

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; requiring an independent
18 evaluation; requiring a report to the
19 Legislature; providing for consultation with
20 counties on mandated programs; amending s.
21 39.3065, F.S.; providing for the sheriff in any
22 county to provide child protective
23 investigative services; requiring individuals
24 providing such services to complete protective
25 investigation training; providing for funding;
26 providing for performance evaluation; requiring
27 annual reports to the department; providing for
28 program performance evaluation; amending s.
29 393.502, F.S.; revising provisions relating to
30 creation, appointment, and operation of family
31 care councils; requiring establishment of a

1 training program for council members; providing
2 for reimbursement for members' per diem and
3 travel expenses; deleting references to health
4 and human services boards; amending s. 393.503,
5 F.S.; deleting references to health and human
6 services boards; creating s. 402.73, F.S.;
7 providing contracting and performance standards
8 for contracted client services; providing
9 conditions for competitive procurement;
10 providing for procurement and contract for
11 services that involve multiple providers;
12 providing requirements relating to matching
13 contributions; providing for independent
14 contract for assessment and case management
15 services; providing penalties; requiring
16 certain notice; providing for standards of
17 conduct and disciplinary actions with respect
18 to department employees carrying out
19 contracting responsibilities; providing
20 requirements relating to the developmental
21 services Medicaid waiver service system;
22 requiring a report; providing for cancellation
23 of provider contracts; restricting new
24 contracts with canceled providers; providing
25 for liens against facility properties;
26 providing for performance-based incentives;
27 creating s. 402.731, F.S.; authorizing
28 certification programs for department employees
29 and service providers; providing rulemaking
30 authority; authorizing employment programs for
31 staff to facilitate transition to privatized

1 community-based care; authorizing contracts for
2 outpatient services; authorizing certain
3 time-limited exempt positions; amending s.
4 409.1671, F.S., relating to foster care and
5 related services; deleting obsolete provisions
6 relating to a statewide privatization plan;
7 providing for the designation of more than one
8 eligible lead community-based provider within a
9 single county under certain circumstances;
10 providing for application of state sovereign
11 immunity to counties and municipalities;
12 providing for the establishment of a risk pool
13 to reduce financial risk to community-based
14 providers; providing for any excess earnings to
15 be distributed to all entities contributing to
16 the excess; creating s. 409.1675, F.S.;
17 providing conditions and procedures for placing
18 a lead community-based provider in
19 receivership; providing for notice and hearing;
20 providing powers and duties of a receiver;
21 providing for compensation; providing
22 liability; requiring a receiver to post a bond
23 under certain circumstances; providing for
24 termination of receivership; amending ss.
25 20.43, 39.001, 39.0015, 39.01, 39.201, 39.302,
26 92.53, 216.136, 381.0072, 383.14, 393.064,
27 393.13, 394.462, 394.4674, 394.67, 397.311,
28 397.321, 397.821, 397.901, 400.435, 402.17,
29 402.3015, 402.40, 402.47, 409.152, 410.0245,
30 411.01, 411.223, 411.224, 414.028, 414.105,
31 414.36, 916.107, 985.223, 985.413, F.S.;

1 providing changes to conform with the
2 provisions of the act; repealing s. 216.1365,
3 F.S.; requiring the Criminal Justice Estimating
4 Conference to project future bed needs and
5 other program needs for sexually violent
6 predators; amending s. 216.136, F.S.; requiring
7 the Criminal Justice Estimating Conference to
8 project future bed needs and other program
9 needs for sexually violent predators; amending
10 s. 960.07, F.S.; expanding the time within
11 which a victim of an offense committed by a
12 sexually violent predator may apply for
13 compensation from the Crimes Compensation Trust
14 Fund; amending s. 394.913, F.S.; increasing the
15 period of time for the multidisciplinary team
16 to determine if an offender is a sexually
17 violent predator; amending s. 394.930, F.S.;
18 requiring the Department of Children and Family
19 Services to adopt rules for education and
20 training for members of multidisciplinary teams
21 and other professionals who evaluate sexually
22 violent predators; amending s. 394.931, F.S.;
23 requiring the Department of Children and Family
24 Services to implement a long-term study to
25 determine the effectiveness of involuntary
26 civil commitment of sexually violent predators;
27 providing legislative intent with respect to
28 providing competent legal representation for
29 children in state custody; requiring that the
30 Office of the State Courts Administrator create
31 a pilot Attorney Ad Litem Program in the Ninth

1 Judicial Circuit; authorizing the office to
2 contract with a private or public entity to
3 operate the pilot program; providing for the
4 pilot program to operate independently of other
5 state agencies responsible for the care of
6 children in state custody; providing for
7 administration of the program; requiring that
8 the Office of the State Courts Administrator
9 develop a training program for attorneys ad
10 litem; requiring that the court direct the
11 pilot program to assign an attorney ad litem;
12 requiring that the Department of Children and
13 Family Services provide information to the
14 pilot-program administrator; providing for
15 assigning an attorney ad litem to represent the
16 child's wishes; requiring the Office of the
17 State Courts Administrator to make annual
18 reports to the Legislature; requiring that the
19 Office of the States Courts Administrator
20 evaluate the pilot program; requesting that the
21 Supreme Court adopt rules of juvenile
22 procedure; providing appropriations for the
23 pilot program; requiring the Correctional
24 Privatization Commission, in consultation with
25 the Department of Children and Family Services,
26 to issue a request for proposal for the
27 financing, design, construction, acquisition,
28 ownership, leasing, and operation of a
29 specified secure facility to house and
30 rehabilitate certain sexual predators;
31 authorizing the Secretary of Children and

1 Family Services to approve the request for
2 proposal, the successful bidder, and the
3 contract; providing authority for the
4 commission to enter into a contract with a
5 provider; providing authority of the contractor
6 with respect to financing of the project;
7 providing authority of the department to enter
8 into certain agreements; providing for
9 termination of a specified program upon
10 completion of the facility; amending s.
11 409.176, F.S.; authorizing the facility
12 administrator or designee to consent to routine
13 and emergency medical care and to immediately
14 notify the parent, legal guardian, or persons
15 with legal custody of the child; providing for
16 the Department of Children and Family Services
17 to contract for residential group care
18 placements in specified districts and statewide
19 for children with special needs; providing for
20 a report to the Legislature; providing for an
21 appropriation; providing incentive grants for
22 children service council or juvenile welfare
23 board; providing requirements; authorizing
24 rules; repealing s. 402.185(2), F.S., relating
25 to funding for staff of the Office of Standards
26 and Evaluation of the department; repealing s.
27 409.152(6), F.S., relating to designation of
28 family preservation programs by the health and
29 human services boards; providing for
30 preparation of a reviser's bill; amending s.
31 318.21, F.S.; providing for disposition of

1 civil penalties to the Grants and Donations
2 Trust Fund in the Office of State Courts
3 Administrator; amending s. 409.145, F.S.;
4 authorizing the Department of Children and
5 Family Services to continue providing foster
6 care services to certain individuals who are
7 enrolled full-time in a degree-granting program
8 in a postsecondary educational institution;
9 specifying circumstances under which such
10 services shall be terminated; creating s.
11 784.085, F.S.; prohibiting battery of a child
12 by throwing, tossing, projecting, or expelling
13 certain fluids; providing a penalty; providing
14 a definition; amending s. 921.0022, F.S.,
15 relating to the criminal Punishment Code;
16 conforming provisions to changes made by the
17 act; providing an effective date.

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

20
21 Section 1. Subsection (4) of section 20.04, Florida
22 Statutes, is amended to read:

23 20.04 Structure of executive branch.--The executive
24 branch of state government is structured as follows:

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

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

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

1 20.19 Department of Children and Family
2 Services.--There is created a Department of Children and
3 Family Services.
4 (1) MISSION AND PURPOSE.--
5 (a) The mission of the Department of Children and
6 Family Services is to work in partnership with local
7 communities to ensure the safety, well-being, and
8 self-sufficiency of the people served.
9 (b) The department shall develop a strategic plan for
10 fulfilling its mission and establish a set of measurable
11 goals, objectives, performance standards, and quality
12 assurance requirements to ensure that the department is
13 accountable to the people of Florida.
14 (c) To the extent allowed by law and within specific
15 appropriations, the department shall move toward a
16 service-delivery system contracted through private providers.
17 (2) SECRETARY OF CHILDREN AND FAMILY SERVICES; DEPUTY
18 SECRETARY.--
19 (a) The head of the department is the Secretary of
20 Children and Family Services. The secretary is appointed by
21 the Governor, subject to confirmation by the Senate. The
22 secretary serves at the pleasure of the Governor.
23 (b) The secretary shall appoint a deputy secretary who
24 shall act in the absence of the secretary. The deputy
25 secretary is directly responsible to the secretary, performs
26 such duties as are assigned by the secretary, and serves at
27 the pleasure of the secretary.
28 (c) The secretary has the authority and responsibility
29 to ensure that the mission of the department is fulfilled in
30 accordance with state and federal laws, rules, and
31 regulations.

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

2 (a) The department is authorized to establish program
3 offices and support offices, each of which shall be headed by
4 a program director or other management position who shall be
5 appointed by and serve at the pleasure of the secretary. The
6 secretary may delegate to the program directors
7 responsibilities for the management, policy, program, and
8 fiscal functions of the department.

9 (b) The following program offices are established:

10 1. Adult Services.

11 2. Child Care Services.

12 3. Developmental Disabilities.

13 4. Economic Self-Sufficiency Services.

14 5. Family Safety.

15 6. Mental Health.

16 7. Refugee Services.

17 8. Substance Abuse.

18 (c) Program offices and support offices may be
19 consolidated, restructured, or rearranged by the secretary in
20 consultation with the Executive Office of the Governor,
21 provided any such consolidation, restructuring, or rearranging
22 is capable of meeting functions and activities and achieving
23 outcomes as delineated in state and federal laws, rules, and
24 regulations. The secretary may appoint additional managers and
25 administrators as he or she determines are necessary for the
26 effective management of the department.

27 (4) SERVICE DISTRICTS.--

28 (a) The department shall plan and administer its
29 programs of family services through service districts and
30 subdistricts composed of the following counties:

31

- 1 1. District 1.--Escambia, Santa Rosa, Okaloosa, and
2 Walton Counties;
- 3 2.a. District 2, Subdistrict A.--Holmes, Washington,
4 Bay, Jackson, Calhoun, and Gulf Counties;
- 5 b. District 2, Subdistrict B.--Gadsden, Liberty,
6 Franklin, Leon, Wakulla, Jefferson, Madison, and Taylor
7 Counties;
- 8 3. District 3.--Hamilton, Suwannee, Lafayette, Dixie,
9 Columbia, Gilchrist, Levy, Union, Bradford, Putnam, and
10 Alachua Counties;
- 11 4. District 4.--Baker, Nassau, Duval, Clay, and St.
12 Johns Counties;
- 13 5. District 5.--Pasco and Pinellas Counties;
- 14 6. District 6.--Hillsborough and Manatee Counties;
- 15 7.a. District 7, Subdistrict A.--Seminole, Orange, and
16 Osceola Counties;
- 17 b. District 7, Subdistrict B.--Brevard County;
- 18 8.a. District 8, Subdistrict A.--Sarasota and DeSoto
19 Counties;
- 20 b. District 8, Subdistrict B.--Charlotte, Lee, Glades,
21 Hendry, and Collier Counties;
- 22 9. District 9.--Palm Beach County;
- 23 10. District 10.--Broward County;
- 24 11.a. District 11, Subdistrict A.--Dade County;
- 25 b. District 11, Subdistrict B.--Monroe County;
- 26 12. District 12.--Flagler and Volusia Counties;
- 27 13. District 13.--Marion, Citrus, Hernando, Sumter,
28 and Lake Counties;
- 29 14. District 14.--Polk, Hardee, and Highlands
30 Counties; and
- 31

1 15. District 15.--Indian River, Okeechobee, St. Lucie,
2 and Martin Counties.

3 (b) The secretary shall appoint a district
4 administrator for each of the service districts. The district
5 administrator shall serve at the pleasure of the secretary and
6 shall perform such duties as are assigned by the secretary.
7 Subject to the approval of the secretary, such duties shall
8 include transferring up to 10 percent of the total district
9 budget, the provisions of ss. 216.292 and 216.351
10 notwithstanding.

11 (c) Notwithstanding the provisions of this section,
12 the department may realign the counties among the districts or
13 subdistricts for the purpose of achieving consistency between
14 the boundaries of service districts and the boundaries of
15 judicial circuits as defined by s. 26.021.

16 (d) Each fiscal year the secretary shall, in
17 consultation with the relevant employee representatives,
18 develop projections of the number of child abuse and neglect
19 cases and shall include in the department's legislative budget
20 request a specific appropriation for funds and positions for
21 the next fiscal year in order to provide an adequate number of
22 full-time equivalent:

23 1. Child protection investigation workers so that
24 caseloads do not exceed the Child Welfare League Standards by
25 more than two cases; and

26 2. Child protection case workers so that caseloads do
27 not exceed the Child Welfare League Standard by more than two
28 cases.

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 fundlers 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. Any such
15 additional consolidation shall comply with the provisions of
16 subsection (4) unless legislative authorization to the
17 contrary is provided.

18 (b) Except as provided in this subsection relative to
19 the prototype region, the role and scope of lead agencies are
20 limited to the provisions of s. 409.1671 until the Legislature
21 specifically provides otherwise. Prior to any changes being
22 implemented concerning the scope or duties of the lead agency
23 outside the prototype region, there must be an evaluation of
24 the prototype region that includes the duties of the lead
25 agency as defined in this section. The evaluation must be
26 conducted by an independent evaluator with experience in the
27 evaluation of organizational change and organizational
28 effectiveness. The evaluation must include a review of the
29 following:

30 1. The duties and responsibilities of the lead
31 agencies;

1 2. The relationship of the department with the lead
2 agencies;

3 3. The accountability of the system involving lead
4 agencies and sub-contractors in carrying out the department's
5 statutory obligations;

6 4. The quality of services provided to clients by the
7 lead agencies and their sub-contractors;

8 5. Size of the prototype region and its effect on
9 service priorities and service delivery within local
10 communities;

11 6. The effect on existing service providers who may or
12 may not be lead agencies or sub-contractors; and

13 7. Any demonstrated improvements in the management and
14 oversight of services or cost savings that have resulted from
15 the lead agency structure or other elements implemented in the
16 prototype region.

17
18 The report must be submitted to the Secretary of the
19 department, the President of the Senate and the Speaker of the
20 House of Representatives by February 1, of each year beginning
21 in 2001, and the final report submitted by February 1, 2003.
22 Each report will address the progress and findings of the
23 evaluation and will include recommendations for policy or
24 statutory changes.

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

28 (d) The department is authorized to contract for
29 children's services with a lead agency in each county of the
30 prototype area, except that the lead agency contract may cover
31 more than one county when it is determined that such coverage

1 will provide more effective or efficient services. The duties
2 of the lead agency shall include, but are not limited to:

3 1. Directing and coordinating the programs and
4 services with the scope of its contract.

5 2. Contracting for the provision of core services,
6 including intake and eligibility, assessment, service
7 planning, and case management. However, a lead agency may
8 obtain approval from the department to provide core services,
9 including intake and eligibility, assessment, service
10 planning, and case management, upon a finding by the
11 department that such lead agency is the only appropriate
12 organization within the service district capable of providing
13 such services or services within the department's quality
14 assurance and performance standards.

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

21 4. Managing and monitoring of provider contracts and
22 subcontracts.

23 5. Developing and implementing an effective
24 bill-payment mechanism to ensure that all providers are timely
25 paid.

26 6. Providing or arranging for administrative services
27 necessary to support service delivery.

28 7. Using departmentally approved training and meeting
29 departmentally defined credentials and standards.

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

4 9. Developing and maintaining effective interagency
5 collaboration to optimize service delivery.

6 10. Ensuring that all federal and state reporting
7 requirements are met.

8 11. Operating a consumer complaint and grievance
9 process.

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

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

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

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

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

27 Section 3. Section 39.3065, Florida Statutes, is
28 amended to read:

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

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

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

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

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

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

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

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

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

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

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

3 393.502 Family care councils.--

4 (1) ~~CREATION; APPOINTMENT.~~--There shall be established
5 and located within each service district of the department ~~of~~
6 ~~Children and Family Services~~ a district family care council.
7 No member of the Family Care Council shall be an employee of,
8 or contract provider to, the program in the department to
9 which it makes recommendations.

10 (2) MEMBERSHIP.--

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

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

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

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

31

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

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

7 (3) TERMS; VACANCIES.--

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

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

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

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

27 (5) TRAINING.--

28 (a) The department, in consultation with the district
29 councils, shall establish a training program for district
30 family care council members. Each district shall provide the
31 training program when new persons are appointed to the

1 district council and at other times as the secretary deems
2 necessary.

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

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

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

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

23 (a) Assist in providing information and outreach to
24 families.

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

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

31

1 (d) Meet and share information with other district
2 family care councils.

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

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

22 Section 5. Section 393.503, Florida Statutes, is
23 amended to read:

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

1 recommendations to the department ~~health and human services~~
2 ~~board~~ with respect to any new funds that are made available
3 for family care.

4 Section 6. Section 402.73, Florida Statutes, is
5 created to read:

6 402.73 Contracting and performance standards.--

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

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

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

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

30 (2) The competitive requirements of subsection (1)
31 must be initiated for each contract that meets the criteria of

1 this subsection, unless the secretary makes a written
2 determination that particular facts and circumstances require
3 deferral of the competitive process. Facts and circumstances
4 must be specifically described for each individual contract
5 proposed for deferral and must include one or more of the
6 following:

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

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

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

15

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

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

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

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

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

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

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

29 (7) The department shall adopt, by rule, provisions
30 for including in its contracts incremental penalties to be
31 imposed by its contract managers on a service provider due to

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

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

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

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

28 (11) The department shall include in its standard
29 contract document a requirement that any state funds provided
30 for the purchase of or improvements to real property are
31 contingent upon the contractor or political subdivision

1 granting to the state a security interest in the property at
2 least to the amount of the state funds provided for at least 5
3 years from the date of purchase or the completion of the
4 improvements or as further required by law. The contract must
5 include a provision that, as a condition of receipt of state
6 funding for this purpose, the provider agrees that, if it
7 disposes of the property before the department's interest is
8 vacated, the provider will refund the proportionate share of
9 the state's initial investment, as adjusted by depreciation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 (d) Except as provided for counties and municipalities
26 under s. 768.28,any eligible lead community-based provider,
27 as defined in paragraph (b), or its employees or officers,
28 except as otherwise provided in paragraph (e), must, as a part
29 of its contract, obtain a minimum of \$1 million per claim/\$3
30 million per incident in general liability insurance coverage.
31 In any tort action brought against such an eligible lead

1 community-based provider, net economic damages shall be
2 limited to \$1 million per claim, including, but not limited
3 to, past and future medical expenses, wage loss, and loss of
4 earning capacity, offset by any collateral source payment paid
5 or payable. In any tort action brought against such an
6 eligible lead community-based provider, noneconomic damages
7 shall be limited to \$200,000 per claim. A claims bill may be
8 brought on behalf of a claimant pursuant to s. 768.28 for any
9 amount exceeding the limits specified in this paragraph. Any
10 offset of collateral source payments made as of the date of
11 the settlement or judgment shall be in accordance with s.
12 768.76. The lead community-based provider shall not be liable
13 in tort for the acts or omissions of its subcontractors or the
14 officers, agents, or employees of its subcontractors.

15 (3)

16 (c) The ~~annual~~ contract between the department and
17 community-based agencies must include provisions that specify
18 the procedures to be used by the parties to resolve
19 differences in interpreting the contract or to resolve
20 disputes as to the adequacy of the parties' compliance with
21 their respective obligations under the contract.

22 (4)(a) The department shall establish a quality
23 assurance program for privatized services. The quality
24 assurance program shall be based on standards established ~~may~~
25 ~~be performed~~ by a national accrediting organization such as
26 the Council on Accreditation of Services for Families and
27 Children, Inc. (COA) or the Council on Accreditation of
28 Rehabilitation Facilities (CARF). The department may ~~shall~~
29 develop a request for proposal for such oversight. This
30 program must be developed and administered at a statewide
31 level. The Legislature intends that the department be

1 permitted to have limited flexibility to use funds for
2 improving quality assurance. To this end, effective January 1,
3 2000, the department may transfer up to 0.125 percent of the
4 total funds from categories used to pay for these
5 contractually provided services, but the total amount of such
6 transferred funds may not exceed \$300,000 in any fiscal year.
7 When necessary, the department may establish, in accordance
8 with s. 216.177, additional positions that will be exclusively
9 devoted to these functions. Any positions required under this
10 paragraph may be established, notwithstanding ss.
11 216.262(1)(a) and 216.351. The department, in consultation
12 with the community-based agencies that are undertaking the
13 privatized projects, shall establish minimum thresholds for
14 each component of service, consistent with standards
15 established by the Legislature. Each program operated under
16 contract with a community-based agency must be evaluated
17 annually by the department. The department shall submit an
18 annual report regarding quality performance, outcome measure
19 attainment, and cost efficiency to the President of the
20 Senate, the Speaker of the House of Representatives, the
21 minority leader of each house of the Legislature, and the
22 Governor no later than January 31 of each year for each
23 project in operation during the preceding fiscal year.

24 (7) The department is authorized to establish and
25 administer a risk pool to reduce the financial risk to
26 eligible lead community-based providers resulting from
27 unanticipated caseload growth.

28 (8) Notwithstanding the provisions of s. 215.425, all
29 documented federal funds earned for the current fiscal year by
30 the department and community-based agencies which exceed the
31 amount appropriated by the Legislature shall be distributed to

1 all entities that contributed to the excess earnings based on
2 a schedule and methodology developed by the department and
3 approved by the Executive Office of the Governor. Distribution
4 shall be pro rata based on total earnings and shall be made
5 only to those entities that contributed to excess earnings.
6 Excess earnings of community-based agencies shall be used only
7 in the service area in which they were earned. Additional
8 state funds appropriated by the Legislature for
9 community-based agencies or made available pursuant to the
10 budgetary amendment process described in s. 216.177 shall be
11 transferred to the community-based agencies. The department
12 shall amend a community-based agency's contract to permit
13 expenditure of the funds. The distribution program applies
14 only to entities that were under privatization contracts as of
15 July 1, 1999. This program is authorized for a period of 3
16 years beginning July 1, 1999, and ending June 30, 2002. The
17 Office of Program Policy Analysis and Government
18 Accountability shall review this program and report to the
19 President of the Senate and the Speaker of the House of
20 Representatives by December 31, 2001. The review shall assess
21 the program to determine how the additional resources were
22 used, the number of additional clients served, the
23 improvements in quality of service attained, the performance
24 outcomes associated with the additional resources, and the
25 feasibility of continuing or expanding this program.

26 Section 9. Section 409.1675, Florida Statutes, is
27 created to read:

28 409.1675 Lead community-based providers;
29 receivership.--

30 (1) The Department of Children and Family Services may
31 petition a court of competent jurisdiction for the appointment

1 of a receiver for a lead community-based provider established
2 pursuant to s. 409.1671 when any of the following conditions
3 exist:

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

6 (b) The lead community-based provider has given less
7 than 120 days notice of its intent to cease operations, and
8 arrangements have not been made for another lead
9 community-based provider or for the department to continue the
10 uninterrupted provision of services.

11 (c) The department determines that conditions exist in
12 the lead community-based provider which present an imminent
13 danger to the health, safety, or welfare of the dependent
14 children under that provider's care or supervision. Whenever
15 possible, the department shall make a reasonable effort to
16 facilitate the continued operation of the program.

17 (d) The lead community-based provider cannot meet its
18 current financial obligations to its employees, contractors,
19 or foster parents. Issuance of bad checks or the existence of
20 delinquent obligations for payment of salaries, utilities, or
21 invoices for essential services or commodities shall
22 constitute prima facie evidence that the lead community-based
23 provider lacks the financial ability to meet its financial
24 obligations.

25 (2)(a) The petition for receivership shall take
26 precedence over other court business unless the court
27 determines that some other pending proceeding, having
28 statutory precedence, has priority.

29 (b) A hearing shall be conducted within 5 days after
30 the filing of the petition, at which time interested parties
31 shall have the opportunity to present evidence as to whether a

1 receiver should be appointed. The department shall give
2 reasonable notice of the hearing on the petition to the lead
3 community-based provider.

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

19 (d) A receiver may be appointed for up to 90 days and
20 the department may petition the court for additional 30-day
21 extensions. Sixty days after appointment of a receiver and
22 every 30 days thereafter until the receivership is terminated,
23 the department shall submit to the court an assessment of the
24 lead community-based provider's ability to ensure the health,
25 safety, and welfare of the dependent children under its
26 supervision.

27 (3) The receiver shall take such steps as are
28 reasonably necessary to ensure the continued health, safety,
29 and welfare of the dependent children under the supervision of
30 the lead community-based provider and shall exercise those
31

1 powers and perform those duties set out by the court,
2 including, but not limited to:

3 (a) Taking such action as is reasonably necessary to
4 protect or conserve the assets or property of the lead
5 community-based provider. The receiver may use the assets and
6 property and any proceeds from any transfer thereof only in
7 the performance of the powers and duties set forth in this
8 section and by order of the court.

9 (b) Using the assets of the lead community-based
10 provider in the provision of care and services to dependent
11 children.

12 (c) Entering into contracts and hiring agents and
13 employees to carry out the powers and duties of the receiver
14 under this section.

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

19 (e) Honoring all leases, mortgages, and contractual
20 obligations of the lead community-based provider, but only to
21 the extent of payments that become due during the period of
22 the receivership.

23 (4)(a) The receiver shall deposit funds received in a
24 separate account and shall use this account for all
25 disbursements.

26 (b) A payment to the receiver of any sum owing to the
27 lead community-based provider shall discharge any obligation
28 to the provider to the extent of the payment.

29 (5) A receiver may petition the court for temporary
30 relief from obligations entered into by the lead
31 community-based provider if the rent, price, or rate of

1 interest required to be paid under the agreement was
2 substantially in excess of a reasonable rent, price, or rate
3 of interest at the time the contract was entered into, or if
4 any material provision of the agreement was unreasonable when
5 compared to contracts negotiated under similar conditions. Any
6 relief in this form provided by the court shall be limited to
7 the life of the receivership, unless otherwise determined by
8 the court.

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

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

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

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

23 (a) The court determines that the receivership is no
24 longer necessary because the conditions that gave rise to the
25 receivership no longer exist; or

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

30 (10) Within 30 days after the termination, unless this
31 time period is extended by the court, the receiver shall give

1 the court a complete accounting of all property of which the
2 receiver has taken possession, of all funds collected and
3 disbursed, and of the expenses of the receivership.

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

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

19 20.43 Department of Health.--There is created a
20 Department of Health.

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

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

4 39.001 Purposes and intent; personnel standards and
5 screening.--

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

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

17 (7) PLAN FOR COMPREHENSIVE APPROACH.--

18 (a) The department shall develop a state plan for the
19 prevention of abuse, abandonment, and neglect of children and
20 shall submit the plan to the Speaker of the House of
21 Representatives, the President of the Senate, and the Governor
22 no later than January 1, 1983. The Department of Education and
23 the Division of Children's Medical Services of the Department
24 of Health shall participate and fully cooperate in the
25 development of the state plan at both the state and local
26 levels. Furthermore, appropriate local agencies and
27 organizations shall be provided an opportunity to participate
28 in the development of the state plan at the local level.
29 Appropriate local groups and organizations shall include, but
30 not be limited to, community mental health centers; guardian
31 ad litem programs for children under the circuit court; the

1 school boards of the local school districts; the district
2 human rights advocacy committees; private or public
3 organizations or programs with recognized expertise in working
4 with children who are sexually abused, physically abused,
5 emotionally abused, abandoned, or neglected and with expertise
6 in working with the families of such children; private or
7 public programs or organizations with expertise in maternal
8 and infant health care; multidisciplinary child protection
9 teams; child day care centers; law enforcement agencies, and
10 the circuit courts, when guardian ad litem programs are not
11 available in the local area. The state plan to be provided to
12 the Legislature and the Governor shall include, as a minimum,
13 the information required of the various groups in paragraph
14 (b).

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

17 1. The department shall establish an interprogram task
18 force comprised of the Program Director for Family Safety
19 ~~Assistant Secretary for Children and Family Services~~, or a
20 designee, a representative from the Child Care Services
21 ~~Children and Families~~ Program Office, a representative from
22 the Family Safety Program Office, a representative from the
23 ~~Alcohol, Drug Abuse, and Mental Health~~ Program Office, a
24 representative from the Substance Abuse Program Office, a
25 representative from the Developmental Disabilities Services
26 Program Office, ~~a representative from the Office of Standards~~
27 ~~and Evaluation~~, and a representative from the Division of
28 Children's Medical Services of the Department of Health.
29 Representatives of the Department of Law Enforcement and of
30 the Department of Education shall serve as ex officio members
31

1 of the interprogram task force. The interprogram task force
2 shall be responsible for:

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

9 b. Providing a basic format to be utilized by the
10 districts in the preparation of local plans of action in order
11 to provide for uniformity in the district plans and to provide
12 for greater ease in compiling information for the state plan.

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

15 d. Examining the local plans to determine if all the
16 requirements of the local plans have been met and, if they
17 have not, informing the districts of the deficiencies and
18 requesting the additional information needed.

19 e. Preparing the state plan for submission to the
20 Legislature and the Governor. Such preparation shall include
21 the collapsing of information obtained from the local plans,
22 the cooperative plans with the Department of Education, and
23 the plan of action for coordination and integration of
24 departmental activities into one comprehensive plan. The
25 comprehensive plan shall include a section reflecting general
26 conditions and needs, an analysis of variations based on
27 population or geographic areas, identified problems, and
28 recommendations for change. In essence, the plan shall
29 provide an analysis and summary of each element of the local
30 plans to provide a statewide perspective. The plan shall also
31 include each separate local plan of action.

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

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

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

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

27 5. The department, the Department of Education, and
28 the Department of Health shall work together on the
29 enhancement or adaptation of curriculum materials to assist
30 instructional personnel in providing instruction through a
31 multidisciplinary approach on the identification,

1 intervention, and prevention of child abuse, abandonment, and
2 neglect. The curriculum materials shall be geared toward a
3 sequential program of instruction at the four progressional
4 levels, K-3, 4-6, 7-9, and 10-12. Strategies for encouraging
5 all school districts to utilize the curriculum are to be
6 included in the comprehensive state plan for the prevention of
7 child abuse, abandonment, and neglect.

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

1 a. Documentation of the magnitude of the problems of
2 child abuse, including sexual abuse, physical abuse, and
3 emotional abuse, and child abandonment and neglect in its
4 geographical area.

5 b. A description of programs currently serving abused,
6 abandoned, and neglected children and their families and a
7 description of programs for the prevention of child abuse,
8 abandonment, and neglect, including information on the impact,
9 cost-effectiveness, and sources of funding of such programs.

10 c. A continuum of programs and services necessary for
11 a comprehensive approach to the prevention of all types of
12 child abuse, abandonment, and neglect as well as a brief
13 description of such programs and services.

14 d. A description, documentation, and priority ranking
15 of local needs related to child abuse, abandonment, and
16 neglect prevention based upon the continuum of programs and
17 services.

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

25 f. A description of barriers to the accomplishment of
26 a comprehensive approach to the prevention of child abuse,
27 abandonment, and neglect.

28 g. Recommendations for changes that can be
29 accomplished only at the state program level or by legislative
30 action.

31

1 Section 12. Paragraph (b) of subsection (3) of section
2 39.0015, Florida Statutes, is amended to read:

3 39.0015 Child abuse prevention training in the
4 district school system.--

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

6 (b) "Child abuse" means those acts as defined in ss.
7 39.01(1), (2), (30), (43), (50), and (63)~~(44), (46), (53),~~
8 ~~and (64)~~, 827.04, and 984.03(1), (2), and (39).

9 Section 13. Subsection (31) of section 39.01, Florida
10 Statutes, is repealed.

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

13 39.201 Mandatory reports of child abuse, abandonment,
14 or neglect; mandatory reports of death; central abuse
15 hotline.--

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

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

27 39.302 Protective investigations of institutional
28 child abuse, abandonment, or neglect.--

29 (1) The department shall conduct a child protective
30 investigation of each report of institutional child abuse,
31 abandonment, or neglect. Upon receipt of a report which

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

1 determination of whether or not prosecution is justified and
2 appropriate in view of the circumstances of the specific case.

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

5 92.53 Videotaping of testimony of victim or witness
6 under age 16 or person with mental retardation.--

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

19 Section 17. Paragraph (b) of subsection (9) of section
20 216.136, Florida Statutes, is amended to read:

21 216.136 Consensus estimating conferences; duties and
22 principals.--

23 (9) JUVENILE JUSTICE ESTIMATING CONFERENCE.--

24 (b) Principals.--The Executive Office of the Governor,
25 the Office of Economic and Demographic Research, and
26 professional staff who have forecasting expertise from the
27 Department of Juvenile Justice, the Department of Children and
28 Family Services Substance Alcohol, Drug Abuse, and Mental
29 Health Program Offices ~~Office~~, the Department of Law
30 Enforcement, the Senate Appropriations Committee staff, the
31 House of Representatives Appropriations Committee staff, or

1 their designees, are the principals of the Juvenile Justice
2 Estimating Conference. The responsibility of presiding over
3 sessions of the conference shall be rotated among the
4 principals. To facilitate policy and legislative
5 recommendations, the conference may call upon professional
6 staff of the Juvenile Justice Accountability Board and
7 appropriate legislative staff.

8 Section 18. Paragraph (a) of subsection (3) of section
9 381.0072, Florida Statutes, is amended to read:

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

18 (3) LICENSES REQUIRED.--

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

1 thereof, to any establishment that is not constructed or
2 maintained in accordance with law and with the rules of the
3 department. Annual application for renewal shall not be
4 required.

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

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

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

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

3 (b) Procedures for collection and transmission of
4 specimens and recording of results; and

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

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

11 393.064 Prevention.--

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

1 cost-beneficial. The department in its legislative budget
2 request shall identify funding needs for such prevention
3 programs.

4 Section 21. Paragraph (i) of subsection (4) of section
5 393.13, Florida Statutes, is amended to read:

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

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

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

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

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

31

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

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

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

20 394.462 Transportation.--

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

29 (a) A proposal for an exception must identify the
30 specific provision from which an exception is requested;
31 describe how the proposal will be implemented by participating

1 law enforcement agencies and transportation authorities; and
2 provide a plan for the coordination of services such as case
3 management.

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

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

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

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

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

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

23 394.4674 Plan and report.--

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

28 (a) The status of compliance with the
29 deinstitutionalization plan;

30
31

1 (b) The specific efforts to stimulate alternative
2 living and support resources outside the hospitals and all
3 documentation of the success of these efforts;

4 (c) The specific efforts to facilitate the development
5 and retention of daily living skills identified by the
6 department as being necessary for living outside an
7 institution and any evidence of the success of these efforts;

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

10 (e) Any evidence of involvement between the ~~Alcohol,~~
11 ~~Drug Abuse,~~ and Mental Health Program Office and other program
12 offices within the department and between the department and
13 other state and private agencies and individuals to accomplish
14 the deinstitutionalization of patients in this age group.

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

17 394.67 Definitions.--As used in this part, the term:

18 (17) "Program office" means the ~~Alcohol, Drug Abuse,~~
19 ~~and~~ Mental Health Program Office of the Department of Children
20 and Family Services.

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

23 397.311 Definitions.--As used in this chapter, except
24 part VIII:

25 (19) "Licensed service provider" means a public agency
26 under this chapter, a private for-profit or not-for-profit
27 agency under this chapter, a physician licensed under chapter
28 458 or chapter 459, or any other private practitioner licensed
29 under this chapter, or a hospital licensed under chapter 395,
30 which offers substance abuse impairment services through one
31 or more of the following licensable service components:

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

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

22 397.321 Duties of the department.--The department
23 shall:

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

28 (b) Intradepartmental and interdepartmental program
29 offices, including, but not limited to, child care services;
30 family safety ~~children and families;~~ delinquency services;
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1 health services; economic services; and children's medical
2 services.

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

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

15 397.821 Juvenile substance abuse impairment prevention
16 and early intervention councils.--

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

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

26 397.901 Prototype juvenile addictions receiving
27 facilities.--

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

1 and services delineated for the provision of graduated levels
2 of care from nonintensive to environmentally secure for the
3 handling of aggressive and difficult-to-manage behavior and
4 the prevention of elopement.

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

7 400.435 Maintenance of records; reports.--

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

18 Section 30. Paragraph (a) of subsection (1) of section
19 402.17, Florida Statutes, is amended to read:

20 402.17 Claims for care and maintenance; trust
21 property.--The Department of Children and Family Services
22 shall protect the financial interest of the state with respect
23 to claims which the state may have for the care and
24 maintenance of clients of the department. The department
25 shall, as trustee, hold in trust and administer money of
26 clients and property designated for the personal benefit of
27 clients. The department shall act as trustee of clients' money
28 and property entrusted to it in accordance with the usual
29 fiduciary standards applicable generally to trustees, and
30 shall act to protect both the short-term and long-term

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

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

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

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

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

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

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

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

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

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

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

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

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

8 Section 31. Subsections (1) and (7) of section
9 402.3015, Florida Statutes, are amended to read:

10 402.3015 Subsidized child care program; purpose; fees;
11 contracts.--

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

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

24 (b) Children at risk of welfare dependency, including
25 children of participants in the WAGES Program, children of
26 migrant farmworkers, children of teen parents, and children
27 from other families at risk of welfare dependency due to a
28 family income of less than 100 percent of the federal poverty
29 level;

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1 (c) Children of working families whose family income
2 is equal to or greater than 100 percent, but does not exceed
3 150 percent, of the federal poverty level; and

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

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

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

17 402.40 Child welfare training academies established;
18 Child Welfare Standards and Training Council created;
19 responsibilities of council; Child Welfare Training Trust Fund
20 created.--

21 (6) CONTRACT TIMEFRAME FOR ESTABLISHMENT OF TRAINING
22 ACADEMIES.--~~By June 30, 1987, the department shall have~~
23 ~~established and have operational at least one training~~
24 ~~academy, which shall be located in subdistrict IIB. The~~
25 department shall contract for the operation of one or more
26 training academies ~~the academy~~ with Tallahassee Community
27 College. The number, location, and timeframe for
28 establishment of additional training academies shall be
29 according to the recommendation of the council as approved by
30 the Secretary of Children and Family Services.

31

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

3 402.47 Foster grandparent and retired senior volunteer
4 services to high-risk and handicapped children.--

5 (2) The Department of Children and Family Health and
6 ~~Rehabilitative~~ Services shall:

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

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

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

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

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

29 409.152 Service integration and family preservation.--

30 (7) On or before September 1, 1993, and annually
31 thereafter, the department shall submit to the Governor, the

1 President of the Senate, the Speaker of the House of
2 Representatives, and the appropriate substantive committees of
3 the Senate and the House of Representatives a copy of the
4 state and district plans described in this section ~~and the~~
5 ~~results or accomplishments of any district family preservation~~
6 ~~programs established by the health and human services boards.~~

7 Section 35. Paragraph (a) of subsection (1) of section
8 410.0245, Florida Statutes, is amended to read:

9 410.0245 Study of service needs; report; multiyear
10 plan.--

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

20 Section 36. Paragraph (a) of subsection (6) of section
21 411.01, Florida Statutes, is amended to read:

22 411.01 Florida Partnership for School Readiness;
23 school readiness coalitions.--

24 (6) PROGRAM ELIGIBILITY.--The school readiness program
25 shall be established for children under the age of
26 kindergarten eligibility. Priority for participation in the
27 school readiness program shall be given to children who meet
28 one or more of the following criteria:

29 (a) Children under the age of kindergarten eligibility
30 who are:

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1 1. Children determined to be at risk of abuse,
2 neglect, or exploitation and who are currently clients of the
3 Family Safety Children and Family Services Program Office of
4 the Department of Children and Family Services.

5 2. Children at risk of welfare dependency, including
6 economically disadvantaged children, children of participants
7 in the WAGES program, children of migrant farmworkers, and
8 children of teen parents.

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

11
12 An "economically disadvantaged" child means a child whose
13 family income is below 150 percent of the federal poverty
14 level. Notwithstanding any change in a family's economic
15 status, but subject to additional family contributions in
16 accordance with the sliding fee scale, a child who meets the
17 eligibility requirements upon initial registration for the
18 program shall be considered eligible until the child reaches
19 kindergarten age.

20 Section 37. Section 411.223, Florida Statutes, is
21 amended to read:

22 411.223 Uniform standards.--

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

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1 appropriate for identifying health risks and handicapping
2 conditions in preschool children.

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

10 Section 38. Paragraphs (c), (d), and (g) of subsection
11 (2) and subsection (5) of section 411.224, Florida Statutes,
12 are amended to read:

13 411.224 Family support planning process.--The
14 Legislature establishes a family support planning process to
15 be used by the Department of Children and Family Services as
16 the service planning process for targeted individuals,
17 children, and families under its purview.

18 (2) To the extent possible within existing resources,
19 the following populations must be included in the family
20 support planning process:

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

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

27 (g) Children from birth through age 5 who are served
28 by the voluntary family services, protective supervision,
29 foster care, or adoption and related services programs of the
30 Child Care Services ~~Children and Families~~ Program Office of
31 the Department of Children and Family Services, and who are

1 eligible for ongoing services from one or more other programs
2 or agencies that participate in family support planning;
3 however, children served by the voluntary family services
4 program, where the planned length of intervention is 30 days
5 or less, are excluded from this population.

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

17 Section 39. Paragraph (a) of subsection (1) of section
18 414.028, Florida Statutes, is amended to read:

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

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

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

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

17 3. A representative of a community development board.

18 4. Three representatives of the business community who
19 represent a diversity of sizes of businesses.

20 5. Representatives of other local planning,
21 coordinating, or service-delivery entities.

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

25 Section 40. Paragraph (e) of subsection (2) of section
26 414.105, Florida Statutes, is amended to read:

27 414.105 Time limitations of temporary cash
28 assistance.--Unless otherwise expressly provided in this
29 chapter, an applicant or current participant shall receive
30 temporary cash assistance for episodes of not more than 24
31 cumulative months in any consecutive 60-month period that

1 begins with the first month of participation and for not more
2 than a lifetime cumulative total of 48 months as an adult.

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

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

1
2 At the recommendation of the local WAGES coalition, temporary
3 cash assistance under a hardship exemption for a participant
4 who is eligible for work activities and who is not working
5 shall be reduced by 10 percent. Upon the employment of the
6 participant, full benefits shall be restored.

7 Section 41. Subsection (3) of section 414.36, Florida
8 Statutes, is amended to read:

9 414.36 Public assistance overpayment recovery program;
10 contracts.--

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

16 Section 42. Subsection (4) of section 916.107, Florida
17 Statutes, is amended to read:

18 916.107 Rights of forensic clients.--

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

1 other programs of the department and other appropriate state
2 agencies.

3 Section 43. Paragraph (e) of subsection (1) of section
4 985.223, Florida Statutes, is amended to read:

5 985.223 Incompetency in juvenile delinquency cases.--

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

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

19 Section 44. Paragraphs (b) and (d) of subsection (3)
20 and paragraph (c) of subsection (4) of section 985.413,
21 Florida Statutes, are amended to read:

22 985.413 District juvenile justice boards.--

23 (3) DISTRICT JUVENILE JUSTICE BOARDS.--

24 (b)1.

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

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

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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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 2. County and municipal governments.

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

12 4. University youth centers.

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

15 6. Victims of crimes committed by children.

16 7. Law enforcement.

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

19

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

1 Section 45. Subsection (5) of section 216.136, Florida
2 Statutes, is amended to read:

3 216.136 Consensus estimating conferences; duties and
4 principals.--

5 (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.--

6 (a) Duties.--The Criminal Justice Estimating
7 Conference shall:

8 1. Develop such official information relating to the
9 criminal justice system, including forecasts of prison
10 admissions by offense categories specified in Rule 3.701,
11 Florida Rules of Criminal Procedure, as the conference
12 determines is needed for the state planning and budgeting
13 system.

14 2. Develop such official information relating to the
15 number of eligible discharges and the projected number of
16 civil commitments for determining space needs pursuant to the
17 civil proceedings provided under part V. of chapter 394.

18 Section 46. Section 216.1365, Florida Statutes is
19 repealed.

20 Section 47. Section 960.07, Florida Statutes, is
21 amended to read:

22 960.07 Filing of claims for compensation.--

23 (1) A claim for compensation may be filed by a person
24 eligible for compensation as provided in s. 960.065 or, if
25 such person is a minor, by his or her parent or guardian or,
26 if the person entitled to make a claim is mentally
27 incompetent, by the person's guardian or such other individual
28 authorized to administer his or her estate.

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

31

1 (a) The occurrence of the crime upon which the claim
2 is based.

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

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

7
8 However, for good cause the department may extend the time for
9 filing for a period not exceeding 2 years after such
10 occurrence.

11 (3) Notwithstanding the provisions of subsection (2)
12 and regardless of when the crime occurred, if the victim or
13 intervenor was under the age of 18 at the time the crime upon
14 which the claim is based occurred, a claim may be filed in
15 accordance with this subsection.

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

19 (b) When a victim or intervenor who was under the age
20 of 18 at the time the crime occurred reaches the age of 18,
21 the victim or intervenor has 1 year within which to file a
22 claim.

23
24 For good cause, the department may extend the time period
25 allowed for filing a claim under paragraph (b) for an
26 additional period not to exceed 1 year.

27 (4) The provisions of subsection (2) notwithstanding,
28 and regardless of when the crime occurred, a victim of a
29 sexually violent offense as defined in s. 394.912, may file a
30 claim for compensation for counseling or other mental health
31 services within one year after the filing of a petition under

1 s. 394.914, to involuntarily civilly commit the individual who
2 perpetrated the sexually violent offense.

3 (5)(4) Claims may be filed in the Tallahassee office
4 of the department in person or by mail. Any employee of the
5 department receiving a claim for compensation shall,
6 immediately upon receipt of such claim, mail the claim to the
7 department at its office in Tallahassee. In no event and
8 under no circumstances shall the rights of a claimant under
9 this chapter be prejudiced or lost by the failure or delay of
10 the employees of the department in mailing claims to the
11 department in Tallahassee.

12 (6)(5) Upon filing of a claim pursuant to this
13 chapter, in which there is an identified offender, the
14 department shall promptly notify the state attorney of the
15 circuit wherein the crime is alleged to have occurred. If
16 within 10 days after such notification such state attorney
17 advises the department that a criminal prosecution or
18 delinquency petition is pending upon the same alleged crime
19 and requests that action by the department be deferred, the
20 department shall defer all proceedings under this chapter
21 until such time as a trial verdict or delinquency adjudication
22 has been rendered, and shall so notify such state attorney and
23 claimant. When a trial verdict or delinquency adjudication has
24 been rendered, such state attorney shall promptly notify the
25 department. Nothing in this subsection shall limit the
26 authority of the department to grant emergency awards pursuant
27 to s. 960.12.

28 (7)(6) The state attorney's office shall aid claimants
29 in the filing and processing of claims, as may be required.

30 Section 48. Paragraph (e) of subsection (3) of section
31 394.913, Florida Statutes, is amended to read:

1 394.913 Notice to state attorney and multidisciplinary
2 team of release of sexually violent predator; establishing
3 multidisciplinary teams; information to be provided to
4 multidisciplinary teams.--

5 (3)

6 (e) Within 90 ~~45~~ days after receiving notice, there
7 shall be a written assessment as to whether the person meets
8 the definition of a sexually violent predator and a written
9 recommendation, which shall be provided to the state attorney.
10 The written recommendation shall be provided by the Department
11 of Children and Family Services and shall include the written
12 report of the multidisciplinary team.

13
14 The provisions of this section are not jurisdictional, and
15 failure to comply with them in no way prevents the state
16 attorney from proceeding against a person otherwise subject to
17 the provisions of this part.

18 Section 49. Section 394.930, Florida Statutes, is
19 amended to read:

20 394.930 Authority to adopt rules.--The Department of
21 Children and Family Services shall adopt rules for:

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

25 (2) Education and training requirements for members of
26 the multidisciplinary teams and professionals who assess and
27 evaluate persons under this part;

28 (3)~~(2)~~ The criteria that must exist in order for a
29 multidisciplinary team to recommend to a state attorney that a
30 petition should be filed to involuntarily commit a person
31

1 under this part. The criteria shall include, but are not
2 limited to, whether:

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

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

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

8 (4)~~(3)~~ The designation of secure facilities for
9 sexually violent predators who are subject to involuntary
10 commitment under this part;

11 (5)~~(4)~~ The components of the basic treatment plan for
12 all committed persons under this part;

13 (6)~~(5)~~ The protocol to inform a person that he or she
14 is being examined to determine whether he or she is a sexually
15 violent predator under this part.

16 Section 50. Section 394.931, Florida Statutes, is
17 amended to read:

18 394.931 Quarterly reports.--Beginning July 1, 1999,
19 the Department of Corrections shall collect information and
20 compile quarterly reports with statistics profiling inmates
21 released the previous quarter who fit the criteria and were
22 referred to the Department of Children and Family Services
23 pursuant to this act. The quarterly reports must be produced
24 beginning October 1, 1999. At a minimum, the information that
25 must be collected and compiled for inclusion in the reports
26 includes: whether the qualifying offense was the current
27 offense or the prior offense; the most serious sexual offense;
28 the total number of distinct victims of the sexual offense;
29 whether the victim was known to the offender; whether the
30 sexual act was consensual; whether the sexual act involved
31 multiple victims; whether direct violence was involved in the

1 sexual offense; the age of each victim at the time of the
2 offense; the age of the offender at the time of the first
3 sexual offense; whether a weapon was used; length of time
4 since the most recent sexual offense; and the total number of
5 prior and current sexual-offense convictions. In addition, the
6 Department of Children and Family Services shall implement a
7 long-term study to determine the overall efficacy of the
8 provisions of this part.

9 Section 51. Pilot program for attorneys ad litem for
10 dependent children.--

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

16 (2) RESPONSIBILITIES.--

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

20 (b) The Office of the State Courts Administrator shall
21 establish the pilot program in the Ninth Judicial Circuit by
22 October 1, 2000. The Ninth Judicial Circuit may contract with
23 a private or public entity in the Ninth Judicial Circuit to
24 establish the pilot program. The private or public entity must
25 have appropriate expertise in representing the rights of
26 children taken into custody by the Department of Children and
27 Family Services. The Office of the State Court Administrator
28 shall identify measurable outcomes, including, but not limited
29 to, the impact of counsel on child safety, improvements in the
30 provision of appropriate services, and any reduction in the
31 length of stay of children in state care. The pilot program

1 shall be established and operate independently of any other
2 state agency responsible for the care of children taken into
3 custody.

4 (c) The Ninth Judicial Circuit shall designate an
5 attorney within the Ninth Judicial Circuit to conduct the
6 administrative oversight of the pilot program. The program
7 administrator must be a member in good standing of The Florida
8 Bar and must have 5 or more years of experience in the area of
9 child advocacy, child welfare, or juvenile law. The
10 administrative oversight of the pilot program is subject to
11 supervision by the Ninth Judicial Circuit.

12 (d) The Office of the State Courts Administrator in
13 conjunction with the pilot program shall develop a training
14 program for attorneys ad litem which includes, but need not be
15 limited to, appropriate standards of practice for attorneys
16 who represent children.

17 (e) Within funds specifically appropriated for this
18 pilot program, the Office of the State Courts Administrator in
19 conjunction with the pilot program shall design an appropriate
20 attorney ad litem program and may establish the number of
21 attorneys needed to serve as attorneys ad litem and may employ
22 attorneys and other personnel. An attorney ad litem must be a
23 member in good standing of The Florida Bar and may not serve
24 as an attorney ad litem until he or she has completed the
25 training program.

26 (f) The court shall appoint the entity responsible for
27 representation of children in the Ninth Judicial Circuit under
28 the pilot program who are continued in out-of-home care at the
29 shelter hearing conducted under section 39.402, Florida
30 Statutes, if the court deems attorney ad litem representation
31 necessary. At any time following the shelter hearing, the

1 court may appoint an attorney ad litem upon the motion of any
2 party, or upon the court's own motion if an attorney ad litem
3 has not yet been appointed and the court deems such
4 representation necessary. The attorney ad litem's
5 representation shall be limited to proceedings initiated under
6 chapter 39, Florida Statutes, only. The court must appoint a
7 guardian ad litem pursuant to section 39.822, Florida
8 Statutes, for all children who have been appointed an attorney
9 ad litem. Upon this action by the court, the department shall
10 provide to the administrator, at a minimum, the name of the
11 child, the location and placement of the child, the name of
12 the department's authorized agent and contact information,
13 copies of all notices sent to the parent or legal custodian of
14 the child, and other information or records concerning the
15 child.

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

31

1 (h) The Office of the State Courts Administrator shall
2 conduct research and gather statistical information to
3 evaluate the establishment, operation, and impact of the pilot
4 program in meeting the legal needs of dependent children. In
5 assessing the effects of the pilot program, including
6 achievement of outcomes identified under paragraph (2)(b), the
7 evaluation must include a comparison of children within the
8 Ninth Judicial Circuit who are appointed an attorney ad litem
9 with those who are not. The office shall submit a report to
10 the Legislature and the Governor by October 1, 2001 and by
11 October 1, 2002, regarding its findings. The office shall
12 submit a final report by October 1, 2003, which must include
13 an evaluation of the pilot program; findings on the
14 feasibility of a statewide program; and recommendations, if
15 any, for locating, establishing, and operating a statewide
16 program.

17 (3) STANDARDS.--The Supreme Court is requested, by
18 October 1, 2000, to adopt rules of juvenile procedure which
19 include the duties, responsibilities, and conduct of an
20 attorney ad litem. The Office of the State Courts
21 Administrator, in consultation with the Dependency Court
22 Improvement Committee of the Supreme Court, shall develop
23 implementation guidelines for the attorney ad litem pilot
24 program.

25 (4) FUNDING.--The sums of \$1,040,111 in recurring
26 funds and \$48,674 in nonrecurring funds are appropriated from
27 the General Revenue Fund and two full-time-equivalent
28 positions are authorized for Court Operations - Circuit Courts
29 in the State Court System to operate the attorney ad litem
30 pilot program in the Ninth Judicial Circuit and provide
31 adequate guardian ad litem representation that is in the best

1 interests of all children involved in the pilot program. The
2 sum of \$696,798 in recurring funds is appropriated from the
3 General Revenue Fund, and 14 full-time equivalent positions
4 are authorized, for the circuit court budget to ensure best
5 interests representation by the Guardian Ad Litem Program as
6 part of the pilot program. The sum of \$75,000 in nonrecurring
7 funds is appropriated from the General Revenue Fund to the
8 Supreme Court for the Office of the State Courts Administrator
9 for the purpose of evaluating the pilot program.

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

12 Section 52. (1) The Correctional Privatization
13 Commission created under chapter 957, Florida Statutes, in
14 consultation with the Department of Children and Family
15 Services, shall develop and issue a request for proposal for
16 the financing, design, construction, acquisition, ownership,
17 leasing, and operation of a secure facility of at least 400
18 beds to house and rehabilitate sexual predators committed
19 under the Jimmy Ryce Act of 1998. The Secretary of Children
20 and Family Services shall retain final approval of the request
21 for proposal, the successful bidder, and the contract.

22 (2) This constitutes specific legislative
23 authorization for the Correctional Privatization Commission to
24 enter into a contract with a provider for the financing,
25 design, construction, acquisition, ownership, leasing, and
26 operation of a secure facility to house and rehabilitate
27 sexual predators, to be constructed upon the grounds of the
28 DeSoto Correctional Facility in DeSoto County which houses the
29 DeSoto Correctional Institute.

30 (3) The selected contractor for the financing, design,
31 construction, acquisition, ownership, leasing, and operation

1 of the secure facility is authorized to enter into a lease
2 arrangement or other private financing, or to sponsor the
3 issuance of tax-exempt bonds, certificates of participation,
4 or other public or private means to finance the facility. The
5 department is authorized to enter into all such agreements as
6 are necessary, including lease alternatives, to bring the
7 facility to an operational state and to commence leasing of
8 the facility.

9 (4) Upon completion of the secure treatment facility
10 in DeSoto County for sexual predators, the Martin Sexually
11 Violent Predator Treatment and Retaining Program shall be
12 phased out, to be terminated within 1 year after completion of
13 the facility.

14 Section 53. Paragraph (g) in subsection (6) of section
15 409.176, Florida Statutes, is created to read:

16 409.176 Registration of residential child-caring
17 agencies and family foster homes.--

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

25 (a) Enumerate the basic services and accommodations
26 provided by the facility.

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

28 (c) Contain the address and telephone number of the
29 qualified association.

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

1 (e) Contain a clear statement regarding disciplinary
2 procedures.

3 (f) State that the goal of the facility is to return
4 the child it serves to the parent, legal guardian, or person
5 having legal custody of the child, within 1 year from the time
6 the child enters the facility.

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

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

22 Section 54. Residential Group Care Placements.--

23 (1) Subject to a specific appropriation, the
24 Department of Children and Family Services shall contract for
25 residential group care placements:

26 (a) In Districts 6, 7, 13, and 14 in order to
27 eliminate the placement of more than five children per foster
28 home and,

29 (b) On a statewide basis when there is no appropriate
30 foster care placement available for a child with special
31 needs. For the purposes of this section, a "child with special

1 needs" means a child with a learning or developmental
2 disability or a chronic physical, medical, or emotional
3 condition.

4
5 Standard board and care rates shall be established and
6 uniformly applied by the Department of Children and Family
7 Services.

8 (2) The Department of Children and Family Services
9 must submit a report to the President of the Senate and the
10 Speaker of the House of Representatives by October 1, 2001,
11 any difficulties with contracting for these placements because
12 of a facility shortage or limited provider capacity. Included
13 in the report, the department shall recommend solutions to any
14 problems contracting for placements and shall recommend
15 expansion to one or more districts beyond the four districts
16 identified in (1), providing the reasons for recommending the
17 selected districts and the associated costs.

18 (3) The sum of \$12,700,000 is appropriated from the
19 General Revenue Fund and \$6,300,000 is appropriated from the
20 Federal Grants Trust Fund to the Department of Children and
21 Family Services to contract for residential group care
22 placements as provided in (1) and (2). No less than 3 million
23 dollars shall be spent on residential group care placements
24 for children with special needs.

25 (4) This section shall take effect upon becoming a
26 law.

27 Section 55. Children Service Council or Juvenile
28 Welfare Board incentive grants.--

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

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

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

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

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

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

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

21 Section 56. Subsection (2) of section 402.185, Florida
22 Statutes, and subsection (6) of section 409.152, Florida
23 Statutes, are repealed.

24 Section 57. The Division of Statutory Revision is
25 requested to prepare a reviser's bill to change the terms
26 "assistant secretary," "Alcohol, Drug Abuse, and Mental Health
27 Program Office," "Developmental Services Program Office," and
28 "Economic Self-Sufficiency Program Office" to "program
29 director," "Mental Health Program Office," "Developmental
30 Disabilities Program Office," and "Economic Self-Sufficiency
31 Services Program Office" wherever those terms appear in the

1 Florida Statutes in reference to the services of the
2 Department of Children and Family Services.

3 Section 58. Paragraph (a) of subsection (2) of section
4 318.21, Florida Statutes, as amended by section 135 of chapter
5 98-403, Laws of Florida, is amended to read:

6 318.21 Disposition of civil penalties by county
7 courts.--All civil penalties received by a county court
8 pursuant to the provisions of this chapter shall be
9 distributed and paid monthly as follows:

10 (2) Of the remainder:

11 (a) Five and six-tenths percent shall be paid to the
12 General Revenue Fund of the state, except that the first
13 \$300,000 shall be deposited into the Grants and Donations
14 Trust Fund in the state courts system ~~Department of Children~~
15 ~~and Family Services~~ for administrative costs, training costs,
16 and costs associated with the implementation and maintenance
17 of Florida foster care citizen review panels in a
18 constitutional charter county as provided for in s. 39.702
19 ~~39.4531~~.

20 Section 59. Paragraphs (a) and (b) of subsection (3)
21 of section 409.145, Florida Statutes, are amended to read:

22 409.145 Care of children.--

23 (3)(a) The department is authorized to continue to
24 provide the services of the children's foster care program to
25 individuals 18 to 21 years of age who are enrolled in high
26 school, in a program leading to a high school equivalency
27 diploma as defined in s. 229.814, or in a full-time career
28 education program, and to continue to provide services of the
29 children's foster care program to individuals 18 to 23 years
30 of age who are enrolled full-time in a postsecondary
31 educational institution granting a degree, a certificate, or

1 an applied technology diploma, if the following requirements
2 are met:

3 1. The individual was committed to the legal custody
4 of the department for placement in foster care as a dependent
5 child;

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

9 3. A written service agreement which specifies
10 responsibilities and expectations for all parties involved has
11 been signed by a representative of the department, the
12 individual, and the foster parent or licensed child-caring
13 agency providing the placement resources.

14 (b) The services of the foster care program shall
15 continue for those individuals 18 to 21 years of age only for
16 the period of time the individual is continuously enrolled in
17 high school, in a program leading to a high school equivalency
18 diploma as defined in s. 229.814, or in a full-time career
19 education program; and shall continue for those individuals 18
20 to 23 years of age only for the period of time the individual
21 is continuously enrolled full-time in a postsecondary
22 educational institution granting a degree, a certificate, or
23 an applied technology diploma. Services shall be terminated
24 upon completion of or withdrawal or permanent expulsion from
25 high school, the program leading to a high school equivalency
26 diploma, ~~or~~ the full-time career education program, or the
27 postsecondary educational institution granting a degree, a
28 certificate, or an applied technology diploma.

29 Section 60. Section 784.085, Florida Statutes, is
30 created to read:

31

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

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

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

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

12 Section 61. Paragraph (d) of subsection (3) of section
13 921.0022, Florida Statutes, is amended to read:

14 921.0022 Criminal Punishment Code; offense severity
15 ranking chart.--

16 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
(d) LEVEL 4		
316.1935(3)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a marked patrol vehicle with siren and lights activated.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.

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

1	800.04(7)(c)	3rd	Lewd or lascivious exhibition;
2			offender less than 18 years.
3	810.02(4)(a)	3rd	Burglary, or attempted burglary,
4			of an unoccupied structure;
5			unarmed; no assault or battery.
6	810.02(4)(b)	3rd	Burglary, or attempted burglary,
7			of an unoccupied conveyance;
8			unarmed; no assault or battery.
9	810.06	3rd	Burglary; possession of tools.
10	810.08(2)(c)	3rd	Trespass on property, armed with
11			firearm or dangerous weapon.
12	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
13			or more but less than \$20,000.
14	812.014		
15	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
16			firearm, motor vehicle,
17			livestock, etc.
18	817.563(1)	3rd	Sell or deliver substance other
19			than controlled substance agreed
20			upon, excluding s. 893.03(5)
21			drugs.
22	828.125(1)	2nd	Kill, maim, or cause great bodily
23			harm or permanent breeding
24			disability to any registered
25			horse or cattle.
26	837.02(1)	3rd	Perjury in official proceedings.
27	837.021(1)	3rd	Make contradictory statements in
28			official proceedings.
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1	843.025	3rd	Deprive law enforcement,
2			correctional, or correctional
3			probation officer of means of
4			protection or communication.
5	843.15(1)(a)	3rd	Failure to appear while on bail
6			for felony (bond estreature or
7			bond jumping).
8	874.05(1)	3rd	Encouraging or recruiting another
9			to join a criminal street gang.
10	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
11			893.03(1)(a), (b), or (d), or
12			(2)(a) or (b) drugs).
13	914.14(2)	3rd	Witnesses accepting bribes.
14	914.22(1)	3rd	Force, threaten, etc., witness,
15			victim, or informant.
16	914.23(2)	3rd	Retaliation against a witness,
17			victim, or informant, no bodily
18			injury.
19	918.12	3rd	Tampering with jurors.

20 Section 62. Except as otherwise provided, this act
 21 shall take effect July 1, 2000.

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