

By the Fiscal Responsibility Council and Representative  
Maygarden

1                                   A bill to be entitled  
2           An act relating to the Department of Children  
3           and Family Services; amending s. 39.3065, F.S.;  
4           adding Seminole County to list of counties  
5           whose sheriffs provide protective investigative  
6           services; amending s. 393.063, F.S.; modifying  
7           the definition of "support coordinator" in  
8           provisions relating to developmental  
9           disabilities; amending s. 393.0651, F.S.;  
10          removing requirement for support coordinator  
11          review of individual or family support plans;  
12          amending s. 414.045, F.S.; adding another  
13          category of families eligible for cash  
14          assistance, for federal reporting purposes;  
15          amending ss. 938.01 and 943.25, F.S.; providing  
16          for deposit of certain funds for use by the  
17          Department of Law Enforcement, rather than the  
18          Department of Community Affairs; providing for  
19          transfer of certain funds to the Department of  
20          Children and Family Services for the prevention  
21          of domestic and sexual violence; repealing s.  
22          402.185, F.S., relating to certification  
23          forward of certain unused funds of the  
24          Department of Children and Family Services;  
25          providing an effective date.

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

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29           Section 1. Paragraph (a) of subsection (3) of section  
30   39.3065, Florida Statutes, is amended to read:

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1           39.3065 Sheriffs of certain counties to provide child  
2 protective investigative services; procedures; funding.--

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

12           Section 2. Subsection (47) of section 393.063, Florida  
13 Statutes, is amended to read:

14           393.063 Definitions.--For the purposes of this  
15 chapter:

16           (47) "Support coordinator" means a person ~~who is~~  
17 designated by the department to assist individuals and  
18 families in identifying their desires, capacities, needs, and  
19 resources, as well as finding and gaining access to necessary  
20 supports and services; coordinating the delivery of supports  
21 and services; advocating on behalf of the individual and  
22 family; maintaining relevant records; and monitoring and  
23 evaluating the delivery of supports and services to determine  
24 the extent to which they meet the needs and expectations  
25 identified by the individual, family, and others who  
26 participated in the development of a the support plan. The  
27 decision whether to use the services of a support coordinator,  
28 as well as the frequency, scope, and intensity of the support  
29 coordinator's activities, shall be determined by the  
30 individual or the individual's legal guardian.

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1           Section 3. Section 393.0651, Florida Statutes, is  
2 amended to read:

3           393.0651 Family or individual support plan.--The  
4 department shall provide for a an appropriate family support  
5 plan for children ages birth to 18 years of age and an  
6 individual support plan for each client. The ~~parent or~~  
7 ~~guardian of the client~~ or, if competent, or the client's  
8 parent or guardian ~~the client~~, or, when appropriate, the  
9 client advocate, shall be consulted in the development of the  
10 plan and shall receive a copy of the plan. Each plan shall  
11 include the most appropriate, least restrictive, and most  
12 cost-beneficial environment for accomplishment of the  
13 objectives for client progress and a specification of all  
14 services authorized. The plan shall include provisions for the  
15 most appropriate level of care for the client. Within the  
16 specification of needs and services for each client, when  
17 residential care is necessary, the department shall move  
18 toward placement of clients in residential facilities based  
19 within the client's community. The ultimate goal of each plan,  
20 whenever possible, shall be to enable the client to live a  
21 dignified life in the least restrictive setting, whether be  
22 ~~that~~ in the home or in the community. For children under 6  
23 years of age, the family support plan shall be developed  
24 within the 45-day application period as specified in s.  
25 393.065(1); for all applicants 6 years of age or older, the  
26 family or individual support plan shall be developed within  
27 the 60-day period as specified in that subsection.

28           (1) The department shall develop and specify by rule  
29 the core components of support plans to be used by each  
30 district.

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1           (2)(a) The family or individual support plan shall be  
2 integrated with the individual education plan (IEP) for all  
3 clients who are public school students entitled to a free  
4 appropriate public education under the Individuals with  
5 Disabilities Education Act, I.D.E.A., as amended. The family  
6 or individual support plan and IEP shall be implemented to  
7 maximize the attainment of educational and habilitation goals.  
8 If the IEP for a student enrolled in a public school program  
9 indicates placement in a public or private residential program  
10 is necessary to provide special education and related services  
11 to a client, the local education agency shall provide for the  
12 costs of that service in accordance with the requirements of  
13 the Individuals with Disabilities Education Act, I.D.E.A., as  
14 amended. This shall not preclude local education agencies and  
15 the department from sharing the residential service costs of  
16 students who are clients and require residential placement.  
17 Under no circumstances shall clients entitled to a public  
18 education or their parents be assessed a fee by the department  
19 under s. 402.33 for placement in a residential program.

20           (b) For clients who are entering or exiting the school  
21 system, an interdepartmental staffing team composed of  
22 representatives of the department and the local school system  
23 shall develop a written transitional living and training plan  
24 with the participation of the client or with the parent or  
25 guardian of the client, or the client advocate, as  
26 appropriate.

27           (3) Each family or individual support plan shall be  
28 facilitated through case management designed solely to advance  
29 the individual needs of the client.

30           (4) In the development of the family or individual  
31 support plan, a client advocate may be appointed by the

1 support planning team for a client who is a minor or for a  
2 client who is not capable of express and informed consent  
3 when:

- 4 (a) The parent or guardian cannot be identified;
- 5 (b) The whereabouts of the parent or guardian cannot  
6 be discovered; or
- 7 (c) The state is the only legal representative of the  
8 client.

9  
10 Such appointment shall not be construed to extend the powers  
11 of the client advocate to include any of those powers  
12 delegated by law to a legal guardian.

13 (5) The department shall place a client in the most  
14 appropriate and least restrictive, and cost-beneficial,  
15 residential facility according to his or her individual  
16 habilitation plan. The parent or guardian of the client or, if  
17 competent, the client, or, when appropriate, the client  
18 advocate, and the administrator of the residential facility to  
19 which placement is proposed shall be consulted in determining  
20 the appropriate placement for the client. Considerations for  
21 placement shall be made in the following order:

- 22 (a) Client's own home or the home of a family member  
23 or direct service provider.
- 24 (b) Foster care facility.
- 25 (c) Group home facility.
- 26 (d) Intermediate care facility for the developmentally  
27 disabled.
- 28 (e) Other facilities licensed by the department which  
29 offer special programs for people with developmental  
30 disabilities.
- 31 (f) Developmental services institution.

1           (6) In developing a client's annual family or  
2 individual support plan, the individual or family with the  
3 assistance of the support planning team shall identify  
4 measurable objectives for client progress and shall specify a  
5 time period expected for achievement of each objective.

6           (7) ~~The individual, family, and support coordinator~~  
7 ~~shall review progress in achieving the objectives specified in~~  
8 Each client's family or individual support plan shall be  
9 reviewed and revised, and shall revise the plan annually,  
10 following consultation with the client, if competent, or with  
11 the parent or guardian of the client, or, when appropriate,  
12 the client advocate. The department shall annually report in  
13 writing to the client, if competent, or to the parent or  
14 guardian of the client, or to the client advocate, when  
15 appropriate, with respect to the client's habilitative and  
16 medical progress.

17           (8) Any client, or any parent of a minor client, or  
18 guardian, authorized guardian advocate, or client advocate for  
19 a client, who is substantially affected by the client's  
20 initial family or individual support plan, or the annual  
21 review thereof, shall have the right to file a notice to  
22 challenge the decision pursuant to ss. 120.569 and 120.57.  
23 Notice of such right to appeal shall be included in all  
24 support plans provided by the department.

25           Section 4. Subsection (1) of section 414.045, Florida  
26 Statutes, is amended to read:

27           414.045 Cash assistance program.--Cash assistance  
28 families include any families receiving cash assistance  
29 payments from the state program for temporary assistance for  
30 needy families as defined in federal law, whether such funds  
31 are from federal funds, state funds, or commingled federal and

1 state funds. Cash assistance families may also include  
2 families receiving cash assistance through a program defined  
3 as a separate state program.

4 (1) For reporting purposes, families receiving cash  
5 assistance shall be grouped into ~~in~~ the following categories.  
6 The department may develop additional groupings in order to  
7 comply with federal reporting requirements, to comply with the  
8 data-reporting needs of the board of directors of Workforce  
9 Florida, Inc., or to better inform the public of program  
10 progress. ~~Program reporting data shall include, but not~~  
11 ~~necessarily be limited to, the following groupings:~~

12 (a) Work-eligible cases.--Work-eligible cases shall  
13 include:

14 1. Families containing an adult or a teen head of  
15 household, as defined by federal law. These cases are  
16 generally subject to the work activity requirements provided  
17 in s. 445.024 and the time limitations on benefits provided in  
18 s. 414.105.

19 2. Families with a parent where the parent's needs  
20 have been removed from the case due to sanction or  
21 disqualification shall be considered work-eligible cases to  
22 the extent that such cases are considered in the calculation  
23 of federal participation rates or would be counted in such  
24 calculation in future months.

25 3. Families participating in transition assistance  
26 programs.

27 4. Families otherwise eligible for temporary cash  
28 assistance that receive diversion services, a severance  
29 payment, or participate in the relocation program.

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1 (b) Child-only cases.--Child-only cases include cases  
2 that do not have an adult or teen head of household as defined  
3 in federal law. Such cases include:

4 1. ~~Child-only families with~~ Children in the care of  
5 caretaker relatives where the caretaker relatives choose to  
6 have their needs excluded in the calculation of the amount of  
7 cash assistance.

8 2. Families in the Relative Caregiver Program as  
9 provided in s. 39.5085.

10 3. Families in which the only parent in a  
11 single-parent family or both parents in a two-parent family  
12 receive supplemental security income (SSI) benefits under  
13 Title XVI of the Social Security Act, as amended. To the  
14 extent permitted by federal law, individuals receiving SSI  
15 shall be excluded as household members in determining the  
16 amount of cash assistance, and such cases shall not be  
17 considered families containing an adult. Parents or caretaker  
18 relatives who are excluded from the cash assistance group due  
19 to receipt of SSI may choose to participate in work  
20 activities. An individual who volunteers to participate in  
21 work activity but whose ability to participate in work  
22 activities is limited shall be assigned to work activities  
23 consistent with such limitations. An individual who volunteers  
24 to participate in a work activity may receive child care or  
25 support services consistent with such participation.

26 4. Families where the only parent in a single-parent  
27 family or both parents in a two-parent family are not eligible  
28 for cash assistance due to immigration status or other  
29 limitation ~~requirements~~ of federal law. To the extent required  
30 by federal law, such cases shall not be considered families  
31 containing an adult.



1           5. To the extent permitted by federal law and subject  
2 to appropriations, special needs children who have been  
3 adopted pursuant to s. 409.166 and whose adopting family  
4 qualifies as a needy family under the state program for  
5 temporary assistance for needy families. Notwithstanding any  
6 provision to the contrary in s. 414.075, s. 414.085, or s.  
7 414.095, a family shall be considered a needy family if:

8           a. The family is determined by the department to have  
9 an income below 200 percent of the federal poverty level;

10           b. The family meets the requirements of s. 414.095(2)  
11 and (3) related to residence, citizenship, or eligible  
12 noncitizen status; and

13           c. The family provides any information that may be  
14 necessary to meet federal reporting requirements specified  
15 under Part A of Title IV of the Social Security Act.

16  
17 Families described in subparagraph 1., subparagraph 2., or  
18 subparagraph 3. may receive child care assistance or other  
19 supports or services so that the children may continue to be  
20 cared for in their own homes or the homes of relatives. Such  
21 assistance or services may be funded from the temporary  
22 assistance for needy families block grant to the extent  
23 permitted under federal law and to the extent funds have been  
24 provided in the General Appropriations Act ~~permitted by~~  
25 ~~appropriation of funds.~~

26           Section 5. Subsection (1) of section 938.01, Florida  
27 Statutes, as amended by section 40 of chapter 2000-171, Laws  
28 of Florida, is amended to read:

29           938.01 Additional Court Cost Clearing Trust Fund.--

30           (1) All courts created by Art. V of the State  
31 Constitution shall, in addition to any fine or other penalty,

1 assess \$3 as a court cost against every person convicted for  
2 violation of a state penal or criminal statute or convicted  
3 for violation of a municipal or county ordinance. Any person  
4 whose adjudication is withheld pursuant to the provisions of  
5 s. 318.14(9) or (10) shall also be assessed such cost. In  
6 addition, \$3 from every bond estreature or forfeited bail bond  
7 related to such penal statutes or penal ordinances shall be  
8 forwarded to the Treasurer as described in this subsection.  
9 However, no such assessment may be made against any person  
10 convicted for violation of any state statute, municipal  
11 ordinance, or county ordinance relating to the parking of  
12 vehicles.

13 (a) All such costs collected by the courts shall be  
14 remitted to the Department of Revenue, in accordance with  
15 administrative rules adopted by the executive director of the  
16 Department of Revenue, for deposit in the Additional Court  
17 Cost Clearing Trust Fund and shall be earmarked to the  
18 Department of Law Enforcement ~~and the Department of Community~~  
19 ~~Affairs~~ for distribution as follows:

20 1. Two dollars and seventy-five cents of each \$3  
21 assessment shall be deposited in the Criminal Justice  
22 Standards and Training Trust Fund, and the remaining 25 cents  
23 of each such assessment shall be deposited into the Department  
24 of Law Enforcement Operating Trust Fund and shall be disbursed  
25 to the ~~Bureau of Public Safety Management of the~~ Department of  
26 Law Enforcement ~~Community Affairs~~.

27 2. Ninety-two percent of the money distributed to the  
28 Additional Court Cost Clearing Trust Fund pursuant to s.  
29 318.21 shall be earmarked to the Department of Law Enforcement  
30 for deposit in the Criminal Justice Standards and Training  
31 Trust Fund, and 8 percent of such money shall be deposited

1 into the Department of Law Enforcement Operating Trust Fund  
2 and shall be disbursed to the ~~Bureau of Public Safety~~  
3 ~~Management of the~~ Department of Law Enforcement ~~Community~~  
4 ~~Affairs~~.

5 3. From the funds deposited into the Department of Law  
6 Enforcement Operating Trust Fund pursuant to this paragraph,  
7 the Department of Law Enforcement shall transfer funds to the  
8 Department of Children and Family Services to be used as  
9 matching funds for the administration of the Department of  
10 Children and Family Services' prevention of domestic and  
11 sexual violence program. The amount of the transfer shall be  
12 determined by the Governor, in consultation with the  
13 Department of Law Enforcement and the Department of Children  
14 and Family Services, and shall be based on the historic use of  
15 these funds and the current needs of the prevention of  
16 domestic and sexual violence program.

17 (b) The funds deposited in the Criminal Justice  
18 Standards and Training Trust Fund and the Department of Law  
19 Enforcement Operating Trust Fund may be invested. Any interest  
20 earned from investing such funds and any unencumbered funds  
21 remaining at the end of the budget cycle shall remain in the  
22 respective trust fund until the following year.

23 (c) All funds in the Criminal Justice Standards and  
24 Training Trust Fund earmarked to the Department of Law  
25 Enforcement shall be disbursed only in compliance with s.  
26 943.25(9).

27 Section 6. Subsection (1) of section 943.25, Florida  
28 Statutes, as amended by section 42 of chapter 2000-171, Laws  
29 of Florida, is amended to read:

30 943.25 Criminal justice trust funds; source of funds;  
31 use of funds.--

1           (1) The Department of Law Enforcement ~~Community~~  
2 ~~Affairs~~ may approve, for disbursement from its Operating Trust  
3 Fund, those appropriated sums necessary and required by the  
4 state for grant matching, implementing, administering,  
5 evaluating, and qualifying for such federal funds.  
6 Disbursements from the trust fund for the purpose of  
7 supplanting state general revenue funds may not be made  
8 without specific legislative appropriation.

9           Section 7. Section 402.185, Florida Statutes, is  
10 repealed.

11           Section 8. This act shall take effect July 1, 2001.

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14                                   HOUSE SUMMARY

15           Adds Seminole County to the list of counties whose  
16 sheriffs have responsibility for local child protective  
17 investigations. Revises the definition of "support  
18 coordinator" in provisions relating to developmental  
19 disabilities, and eliminates requirement for support  
20 coordinator review of individual or family support plans.  
21 Adds another federal reporting category of families  
22 eligible for cash assistance under the temporary  
23 assistance for needy families program. Provides for  
24 deposit of certain funds into the Additional Court Cost  
25 Clearing Trust Fund for use by the Department of Law  
26 Enforcement, rather than the Department of Community  
27 Affairs. Provides that certain such funds shall be  
28 transferred to the Department of Children and Family  
29 Services to provide matching funds for administration of  
30 the department's prevention of domestic and sexual  
31 violence program. Repeals a provision that authorizes  
certification of certain unused funds of the Department  
of Children and Family Services to be used for  
productivity-enhancing technology.