~ When any child is adjudicated by a court to be
27 dependent, and the court finds that removal of the child from
28 the custody of a parent or legal custodian is necessary, the
29 court shall determine the appropriate placement for the child
30 as follows:

31

1 (a) If the court determines that the child can safely
2 remain in the home with the parent with whom the child was
3 residing at the time the events or conditions arose that
4 brought the child within the jurisdiction of the court and
5 that remaining in this home is in the best interest of the
6 child, then the court shall order conditions under which the
7 child may remain or return to the home and that this placement
8 be under the protective supervision of the department for not
9 less than 6 months.

10 **(b)** ~~If first determine whether~~ there is a parent with
11 whom the child was not residing at the time the events or
12 conditions arose that brought the child within the
13 jurisdiction of the court who desires to assume custody of the
14 child ~~and, if such parent requests custody,~~ the court shall
15 place the child with that the parent upon completion of a home
16 study, unless the court ~~it~~ finds that such placement would
17 endanger the safety, well-being, or physical, mental, or
18 emotional health of the child. Any party with knowledge of the
19 facts may present to the court evidence regarding whether the
20 placement will endanger the safety, well-being, or physical,
21 mental, or emotional health of the child. If the court places
22 the child with such parent, it may do either of the following:

23 1.(a) Order that the parent assume sole custodial
24 responsibilities for the child. The court may also provide for
25 reasonable visitation by the noncustodial parent. The court
26 may then terminate its jurisdiction over the child. The
27 custody order shall continue unless modified by a subsequent
28 order of the circuit court hearing dependency matters. The
29 order of the circuit court hearing dependency matters shall be
30 filed in any dissolution or other custody action or proceeding

31

1 between the parents and shall take precedence over other
2 custody and visitation orders entered in those actions.

3 2.(b) Order that the parent assume custody subject to
4 the jurisdiction of the circuit court hearing dependency
5 matters. The court may order that reunification services be
6 provided to the parent from whom the child has been removed,
7 that services be provided solely to the parent who is assuming
8 physical custody in order to allow that parent to retain later
9 custody without court jurisdiction, or that services be
10 provided to both parents, in which case the court shall
11 determine at every review hearing which parent, if either,
12 shall have custody of the child. The standard for changing
13 custody of the child from one parent to another or to a
14 relative or another adult approved by the court shall be the
15 best interest of the child.

16 (c) If no fit parent is willing or available to assume
17 care and custody of the child, place

18 ~~(9)(a) When any child is adjudicated by a court to be~~
19 ~~dependent, the court having jurisdiction of the child has the~~
20 ~~power, by order, to:~~

21 ~~1. Require the parent or legal custodian, and the~~
22 ~~child when appropriate, to participate in treatment and~~
23 ~~services identified as necessary.~~

24 ~~2. Require the parent or legal custodian, and the~~
25 ~~child when appropriate, to participate in mediation if the~~
26 ~~parent or legal custodian refused to participate in mediation.~~

27 ~~3. Place the child under the protective supervision of~~
28 ~~an authorized agent of the department, either in the child's~~
29 ~~own home or, the prospective custodian being willing, in the~~
30 ~~home of a relative of the child or of another adult approved~~
31 ~~by the court, or in some other suitable place under such~~

1 ~~reasonable conditions as the court may direct. Protective~~
2 ~~supervision continues until the court terminates it or until~~
3 ~~the child reaches the age of 18, whichever date is first.~~
4 ~~Protective supervision shall be terminated by the court~~
5 ~~whenever the court determines that permanency has been~~
6 ~~achieved for the child, whether with a parent, another~~
7 ~~relative, or a legal custodian, and that protective~~
8 ~~supervision is no longer needed. The termination of~~
9 ~~supervision may be with or without retaining jurisdiction, at~~
10 ~~the court's discretion, and shall in either case be considered~~
11 ~~a permanency option for the child. The order terminating~~
12 ~~supervision by the department shall set forth the powers of~~
13 ~~the custodian of the child and shall include the powers~~
14 ~~ordinarily granted to a guardian of the person of a minor~~
15 ~~unless otherwise specified. Upon the court's termination of~~
16 ~~supervision by the department, no further judicial reviews are~~
17 ~~required, so long as permanency has been established for the~~
18 ~~child.~~

19 4. ~~Place~~ the child in the temporary legal custody of
20 an adult relative or other adult approved by the court who is
21 willing to care for the child, under the protective
22 supervision of the department. The department must supervise
23 this placement until the child reaches permanency status in
24 this home, and in no case for a period of less than 6 months.
25 Permanency in a relative placement shall be by adoption,
26 long-term custody, or guardianship.

27 (d) If the child cannot be safely placed in a
28 nonlicensed placement, the court shall commit the child to the
29 temporary legal custody of the department. Such commitment
30 invests in the department all rights and responsibilities of a
31 legal custodian. The department shall not return any child to

1 the physical care and custody of the person from whom the
2 child was removed, except for court-approved visitation
3 periods, without the approval of the court. The term of such
4 commitment continues until terminated by the court or until
5 the child reaches the age of 18. After the child is committed
6 to the temporary legal custody of the department, all further
7 proceedings under this section are governed by this chapter.

8
9 Protective supervision continues until the court terminates it
10 or until the child reaches the age of 18, whichever date is
11 first. Protective supervision shall be terminated by the court
12 whenever the court determines that permanency has been
13 achieved for the child, whether with a parent, another
14 relative, or a legal custodian, and that protective
15 supervision is no longer needed. The termination of
16 supervision may be with or without retaining jurisdiction, at
17 the court's discretion, and shall in either case be considered
18 a permanency option for the child. The order terminating
19 supervision by the department shall set forth the powers of
20 the custodian of the child and shall include the powers
21 ordinarily granted to a guardian of the person of a minor
22 unless otherwise specified. Upon the court's termination of
23 supervision by the department, no further judicial reviews are
24 required, so long as permanency has been established for the
25 child.

26 (4) An agency granted legal custody shall have the
27 right to determine where and with whom the child shall live,
28 but an individual granted legal custody shall exercise all
29 rights and duties personally unless otherwise ordered by the
30 court.

31

1 (5) In carrying out the provisions of this chapter,
2 the court may order the parents and legal custodians of a
3 child who is found to be dependent to participate in family
4 counseling and other professional counseling activities deemed
5 necessary for the rehabilitation of the parent or child.

6 (6) With respect to a child who is the subject in
7 proceedings under this chapter, the court may issue to the
8 department an order to show cause why it should not return the
9 child to the custody of the parents upon expiration of the
10 case plan, or sooner if the parents have substantially
11 complied with the case plan.

12 (7) The court may enter an order ending its
13 jurisdiction over a child when a child has been returned to
14 the parents, provided the court shall not terminate its
15 jurisdiction or the department's supervision over the child
16 until 6 months after the child's return. The court shall
17 determine whether its jurisdiction should be continued or
18 terminated in such a case based on a report of the department
19 or agency or the child's guardian ad litem, and any other
20 relevant factors; if its jurisdiction is to be terminated, the
21 court shall enter an order to that effect.

22 ~~5.a. When the parents have failed to comply with a~~
23 ~~case plan and the court determines at a judicial review~~
24 ~~hearing, or at an adjudication hearing held pursuant to this~~
25 ~~section, that neither reunification, termination of parental~~
26 ~~rights, nor adoption is in the best interest of the child, the~~
27 ~~court may place the child in the long-term custody of an adult~~
28 ~~relative or other adult approved by the court willing to care~~
29 ~~for the child, if all of the following conditions are met:~~
30
31

1 ~~(I) A case plan describing the responsibilities of the~~
2 ~~relative or other adult, the department, and any other party~~
3 ~~must have been submitted to the court.~~

4 ~~(II) The case plan for the child does not include~~
5 ~~reunification with the parents or adoption by the relative or~~
6 ~~other adult.~~

7 ~~(III) The child and the relative or other adult are~~
8 ~~determined not to need protective supervision or preventive~~
9 ~~services to ensure the stability of the long-term custodial~~
10 ~~relationship, or the department assures the court that~~
11 ~~protective supervision or preventive services will be provided~~
12 ~~in order to ensure the stability of the long-term custodial~~
13 ~~relationship.~~

14 ~~(IV) Each party to the proceeding agrees that a~~
15 ~~long-term custodial relationship does not preclude the~~
16 ~~possibility of the child returning to the custody of the~~
17 ~~parent at a later date, should the parent demonstrate a~~
18 ~~material change in circumstances and the return of the child~~
19 ~~to the parent is in the child's best interest.~~

20 ~~(V) The court has considered the reasonable preference~~
21 ~~of the child if the court has found the child to be of~~
22 ~~sufficient intelligence, understanding, and experience to~~
23 ~~express a preference.~~

24 ~~(VI) The court has considered the recommendation of~~
25 ~~the guardian ad litem if one has been appointed.~~

26 ~~(VII) The relative or other adult has made a~~
27 ~~commitment to provide for the child until the child reaches~~
28 ~~the age of majority and to prepare the child for adulthood and~~
29 ~~independence.~~

30 ~~(VIII) The relative or other adult agrees not to~~
31 ~~return the child to the physical care and custody of the~~

1 ~~person from whom the child was removed, including for short~~
2 ~~visitation periods, without the approval of the court.~~

3 ~~b. The court shall retain jurisdiction over the case,~~
4 ~~and the child shall remain in the long-term custody of the~~
5 ~~relative or other adult approved by the court until the order~~
6 ~~creating the long-term custodial relationship is modified by~~
7 ~~the court. The court shall discontinue regular judicial review~~
8 ~~hearings and may relieve the department of the responsibility~~
9 ~~for supervising the placement of the child whenever the court~~
10 ~~determines that the placement is stable and that such~~
11 ~~supervision is no longer needed. The child must be in the~~
12 ~~placement for a minimum of 6 continuous months before the~~
13 ~~court may consider termination of the department's~~
14 ~~supervision. Notwithstanding the retention of jurisdiction,~~
15 ~~the placement shall be considered a permanency option for the~~
16 ~~child when the court relieves the department of the~~
17 ~~responsibility for supervising the placement. The order~~
18 ~~terminating supervision by the department shall set forth the~~
19 ~~powers of the custodian of the child and shall include the~~
20 ~~powers ordinarily granted to a guardian of the person of a~~
21 ~~minor unless otherwise specified. The court may modify the~~
22 ~~order terminating supervision of the long-term placement if it~~
23 ~~finds that the long-term placement is no longer in the best~~
24 ~~interest of the child.~~

25 ~~6.a. Approve placement of the child in long-term~~
26 ~~out-of-home care, when the following conditions are met:~~

27 ~~(I) The foster child is 16 years of age or older,~~
28 ~~unless the court determines that the history or condition of a~~
29 ~~younger child makes long-term out-of-home care the most~~
30 ~~appropriate placement.~~

31

1 ~~(II) The child demonstrates no desire to be placed in~~
2 ~~an independent living arrangement pursuant to this subsection.~~

3 ~~(III) The department's social services study pursuant~~
4 ~~to part VIII recommends long-term out-of-home care.~~

5
6 ~~Long-term out-of-home care under the above conditions shall~~
7 ~~not be considered a permanency option.~~

8 ~~b. The court may approve placement of the child in~~
9 ~~long-term out-of-home care, as a permanency option, when all~~
10 ~~of the following conditions are met:~~

11 ~~(I) The child is 14 years of age or older.~~

12 ~~(II) The child is living in a licensed home and the~~
13 ~~foster parents desire to provide care for the child on a~~
14 ~~permanent basis and the foster parents and the child do not~~
15 ~~desire adoption.~~

16 ~~(III) The foster family has made a commitment to~~
17 ~~provide for the child until he or she reaches the age of~~
18 ~~majority and to prepare the child for adulthood and~~
19 ~~independence.~~

20 ~~(IV) The child has remained in the home for a~~
21 ~~continuous period of no less than 12 months.~~

22 ~~(V) The foster parents and the child view one another~~
23 ~~as family and consider living together as the best place for~~
24 ~~the child to be on a permanent basis.~~

25 ~~(VI) The department's social services study recommends~~
26 ~~such placement and finds the child's well-being has been~~
27 ~~promoted through living with the foster parents.~~

28
29 ~~Notwithstanding the retention of jurisdiction and supervision~~
30 ~~by the department, long-term out-of-home care placements made~~
31 ~~pursuant to this section shall be considered a permanency~~

1 ~~option for the child. For purposes of this subsection,~~
2 ~~supervision by the department shall be defined as a minimum of~~
3 ~~semiannual visits. The order placing the child in long-term~~
4 ~~out-of-home care as a permanency option shall set forth the~~
5 ~~powers of the custodian of the child and shall include the~~
6 ~~powers ordinarily granted to a guardian of the person of a~~
7 ~~minor unless otherwise specified. The court may modify the~~
8 ~~permanency option of long-term out-of-home care if it finds~~
9 ~~that the placement is no longer in the best interests of the~~
10 ~~child.~~

11 ~~c. Approve placement of the child in an independent~~
12 ~~living arrangement for any child 16 years of age or older, if~~
13 ~~it can be clearly established that this type of alternate care~~
14 ~~arrangement is the most appropriate plan and that the health,~~
15 ~~safety, and well-being of the child will not be jeopardized by~~
16 ~~such an arrangement. While in independent living situations,~~
17 ~~children whose legal custody has been awarded to the~~
18 ~~department or a licensed child-caring or child-placing agency,~~
19 ~~or who have been voluntarily placed with such an agency by a~~
20 ~~parent, guardian, relative, or adult approved by the court,~~
21 ~~continue to be subject to court review provisions.~~

22 ~~7. Commit the child to the temporary legal custody of~~
23 ~~the department. Such commitment invests in the department all~~
24 ~~rights and responsibilities of a legal custodian. The~~
25 ~~department shall not return any child to the physical care and~~
26 ~~custody of the person from whom the child was removed, except~~
27 ~~for court-approved visitation periods, without the approval of~~
28 ~~the court. The term of such commitment continues until~~
29 ~~terminated by the court or until the child reaches the age of~~
30 ~~18. After the child is committed to the temporary custody of~~
31

1 ~~the department, all further proceedings under this section are~~
2 ~~also governed by this chapter.~~

3 ~~8.a. Change the temporary legal custody or the~~
4 ~~conditions of protective supervision at a postdisposition~~
5 ~~hearing, without the necessity of another adjudicatory~~
6 ~~hearing. A child who has been placed in the child's own home~~
7 ~~under the protective supervision of an authorized agent of the~~
8 ~~department, in the home of a relative, in the home of a legal~~
9 ~~custodian, or in some other place may be brought before the~~
10 ~~court by the department or by any other interested person,~~
11 ~~upon the filing of a petition alleging a need for a change in~~
12 ~~the conditions of protective supervision or the placement. If~~
13 ~~the parents or other legal custodians deny the need for a~~
14 ~~change, the court shall hear all parties in person or by~~
15 ~~counsel, or both. Upon the admission of a need for a change or~~
16 ~~after such hearing, the court shall enter an order changing~~
17 ~~the placement, modifying the conditions of protective~~
18 ~~supervision, or continuing the conditions of protective~~
19 ~~supervision as ordered. The standard for changing custody of~~
20 ~~the child shall be the best interest of the child. If the~~
21 ~~child is not placed in foster care, then the new placement for~~
22 ~~the child must meet the home study criteria and court approval~~
23 ~~pursuant to this chapter.~~

24 ~~b. In cases where the issue before the court is~~
25 ~~whether a child should be reunited with a parent, the court~~
26 ~~shall determine whether the parent has substantially complied~~
27 ~~with the terms of the case plan to the extent that the safety,~~
28 ~~well-being, and physical, mental, and emotional health of the~~
29 ~~child is not endangered by the return of the child to the~~
30 ~~home.~~

31

1 ~~(b) The court shall, in its written order of~~
2 ~~disposition, include all of the following:~~

3 ~~1. The placement or custody of the child as provided~~
4 ~~in paragraph (a).~~

5 ~~2. Special conditions of placement and visitation.~~

6 ~~3. Evaluation, counseling, treatment activities, and~~
7 ~~other actions to be taken by the parties, if ordered.~~

8 ~~4. The persons or entities responsible for supervising~~
9 ~~or monitoring services to the child and parent.~~

10 ~~5. Continuation or discharge of the guardian ad litem,~~
11 ~~as appropriate.~~

12 ~~6. The date, time, and location of the next scheduled~~
13 ~~review hearing, which must occur within the earlier of:~~

14 ~~a. Ninety days after the disposition hearing;~~

15 ~~b. Ninety days after the court accepts the case plan;~~

16 ~~c. Six months after the date of the last review~~
17 ~~hearing; or~~

18 ~~d. Six months after the date of the child's removal~~
19 ~~from his or her home, if no review hearing has been held since~~
20 ~~the child's removal from the home.~~

21 ~~7. Other requirements necessary to protect the health,~~
22 ~~safety, and well-being of the child, to preserve the stability~~
23 ~~of the child's educational placement, and to promote family~~
24 ~~preservation or reunification whenever possible.~~

25 ~~(c) If the court finds that the prevention or~~
26 ~~reunification efforts of the department will allow the child~~
27 ~~to remain safely at home or be safely returned to the home,~~
28 ~~the court shall allow the child to remain in or return to the~~
29 ~~home after making a specific finding of fact that the reasons~~
30 ~~for removal have been remedied to the extent that the child's~~

31

1 ~~safety, well-being, and physical, mental, and emotional health~~
2 ~~will not be endangered.~~

3 ~~(d) If the court places the child in an out-of-home~~
4 ~~placement, the disposition order must include a written~~
5 ~~determination that the child cannot safely remain at home with~~
6 ~~reunification or family preservation services and that removal~~
7 ~~of the child is necessary to protect the child. If the child~~
8 ~~has been removed before the disposition hearing, the order~~
9 ~~must also include a written determination as to whether, after~~
10 ~~removal, the department has made a reasonable effort to~~
11 ~~reunify the parent and child, if reasonable efforts are~~
12 ~~required. Reasonable efforts to reunify are not required if~~
13 ~~the court has found that any of the acts listed in s.~~
14 ~~39.806(1)(f)-(i) have occurred. The department has the burden~~
15 ~~of demonstrating that it has made reasonable efforts under~~
16 ~~this paragraph.~~

17 ~~1. For the purposes of this paragraph, the term~~
18 ~~"reasonable effort" means the exercise of reasonable diligence~~
19 ~~and care by the department to provide the services delineated~~
20 ~~in the case plan.~~

21 ~~2. In support of its determination as to whether~~
22 ~~reasonable efforts have been made, the court shall:~~

23 ~~a. Enter written findings as to whether or not~~
24 ~~prevention or reunification efforts were indicated.~~

25 ~~b. If prevention or reunification efforts were~~
26 ~~indicated, include a brief written description of what~~
27 ~~appropriate and available prevention and reunification efforts~~
28 ~~were made.~~

29 ~~c. Indicate in writing why further efforts could or~~
30 ~~could not have prevented or shortened the separation of the~~
31 ~~parent and child.~~

1 ~~3. A court may find that the department has made a~~
2 ~~reasonable effort to prevent or eliminate the need for removal~~
3 ~~if:~~

4 ~~a. The first contact of the department with the family~~
5 ~~occurs during an emergency;~~

6 ~~b. The appraisal by the department of the home~~
7 ~~situation indicates that it presents a substantial and~~
8 ~~immediate danger to the child's safety or physical, mental, or~~
9 ~~emotional health which cannot be mitigated by the provision of~~
10 ~~preventive services;~~

11 ~~c. The child cannot safely remain at home, either~~
12 ~~because there are no preventive services that can ensure the~~
13 ~~health and safety of the child or, even with appropriate and~~
14 ~~available services being provided, the health and safety of~~
15 ~~the child cannot be ensured; or~~

16 ~~d. The parent or legal custodian is alleged to have~~
17 ~~committed any of the acts listed as grounds for expedited~~
18 ~~termination of parental rights in s. 39.806(1)(f)-(i).~~

19 ~~4. A reasonable effort by the department for~~
20 ~~reunification of the parent and child has been made if the~~
21 ~~appraisal of the home situation by the department indicates~~
22 ~~that the severity of the conditions of dependency is such that~~
23 ~~reunification efforts are inappropriate. The department has~~
24 ~~the burden of demonstrating to the court that reunification~~
25 ~~efforts were inappropriate.~~

26 ~~5. If the court finds that the prevention or~~
27 ~~reunification effort of the department would not have~~
28 ~~permitted the child to remain safely at home, the court may~~
29 ~~commit the child to the temporary legal custody of the~~
30 ~~department or take any other action authorized by this~~
31 ~~chapter.~~

1 ~~(10)(a) When any child is adjudicated by the court to~~
2 ~~be dependent and temporary legal custody of the child has been~~
3 ~~placed with an adult relative, legal custodian, or other adult~~
4 ~~approved by the court, a licensed child-caring agency, or the~~
5 ~~department, the court shall, unless a parent has voluntarily~~
6 ~~executed a written surrender for purposes of adoption, order~~
7 ~~the parents, or the guardian of the child's estate if~~
8 ~~possessed of assets which under law may be disbursed for the~~
9 ~~care, support, and maintenance of the child, to pay child~~
10 ~~support to the legal custodian caring for the child, the~~
11 ~~licensed child-caring agency, or the department. The court may~~
12 ~~exercise jurisdiction over all child support matters, shall~~
13 ~~adjudicate the financial obligation, including health~~
14 ~~insurance, of the child's parents or guardian, and shall~~
15 ~~enforce the financial obligation as provided in chapter 61.~~
16 ~~The state's child support enforcement agency shall enforce~~
17 ~~child support orders under this section in the same manner as~~
18 ~~child support orders under chapter 61.~~

19 ~~(b) Placement of the child pursuant to subsection (8)~~
20 ~~shall not be contingent upon issuance of a support order.~~

21 ~~(11)(a) If the court does not commit the child to the~~
22 ~~temporary legal custody of an adult relative, legal custodian,~~
23 ~~or other adult approved by the court, the disposition order~~
24 ~~shall include the reasons for such a decision and shall~~
25 ~~include a determination as to whether diligent efforts were~~
26 ~~made by the department to locate an adult relative, legal~~
27 ~~custodian, or other adult willing to care for the child in~~
28 ~~order to present that placement option to the court instead of~~
29 ~~placement with the department.~~

30 ~~(b) If diligent efforts are made to locate an adult~~
31 ~~relative willing and able to care for the child but, because~~

1 ~~no suitable relative is found, the child is placed with the~~
2 ~~department or a legal custodian or other adult approved by the~~
3 ~~court, both the department and the court shall consider~~
4 ~~transferring temporary legal custody to an adult relative~~
5 ~~approved by the court at a later date, but neither the~~
6 ~~department nor the court is obligated to so place the child if~~
7 ~~it is in the child's best interest to remain in the current~~
8 ~~placement. For the purposes of this paragraph, "diligent~~
9 ~~efforts to locate an adult relative" means a search similar to~~
10 ~~the diligent search for a parent, but without the continuing~~
11 ~~obligation to search after an initial adequate search is~~
12 ~~completed.~~

13 ~~(12) An agency granted legal custody shall have the~~
14 ~~right to determine where and with whom the child shall live,~~
15 ~~but an individual granted legal custody shall exercise all~~
16 ~~rights and duties personally unless otherwise ordered by the~~
17 ~~court.~~

18 ~~(13) In carrying out the provisions of this chapter,~~
19 ~~the court may order the parents or legal custodians of a child~~
20 ~~who is found to be dependent to participate in family~~
21 ~~counseling and other professional counseling activities deemed~~
22 ~~necessary for the rehabilitation of the child.~~

23 ~~(14) With respect to a child who is the subject in~~
24 ~~proceedings under this chapter, the court shall issue to the~~
25 ~~department an order to show cause why it should not return the~~
26 ~~child to the custody of the parents upon expiration of the~~
27 ~~case plan, or sooner if the parents have substantially~~
28 ~~complied with the case plan.~~

29 ~~(15) The court may enter an order ending its~~
30 ~~jurisdiction over a child when a child has been returned to~~
31 ~~the parents, provided the court shall not terminate its~~

1 ~~jurisdiction or the department's supervision over the child~~
2 ~~until 6 months after the child's return. The court shall~~
3 ~~determine whether its jurisdiction should be continued or~~
4 ~~terminated in such a case based on a report of the department~~
5 ~~or agency or the child's guardian ad litem, and any other~~
6 ~~relevant factors; if its jurisdiction is to be terminated, the~~
7 ~~court shall enter an order to that effect.~~

8 Section 24. Paragraph (c) of subsection (1) and
9 paragraph (a) of subsection (2) of section 39.5085, Florida
10 Statutes, are amended to read:

11 39.5085 Relative Caregiver Program.--

12 (1) It is the intent of the Legislature in enacting
13 this section to:

14 (c) Recognize that permanency in the best interests of
15 the child can be achieved through a variety of permanency
16 options, including long-term relative custody, guardianship,
17 or adoption, by providing ~~Provide~~ additional placement options
18 and incentives that will achieve permanency and stability for
19 many children who are otherwise at risk of foster care
20 placement because of abuse, abandonment, or neglect, but who
21 may successfully be able to be placed by the dependency court
22 in the care of such relatives.

23 (2)(a) The Department of Children and Family Services
24 shall establish and operate the Relative Caregiver Program
25 pursuant to eligibility guidelines established in this section
26 as further implemented by rule of the department. The Relative
27 Caregiver Program shall, within the limits of available
28 funding, provide financial assistance to relatives who are
29 within the fifth degree by blood or marriage to the parent or
30 stepparent of a child and who are caring full-time for that
31 child in the role of substitute parent as a result of a

1 court's determination of child abuse, neglect, or abandonment
2 and subsequent placement with the relative pursuant to this
3 chapter. Such placement may be either court-ordered temporary
4 legal custody to the relative under protective supervision of
5 the department pursuant to s. 39.521(1)(b)3~~39.508(9)(a)4~~,
6 or court-ordered placement in the home of a relative as a
7 permanency option ~~under protective supervision of the~~
8 ~~department~~ pursuant to s. 39.622 ~~39.508(9)(a)3~~. The Relative
9 Caregiver Program shall offer financial assistance to
10 caregivers who are relatives and who would be unable to serve
11 in that capacity without the relative caregiver payment
12 because of financial burden, thus exposing the child to the
13 trauma of placement in a shelter or in foster care.

14 Section 25. Section 39.522, Florida Statutes, is
15 created to read:

16 39.522 Postdisposition change of custody.--The court
17 may change the temporary legal custody or the conditions of
18 protective supervision at a postdisposition hearing, without
19 the necessity of another adjudicatory hearing.

20 (1) A child who has been placed in the child's own
21 home under the protective supervision of an authorized agent
22 of the department, in the home of a relative, in the home of a
23 legal custodian, or in some other place may be brought before
24 the court by the department or by any other interested person,
25 upon the filing of a petition alleging a need for a change in
26 the conditions of protective supervision or the placement. If
27 the parents or other legal custodians deny the need for a
28 change, the court shall hear all parties in person or by
29 counsel, or both. Upon the admission of a need for a change or
30 after such hearing, the court shall enter an order changing
31 the placement, modifying the conditions of protective

1 supervision, or continuing the conditions of protective
2 supervision as ordered. The standard for changing custody of
3 the child shall be the best interest of the child. If the
4 child is not placed in foster care, then the new placement for
5 the child must meet the home study criteria and court approval
6 pursuant to this chapter.

7 (2) In cases where the issue before the court is
8 whether a child should be reunited with a parent, the court
9 shall determine whether the parent has substantially complied
10 with the terms of the case plan to the extent that the safety,
11 well-being, and physical, mental, and emotional health of the
12 child is not endangered by the return of the child to the
13 home.

14 Section 26. Subsection (2) of section 39.601, Florida
15 Statutes, is amended to read:

16 39.601 Case plan requirements.--

17 (2) When the child or parent is receiving services,
18 the case plan shall be filed with the court, for approval by
19 the court, at least 72 hours prior to the disposition hearing.
20 The case plan must be served on all parties whose whereabouts
21 are known at least 72 hours prior to the disposition hearing
22 and must include, in addition to the requirements in
23 subsection (1), at a minimum:

24 (a) A description of the problem being addressed that
25 includes the behavior or act of a parent resulting in risk to
26 the child and the reason for the department's intervention.

27 (b) A description of the tasks with which the parent
28 must comply and the services to be provided to the parent and
29 child specifically addressing the identified problem,
30 including:

31 1. Type of services or treatment.

- 1 2. Frequency of services or treatment.
- 2 3. Location of the delivery of the services.
- 3 4. The accountable department staff or service
- 4 provider.

5 (c) A description of the measurable objectives,
6 including timeframes for achieving objectives, addressing the
7 identified problem.

8 Section 27. Paragraph (a) of subsection (1) of section
9 39.603, Florida Statutes, is amended to read:

10 39.603 Court approvals of case planning.--

11 (1) At the hearing on the plan, which shall occur in
12 conjunction with the disposition hearing unless otherwise
13 directed by the court, the court shall determine:

14 (a) All parties who were notified and are in
15 attendance at the hearing, either in person or through a legal
16 representative. The court may ~~shall~~ appoint a guardian ad
17 litem under Rule 1.210, Florida Rules of Civil Procedure, to
18 represent the interests of any parent, if the location of the
19 parent is known but the parent is not present at the hearing
20 and the development of the plan is based upon the physical,
21 emotional, or mental condition or physical location of the
22 parent.

23 Section 28. Section 39.621, Florida Statutes, is
24 created to read:

25 39.621 Permanency determination by the court.--

26 (1) When the court has determined that reunification
27 with either parent is not appropriate, then the court must
28 make a permanency determination for the child.

29 (2) Adoption, pursuant to chapter 63, is the primary
30 permanency option available to the court. If the child is
31 placed with a relative or with a relative of the child's

1 half-brother or half-sister as a permanency option, the court
2 shall recognize the permanency of this placement without
3 requiring the relative to adopt the child.

4 (3) The permanency options listed in the following
5 paragraphs shall only be considered by the court if adoption
6 is determined by the court to not be in the child's best
7 interest, except as otherwise provided in subsection (2):

8 (a) Guardianship pursuant to chapter 744.

9 (b) Long-term custody.

10 (c) Long-term licensed custody.

11 (d) Independent living.

12
13 The permanency placement is intended to continue until the
14 child reaches the age of majority and shall not be disturbed
15 absent a finding by the court that the circumstances of the
16 permanency placement are no longer in the best interest of the
17 child.

18 Section 29. Section 39.622, Florida Statutes, is
19 created to read:

20 39.622 Long-term custody.--When the parents have
21 either consented to long-term custody, had their parental
22 rights terminated, or failed to substantially comply with a
23 case plan, and the court determines at a judicial review
24 hearing, or at an adjudication hearing held pursuant to this
25 chapter, that reunification is not in the best interest of the
26 child, the court may place the child in the long-term custody
27 of an adult relative or other adult approved by the court who
28 has had custody of the child for at least the 6 preceding
29 months and is willing to care for the child, if all of the
30 following conditions are met:

31

1 (1) A case plan describing the responsibilities of the
2 relative or other adult, the department, and any other party
3 has been submitted to the court.

4 (2) The case plan for the child does not include
5 reunification with the parents or adoption by the relative or
6 other adult.

7 (3) The child and the relative or other adult are
8 determined not to need protective supervision or preventive
9 services to ensure the stability of the long-term custodial
10 relationship.

11 (4) Each party to the proceeding agrees that a
12 long-term custodial relationship does not preclude the
13 possibility of the child returning to the custody of the
14 parent at a later date if the parent demonstrates a material
15 change in circumstances and the return of the child to the
16 parent is in the child's best interest.

17 (5) The court has considered the reasonable preference
18 of the child if the court has found the child to be of
19 sufficient intelligence, understanding, and experience to
20 express a preference.

21 (6) The court has considered the recommendation of the
22 guardian ad litem if one has been appointed.

23 (7) The relative or other adult has made a commitment
24 to provide for the child until the child reaches the age of
25 majority and to prepare the child for adulthood and
26 independence.

27 (8) The relative or other adult agrees not to return
28 the child to the physical care and custody of the person from
29 whom the child was removed, including for short visitation
30 periods, without the approval of the court.

31

1 (9) The court shall retain jurisdiction over the case,
2 and the child shall remain in the long-term custody of the
3 relative or other adult approved by the court, until the order
4 creating the long-term custodial relationship is modified by
5 the court. The court shall discontinue regular judicial-review
6 hearings and may relieve the department of the responsibility
7 for supervising the placement of the child whenever the court
8 determines that the placement is stable and that such
9 supervision is no longer needed. The child must be in the
10 placement for a minimum of 6 continuous months before the
11 court may consider termination of the department's
12 supervision. Notwithstanding the retention of jurisdiction,
13 the placement shall be considered a permanency option for the
14 child when the court relieves the department of the
15 responsibility for supervising the placement. The order
16 terminating supervision by the department shall set forth the
17 powers of the custodian of the child and shall include the
18 powers ordinarily granted to a guardian of the person of a
19 minor unless otherwise specified. The court may modify the
20 order terminating supervision of the long-term placement if it
21 finds that the long-term placement is no longer in the best
22 interest of the child.

23 (10) A relative or other legal custodian who has been
24 designated as a long-term custodian shall have all of the
25 rights and duties of a parent, including, but not limited to,
26 the right and duty to protect, train, and discipline the child
27 and to provide the child with food, shelter, and education,
28 and ordinary medical, dental, psychiatric, and psychological
29 care, unless these rights and duties are otherwise enlarged or
30 limited by the court order establishing the long-term
31 custodial relationship. The long-term custodian must inform

1 the court in writing of any changes in the residence of the
2 long-term custodian or the child.

3 Section 30. Section 39.623, Florida Statutes, is
4 created to read:

5 39.623 Long-term licensed custody.--The court may
6 approve placement of the child in long-term licensed custody,
7 as a permanency option, when all of the following conditions
8 are met:

9 (1) The child is 14 years of age or older.

10 (2) The child is living in a licensed home and the
11 foster parents desire to provide care for the child on a
12 permanent basis and the foster parents and the child do not
13 desire adoption.

14 (3) The foster parents have made a commitment to
15 provide for the child until he or she reaches the age of
16 majority and to prepare the child for adulthood and
17 independence.

18 (4) The child has remained in the home for a
19 continuous period of no less than 12 months.

20 (5) The foster parents and the child view one another
21 as family and consider living together as the best place for
22 the child to be on a permanent basis.

23 (6) The department's social services study recommends
24 such placement and finds the child's well-being has been
25 promoted through living with the foster parents.

26
27 Notwithstanding the retention of jurisdiction and supervision
28 by the department, long-term licensed custody placements made
29 pursuant to this section shall be considered a permanency
30 option for the child. For purposes of this section,
31 supervision by the department shall be defined as a minimum of

1 semiannual visits. The order placing the child in long-term
2 licensed custody as a permanency option shall set forth the
3 powers of the foster parents of the child and shall include
4 the powers ordinarily granted to a guardian of the person of a
5 minor unless otherwise specified. The court may modify the
6 permanency option of long-term licensed custody if it finds
7 that the placement is no longer in the best interest of the
8 child.

9 Section 31. Section 39.624, Florida Statutes, is
10 created to read:

11 39.624 Independent living.--The court may approve
12 placement of the child in an independent living arrangement as
13 permanency for any child 16 years of age or older, if it can
14 be clearly established that this type of alternate care
15 arrangement is the most appropriate plan and that the health,
16 safety, and well-being of the child will not be jeopardized by
17 such an arrangement. While in independent living situations,
18 children whose legal custody has been awarded to the
19 department or a licensed child-caring or child-placing agency,
20 or who have been voluntarily placed with such an agency by a
21 parent, guardian, relative, or adult approved by the court,
22 continue to be subject to court review provisions until the
23 child reaches the age of 18.

24 Section 32. Paragraph (b) of subsection (3) and
25 paragraphs (b) and (c) of subsection (6) of section 39.701,
26 Florida Statutes, are amended to read:

27 39.701 Judicial review.--

28 (3)

29 (b) If the citizen review panel recommends extending
30 the goal of reunification for any case plan beyond 12 months
31 from the date the child was removed from the home or the case

1 plan was adopted, whichever date came first, the court must
2 schedule a judicial review hearing to be conducted by the
3 court within 30 days after receiving the recommendation from
4 the citizen review panel.

5 (6)

6 (b) A copy of the social service agency's written
7 report and the written report of the guardian ad litem must be
8 served on all parties whose whereabouts are known;~~provided to~~
9 ~~the attorney of record of the parents; to the parents; to the~~
10 foster parents or legal custodians; and to the ~~to each~~ citizen
11 review panel, ~~and to the guardian ad litem for the child, or~~
12 ~~the representative of the guardian ad litem program if the~~
13 ~~program has been appointed by the court,~~ at least 72 hours
14 before the judicial review hearing or citizen review panel
15 hearing. The requirement for providing parents with a copy of
16 the written report does not apply to those parents who have
17 voluntarily surrendered their child for adoption or who have
18 had their parental rights to the child terminated.

19 (c) In a case in which the child has been permanently
20 placed with the social service agency, the agency shall
21 furnish to the court a written report concerning the progress
22 being made to place the child for adoption. If the child
23 cannot be placed for adoption, a report on the progress made
24 by the child towards alternative permanency goals or
25 placements, including, but not limited to, guardianship,
26 long-term custody, long-term licensed custody ~~foster care, or~~
27 ~~independent living, custody to a relative or other adult~~
28 ~~approved by the court on a permanent basis with or without~~
29 ~~legal guardianship, or custody to a foster parent or legal~~
30 ~~custodian on a permanent basis with or without legal~~
31 guardianship, must be submitted to the court. The report must

1 be submitted to the court at least 72 hours before each
2 scheduled judicial review.

3 Section 33. Subsection (5) of section 39.803, Florida
4 Statutes, is amended to read:

5 39.803 Identity or location of parent unknown after
6 filing of termination of parental rights petition; special
7 procedures.--

8 (5) If the inquiry under subsection (1) identifies a
9 parent or prospective parent, and that person's location is
10 unknown, the court shall direct the petitioner ~~department~~ to
11 conduct a diligent search for that person before scheduling an
12 adjudicatory hearing regarding the petition for termination of
13 parental rights to dependency ~~of~~ of the child unless the court
14 finds that the best interest of the child requires proceeding
15 without actual notice to the person whose location is unknown.

16 Section 34. Section 39.804, Florida Statutes, is
17 amended to read:

18 39.804 Penalties for false statements of
19 paternity.--Any male person or any mother of a dependent child
20 ~~A person~~ who knowingly and willfully makes a false statement
21 concerning the claiming paternity of a child in conjunction
22 with a petition to terminate parental rights under this
23 chapter and causes such false statement of paternity to be
24 filed with the court commits a misdemeanor of the first
25 degree, punishable as provided in s. 775.082 or s. 775.083. A
26 person who makes a statement claiming paternity in good faith
27 is immune from criminal liability under this section.

28 Section 35. Paragraph (b) of subsection (1) of section
29 39.806, Florida Statutes, is amended to read:

30 39.806 Grounds for termination of parental rights.--
31

1 (1) The department, the guardian ad litem, a licensed
2 child-placing agency, or any person who has knowledge of the
3 facts alleged or who is informed of said facts and believes
4 that they are true, may petition for the termination of
5 parental rights under any of the following circumstances:

6 (b) Abandonment as defined in s. 39.01(1) or when the
7 identity or location of the parent or parents is unknown and
8 cannot be ascertained by diligent search within 60 days.

9 Section 36. Paragraphs (a) and (b) of subsection (2)
10 of section 39.807, Florida Statutes, are amended to read:

11 39.807 Right to counsel; guardian ad litem.--

12 (2)(a) The court shall appoint a guardian ad litem to
13 represent the best interest of the child in any termination of
14 parental rights proceedings and shall ascertain at each stage
15 of the proceedings whether a guardian ad litem has been
16 appointed.

17 (b) The guardian ad litem has the following
18 responsibilities:

19 1. To investigate the allegations of the petition and
20 any subsequent matters arising in the case and, unless excused
21 by the court, to file a written report. This report must
22 include a statement of the wishes of the child and the
23 recommendations of the guardian ad litem and must be provided
24 to all parties and the court at least 72 hours before the
25 disposition hearing.

26 2. To be present at all court hearings unless excused
27 by the court.

28 3. To represent the best interests of the child until
29 the jurisdiction of the court over the child terminates or
30 until excused by the court.

31

1 Section 37. Subsection (4) of section 39.811, Florida
2 Statutes, is amended to read:

3 39.811 Powers of disposition; order of disposition.--

4 (4) If the child is neither in the custody of the
5 department nor in the custody of a parent and the court finds
6 that the grounds for termination of parental rights have been
7 established for either or both parents, the court shall enter
8 an order terminating parental rights for the parent or parents
9 for whom the grounds for termination have been established and
10 placing the child with the department or an appropriate legal
11 custodian. If the parental rights of both parents have been
12 terminated, or if the parental rights of only one parent have
13 been terminated and the court makes specific findings based on
14 evidence presented that placement with the remaining parent is
15 likely to be harmful to the child, the court may order that
16 the child be placed with a legal custodian other than the
17 department after hearing evidence of the suitability of such
18 intended placement. Suitability of the intended placement
19 includes the fitness and capabilities of the proposed legal
20 custodian to function as the primary caregiver for a
21 particular child; and the compatibility of the child with the
22 home in which the child is intended to be placed. If the
23 court orders that a child be placed with a legal custodian
24 under this subsection, the court shall appoint such legal
25 custodian either as the guardian for the child as provided in
26 s. 744.3021 or as the long-term custodian of the child as
27 provided in s. 39.622 so long as the child has been residing
28 with the legal custodian for a minimum of 6 months. The court
29 may modify the order placing the child in the custody of the
30 legal custodian and revoke the guardianship established under
31 s. 744.3021 or the long-term custodial relationship if the

1 court subsequently finds the placement to be no longer in the
2 best interest of the child.

3 Section 38. Subsections (1) and (2) of section
4 435.045, Florida Statutes, are amended to read:

5 435.045 Requirements for prospective foster or
6 adoptive parents.--

7 (1)(a) Unless an election provided for in subsection
8 (2) is made with respect to the state, the department shall
9 conduct criminal records checks equivalent to the level 2
10 screening required in s. 435.04(1) for any prospective foster
11 or adoptive parent before the foster or adoptive parent may be
12 finally approved for placement of a child on whose behalf
13 foster care maintenance payments or adoption assistance
14 payments under s. 471 of the Social Security Act, 42 U.S.C. s.
15 671, are to be made. Approval shall not be granted:

16 1.(a) In any case in which a record check reveals a
17 felony conviction for child abuse, abandonment, or neglect;
18 for spousal abuse; for a crime against children, including
19 child pornography, or for a crime involving violence,
20 including rape, sexual assault, or homicide but not including
21 other physical assault or battery, if the department finds
22 that a court of competent jurisdiction has determined that the
23 felony was committed at any time; and

24 2.(b) In any case in which a record check reveals a
25 felony conviction for physical assault, battery, or a
26 drug-related offense, if the department finds that a court of
27 competent jurisdiction has determined that the felony was
28 committed within the past 5 years.

29 (b) Notwithstanding paragraph (a), the department may
30 place a child in a foster home which otherwise meets licensing
31 requirements if state and local criminal records checks do not

1 disqualify the applicant and the department has submitted
2 fingerprint information to the Florida Department of Law
3 Enforcement for forwarding to the Federal Bureau of
4 Investigation and is awaiting the results of the federal
5 criminal records check.

6 (c) Prospective and approved foster parents must
7 disclose to the department any prior or pending local, state,
8 or federal criminal proceedings in which they are or have been
9 involved.

10 (2) For purposes of this section, and ss. 39.401(3)
11 and 39.521(1)(d)~~39.508(9)(b) and (10)(a)~~, the department and
12 its authorized agents or contract providers are hereby
13 designated a criminal justice agency for the purposes of
14 accessing criminal justice information, including National
15 Crime Information Center information, to be used for enforcing
16 Florida's laws concerning the crimes of child abuse,
17 abandonment, and neglect. This information shall be used
18 solely for purposes supporting the detection, apprehension,
19 prosecution, pretrial release, posttrial release, or
20 rehabilitation of criminal offenders or persons accused of the
21 crimes of child abuse, abandonment, or neglect and shall not
22 be further disseminated or used for any other purposes.

23 Section 39. Paragraph (b) of subsection (10) of
24 section 409.2554, Florida Statutes, is amended to read:

25 409.2554 Definitions.--As used in ss.
26 409.2551-409.2598, the term:

27 (10) "Support" means:

28 (b) Support for a child who is placed under the
29 custody of someone other than the custodial parent pursuant to
30 s. 39.521, s. 39.522, s. 39.622, s. 39.623, or s. 39.624 ~~s.~~
31 ~~39.508.~~

1 Section 40. Subsection (3) of section 402.40, Florida
2 Statutes, is repealed.

3 Section 41. Subsection (9) of section 39.201, Florida
4 Statutes, is amended to read:

5 39.201 Mandatory reports of child abuse, abandonment,
6 or neglect; mandatory reports of death; central abuse
7 hotline.--

8 (9) On an ongoing basis, the department's quality
9 assurance program shall review reports to the hotline
10 involving three or more unaccepted reports on a single child
11 in order to detect such things as harassment and situations
12 that warrant an investigation because of the frequency or
13 variety of the source of the reports. The Program Director for
14 Family Safety ~~assistant secretary~~ may refer a case for
15 investigation when it is determined, as a result of this
16 review, that an investigation may be warranted.

17 Section 42. Subsection (1) of section 39.302, Florida
18 Statutes, is amended to read:

19 39.302 Protective investigations of institutional
20 child abuse, abandonment, or neglect.--

21 (1) The department shall conduct a child protective
22 investigation of each report of institutional child abuse,
23 abandonment, or neglect. Upon receipt of a report which
24 alleges that an employee or agent of the department, or any
25 other entity or person covered by s. 39.01(31)~~(32)~~or (47)
26 ~~(48)~~, acting in an official capacity, has committed an act of
27 child abuse, abandonment, or neglect, the department shall
28 immediately initiate a child protective investigation and
29 orally notify the appropriate state attorney, law enforcement
30 agency, and licensing agency. These agencies shall
31 immediately conduct a joint investigation, unless independent

1 investigations are more feasible. When conducting
2 investigations onsite or having face-to-face interviews with
3 the child, such investigation visits shall be unannounced
4 unless it is determined by the department or its agent that
5 such unannounced visits would threaten the safety of the
6 child. When a facility is exempt from licensing, the
7 department shall inform the owner or operator of the facility
8 of the report. Each agency conducting a joint investigation
9 shall be entitled to full access to the information gathered
10 by the department in the course of the investigation. A
11 protective investigation must include an onsite visit of the
12 child's place of residence. In all cases, the department shall
13 make a full written report to the state attorney within 3
14 working days after making the oral report. A criminal
15 investigation shall be coordinated, whenever possible, with
16 the child protective investigation of the department. Any
17 interested person who has information regarding the offenses
18 described in this subsection may forward a statement to the
19 state attorney as to whether prosecution is warranted and
20 appropriate. Within 15 days after the completion of the
21 investigation, the state attorney shall report the findings to
22 the department and shall include in such report a
23 determination of whether or not prosecution is justified and
24 appropriate in view of the circumstances of the specific case.

25 Section 43. Paragraph (b) of subsection (9) of section
26 216.136, Florida Statutes, is amended to read:

27 216.136 Consensus estimating conferences; duties and
28 principals.--

29 (9) JUVENILE JUSTICE ESTIMATING CONFERENCE.--

30 (b) Principals.--The Executive Office of the Governor,
31 the Office of Economic and Demographic Research, and

1 professional staff who have forecasting expertise from the
2 Department of Juvenile Justice, the Department of Children and
3 Family Services Substance Alcohol, Drug Abuse,and Mental
4 Health Program Offices ~~Office~~, the Department of Law
5 Enforcement, the Senate Appropriations Committee staff, the
6 House of Representatives Appropriations Committee staff, or
7 their designees, are the principals of the Juvenile Justice
8 Estimating Conference. The responsibility of presiding over
9 sessions of the conference shall be rotated among the
10 principals. To facilitate policy and legislative
11 recommendations, the conference may call upon professional
12 staff of the Juvenile Justice Accountability Board and
13 appropriate legislative staff.

14 Section 44. Paragraph (a) of subsection (3) of section
15 381.0072, Florida Statutes, is amended to read:

16 381.0072 Food service protection.--It shall be the
17 duty of the Department of Health to adopt and enforce
18 sanitation rules consistent with law to ensure the protection
19 of the public from food-borne illness. These rules shall
20 provide the standards and requirements for the storage,
21 preparation, serving, or display of food in food service
22 establishments as defined in this section and which are not
23 permitted or licensed under chapter 500 or chapter 509.

24 (3) LICENSES REQUIRED.--

25 (a) Licenses; annual renewals.--Each food service
26 establishment regulated under this section shall obtain a
27 license from the department annually. Food service
28 establishment licenses shall expire annually and shall not be
29 transferable from one place or individual to another.
30 However, those facilities licensed by the department's Office
31 of Licensure and Certification, the Child Care Services

1 ~~Children and Families~~ Program Office, or the Developmental
2 Disabilities Services Program Office are exempt from this
3 subsection. It shall be a misdemeanor of the second degree,
4 punishable as provided in s. 381.0061, s. 775.082, or s.
5 775.083, for such an establishment to operate without this
6 license. The department may refuse a license, or a renewal
7 thereof, to any establishment that is not constructed or
8 maintained in accordance with law and with the rules of the
9 department. Annual application for renewal shall not be
10 required.

11 Section 45. Subsection (5) of section 383.14, Florida
12 Statutes, is amended to read:

13 383.14 Screening for metabolic disorders, other
14 hereditary and congenital disorders, and environmental risk
15 factors.--

16 (5) ADVISORY COUNCIL.--There is established a Genetics
17 and Infant Screening Advisory Council made up of 12 members
18 appointed by the Secretary of Health. The council shall be
19 composed of two consumer members, three practicing
20 pediatricians, at least one of whom must be a pediatric
21 hematologist, one representative from each of the four medical
22 schools in the state, the Secretary of Health or his or her
23 designee, one representative from the Department of Health
24 representing Children's Medical Services, and one
25 representative from the Developmental Disabilities Services
26 Program Office of the Department of Children and Family
27 Services. All appointments shall be for a term of 4 years.
28 The chairperson of the council shall be elected from the
29 membership of the council and shall serve for a period of 2
30 years. The council shall meet at least semiannually or upon
31 the call of the chairperson. The council may establish ad hoc

1 or temporary technical advisory groups to assist the council
2 with specific topics which come before the council. Council
3 members shall serve without pay. Pursuant to the provisions of
4 s. 112.061, the council members are entitled to be reimbursed
5 for per diem and travel expenses. It is the purpose of the
6 council to advise the department about:

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

9 (b) Procedures for collection and transmission of
10 specimens and recording of results; and

11 (c) Methods whereby screening programs and genetics
12 services for children now provided or proposed to be offered
13 in the state may be more effectively evaluated, coordinated,
14 and consolidated.

15 Section 46. Subsection (1) of section 393.064, Florida
16 Statutes, is amended to read:

17 393.064 Prevention.--

18 (1) The Department of Children and Family Services, ~~in~~
19 ~~carrying out its assigned purpose under s. 20.19(1) of~~
20 ~~preventing to the maximum extent possible the occurrence and~~
21 ~~incidence of physical and mental diseases and disabilities,~~
22 shall give priority to the development, planning, and
23 implementation of programs which have the potential to
24 prevent, correct, cure, or reduce the severity of
25 developmental disabilities. The department shall direct an
26 interdepartmental and interprogram effort for the continued
27 development of a prevention plan and program. The department
28 shall identify, through demonstration projects, through
29 departmental program evaluation, and through monitoring of
30 programs and projects conducted outside of the department, any
31 medical, social, economic, or educational methods, techniques,

1 or procedures which have the potential to effectively
2 ameliorate, correct, or cure developmental disabilities. The
3 department shall determine the costs and benefits that would
4 be associated with such prevention efforts and shall
5 implement, or recommend the implementation of, those methods,
6 techniques, or procedures which are found likely to be
7 cost-beneficial. The department in its legislative budget
8 request shall identify funding needs for such prevention
9 programs.

10 Section 47. Paragraph (i) of subsection (4) of section
11 393.13, Florida Statutes, is amended to read:

12 393.13 Personal treatment of persons who are
13 developmentally disabled.--

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

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

29 1. Mechanical supports used in normative situations to
30 achieve proper body position and balance shall not be
31 considered restraints, but shall be prescriptively designed

1 and applied under the supervision of a qualified professional
2 with concern for principles of good body alignment,
3 circulation, and allowance for change of position.

4 2. Totally enclosed cribs and barred enclosures shall
5 be considered restraints.

6 3. Daily reports on the employment of physical,
7 chemical, or mechanical restraints by those specialists
8 authorized in the use of such restraints shall be made to the
9 appropriate chief administrator of the facility, and a monthly
10 summary of such reports shall be relayed to the district
11 administrator and the district human rights advocacy
12 committee. The reports shall summarize all such cases of
13 restraints, the type used, the duration of usage, and the
14 reasons therefor. Districts shall submit districtwide
15 quarterly reports of these summaries to the state
16 Developmental Disabilities ~~Services~~ Program Office.

17 4. The department shall post a copy of the rules
18 promulgated under this section in each living unit of
19 residential facilities. A copy of the rules promulgated under
20 this section shall be given to all staff members of licensed
21 facilities and made a part of all preservice and inservice
22 training programs.

23 Section 48. Subsection (3) of section 394.462, Florida
24 Statutes, is amended to read:

25 394.462 Transportation.--

26 (3) EXCEPTIONS.--An exception to the requirements of
27 this section may be granted by the secretary of the department
28 for the purposes of improving service coordination or better
29 meeting the special needs of individuals. A proposal for an
30 exception must be submitted by the district administrator
31 after being approved ~~by the local health and human services~~

1 ~~board and~~ by the governing boards of any affected counties,
2 prior to submission to the secretary.

3 (a) A proposal for an exception must identify the
4 specific provision from which an exception is requested;
5 describe how the proposal will be implemented by participating
6 law enforcement agencies and transportation authorities; and
7 provide a plan for the coordination of services such as case
8 management.

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

10 1. An arrangement centralizing and improving the
11 provision of services within a district, which may include an
12 exception to the requirement for transportation to the nearest
13 receiving facility;

14 2. An arrangement by which a facility may provide, in
15 addition to required psychiatric services, an environment and
16 services which are uniquely tailored to the needs of an
17 identified group of persons with special needs, such as
18 persons with hearing impairments or visual impairments, or
19 elderly persons with physical frailties; or

20 3. A specialized transportation system that provides
21 an efficient and humane method of transporting patients to
22 receiving facilities, among receiving facilities, and to
23 treatment facilities.

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

26 Section 49. Paragraph (e) of subsection (2) of section
27 394.4674, Florida Statutes, is amended to read:

28 394.4674 Plan and report.--

29 (2) The department shall prepare and submit a
30 semiannual report to the Legislature, until the conditions
31

1 specified in subsection (1) are met, which shall include, but
2 not be limited to:

3 (e) Any evidence of involvement between the ~~Alcohol,~~
4 ~~Drug Abuse,~~ and Mental Health Program Office and other program
5 offices within the department and between the department and
6 other state and private agencies and individuals to accomplish
7 the deinstitutionalization of patients in this age group.

8 Section 50. Subsections (17) and (19) of section
9 394.67, Florida Statutes, are amended to read:

10 394.67 Definitions.--As used in this part, the term:

11 (17) "Program office" means the ~~Alcohol, Drug Abuse,~~
12 ~~and~~ Mental Health Program Office of the Department of Children
13 and Family Services.

14 (19) "Service district" means a community service
15 district as established by the department under s. 20.19 for
16 the purpose of providing community ~~alcohol, drug abuse, and~~
17 mental health services.

18 Section 51. Paragraph (b) of subsection (11) of
19 section 394.75, Florida Statutes, is amended to read:

20 394.75 District alcohol, drug abuse, and mental health
21 plans.--

22 (11) The district administrator shall report annually
23 to the district planning council the status of funding for
24 priorities established in the district plan. Each report must
25 include:

26 (b) A description of the district plan priorities that
27 were included in the departmental budget request prepared
28 ~~under s. 20.19;~~

29 Section 52. Paragraph (a) of subsection (19) of
30 section 397.311, Florida Statutes, is amended to read:

31

1 397.311 Definitions.--As used in this chapter, except
2 part VIII:

3 (19) "Licensed service provider" means a public agency
4 under this chapter, a private for-profit or not-for-profit
5 agency under this chapter, a physician licensed under chapter
6 458 or chapter 459, or any other private practitioner licensed
7 under this chapter, or a hospital licensed under chapter 395,
8 which offers substance abuse impairment services through one
9 or more of the following licensable service components:

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

28 Section 53. Paragraph (b) of subsection (14) and
29 subsection (18) of section 397.321, Florida Statutes, is
30 amended to read:

31

1 397.321 Duties of the department.--The department
2 shall:

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

7 (b) Intradepartmental and interdepartmental program
8 offices, including, but not limited to, child care services;
9 family safety ~~children and families~~; delinquency services;
10 health services; economic services; and children's medical
11 services.

12 (18) Ensure that the department develops and ensures
13 the implementation of procedures between its Substance Abuse
14 ~~Alcohol, Drug Abuse, and Mental Health~~ Program Office and
15 other departmental programs, ~~particularly the Children and~~
16 ~~Families Program Office and the Delinquency Services Program~~
17 ~~Office~~, regarding the referral of substance abuse impaired
18 persons to service providers, information on service
19 providers, information on methods of identifying substance
20 abuse impaired juveniles, and procedures for referring such
21 juveniles to appropriate service providers.

22 Section 54. Subsection (20) is added to section
23 397.321, Florida Statutes, to read:

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

26 (20) The department may establish in district 9, in
27 cooperation with the Palm Beach County Board of County
28 Commissioners, a pilot project to serve in a managed care
29 arrangement non-Medicaid eligible persons who qualify to
30 receive substance abuse or mental health services from the
31 department. The department may contract with a not for profit

1 entity to conduct the pilot project. The results of the pilot
2 project shall be reported to the district administrator, and
3 the Secretary eighteen months after the initiation. The
4 department shall incur no additional administrative costs for
5 the pilot project.

6 Section 55. Subsection (3) of section 397.821, Florida
7 Statutes, is amended to read:

8 397.821 Juvenile substance abuse impairment prevention
9 and early intervention councils.--

10 (3) The council shall provide recommendations to the
11 Program Director for Substance Abuse ~~Assistant Secretary for~~
12 ~~Alcohol, Drug Abuse, and Mental Health~~ annually for
13 consideration for inclusion in the district ~~alcohol, drug~~
14 ~~abuse, and mental health planning councils for consideration~~
15 ~~for inclusion in the district~~ alcohol, drug abuse, and mental
16 health plans.

17 Section 56. Subsection (4) of section 397.901, Florida
18 Statutes, is amended to read:

19 397.901 Prototype juvenile addictions receiving
20 facilities.--

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

29 Section 57. Subsection (2) of section 400.435, Florida
30 Statutes, is amended to read:

31 400.435 Maintenance of records; reports.--

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

11 Section 58. Paragraph (a) of subsection (1) of section
12 402.17, Florida Statutes, is amended to read:

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

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

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

28 1. Receive and supervise the collection of sums due
29 the state.

30 2. Bring any court action necessary to collect any
31 claim the state may have against any client, former client,

1 guardian of any client or former client, executor or
2 administrator of the client's estate, or any person against
3 whom any client or former client may have a claim.

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

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

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

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

18 7. File claims with any person, firm, or corporation
19 or with any federal, state, county, district, or municipal
20 agency on behalf of an unrepresented client.

21 8. Represent the state in the settlement of the
22 estates of deceased clients or in the settlement of estates in
23 which a client or a former client against whom the state may
24 have a claim has a financial interest.

25 9. Establish procedures by rule for the use of amounts
26 held in trust for the client to pay for the cost of care and
27 maintenance, if such amounts would otherwise cause the client
28 to become ineligible for services which are in the client's
29 best interests.

30
31

1 Section 59. Paragraph (a) of subsection (1) and
2 subsection (7) of section 402.3015, Florida Statutes, are
3 amended to read:

4 402.3015 Subsidized child care program; purpose; fees;
5 contracts.--

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

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

18 (7) To the extent funds are available, the department
19 shall contract for support services for children who are
20 clients of the department's Child Care Services Children and
21 Families Program Office and who participate in the subsidized
22 child care program. Support services shall include, but need
23 not be limited to, transportation, child development programs,
24 child nutrition services, and parent training and family
25 counseling activities.

26 Section 60. Subsection (6) of section 402.40, Florida
27 Statutes, is amended to read:

28 402.40 Child welfare training academies established;
29 Child Welfare Standards and Training Council created;
30 responsibilities of council; Child Welfare Training Trust Fund
31 created.--

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

11 Section 61. Subsection (2) of section 402.47, Florida
12 Statutes, is amended to read:

13 402.47 Foster grandparent and retired senior volunteer
14 services to high-risk and handicapped children.--

15 (2) The Department of Children and Family ~~Health and~~
16 ~~Rehabilitative~~ Services shall:

17 (a) Establish a program to provide foster grandparent
18 and retired senior volunteer services to high-risk and
19 handicapped children. Foster grandparent services and retired
20 senior volunteer services to high-risk and handicapped
21 children shall be under the supervision of the department
22 ~~Deputy Secretary for Human Services~~, in coordination with
23 intraagency and interagency programs and agreements as
24 provided for in s. 411.203.

25 (b) In authorized districts, contract with foster
26 grandparent programs and retired senior volunteer programs for
27 services to high-risk and handicapped children, utilizing
28 funds appropriated for handicap prevention.

29 (c) Develop guidelines for the provision of foster
30 grandparent services and retired senior volunteer services to
31

1 high-risk and handicapped children, and monitor and evaluate
2 the implementation of the program.

3 (d) Coordinate with the Federal Action State Office
4 and the department's Office of Prevention, Early Assistance,
5 and Child Development regarding the development of criteria
6 for program elements and funding.

7 Section 62. Subsection (7) of section 409.152, Florida
8 Statutes, is amended to read:

9 409.152 Service integration and family preservation.--

10 (7) On or before September 1, 1993, and annually
11 thereafter, the department shall submit to the Governor, the
12 President of the Senate, the Speaker of the House of
13 Representatives, and the appropriate substantive committees of
14 the Senate and the House of Representatives a copy of the
15 state and district plans described in this section ~~and the~~
16 ~~results or accomplishments of any district family preservation~~
17 ~~programs established by the health and human services boards.~~

18 Section 63. Paragraphs (a) and (b) of subsection (2)
19 of section 409.1673, Florida Statutes, are amended to read:

20 409.1673 Legislative findings; alternate care plans.--

21 (2) ALTERNATE CARE PLANS.--

22 (a) The department must, in a collaborative
23 partnership with community service providers, annually develop
24 and administer an objective plan with respect to services for
25 dependent children. The district's community service providers
26 ~~Each service district~~ must annually develop and submit to the
27 district administrator ~~health and human services board~~ by
28 March 31, 1995, and by March 31 of each succeeding year, an
29 alternate care plan that specifies the assessment and case
30 planning process and prescribes the services needed to ensure
31 the most appropriate alternate care placement for dependent

1 children who must be placed outside their homes. As used in
2 this section, the term "assessment" means the evaluation of a
3 child's physical, psychological, educational, vocational, and
4 social condition and the child's family environment as they
5 relate to the child's need for rehabilitative and treatment
6 services, including substance abuse treatment services, mental
7 health services, developmental services, educational and
8 remedial literacy services, medical services, family services,
9 and other specialized services.

10 (b) The plan must be developed by the department in
11 collaboration with community service providers, foster parent
12 providers, licensed residential child care providers, mental
13 health providers, parents and guardians, child care providers,
14 school system representatives, juvenile justice council
15 members, and other community representatives, and must be
16 approved by the district administrator ~~health and human~~
17 ~~services board~~. The plan must be approved prior to the
18 beginning of each fiscal year for use in preparing the
19 legislative budget request for the following fiscal year.

20 Section 64. Paragraph (a) of subsection (1) of section
21 410.0245, Florida Statutes, is amended to read:

22 410.0245 Study of service needs; report; multiyear
23 plan.--

24 (1)(a) The ~~Aging and~~ Adult Services Program Office of
25 the Department of Children and Family Services shall contract
26 for a study of the service needs of the 18-to-59-year-old
27 disabled adult population served or waiting to be served by
28 the community care for disabled adults program. The Division
29 of Vocational Rehabilitation of the Department of Labor and
30 Employment Security and other appropriate state agencies shall
31

1 provide information to the Department of Children and Family
2 Services when requested for the purposes of this study.

3 Section 65. Paragraph (a) of subsection (6) of section
4 411.01, Florida Statutes, is amended to read:

5 411.01 Florida Partnership for School Readiness;
6 school readiness coalitions.--

7 (6) PROGRAM ELIGIBILITY.--The school readiness program
8 shall be established for children under the age of
9 kindergarten eligibility. Priority for participation in the
10 school readiness program shall be given to children who meet
11 one or more of the following criteria:

12 (a) Children under the age of kindergarten eligibility
13 who are:

14 1. Children determined to be at risk of abuse,
15 neglect, or exploitation and who are currently clients of the
16 Family Safety Children and Family Services Program Office of
17 the Department of Children and Family Services.

18 2. Children at risk of welfare dependency, including
19 economically disadvantaged children, children of participants
20 in the WAGES program, children of migrant farmworkers, and
21 children of teen parents.

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

24 Section 66. Section 411.223, Florida Statutes, is
25 amended to read:

26 411.223 Uniform standards.--

27 (1) The Department of Children and Family ~~Health and~~
28 ~~Rehabilitative~~ Services, in consultation with the Department
29 of Education, shall establish a minimum set of procedures for
30 each preschool child who receives preventive health care with
31 state funds. Preventive health care services shall meet the

1 minimum standards established by federal law for the Early
2 Periodic Screening, Diagnosis, and Treatment Program and shall
3 provide guidance on screening instruments which are
4 appropriate for identifying health risks and handicapping
5 conditions in preschool children.

6 (2) Duplicative diagnostic and planning practices
7 shall be eliminated to the extent possible. Diagnostic and
8 other information necessary to provide quality services to
9 high-risk or handicapped children shall be shared among the
10 program offices of the Department of Children and Family
11 ~~Health and Rehabilitative~~ Services, pursuant to the provisions
12 of s. 228.093.

13 Section 67. Paragraphs (c), (d), and (g) of subsection
14 (2) and subsection (5) of section 411.224, Florida Statutes,
15 are amended to read:

16 411.224 Family support planning process.--The
17 Legislature establishes a family support planning process to
18 be used by the Department of Children and Family Services as
19 the service planning process for targeted individuals,
20 children, and families under its purview.

21 (2) To the extent possible within existing resources,
22 the following populations must be included in the family
23 support planning process:

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

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

30 (g) Children from birth through age 5 who are served
31 by the voluntary family services, protective supervision,

1 foster care, or adoption and related services programs of the
2 Child Care Services ~~Children and Families~~ Program Office of
3 the Department of Children and Family Services, and who are
4 eligible for ongoing services from one or more other programs
5 or agencies that participate in family support planning;
6 however, children served by the voluntary family services
7 program, where the planned length of intervention is 30 days
8 or less, are excluded from this population.

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

20 Section 68. Paragraph (a) of subsection (1) of section
21 414.028, Florida Statutes, is amended to read:

22 414.028 Local WAGES coalitions.--The WAGES Program
23 State Board of Directors shall create and charter local WAGES
24 coalitions to plan and coordinate the delivery of services
25 under the WAGES Program at the local level. The boundaries of
26 the service area for a local WAGES coalition shall conform to
27 the boundaries of the service area for the regional workforce
28 development board established under the Enterprise Florida
29 workforce development board. The local delivery of services
30 under the WAGES Program shall be coordinated, to the maximum
31 extent possible, with the local services and activities of the

1 local service providers designated by the regional workforce
2 development boards.

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

10 1. Representatives of the principal entities that
11 provide funding for the employment, education, training, and
12 social service programs that are operated in the service area,
13 including, but not limited to, representatives of local
14 government, the regional workforce development board, and the
15 United Way.

16 2. A representative of the district administrator in
17 the appropriate district of the Department of Children and
18 Family Services ~~health and human services board~~.

19 3. A representative of a community development board.

20 4. Three representatives of the business community who
21 represent a diversity of sizes of businesses.

22 5. Representatives of other local planning,
23 coordinating, or service-delivery entities.

24 6. A representative of a grassroots community or
25 economic development organization that serves the poor of the
26 community.

27 Section 69. Paragraph (e) of subsection (2) of section
28 414.105, Florida Statutes, is amended to read:

29 414.105 Time limitations of temporary cash
30 assistance.--Unless otherwise expressly provided in this
31 chapter, an applicant or current participant shall receive

1 temporary cash assistance for episodes of not more than 24
2 cumulative months in any consecutive 60-month period that
3 begins with the first month of participation and for not more
4 than a lifetime cumulative total of 48 months as an adult.

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

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

1 which it appears a child may require continuation of temporary
2 cash assistance through a protective payee.

3

4 At the recommendation of the local WAGES coalition, temporary
5 cash assistance under a hardship exemption for a participant
6 who is eligible for work activities and who is not working
7 shall be reduced by 10 percent. Upon the employment of the
8 participant, full benefits shall be restored.

9 Section 70. Subsection (3) of section 414.36, Florida
10 Statutes, is amended to read:

11 414.36 Public assistance overpayment recovery program;
12 contracts.--

13 (3) The Economic Self-Sufficiency Services Program
14 Office of the department shall have responsibility for
15 contract management and for monitoring and policy development
16 functions relating to privatization of the public assistance
17 overpayment recovery program.

18 Section 71. Subsection (4) of section 916.107, Florida
19 Statutes, is amended to read:

20 916.107 Rights of forensic clients.--

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

1 Developmental Disabilities ~~Services~~ Program Office with all
2 other programs of the department and other appropriate state
3 agencies.

4 Section 72. Paragraph (e) of subsection (1) of section
5 985.223, Florida Statutes, is amended to read:

6 985.223 Incompetency in juvenile delinquency cases.--

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

13 (e) For incompetency evaluations related to mental
14 retardation, the court shall order the Developmental
15 Disabilities ~~Services~~ Program Office within the Department of
16 Children and Family Services to examine the child to determine
17 if the child meets the definition of "retardation" in s.
18 393.063 and, if so, whether the child is competent to proceed
19 with delinquency proceedings.

20 Section 73. Paragraphs (b) and (d) of subsection (3)
21 and paragraph (c) of subsection (4) of section 985.413,
22 Florida Statutes, are amended to read:

23 985.413 District juvenile justice boards.--

24 (3) DISTRICT JUVENILE JUSTICE BOARDS.--

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

28 (I) District 1 is to have a board composed of 12
29 members, to be appointed by the juvenile justice councils of
30 the respective counties, as follows: Escambia County, 6
31

1 members; Okaloosa County, 3 members; Santa Rosa County, 2
2 members; and Walton County, 1 member.

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

12 (III) District 3 is to have a board composed of 15
13 members, to be appointed by the juvenile justice councils of
14 the respective counties, as follows: Hamilton County, 1
15 member; Suwannee County, 1 member; Lafayette County, 1 member;
16 Dixie County, 1 member; Columbia County, 1 member; Gilchrist
17 County, 1 member; Levy County, 1 member; Union County, 1
18 member; Bradford County, 1 member; Putnam County, 1 member;
19 and Alachua County, 5 members.

20 (IV) District 4 is to have a board composed of 12
21 members, to be appointed by the juvenile justice councils of
22 the respective counties, as follows: Baker County, 1 member;
23 Nassau County, 1 member; Duval County, 7 members; Clay County,
24 2 members; and St. Johns County, 1 member.

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

29 (VI) District 6 is to have a board composed of 12
30 members, to be appointed by the juvenile justice councils of
31

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

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

8 (VIII) District 8 is to have a board composed of 12
9 members, to be appointed by the juvenile justice councils of
10 the respective counties, as follows: Sarasota County, 3
11 members; DeSoto County, 1 member; Charlotte County, 1 member;
12 Lee County, 3 members; Glades County, 1 member; Hendry County,
13 1 member; and Collier County, 2 members.

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

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

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

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

28 (XIII) District 13 is to have a board composed of 12
29 members, to be appointed by the juvenile justice councils of
30 the respective counties, as follows: Marion County, 4 members;

31

1 Citrus County, 2 members; Hernando County, 2 members; Sumter
2 County, 1 member; and Lake County, 3 members.

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

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

12

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

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

25 2. At any time after the adoption of initial bylaws
26 pursuant to paragraph (c), a district juvenile justice board
27 may adopt a bylaw to enlarge the size, by no more than three
28 members, and composition of the board to adequately reflect
29 the diversity of the population and community organizations in
30 the district.

31

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

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

11 5. Members are subject to the provisions of chapter
12 112, part III, Code of Ethics for Public Officers and
13 Employees.

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

16 1. Advise the district juvenile justice manager and
17 the district administrator on the need for and the
18 availability of juvenile justice programs and services in the
19 district, including the educational services in Department of
20 Juvenile Justice programs.

21 2. Develop a district juvenile justice plan that is
22 based upon the juvenile justice plans developed by each county
23 within the district, and that addresses the needs of each
24 county within the district.

25 3. Develop a district interagency cooperation and
26 information-sharing agreement that supplements county
27 agreements and expands the scope to include appropriate
28 circuit and district officials and groups.

29 4. Coordinate the efforts of the district juvenile
30 justice board with the activities of the Governor's Juvenile
31

1 Justice and Delinquency Prevention Advisory Committee and
2 other public and private entities.

3 5. Advise and assist the district juvenile justice
4 manager in the provision of optional, innovative delinquency
5 services in the district to meet the unique needs of
6 delinquent children and their families.

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

22 7. Educate the community about and assist in the
23 community juvenile justice partnership grant program
24 administered by the Department of Juvenile Justice.

25 8. Advise the district administrator of the Department
26 of Children and Family Services ~~health and human services~~
27 ~~board~~, the district juvenile justice manager, and the
28 Secretary of Juvenile Justice regarding the development of the
29 legislative budget request for juvenile justice programs and
30 services in the district and the commitment region, and, in
31 coordination with the district administrator ~~health and human~~

1 ~~services board~~, make recommendations, develop programs, and
2 provide funding for prevention and early intervention programs
3 and services designed to serve children in need of services,
4 families in need of services, and children who are at risk of
5 delinquency within the district or region.

6 9. Assist the district juvenile justice manager in
7 collecting information and statistical data useful in
8 assessing the need for prevention programs and services within
9 the juvenile justice continuum program in the district.

10 10. Make recommendations with respect to, and monitor
11 the effectiveness of, the judicial administrative plan for
12 each circuit pursuant to Rule 2.050, Florida Rules of Judicial
13 Administration.

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

21 12. Provide a written annual report on the activities
22 of the board to the district administrator, the Secretary of
23 Juvenile Justice, and the Juvenile Justice Accountability
24 Board. The report should include an assessment of the
25 effectiveness of juvenile justice continuum programs and
26 services within the district, recommendations for elimination,
27 modification, or expansion of existing programs, and
28 suggestions for new programs or services in the juvenile
29 justice continuum that would meet identified needs of children
30 and families in the district.

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

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

6 1. Local level public and private service providers,
7 advocacy organizations, and other organizations working with
8 delinquent children.

9 2. County and municipal governments.

10 3. State agencies that provide services to children
11 and their families.

12 4. University youth centers.

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

15 6. Victims of crimes committed by children.

16 7. Law enforcement.

17 8. Delinquent children and their families and
18 caregivers.

19

20 The district juvenile justice board must develop its district
21 juvenile justice plan in close cooperation with the
22 ~~appropriate health and human services board of the~~ Department
23 of Children and Family Services, local school districts, local
24 law enforcement agencies, and other community groups and must
25 update the plan annually. To aid the planning process, the
26 Department of Juvenile Justice shall provide to district
27 juvenile justice boards routinely collected ethnicity data.
28 The Department of Law Enforcement shall include ethnicity as a
29 field in the Florida Intelligence Center database, and shall
30 collect the data routinely and make it available to district
31 juvenile justice boards.

1 Section 74. Subsection (2) of section 402.185 and
2 subsection (6) of section 409.152, Florida Statutes, are
3 repealed.

4 Section 75. Children's services council or juvenile
5 welfare board incentive grants.--

6 (1) Subject to specific appropriations, it is the
7 intent of the Legislature to provide incentives to encourage
8 children's services councils or juvenile welfare boards to
9 provide support to local child welfare programs related to
10 implementation of community-based care.

11 (a) A children's services council or juvenile welfare
12 board, as authorized in s. 125.901, Florida Statutes, may
13 submit a request for funding or continued funding to the
14 Department of Children and Family Services to support programs
15 funded by the council or board for local child welfare
16 services related to implementation of community-based care.

17 (b) The Department of Children and Family Services
18 shall establish grant application procedures.

19 (2) The Department of Children and Family Services
20 shall make award determinations no later than October 1 of
21 each year. All applicants shall be notified by the department
22 of its final action.

23 (3) Each council or board that is awarded a grant as
24 provided for in this section shall submit performance and
25 output information as determined by the Department of Children
26 and Family Services.

27 (4) The Department of Children and Family Services
28 shall establish rules as necessary to implement this section.

29 Section 76. (1) The Correctional Privatization
30 Commission created under chapter 957, Florida Statutes, in
31 consultation with the Department of Children and Family

1 Services, shall develop and issue a request for proposal for
2 the financing, design, construction, acquisition, ownership,
3 leasing, and operation of a secure facility of at least 400
4 beds to house and rehabilitate sexual predators committed
5 under the Jimmy Ryce Act of 1998. The Secretary of Children
6 and Family Services shall retain final approval of the request
7 for proposal, the successful bidder, and the contract.

8 (2) This constitutes specific legislative
9 authorization for the Correctional Privatization Commission to
10 enter into a contract with a provider for the financing,
11 design, construction, acquisition, ownership, leasing, and
12 operation of a secure facility to house and rehabilitate
13 sexual predators to be constructed upon the grounds of the
14 DeSoto Correctional Facility in DeSoto County housing the
15 DeSoto Correctional Institute.

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

26 (4) Upon completion of the sexual predator secure
27 treatment facility in DeSoto County, the Martin Sexually
28 Violent Predator Treatment and Retaining Program shall be
29 phased out, to be terminated within 1 year of completion of
30 the facility.

31

1 Section 77. Paragraphs (a) and (b) of subsection (3)
2 of section 409.145, Florida Statutes, are amended to read:

3 409.145 Care of children.--

4 (3)(a) The department is authorized to continue to
5 provide the services of the children's foster care program to
6 individuals 18 to 21 years of age who are enrolled in high
7 school, in a program leading to a high school equivalency
8 diploma as defined in s. 229.814, or in a full-time career
9 education program, and to continue to provide services of the
10 children's foster care program to individuals 18 to 23 years
11 of age who are enrolled full-time in a postsecondary
12 educational institution granting a degree, a certificate, or
13 an applied technology diploma, if the following requirements
14 are met:

15 1. The individual was committed to the legal custody
16 of the department for placement in foster care as a dependent
17 child;

18 2. All other resources have been thoroughly explored,
19 and it can be clearly established that there are no
20 alternative resources for placement; and

21 3. A written service agreement which specifies
22 responsibilities and expectations for all parties involved has
23 been signed by a representative of the department, the
24 individual, and the foster parent or licensed child-caring
25 agency providing the placement resources.

26 (b) The services of the foster care program shall
27 continue for those individuals 18 to 21 years of age only for
28 the period of time the individual is continuously enrolled in
29 high school, in a program leading to a high school equivalency
30 diploma as defined in s. 229.814, or in a full-time career
31 education program; and shall continue for those individuals 18

1 to 23 years of age only for the period of time the individual
2 is continuously enrolled full-time in a postsecondary
3 educational institution granting a degree, a certificate, or
4 an applied technology diploma. Services shall be terminated
5 upon completion of or withdrawal or permanent expulsion from
6 high school, the program leading to a high school equivalency
7 diploma, ~~or~~ the full-time career education program, or the
8 postsecondary educational institution granting a degree, a
9 certificate, or an applied technology diploma.

10 Section 78. Subsection (5) of section 216.136, Florida
11 Statutes, is amended to read:

12 216.136 Consensus estimating conferences; duties and
13 principals.--

14 (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.--

15 (a) Duties.--The Criminal Justice Estimating
16 Conference shall:

17 1. Develop such official information relating to the
18 criminal justice system, including forecasts of prison
19 admissions by offense categories specified in Rule 3.701,
20 Florida Rules of Criminal Procedure, as the conference
21 determines is needed for the state planning and budgeting
22 system.

23 2. Develop such official information relating to the
24 number of eligible discharges and the projected number of
25 civil commitments for determining space needs pursuant to the
26 civil proceedings provided under part V. of chapter 394.

27 Section 79. Section 216.1365, Florida Statutes is
28 repealed.

29 Section 80. Section 960.07, Florida Statutes, is
30 amended to read:

31 960.07 Filing of claims for compensation.--

1 (1) A claim for compensation may be filed by a person
2 eligible for compensation as provided in s. 960.065 or, if
3 such person is a minor, by his or her parent or guardian or,
4 if the person entitled to make a claim is mentally
5 incompetent, by the person's guardian or such other individual
6 authorized to administer his or her estate.

7 (2) Except as provided in subsection (3), a claim must
8 be filed not later than 1 year after:

9 (a) The occurrence of the crime upon which the claim
10 is based.

11 (b) The death of the victim or intervenor.

12 (c) The death of the victim or intervenor is
13 determined to be the result of a crime, and the crime occurred
14 after June 30, 1994.

15

16 However, for good cause the department may extend the time for
17 filing for a period not exceeding 2 years after such
18 occurrence.

19 (3) Notwithstanding the provisions of subsection (2)
20 and regardless of when the crime occurred, if the victim or
21 intervenor was under the age of 18 at the time the crime upon
22 which the claim is based occurred, a claim may be filed in
23 accordance with this subsection.

24 (a) The victim's or intervenor's parent or guardian
25 may file a claim on behalf of the victim or intervenor while
26 the victim or intervenor is less than 18 years of age; or

27 (b) When a victim or intervenor who was under the age
28 of 18 at the time the crime occurred reaches the age of 18,
29 the victim or intervenor has 1 year within which to file a
30 claim.

31

1 For good cause, the department may extend the time period
2 allowed for filing a claim under paragraph (b) for an
3 additional period not to exceed 1 year.

4 (4) The provisions of subsection (2) notwithstanding,
5 and regardless of when the crime occurred, a victim of a
6 sexually violent offense as defined in s. 394.912, may file a
7 claim for compensation for counseling or other mental health
8 services within one year after the filing of a petition under
9 s. 394.914, to involuntarily civilly commit the individual who
10 perpetrated the sexually violent offense.

11 ~~(5)(4)~~ Claims may be filed in the Tallahassee office
12 of the department in person or by mail. Any employee of the
13 department receiving a claim for compensation shall,
14 immediately upon receipt of such claim, mail the claim to the
15 department at its office in Tallahassee. In no event and
16 under no circumstances shall the rights of a claimant under
17 this chapter be prejudiced or lost by the failure or delay of
18 the employees of the department in mailing claims to the
19 department in Tallahassee.

20 ~~(6)(5)~~ Upon filing of a claim pursuant to this
21 chapter, in which there is an identified offender, the
22 department shall promptly notify the state attorney of the
23 circuit wherein the crime is alleged to have occurred. If
24 within 10 days after such notification such state attorney
25 advises the department that a criminal prosecution or
26 delinquency petition is pending upon the same alleged crime
27 and requests that action by the department be deferred, the
28 department shall defer all proceedings under this chapter
29 until such time as a trial verdict or delinquency adjudication
30 has been rendered, and shall so notify such state attorney and
31 claimant. When a trial verdict or delinquency adjudication has

1 | been rendered, such state attorney shall promptly notify the
2 | department. Nothing in this subsection shall limit the
3 | authority of the department to grant emergency awards pursuant
4 | to s. 960.12.

5 | ~~(7)~~⁽⁶⁾ The state attorney's office shall aid claimants
6 | in the filing and processing of claims, as may be required.

7 | Section 81. Paragraph (e) of subsection (3) of section
8 | 394.913, Florida Statutes, is amended to read:

9 | 394.913 Notice to state attorney and multidisciplinary
10 | team of release of sexually violent predator; establishing
11 | multidisciplinary teams; information to be provided to
12 | multidisciplinary teams.--

13 | (3)

14 | (e) Within 90 ~~45~~ days after receiving notice, there
15 | shall be a written assessment as to whether the person meets
16 | the definition of a sexually violent predator and a written
17 | recommendation, which shall be provided to the state attorney.
18 | The written recommendation shall be provided by the Department
19 | of Children and Family Services and shall include the written
20 | report of the multidisciplinary team.

21 |

22 | The provisions of this section are not jurisdictional, and
23 | failure to comply with them in no way prevents the state
24 | attorney from proceeding against a person otherwise subject to
25 | the provisions of this part.

26 | Section 82. Section 394.930, Florida Statutes, is
27 | amended to read:

28 | 394.930 Authority to adopt rules.--The Department of
29 | Children and Family Services shall adopt rules for:

30 |

31 |

1 (1) Procedures that must be followed by members of the
2 multidisciplinary teams when assessing and evaluating persons
3 subject to this part;

4 (2) Education and training requirements for members of
5 the multidisciplinary teams and professionals who assess and
6 evaluate persons under this part;

7 (3)~~(2)~~ The criteria that must exist in order for a
8 multidisciplinary team to recommend to a state attorney that a
9 petition should be filed to involuntarily commit a person
10 under this part. The criteria shall include, but are not
11 limited to, whether:

12 (a) The person has a propensity to engage in future
13 acts of sexual violence;

14 (b) The person should be placed in a secure,
15 residential facility; and

16 (c) The person needs long-term treatment and care.

17 (4)~~(3)~~ The designation of secure facilities for
18 sexually violent predators who are subject to involuntary
19 commitment under this part;

20 (5)~~(4)~~ The components of the basic treatment plan for
21 all committed persons under this part;

22 (6)~~(5)~~ The protocol to inform a person that he or she
23 is being examined to determine whether he or she is a sexually
24 violent predator under this part.

25 Section 83. Section 394.931, Florida Statutes, is
26 amended to read:

27 394.931 Quarterly reports.--Beginning July 1, 1999,
28 the Department of Corrections shall collect information and
29 compile quarterly reports with statistics profiling inmates
30 released the previous quarter who fit the criteria and were
31 referred to the Department of Children and Family Services

1 pursuant to this act. The quarterly reports must be produced
2 beginning October 1, 1999. At a minimum, the information that
3 must be collected and compiled for inclusion in the reports
4 includes: whether the qualifying offense was the current
5 offense or the prior offense; the most serious sexual offense;
6 the total number of distinct victims of the sexual offense;
7 whether the victim was known to the offender; whether the
8 sexual act was consensual; whether the sexual act involved
9 multiple victims; whether direct violence was involved in the
10 sexual offense; the age of each victim at the time of the
11 offense; the age of the offender at the time of the first
12 sexual offense; whether a weapon was used; length of time
13 since the most recent sexual offense; and the total number of
14 prior and current sexual-offense convictions. In addition, the
15 Department of Children and Family Services shall implement a
16 long-term study to determine the overall efficacy of the
17 provisions of this part.

18 Section 84. Social Work Feasibility Study.--
19 The Department of Children and Family Services is
20 authorized to study the feasibility of establishing a
21 certification or licensure program for non-clinical master
22 level and bachelor level social work for the protection of
23 consumers of social work services. This study shall be
24 conducted in consultation with the Florida schools of social
25 work. The Department shall report back to the Speaker of the
26 House of Representatives and the President of the Senate as to
27 the feasibility and desirability of establishing such a
28 program.

29 Section 85. Section 784.085, Florida Statutes, is
30 created to read:

31

1 784.085 Battery of child by throwing, tossing,
 2 projecting, or expelling certain fluids or materials.--

3 (1) It is unlawful for any person, except a child as
 4 defined in this section, to knowingly cause or attempt to
 5 cause a child to come into contact with blood, seminal fluid,
 6 or urine or feces by throwing, tossing, projecting, or
 7 expelling such fluid or material.

8 (2) Any person, except a child as defined in this
 9 section, who violates this section commits battery of a child,
 10 a felony of the third degree, punishable as provided in s.
 11 775.082, s. 775.083, or s. 775.084.

12 (3) As used in this section, the term "child" means a
 13 person under 18 years of age.

14 Section 86. Paragraph (d) of subsection (3) of section
 15 921.0022, Florida Statutes, is amended to read:

16 921.0022 Criminal Punishment Code; offense severity
 17 ranking chart.--

18 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	
Statute	Degree	Description
316.1935(3)	2nd	(d) LEVEL 4 Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a marked patrol vehicle with siren and lights activated.

1	784.07(2)(b)	3rd	Battery of law enforcement
2			officer, firefighter, intake
3			officer, etc.
4	784.075	3rd	Battery on detention or
5			commitment facility staff.
6	784.08(2)(c)	3rd	Battery on a person 65 years of
7			age or older.
8	784.081(3)	3rd	Battery on specified official or
9			employee.
10	784.082(3)	3rd	Battery by detained person on
11			visitor or other detainee.
12	784.083(3)	3rd	Battery on code inspector.
13	<u>784.085</u>	<u>3rd</u>	<u>Battery of child by throwing,</u>
14			<u>tossing, projecting, or expelling</u>
15			<u>certain fluids or materials.</u>
16	787.03(1)	3rd	Interference with custody;
17			wrongly takes child from
18			appointed guardian.
19	787.04(2)	3rd	Take, entice, or remove child
20			beyond state limits with criminal
21			intent pending custody
22			proceedings.
23	787.04(3)	3rd	Carrying child beyond state lines
24			with criminal intent to avoid
25			producing child at custody
26			hearing or delivering to
27			designated person.
28	790.115(1)	3rd	Exhibiting firearm or weapon
29			within 1,000 feet of a school.
30			
31			

1	790.115(2)(b)	3rd	Possessing electric weapon or
2			device, destructive device, or
3			other weapon on school property.
4	790.115(2)(c)	3rd	Possessing firearm on school
5			property.
6	800.04(7)(c)	3rd	Lewd or lascivious exhibition;
7			offender less than 18 years.
8	810.02(4)(a)	3rd	Burglary, or attempted burglary,
9			of an unoccupied structure;
10			unarmed; no assault or battery.
11	810.02(4)(b)	3rd	Burglary, or attempted burglary,
12			of an unoccupied conveyance;
13			unarmed; no assault or battery.
14	810.06	3rd	Burglary; possession of tools.
15	810.08(2)(c)	3rd	Trespass on property, armed with
16			firearm or dangerous weapon.
17	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
18			or more but less than \$20,000.
19	812.014		
20	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
21			firearm, motor vehicle,
22			livestock, etc.
23	817.563(1)	3rd	Sell or deliver substance other
24			than controlled substance agreed
25			upon, excluding s. 893.03(5)
26			drugs.
27	828.125(1)	2nd	Kill, maim, or cause great bodily
28			harm or permanent breeding
29			disability to any registered
30			horse or cattle.
31	837.02(1)	3rd	Perjury in official proceedings.

1	837.021(1)	3rd	Make contradictory statements in
2			official proceedings.
3	843.025	3rd	Deprive law enforcement,
4			correctional, or correctional
5			probation officer of means of
6			protection or communication.
7	843.15(1)(a)	3rd	Failure to appear while on bail
8			for felony (bond estreature or
9			bond jumping).
10	874.05(1)	3rd	Encouraging or recruiting another
11			to join a criminal street gang.
12	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
13			893.03(1)(a), (b), or (d), or
14			(2)(a) or (b) drugs).
15	914.14(2)	3rd	Witnesses accepting bribes.
16	914.22(1)	3rd	Force, threaten, etc., witness,
17			victim, or informant.
18	914.23(2)	3rd	Retaliation against a witness,
19			victim, or informant, no bodily
20			injury.
21	918.12	3rd	Tampering with jurors.

22 Section 87. Section 683.23, Florida Statutes, is
23 created to read:

24 683.23 Florida Missing Children's Day.--The second
25 Monday in September of each year is hereby designated as
26 "Florida Missing Children's Day" in remembrance of Florida's
27 past and present missing children and in recognition of our
28 state's continued efforts to protect the safety of children
29 through prevention, education, and community involvement.

30 Section 88. Pilot program for attorneys ad litem for
31 dependent children.--

1 (1) LEGISLATIVE INTENT.--In furtherance of the goals
2 set forth in section 39.4085, Florida Statutes, it is the
3 intent of the Legislature that children who are maintained in
4 out-of-home care by court order under s. 39.402 receive
5 competent legal representation.

6 (2) RESPONSIBILITIES.--

7 (a) The Office of the State Courts Administrator shall
8 establish a 3-year pilot Attorney Ad Litem Program in the
9 Ninth Judicial Circuit.

10 (b) The Office of the State Courts Administrator shall
11 establish the pilot program in the Ninth Judicial Circuit by
12 October 1, 2000. The Ninth Judicial Circuit may contract with
13 a private or public entity in the Ninth Judicial Circuit to
14 establish the pilot program. The private or public entity must
15 have appropriate expertise in representing the rights of
16 children taken into custody by the Department of Children and
17 Family Services. The Office of the State Court Administrator
18 shall identify measurable outcomes, including, but not limited
19 to, the impact of counsel on child safety, improvements in the
20 provision of appropriate services, and any reduction in the
21 length of stay of children in state care. The pilot program
22 shall be established and operate independently of any other
23 state agency responsible for the care of children taken into
24 custody.

25 (c) The Ninth Judicial Circuit shall designate an
26 attorney within the Ninth Judicial Circuit to conduct the
27 administrative oversight of the pilot program. The program
28 administrator must be a member in good standing of The Florida
29 Bar and must have 5 or more years of experience in the area of
30 child advocacy, child welfare, or juvenile law. The
31

1 administrative oversight of the pilot program is subject to
2 supervision by the Ninth Judicial Circuit.

3 (d) The Office of the State Courts Administrator in
4 conjunction with the pilot program shall develop a training
5 program for attorneys ad litem which includes, but need not be
6 limited to, appropriate standards of practice for attorneys
7 who represent children.

8 (e) Within funds specifically appropriated for this
9 pilot program, the Office of the State Courts Administrator in
10 conjunction with the pilot program shall design an appropriate
11 attorney ad litem program and may establish the number of
12 attorneys needed to serve as attorneys ad litem and may employ
13 attorneys and other personnel. An attorney ad litem must be a
14 member in good standing of The Florida Bar and may not serve
15 as an attorney ad litem until he or she has completed the
16 training program.

17 (f) The court shall appoint the entity responsible for
18 representation of children in the Ninth Judicial Circuit under
19 the pilot program who are continued in out-of-home care at the
20 shelter hearing conducted under section 39.402, Florida
21 Statutes, if the court deems attorney ad litem representation
22 necessary. At any time following the shelter hearing, the
23 court may appoint an attorney ad litem upon the motion of any
24 party, or upon the court's own motion if an attorney ad litem
25 has not yet been appointed and the court deems such
26 representation necessary. The attorney ad litem's
27 representation shall be limited to proceedings initiated under
28 chapter 39, only. The court must appoint a guardian ad litem
29 pursuant to s. 39.822 for all children who have been appointed
30 an attorney ad litem. Upon this action by the court, the
31 department shall provide to the administrator, at a minimum,

1 the name of the child, the location and placement of the
2 child, the name of the department's authorized agent and
3 contact information, copies of all notices sent to the parent
4 or legal custodian of the child, and other information or
5 records concerning the child.

6 (g) Upon the court's direction, the pilot program
7 administrator shall assign an attorney ad litem to represent
8 the child. Once assigned, the attorney ad litem shall
9 represent the child's wishes for purposes of proceedings under
10 chapter 39, Florida Statutes, as long as the child's wishes
11 are consistent with the safety and well being of the child.
12 The child's attorney must in all circumstances fulfill the
13 same duties of advocacy, loyalty, confidentiality, and
14 competent representation which are due an adult client. The
15 court must approve any action by the attorney ad litem
16 restricting access to the child by the guardian ad litem or by
17 any other party. The attorney ad litem shall represent the
18 child until the program is discharged by order of the court
19 because permanency has been achieved or the court believes
20 that the attorney ad litem is no longer necessary.

21 (h) The Office of the State Courts Administrator shall
22 conduct research and gather statistical information to
23 evaluate the establishment, operation, and impact of the pilot
24 program in meeting the legal needs of dependent children. In
25 assessing the effects of the pilot program, including
26 achievement of outcomes identified under paragraph (2)(b), the
27 evaluation must include a comparison of children within the
28 Ninth Judicial Circuit who are appointed an attorney ad litem
29 with those who are not. The office shall submit a report to
30 the Legislature and the Governor by October 1, 2001 and by
31 October 1, 2002, regarding its findings. The office shall

1 submit a final report by October 1, 2003, which must include
2 an evaluation of the pilot program; findings on the
3 feasibility of a statewide program; and recommendations, if
4 any, for locating, establishing, and operating a statewide
5 program.

6 (3) STANDARDS.--The Supreme Court is requested, by
7 October 1, 2000, to adopt rules of juvenile procedure which
8 include the duties, responsibilities, and conduct of an
9 attorney ad litem. The Office of the State Courts
10 Administrator, in consultation with the Dependency Court
11 Improvement Committee of the Supreme Court, shall develop
12 implementation guidelines for the attorney ad litem pilot
13 program.

14 (4) FUNDING.--The sums of \$1,040,111 in recurring
15 funds and \$48,674 in nonrecurring funds are appropriated from
16 the General Revenue Fund and two full-time-equivalent
17 positions are authorized for Court Operations - Circuit Courts
18 in the State Court System to operate the attorney ad litem
19 pilot program in the Ninth Judicial Circuit and provide
20 adequate guardian ad litem representation that is in the best
21 interests of all children involved in the pilot program. The
22 sum of \$696,798 in recurring funds is appropriated from the
23 General Revenue Fund, and 14 full-time equivalent positions
24 are authorized, for the circuit court budget to ensure best
25 interests representation by the Guardian Ad Litem Program as
26 part of the pilot program. The sum of \$75,000 in nonrecurring
27 funds is appropriated from the General Revenue Fund to the
28 Supreme Court for the Office of the State Courts Administrator
29 for the purpose of evaluating the pilot program.

30 (5) The provisions in this section of the act shall
31 take effect October 1, 2000.

1 Section 89. Except as otherwise provided, this act
2 shall take effect July 1, 2000.
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