

By Senator Diaz-Balart

37-803A-00

1 A bill to be entitled
2 An act relating to the Department of Children
3 and Family Services; amending s. 20.04, F.S.;
4 providing for program offices to be headed by
5 program directors rather than assistant
6 secretaries; amending s. 20.19, F.S.; revising
7 mission and purpose of the department;
8 providing duties and responsibilities of the
9 secretary, deputy secretary, and program
10 directors; providing for program offices and
11 support offices; providing for local services,
12 service areas, service networks, and lead
13 agencies; providing for service area directors;
14 providing certain budget transfer authority;
15 providing for transition from the district
16 structure of the department; providing for
17 community alliances; providing for consultation
18 with counties on mandated programs; amending s.
19 39.3065, F.S.; providing for the sheriff in any
20 county to provide child protective
21 investigative services; requiring individuals
22 providing such services to complete protective
23 investigation training; providing for funding;
24 providing for performance evaluation; requiring
25 annual reports to the department; providing for
26 program performance evaluation; amending ss.
27 393.502, 393.503, F.S.; providing for
28 appointment of family care councils by the
29 Governor; deleting references to health and
30 human services boards; creating s. 402.73,
31 F.S.; providing contracting and performance

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

1 eligible lead community-based provider within a
2 single county under certain circumstances;
3 providing for the establishment of a risk pool
4 to reduce financial risk to community-based
5 providers; providing for any excess earnings to
6 be distributed to all entities contributing to
7 the excess; creating s. 409.1675, F.S.;
8 providing conditions and procedures for placing
9 a lead community-based provider in
10 receivership; providing for notice and hearing;
11 providing powers and duties of a receiver;
12 providing for compensation; providing
13 liability; requiring a receiver to post a bond
14 under certain circumstances; providing for
15 termination of receivership; amending ss.
16 20.43, 39.001, 39.0015, 39.01, 39.201, 39.302,
17 92.53, 216.136, 381.0072, 383.14, 393.064,
18 393.13, 394.462, 394.4674, 394.67, 397.311,
19 397.321, 397.821, 397.901, 400.435, 402.17,
20 402.3015, 402.40, 402.47, 409.152, 410.0245,
21 411.01, 411.223, 411.224, 414.028, 414.105,
22 414.36, 916.107, 985.223, 985.413, F.S.;
23 providing changes to conform with the
24 provisions of the act; repealing s. 402.185(2),
25 F.S., relating to funding for staff of the
26 Office of Standards and Evaluation of the
27 department; repealing s. 409.152(6), F.S.,
28 relating to designation of family preservation
29 programs by the health and human services
30 boards; providing for preparation of a
31 reviser's bill; providing an effective date.

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

2

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

5 20.04 Structure of executive branch.--The executive
6 branch of state government is structured as follows:

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

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

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

14 20.19 Department of Children and Family
15 Services.--There is created a Department of Children and
16 Family Services.

17 (1) MISSION AND PURPOSE.--

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

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

27 (c) To the extent allowed by law and within specific
28 appropriations, the department shall move toward a
29 service-delivery system contracted through private providers.

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

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

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

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

14 (3) PROGRAM OFFICES AND SUPPORT OFFICES.--

15 (a) The department is authorized to establish program
16 offices and support offices, each of which shall be headed by
17 a program director or other management position who shall be
18 appointed by and serve at the pleasure of the secretary. The
19 secretary may delegate to the program directors
20 responsibilities for the management, policy, program, and
21 fiscal functions of the department.

22 (b) The following program offices are established:

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

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1 (c) Program offices and support offices may be
2 consolidated, restructured, or rearranged by the secretary in
3 consultation with the Executive Office of the Governor,
4 provided any such consolidation, restructuring, or rearranging
5 is capable of meeting functions and activities and achieving
6 outcomes as delineated in state and federal laws, rules, and
7 regulations. The secretary may appoint additional managers and
8 administrators as he or she determines are necessary for the
9 effective management of the department.

10 (4) SERVICE DISTRICTS.--

11 (a) The department shall plan and administer its
12 programs of family services through service districts and
13 subdistricts composed of the following counties:

14 1. District 1.--Escambia, Santa Rosa, Okaloosa, and
15 Walton Counties;

16 2.a. District 2, Subdistrict A.--Holmes, Washington,
17 Bay, Jackson, Calhoun, and Gulf Counties;

18 b. District 2, Subdistrict B.--Gadsden, Liberty,
19 Franklin, Leon, Wakulla, Jefferson, Madison, and Taylor
20 Counties;

21 3. District 3.--Hamilton, Suwannee, Lafayette, Dixie,
22 Columbia, Gilchrist, Levy, Union, Bradford, Putnam, and
23 Alachua Counties;

24 4. District 4.--Baker, Nassau, Duval, Clay, and St.
25 Johns Counties;

26 5. District 5.--Pasco and Pinellas Counties;

27 6. District 6.--Hillsborough and Manatee Counties;

28 7.a. District 7, Subdistrict A.--Seminole, Orange, and
29 Osceola Counties;

30 b. District 7, Subdistrict B.--Brevard County;

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1 8.a. District 8, Subdistrict A.--Sarasota and DeSoto
2 Counties;
3 b. District 8, Subdistrict B.--Charlotte, Lee, Glades,
4 Hendry, and Collier Counties;
5 9. District 9.--Palm Beach County;
6 10. District 10.--Broward County;
7 11.a. District 11, Subdistrict A.--Dade County;
8 b. District 11, Subdistrict B.--Monroe County;
9 12. District 12.--Flagler and Volusia Counties;
10 13. District 13.--Marion, Citrus, Hernando, Sumter,
11 and Lake Counties;
12 14. District 14.--Polk, Hardee, and Highlands
13 Counties; and
14 15. District 15.--Indian River, Okeechobee, St. Lucie,
15 and Martin Counties.
16 (b) The secretary shall appoint a district
17 administrator for each of the service districts. The district
18 administrator shall serve at the pleasure of the secretary and
19 shall perform such duties as are assigned by the secretary.
20 Subject to the approval of the secretary, such duties shall
21 include transferring up to 10 percent of the total district
22 budget, the provisions of ss. 216.292 and 216.351
23 notwithstanding.
24 (c) Notwithstanding the provisions of this section,
25 the department may realign the counties among the districts or
26 subdistricts for the purpose of achieving consistency between
27 the boundaries of service districts and the boundaries of
28 judicial circuits as defined by s. 26.021.
29 (5) COMMUNITY ALLIANCES.--
30 (a) The department shall, in consultation with local
31 communities, establish a community alliance of the

1 stakeholders, community leaders, client representatives and
2 fundors of human services in each county to provide a focal
3 point for community participation and governance of
4 community-based services. An alliance may cover more than one
5 county when such arrangement is determined to provide for more
6 effective representation. The community alliance shall
7 represent the diversity of the community.

8 (b) The duties of the community alliance shall
9 include, but are necessarily limited to:

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

13 2. Needs assessment and establishment of community
14 priorities for service delivery.

15 3. Determining community outcome goals to supplement
16 state-required outcomes.

17 4. Serving as a catalyst for community resource
18 development.

19 5. Providing for community education and advocacy on
20 issues related to delivery of services.

21 6. Promoting prevention and early intervention
22 services.

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

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

29 1. The district administrator.

30 2. A representative from county government.

31 3. A representative from the school district.

- 1 4. A representative from the county United Way.
2 5. A representative from the county sheriff's office.
3 6. A representative from the circuit court
4 corresponding to the county.
5 7. A representative from the county children's board,
6 if one exists.
7 (e) At any time after the initial meeting of the
8 community alliance, the community alliance shall adopt bylaws
9 and may enlarge the size of the alliance with individuals and
10 organizations who represent funding organizations, are
11 community leaders, have knowledge of community-based service
12 issues, or otherwise represent perspectives that will enable
13 them to accomplish the duties listed above, if, in the
14 judgment of the alliance, such a change is necessary to
15 adequately represent the diversity of the population within
16 such service areas.
17 (f) Members of the community alliance shall serve
18 without compensation, but are entitled to receive
19 reimbursement for per diem and travel expenses as provided in
20 s. 112.061. Payment may also be authorized for preapproved
21 child care expenses or lost wages for members who are
22 consumers of department services and for preapproved child
23 care expenses for other members who demonstrate hardship.
24 (g) Members of a community alliance are subject to the
25 provisions of part III of chapter 112, the Code of Ethics for
26 Public Officers and Employees.
27 (h) Actions taken by a community alliance must be
28 consistent with department policy and state and federal laws,
29 rules, and regulations.
30 (i) Alliance members shall submit annually a
31 disclosure statement of services interests to the department's

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

3 (j) The alliance shall develop bylaws to fill for the
4 unexpired term vacancies created by the death, resignation, or
5 removal of a member.

6 (k) All alliance meetings are open to the public
7 pursuant to s. 286.011 and the public records provisions of s.
8 119.07(1).

9 (6) PROTOTYPE REGION.--

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

24 (b) The department shall contract with an outside
25 evaluator with experience in evaluation of organizational
26 change and organizational effectiveness. The department shall
27 report to the President of the Senate and the Speaker of the
28 House of Representatives on the progress and findings of the
29 evaluation and the recommendations of the department for
30 statutory changes based on the evaluation findings. Such
31 report shall be submitted by February 1 of each year beginning

1 February 1, 2001, and continuing until completion of the
2 evaluation.

3 (c) Within the prototype region, the budget transfer
4 authority defined in paragraph (5)(b) shall apply to the
5 consolidated geographic area.

6 (d) The department is authorized to contract for
7 services with a lead agency in each county of the prototype
8 area, except that the lead agency contract may cover more than
9 one county when it is determined that such coverage will
10 provide more effective or efficient services. The duties of
11 the lead agency shall include, but are not necessarily limited
12 to:

13 1. Directing and coordinating the programs and
14 services within the scope of its contract.

15 2. Providing or contracting for the provision of core
16 services including intake and eligibility, assessment, service
17 planning, and case management.

18 3. Creating a service provider network capable of
19 delivering the services contained in client service plans.
20 This includes identifying the necessary services, the
21 necessary volume of services, and possible use patterns. It
22 also includes negotiating rates and expectations with the
23 providers.

24 4. Managing and monitoring of provider contracts and
25 subcontracts.

26 5. Developing and implementing an effective
27 bill-payment mechanism to ensure that all providers are timely
28 paid.

29 6. Providing or arranging for administrative services
30 necessary to support service delivery.

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1 7. Using departmentally approved training and meeting
2 departmentally defined credentials and standards.

3 8. Providing for performance measurement in accordance
4 with the department's quality assurance program and providing
5 for quality improvement and performance measurement.

6 9. Developing and maintaining effective interagency
7 collaboration to optimize service delivery.

8 10. Ensuring that all federal and state reporting
9 requirements are met.

10 11. Operating a consumer complaint and grievance
11 process.

12 12. Ensuring that services are coordinated and not
13 duplicated with other major payers such as the local schools
14 and Medicaid.

15 13. Performing any other duties or responsibilities
16 defined in s. 409.1671 related to community-based care.

17 (e) Authorization for the prototype region expires on
18 June 30, 2003, unless legislative action is taken before that
19 date.

20 (7) CONSULTATION WITH COUNTIES ON MANDATED
21 PROGRAMS.--It is the intent of the Legislature that, when
22 county governments are required by law to participate in the
23 funding of programs, the department shall consult with
24 designated representatives of county governments in developing
25 policies and service delivery plans for those programs.

26 (8) PROCUREMENT OF HEALTH SERVICES.--Nothing contained
27 in chapter 287 shall require competitive bids for health
28 services involving examination, diagnosis, or treatment.

29 Section 3. Section 39.3065, Florida Statutes, is
30 amended to read:

31

1 39.3065 Sheriffs of ~~Pasco, Manatee, and Pinellas~~
2 ~~Counties~~ to provide child protective investigative services;
3 procedures; funding.--

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

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

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

3 (3)(a) Beginning in fiscal year 1999-2000, the
4 sheriffs of Pasco County, Manatee County, Broward County, and
5 Pinellas County have the responsibility to provide all child
6 protective investigations in their respective counties.
7 Beginning in fiscal year 2000-2001, the Department of Children
8 and Family Services may enter into grant agreements with
9 sheriffs of other counties to perform child protective
10 investigations in their respective counties.

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

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

1 maintained separately from all other records of the sheriffs'
2 offices and reported to the Department of Children and Family
3 Services as specified in the grant agreement.

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

29 ~~(4) For the 1999-2000 fiscal year only, the Sheriff of~~
30 ~~Broward County shall perform the same child protective~~
31 ~~investigative services according to the same standards as are~~

1 ~~performed by the sheriffs of Pinellas County, Manatee County,~~
2 ~~and Pasco County under this section. This subsection expires~~
3 ~~July 1, 2000.~~

4 Section 4. Section 393.502, Florida Statutes, is
5 amended to read:

6 393.502 Family care councils.--

7 (1) CREATION; APPOINTMENT.--There shall be established
8 and located within each service district of the Department of
9 Children and Family Services a family care council. The
10 council shall consist of nine persons recommended pursuant to
11 bylaws developed by the family care council and appointed by
12 the Governor ~~district health and human services board~~.

13 One-half of the members of the council must be consumers who
14 are family members or legal guardians of persons with
15 developmental disabilities. At least one-half of the members
16 of the council shall be current consumers of developmental
17 services. A chairperson for the council must be chosen by the
18 members to serve for 1 year. Members shall be appointed for a
19 2-year term and may be reappointed to not more than one
20 additional term. A person who is currently serving on another
21 board or council of the department may not be appointed to a
22 family care council.

23 (2) MEETINGS; CONTINUED EXISTENCE.--Council members
24 shall serve on a voluntary basis without payment for their
25 services. The council shall meet at least once a month.

26 (3) PURPOSE.--The purpose of the family care councils
27 shall be to advise ~~the health and human services boards~~ of the
28 department, to develop a plan for the delivery of
29 developmental services family support within the district, and
30 to monitor the implementation and effectiveness of services
31

1 and support provided under the plan. The primary functions of
2 the family care councils shall be to:

3 (a) Assist in providing information and outreach to
4 families.

5 (b) Review the effectiveness of developmental services
6 programs and make recommendations with respect to program
7 implementation.

8 (c) Advise district developmental services
9 administrators with respect to policy issues relevant to the
10 community and family support system in the district.

11 (d) Meet and share information with other district
12 family care councils.

13 Section 5. Section 393.503, Florida Statutes, is
14 amended to read:

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

26 Section 6. Section 402.73, Florida Statutes, is
27 created to read:

28 402.73 Contracting and performance standards.--

29 (1) The Department of Children and Family Services
30 shall establish performance standards for all contracted
31 client services. Notwithstanding s. 287.057(3)(f), the

1 department must competitively procure any contract for client
2 services when any of the following occurs:

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

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

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

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

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

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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 makes any matching contribution
31 to support the system of treatment or contracted service and

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

21 (11) The department shall include in its standard
22 contract document a requirement that it file a lien against
23 the property where facilities are located which have been
24 constructed or substantially renovated, in whole or in part,
25 through the use of state funds. However, the department is not
26 required to file a lien if the amount of state funds does not
27 exceed \$25,000 or 10 percent of the contract amount, whichever
28 amount is less. The lien must be recorded in the county where
29 the property is located upon the execution of the contract
30 authorizing such construction or renovation. The lien must
31 specify that the department has a financial interest in the

1 property equal to the pro rata portion of the state's original
2 investment of the then-fair-market value for renovations or
3 the proportionate share of the cost of the construction. The
4 lien must also specify that the department's interest is
5 proportionately reduced and subsequently vacated over a
6 20-year period of depreciation. The contract must include a
7 provision that, as a condition of receipt of state funding for
8 this purpose, the provider agrees that, if it disposes of the
9 property before the department's interest is vacated, the
10 provider will refund the proportionate share of the state's
11 initial investment, as adjusted by depreciation.

12 (12) The department shall develop and refine
13 contracting and accountability methods that are
14 administratively efficient and that provide for optimal
15 provider performance.

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

26 (14) A contract may include cost-neutral,
27 performance-based incentives that may vary according to the
28 extent a provider achieves or surpasses the performance
29 standards set forth in the contract. Such incentives may be
30 weighted proportionally to reflect the extent to which the
31 provider has demonstrated that it has consistently met or

1 exceeded the contractual requirements and the department's
2 performance standards.

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

6 Section 7. Section 402.731, Florida Statutes, is
7 created to read:

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

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

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

1 provided in s. 216.262(1)(c)1. Employees appointed to fill
2 such exempt positions shall have the same salaries and
3 benefits as career service employees.

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

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

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

1 beginning January 1, 2000. ~~This plan is to be submitted by~~
2 ~~July 1, 1999, to the President of the Senate, the Speaker of~~
3 ~~the House of Representatives, the Governor, and the minority~~
4 ~~leaders of both houses.~~ This plan must be developed with local
5 community participation, including, but not limited to, input
6 from community-based providers that are currently under
7 contract with the department to furnish community-based foster
8 care and related services, and must include a methodology for
9 determining and transferring all available funds, including
10 federal funds that the provider is eligible for and agrees to
11 earn and that portion of general revenue funds which is
12 currently associated with the services that are being
13 furnished under contract. ~~Notwithstanding the provisions of s.~~
14 ~~215.425, all documented federal funds earned for the current~~
15 ~~fiscal year by the department and community-based agencies~~
16 ~~which exceed the amount appropriated by the Legislature shall~~
17 ~~be distributed to all entities that contributed to the excess~~
18 ~~earnings based on a schedule and methodology developed by the~~
19 ~~department and approved by the Executive Office of the~~
20 ~~Governor. Distribution shall be pro rata based on total~~
21 ~~earnings and shall be made only to those entities that~~
22 ~~contributed to excess earnings. Excess earnings of~~
23 ~~community-based agencies shall be used only in the district in~~
24 ~~which they were earned. Additional state funds appropriated by~~
25 ~~the Legislature for community-based agencies or made available~~
26 ~~pursuant to the budgetary amendment process described in s.~~
27 ~~216.177 shall be transferred to the community-based agencies.~~
28 ~~The department shall amend a community-based agency's contract~~
29 ~~to permit expenditure of the funds. The distribution program~~
30 ~~applies only to entities that were under privatization~~
31 ~~contracts as of July 1, 1999. This program is authorized for a~~

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

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

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

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

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

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

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

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

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

5 Section 9. Section 409.1675, Florida Statutes, is
6 created to read:

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

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

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

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

21 (c) The department determines that conditions exist in
22 the lead community-based provider which present an imminent
23 danger to the health, safety, or welfare of the dependent
24 children under that provider's care or supervision. Whenever
25 possible, the department shall make a reasonable effort to
26 facilitate the continued operation of the program.

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

1 constitute prima facie evidence that the lead community-based
2 provider lacks the financial ability to meet its financial
3 obligations.

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

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

14 (c) The court shall grant the petition upon finding
15 that one or more of the conditions in subsection (1) exists
16 and the continued existence of the condition or conditions
17 jeopardizes the health, safety, or welfare of dependent
18 children. A receiver may be appointed ex parte when the court
19 determines that one or more of the conditions in subsection
20 (1) exists. After such finding, the court may appoint any
21 person, including an employee of the department who is
22 qualified by education, training, or experience to carry out
23 the duties of the receiver pursuant to this section, except
24 that the court shall not appoint any member of the governing
25 board or any officer of the lead community-based provider. The
26 receiver may be selected from a list of persons qualified to
27 act as receivers which is developed by the department and
28 presented to the court with each petition of receivership.

29 (d) A receiver may be appointed for up to 90 days and
30 the department may petition the court for additional 30-day
31 extensions. Sixty days after appointment of a receiver and

1 every 30 days thereafter until the receivership is terminated,
2 the department shall submit to the court an assessment of the
3 lead community-based provider's ability to ensure the health,
4 safety, and welfare of the dependent children under its
5 supervision.

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

12 (a) Taking such action as is reasonably necessary to
13 protect or conserve the assets or property of the lead
14 community-based provider. The receiver may use the assets and
15 property and any proceeds from any transfer thereof only in
16 the performance of the powers and duties set forth in this
17 section and by order of the court.

18 (b) Using the assets of the lead community-based
19 provider in the provision of care and services to dependent
20 children.

21 (c) Entering into contracts and hiring agents and
22 employees to carry out the powers and duties of the receiver
23 under this section.

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

28 (e) Honoring all leases, mortgages, and contractual
29 obligations of the lead community-based provider, but only to
30 the extent of payments that become due during the period of
31 the receivership.

1 (4)(a) The receiver shall deposit funds received in a
2 separate account and shall use this account for all
3 disbursements.

4 (b) A payment to the receiver of any sum owing to the
5 lead community-based provider shall discharge any obligation
6 to the provider to the extent of the payment.

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

18 (6) The court shall set the compensation of the
19 receiver, which shall be considered a necessary expense of a
20 receivership and may grant to the receiver such other
21 authority necessary to ensure the health, safety, and welfare
22 of the children served.

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

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

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

1 (a) The court determines that the receivership is no
2 longer necessary because the conditions that gave rise to the
3 receivership no longer exist; or

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

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

13 (11) Nothing in this section shall be construed to
14 relieve any employee of the lead community-based provider
15 placed in receivership of any civil or criminal liability
16 incurred, or any duty imposed by law, by reason of acts or
17 omissions of the employee prior to the appointment of a
18 receiver; nor shall anything contained in this section be
19 construed to suspend during the receivership any obligation of
20 the employee for payment of taxes or other operating or
21 maintenance expenses of the lead community-based provider or
22 for the payment of mortgages or liens. The lead
23 community-based provider shall retain the right to sell or
24 mortgage any facility under receivership, subject to the prior
25 approval of the court that ordered the receivership.

26 Section 10. Subsection (5) of section 20.43, Florida
27 Statutes, is amended to read:

28 20.43 Department of Health.--There is created a
29 Department of Health.

30 (5) The department shall plan and administer its
31 public health programs through its county health departments

1 and may, for administrative purposes and efficient service
2 delivery, establish up to 15 service areas to carry out such
3 duties as may be prescribed by the secretary. The boundaries
4 of the service areas shall be the same as, or combinations of,
5 the districts of the Department of Children and Family
6 Services ~~health and human services boards established in s.~~
7 ~~20.19~~ and, to the extent practicable, shall take into
8 consideration the boundaries of the jobs and education
9 regional boards.

10 Section 11. Paragraph (e) of subsection (2) and
11 subsection (7) of section 39.001, Florida Statutes, are
12 amended to read:

13 39.001 Purposes and intent; personnel standards and
14 screening.--

15 (2) DEPARTMENT CONTRACTS.--The department may contract
16 with the Federal Government, other state departments and
17 agencies, county and municipal governments and agencies,
18 public and private agencies, and private individuals and
19 corporations in carrying out the purposes of, and the
20 responsibilities established in, this chapter.

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

26 (7) PLAN FOR COMPREHENSIVE APPROACH.--

27 (a) The department shall develop a state plan for the
28 prevention of abuse, abandonment, and neglect of children and
29 shall submit the plan to the Speaker of the House of
30 Representatives, the President of the Senate, and the Governor
31 no later than January 1, 1983. The Department of Education and

1 the Division of Children's Medical Services of the Department
2 of Health shall participate and fully cooperate in the
3 development of the state plan at both the state and local
4 levels. Furthermore, appropriate local agencies and
5 organizations shall be provided an opportunity to participate
6 in the development of the state plan at the local level.
7 Appropriate local groups and organizations shall include, but
8 not be limited to, community mental health centers; guardian
9 ad litem programs for children under the circuit court; the
10 school boards of the local school districts; the district
11 human rights advocacy committees; private or public
12 organizations or programs with recognized expertise in working
13 with children who are sexually abused, physically abused,
14 emotionally abused, abandoned, or neglected and with expertise
15 in working with the families of such children; private or
16 public programs or organizations with expertise in maternal
17 and infant health care; multidisciplinary child protection
18 teams; child day care centers; law enforcement agencies, and
19 the circuit courts, when guardian ad litem programs are not
20 available in the local area. The state plan to be provided to
21 the Legislature and the Governor shall include, as a minimum,
22 the information required of the various groups in paragraph
23 (b).

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

26 1. The department shall establish an interprogram task
27 force comprised of the Program Director for Family Safety
28 ~~Assistant Secretary for Children and Family Services~~, or a
29 designee, a representative from the Child Care Services
30 ~~Children and Families~~ Program Office, a representative from
31 the Family Safety Program Office, a representative from the

1 ~~Alcohol, Drug Abuse, and~~ Mental Health Program Office, a
2 representative from the Substance Abuse Program Office, a
3 representative from the Developmental Disabilities Services
4 Program Office, ~~a representative from the Office of Standards~~
5 ~~and Evaluation,~~ and a representative from the Division of
6 Children's Medical Services of the Department of Health.
7 Representatives of the Department of Law Enforcement and of
8 the Department of Education shall serve as ex officio members
9 of the interprogram task force. The interprogram task force
10 shall be responsible for:

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

17 b. Providing a basic format to be utilized by the
18 districts in the preparation of local plans of action in order
19 to provide for uniformity in the district plans and to provide
20 for greater ease in compiling information for the state plan.

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

23 d. Examining the local plans to determine if all the
24 requirements of the local plans have been met and, if they
25 have not, informing the districts of the deficiencies and
26 requesting the additional information needed.

27 e. Preparing the state plan for submission to the
28 Legislature and the Governor. Such preparation shall include
29 the collapsing of information obtained from the local plans,
30 the cooperative plans with the Department of Education, and
31 the plan of action for coordination and integration of

1 departmental activities into one comprehensive plan. The
2 comprehensive plan shall include a section reflecting general
3 conditions and needs, an analysis of variations based on
4 population or geographic areas, identified problems, and
5 recommendations for change. In essence, the plan shall
6 provide an analysis and summary of each element of the local
7 plans to provide a statewide perspective. The plan shall also
8 include each separate local plan of action.

9 f. Working with the specified state agency in
10 fulfilling the requirements of subparagraphs 2., 3., 4., and
11 5.

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

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

27 4. Within existing appropriations, the department
28 shall work with other appropriate public and private agencies
29 to emphasize efforts to educate the general public about the
30 problem of and ways to detect child abuse, abandonment, and
31 neglect and in the proper action that should be taken in a

1 suspected case of child abuse, abandonment, or neglect. The
2 plan for accomplishing this end shall be included in the state
3 plan.

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

16 6. Each district of the department shall develop a
17 plan for its specific geographical area. The plan developed
18 at the district level shall be submitted to the interprogram
19 task force for utilization in preparing the state plan. The
20 district local plan of action shall be prepared with the
21 involvement and assistance of the local agencies and
22 organizations listed in paragraph (a), as well as
23 representatives from those departmental district offices
24 participating in the treatment and prevention of child abuse,
25 abandonment, and neglect. In order to accomplish this, the
26 district administrator in each district shall establish a task
27 force on the prevention of child abuse, abandonment, and
28 neglect. The district administrator shall appoint the members
29 of the task force in accordance with the membership
30 requirements of this section. In addition, the district
31 administrator shall ensure that each subdistrict is

1 represented on the task force; and, if the district does not
2 have subdistricts, the district administrator shall ensure
3 that both urban and rural areas are represented on the task
4 force. The task force shall develop a written statement
5 clearly identifying its operating procedures, purpose, overall
6 responsibilities, and method of meeting responsibilities. The
7 district plan of action to be prepared by the task force shall
8 include, but shall not be limited to:

9 a. Documentation of the magnitude of the problems of
10 child abuse, including sexual abuse, physical abuse, and
11 emotional abuse, and child abandonment and neglect in its
12 geographical area.

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

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

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

26 e. A plan for steps to be taken in meeting identified
27 needs, including the coordination and integration of services
28 to avoid unnecessary duplication and cost, and for alternative
29 funding strategies for meeting needs through the reallocation
30 of existing resources, utilization of volunteers, contracting
31

1 with local universities for services, and local government or
2 private agency funding.

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

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

9 Section 12. Paragraph (b) of subsection (3) of section
10 39.0015, Florida Statutes, is amended to read:

11 39.0015 Child abuse prevention training in the
12 district school system.--

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

14 (b) "Child abuse" means those acts as defined in ss.
15 39.01(1), (2), (30), (43), (50), and (63)~~(44), (46), (53),~~
16 ~~and (64)~~, 827.04, and 984.03(1), (2), and (39).

17 Section 13. Subsection (31) of section 39.01, Florida
18 Statutes, is repealed.

19 Section 14. Subsection (9) of section 39.201, Florida
20 Statutes, is amended to read:

21 39.201 Mandatory reports of child abuse, abandonment,
22 or neglect; mandatory reports of death; central abuse
23 hotline.--

24 (9) On an ongoing basis, the department's quality
25 assurance program shall review reports to the hotline
26 involving three or more unaccepted reports on a single child
27 in order to detect such things as harassment and situations
28 that warrant an investigation because of the frequency or
29 variety of the source of the reports. The Program Director for
30 Family Safety ~~assistant secretary~~ may refer a case for
31

1 investigation when it is determined, as a result of this
2 review, that an investigation may be warranted.

3 Section 15. Subsection (1) of section 39.302, Florida
4 Statutes, is amended to read:

5 39.302 Protective investigations of institutional
6 child abuse, abandonment, or neglect.--

7 (1) The department shall conduct a child protective
8 investigation of each report of institutional child abuse,
9 abandonment, or neglect. Upon receipt of a report which
10 alleges that an employee or agent of the department, or any
11 other entity or person covered by s. 39.01(31) or (47)~~s.~~
12 ~~39.01(32) or (48)~~, acting in an official capacity, has
13 committed an act of child abuse, abandonment, or neglect, the
14 department shall immediately initiate a child protective
15 investigation and orally notify the appropriate state
16 attorney, law enforcement agency, and licensing agency. These
17 agencies shall immediately conduct a joint investigation,
18 unless independent investigations are more feasible. When
19 conducting investigations onsite or having face-to-face
20 interviews with the child, such investigation visits shall be
21 unannounced unless it is determined by the department or its
22 agent that such unannounced visits would threaten the safety
23 of the child. When a facility is exempt from licensing, the
24 department shall inform the owner or operator of the facility
25 of the report. Each agency conducting a joint investigation
26 shall be entitled to full access to the information gathered
27 by the department in the course of the investigation. A
28 protective investigation must include an onsite visit of the
29 child's place of residence. In all cases, the department shall
30 make a full written report to the state attorney within 3
31 working days after making the oral report. A criminal

1 investigation shall be coordinated, whenever possible, with
2 the child protective investigation of the department. Any
3 interested person who has information regarding the offenses
4 described in this subsection may forward a statement to the
5 state attorney as to whether prosecution is warranted and
6 appropriate. Within 15 days after the completion of the
7 investigation, the state attorney shall report the findings to
8 the department and shall include in such report a
9 determination of whether or not prosecution is justified and
10 appropriate in view of the circumstances of the specific case.

11 Section 16. Subsection (1) of section 92.53, Florida
12 Statutes, is amended to read:

13 92.53 Videotaping of testimony of victim or witness
14 under age 16 or person with mental retardation.--

15 (1) On motion and hearing in camera and a finding that
16 there is a substantial likelihood that a victim or witness who
17 is under the age of 16 or who is a person with mental
18 retardation as defined in s. 393.063(43)~~s. 393.063(44)~~ would
19 suffer at least moderate emotional or mental harm due to the
20 presence of the defendant if the child or person with mental
21 retardation is required to testify in open court, or that such
22 victim or witness is otherwise unavailable as defined in s.
23 90.804(1), the trial court may order the videotaping of the
24 testimony of the victim or witness in a case, whether civil or
25 criminal in nature, in which videotaped testimony is to be
26 utilized at trial in lieu of trial testimony in open court.

27 Section 17. Paragraph (b) of subsection (9) of section
28 216.136, Florida Statutes, is amended to read:

29 216.136 Consensus estimating conferences; duties and
30 principals.--

31 (9) JUVENILE JUSTICE ESTIMATING CONFERENCE.--

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

16 Section 18. Paragraph (a) of subsection (3) of section
17 381.0072, Florida Statutes, is amended to read:

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

26 (3) LICENSES REQUIRED.--

27 (a) Licenses; annual renewals.--Each food service
28 establishment regulated under this section shall obtain a
29 license from the department annually. Food service
30 establishment licenses shall expire annually and shall not be
31 transferable from one place or individual to another.

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

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

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

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

1 years. The council shall meet at least semiannually or upon
2 the call of the chairperson. The council may establish ad hoc
3 or temporary technical advisory groups to assist the council
4 with specific topics which come before the council. Council
5 members shall serve without pay. Pursuant to the provisions of
6 s. 112.061, the council members are entitled to be reimbursed
7 for per diem and travel expenses. It is the purpose of the
8 council to advise the department about:

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

11 (b) Procedures for collection and transmission of
12 specimens and recording of results; and

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

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

19 393.064 Prevention.--

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

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

12 Section 21. Paragraph (i) of subsection (4) of section
13 393.13, Florida Statutes, is amended to read:

14 393.13 Personal treatment of persons who are
15 developmentally disabled.--

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

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

31

1 1. Mechanical supports used in normative situations to
2 achieve proper body position and balance shall not be
3 considered restraints, but shall be prescriptively designed
4 and applied under the supervision of a qualified professional
5 with concern for principles of good body alignment,
6 circulation, and allowance for change of position.

7 2. Totally enclosed cribs and barred enclosures shall
8 be considered restraints.

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

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

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

28 394.462 Transportation.--

29 (3) EXCEPTIONS.--An exception to the requirements of
30 this section may be granted by the secretary of the department
31 for the purposes of improving service coordination or better

1 meeting the special needs of individuals. A proposal for an
2 exception must be submitted by the district administrator
3 after being approved ~~by the local health and human services~~
4 ~~board~~ and by the governing boards of any affected counties,
5 prior to submission to the secretary.

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

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

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

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

23 3. A specialized transportation system that provides
24 an efficient and humane method of transporting patients to
25 receiving facilities, among receiving facilities, and to
26 treatment facilities.

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

29 Section 23. Subsection (2) of section 394.4674,
30 Florida Statutes, is amended to read:

31 394.4674 Plan and report.--

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

5 (a) The status of compliance with the
6 deinstitutionalization plan;

7 (b) The specific efforts to stimulate alternative
8 living and support resources outside the hospitals and all
9 documentation of the success of these efforts;

10 (c) The specific efforts to facilitate the development
11 and retention of daily living skills identified by the
12 department as being necessary for living outside an
13 institution and any evidence of the success of these efforts;

14 (d) The specific plans for new efforts to accomplish
15 the deinstitutionalization of patients in this age group; and

16 (e) Any evidence of involvement between the ~~Alcohol,~~
17 ~~Drug Abuse,~~ and Mental Health Program Office and other program
18 offices within the department and between the department and
19 other state and private agencies and individuals to accomplish
20 the deinstitutionalization of patients in this age group.

21 Section 24. Subsection (17) of section 394.67, Florida
22 Statutes, is amended to read:

23 394.67 Definitions.--As used in this part, the term:

24 (17) "Program office" means the ~~Alcohol, Drug Abuse,~~
25 ~~and~~ Mental Health Program Office of the Department of Children
26 and Family Services.

27 Section 25. Paragraph (a) of subsection (19) of
28 section 397.311, Florida Statutes, is amended to read:

29 397.311 Definitions.--As used in this chapter, except
30 part VIII:

31

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

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

26 Section 26. Paragraph (b) of subsection (14) and
27 subsection (18) of section 397.321, Florida Statutes, are
28 amended to read:

29 397.321 Duties of the department.--The department
30 shall:

31

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

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

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

20 Section 27. Subsection (3) of section 397.821, Florida
21 Statutes, is amended to read:

22 397.821 Juvenile substance abuse impairment prevention
23 and early intervention councils.--

24 (3) The council shall provide recommendations to the
25 Program Director for Substance Abuse ~~Assistant Secretary for~~
26 ~~Alcohol, Drug Abuse, and Mental Health~~ annually for
27 consideration for inclusion in the ~~district alcohol, drug~~
28 ~~abuse, and mental health planning councils for consideration~~
29 ~~for inclusion in the~~ district alcohol, drug abuse, and mental
30 health plans.

31

1 Section 28. Subsection (4) of section 397.901, Florida
2 Statutes, is amended to read:

3 397.901 Prototype juvenile addictions receiving
4 facilities.--

5 (4) The department shall adopt rules necessary to
6 implement this section. The rules must be written by the
7 department's Substance Abuse ~~Alcohol, Drug Abuse, and Mental~~
8 ~~Health~~ Program Office and must specify criteria for staffing
9 and services delineated for the provision of graduated levels
10 of care from nonintensive to environmentally secure for the
11 handling of aggressive and difficult-to-manage behavior and
12 the prevention of elopement.

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

15 400.435 Maintenance of records; reports.--

16 (2) Within 60 days after the date of the biennial
17 inspection visit or within 30 days after the date of any
18 interim visit, the agency shall forward the results of the
19 inspection to the district ombudsman council in whose planning
20 and service area, as defined in part II, the facility is
21 located; to at least one public library or, in the absence of
22 a public library, the county seat in the county in which the
23 inspected assisted living facility is located; and, when
24 appropriate, to the district ~~adult services and district~~
25 ~~alcohol, drug abuse, and~~ Mental Health Program Office ~~offices~~.

26 Section 30. Paragraph (a) of subsection (1) of section
27 402.17, Florida Statutes, is amended to read:

28 402.17 Claims for care and maintenance; trust
29 property.--The Department of Children and Family Services
30 shall protect the financial interest of the state with respect
31 to claims which the state may have for the care and

1 maintenance of clients of the department. The department
2 shall, as trustee, hold in trust and administer money of
3 clients and property designated for the personal benefit of
4 clients. The department shall act as trustee of clients' money
5 and property entrusted to it in accordance with the usual
6 fiduciary standards applicable generally to trustees, and
7 shall act to protect both the short-term and long-term
8 interests of the clients for whose benefit it is holding such
9 money and property.

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

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

12 1. Receive and supervise the collection of sums due
13 the state.

14 2. Bring any court action necessary to collect any
15 claim the state may have against any client, former client,
16 guardian of any client or former client, executor or
17 administrator of the client's estate, or any person against
18 whom any client or former client may have a claim.

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

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

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

31

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

3 7. File claims with any person, firm, or corporation
4 or with any federal, state, county, district, or municipal
5 agency on behalf of an unrepresented client.

6 8. Represent the state in the settlement of the
7 estates of deceased clients or in the settlement of estates in
8 which a client or a former client against whom the state may
9 have a claim has a financial interest.

10 9. Establish procedures by rule for the use of amounts
11 held in trust for the client to pay for the cost of care and
12 maintenance, if such amounts would otherwise cause the client
13 to become ineligible for services which are in the client's
14 best interests.

15 Section 31. Subsections (1) and (7) of section
16 402.3015, Florida Statutes, are amended to read:

17 402.3015 Subsidized child care program; purpose; fees;
18 contracts.--

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

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

31

1 (b) Children at risk of welfare dependency, including
2 children of participants in the WAGES Program, children of
3 migrant farmworkers, children of teen parents, and children
4 from other families at risk of welfare dependency due to a
5 family income of less than 100 percent of the federal poverty
6 level;

7 (c) Children of working families whose family income
8 is equal to or greater than 100 percent, but does not exceed
9 150 percent, of the federal poverty level; and

10 (d) Children of working families enrolled in the Child
11 Care Executive Partnership Program whose family income does
12 not exceed 200 percent of the federal poverty level.

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

21 Section 32. Subsection (6) of section 402.40, Florida
22 Statutes, is amended to read:

23 402.40 Child welfare training academies established;
24 Child Welfare Standards and Training Council created;
25 responsibilities of council; Child Welfare Training Trust Fund
26 created.--

27 (6) CONTRACT TIMEFRAME FOR ESTABLISHMENT OF TRAINING
28 ACADEMIES.--~~By June 30, 1987, the department shall have~~
29 ~~established and have operational at least one training~~
30 ~~academy, which shall be located in subdistrict IIB. The~~
31 department shall contract for the operation of one or more

1 training academies ~~the academy~~ with Tallahassee Community
2 College. The number, location, and timeframe for
3 establishment of additional training academies shall be
4 according to the recommendation of the council as approved by
5 the Secretary of Children and Family Services.

6 Section 33. Subsection (2) of section 402.47, Florida
7 Statutes, is amended to read:

8 402.47 Foster grandparent and retired senior volunteer
9 services to high-risk and handicapped children.--

10 (2) The Department of Children and Family ~~Health and~~
11 ~~Rehabilitative~~ Services shall:

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

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

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

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

1 Section 34. Subsection (7) of section 409.152, Florida
2 Statutes, is amended to read:

3 409.152 Service integration and family preservation.--

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

12 Section 35. Paragraph (a) of subsection (1) of section
13 410.0245, Florida Statutes, is amended to read:

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

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

25 Section 36. Paragraph (a) of subsection (6) of section
26 411.01, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

15

16 An "economically disadvantaged" child means a child whose
17 family income is below 150 percent of the federal poverty
18 level. Notwithstanding any change in a family's economic
19 status, but subject to additional family contributions in
20 accordance with the sliding fee scale, a child who meets the
21 eligibility requirements upon initial registration for the
22 program shall be considered eligible until the child reaches
23 kindergarten age.

24 Section 37. 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 38. 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 39. 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 of
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 40. 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 41. 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 42. 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 ~~Services~~ Program Office with all
2 | other programs of the department and other appropriate state
3 | agencies.

4 | Section 43. 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 ~~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 44. 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.

26 | a. The authority to appoint members to district
27 | juvenile justice boards, and the size of each board, is as
28 | follows:

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

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: Dade County,
23 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 ~~health and human services board in each~~
15 ~~district may appoint one of its members to serve as an ex~~
16 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.

