



1           its contract provider with the intent to  
2           conceal a material fact; providing for the  
3           application of penalties thereto; providing  
4           effective dates.

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

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8           Section 1. Flexibility for the Department of Children  
9 and Family Services.--

10           (1) The Legislature recognizes that modifications to  
11 the organizational structure of the Department of Children and  
12 Family Services are necessary to improve the effectiveness and  
13 efficiency of the department. In addition, any modifications  
14 to the organizational structure must be compatible with and  
15 must not impede the scheduled sunset review pursuant to s.  
16 11.905, Florida Statutes. Therefore, notwithstanding s. 20.19,  
17 Florida Statutes, the Department of Children and Family  
18 Services is authorized to begin the process of reorganization  
19 subject to further legislative review and approval.

20           (a) The department shall integrate substance abuse and  
21 mental health programs into the overall structure and  
22 priorities of the department. The department may plan for  
23 realignment of department districts in conformance with  
24 judicial circuits and may phase in organizational changes to  
25 ensure that children currently in the system are not adversely  
26 affected.

27           (b) The department shall prepare a detailed report  
28 concerning its reorganizational modifications, including a  
29 plan for realignment of districts, which identifies all key  
30 actions taken or planned to be taken. The report shall review  
31 the department's progress in establishing regions and

1 integrating substance abuse and mental health programs into  
2 the overall structure of the department. This report shall be  
3 submitted to the Legislature by January 1, 2008, concurrently  
4 with the Sunset Review Report.

5 (c) The department is authorized to use the name  
6 Department of Children and Families.

7 (2) The department may establish community  
8 partnerships at the request of local communities in order to  
9 improve the delivery of community-based services through  
10 community participation. Community partnerships may advise and  
11 recommend to the department ways to improve and coordinate  
12 community-based services. The secretary may also establish  
13 such advisory groups at the state level as necessary to ensure  
14 and enhance communication and liaison with stakeholders,  
15 community leaders, and client representatives.

16 (a) Members of any community partnership or advisory  
17 group established pursuant to this subsection 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, Florida Statutes. Payment may be authorized for  
21 preapproved child care expenses or lost wages for members who  
22 are consumers of the department's services and for preapproved  
23 child care expenses for other members who demonstrate  
24 hardship. All such payments must be within existing resources.

25 (b) Members of any community partnership or advisory  
26 group established pursuant to this subsection are subject to  
27 the provisions of part III of chapter 112, Florida Statutes,  
28 the Code of Ethics for Public Officers and Employees.

29 (c) All partnership and advisory group meetings are  
30 open to the public pursuant to s. 286.011, Florida Statutes,  
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1 and records of such meetings are subject to the public-records  
2 provisions of s. 119.07(1), Florida Statutes.

3 (3) This section expires June 30, 2008.

4 Section 2. Effective July 1, 2007, subsection (2) of  
5 section 839.13, Florida Statutes, is amended to read:

6 839.13 Falsifying records.--

7 (2)(a) Any person who knowingly falsifies, alters,  
8 destroys, defaces, overwrites, removes, or discards ~~by~~  
9 ~~altering, destroying, defacing, overwriting, removing, or~~  
10 ~~discarding~~ an official record relating to an individual in the  
11 care and custody of a state agency, which act has the  
12 potential to detrimentally affect the health, safety, or  
13 welfare of that individual, commits a felony of the third  
14 degree, punishable as provided in s. 775.082, s. 775.083, or  
15 s. 775.084. For the purposes of this paragraph, the term "care  
16 and custody" includes, but is not limited to, a child abuse  
17 protective investigation, protective supervision, foster care  
18 and related services, or a protective investigation or  
19 protective supervision of a vulnerable adult, as defined in  
20 chapter 39, chapter 409, or chapter 415.

21 (b) Any person who commits a violation of paragraph  
22 (a) which contributes to great bodily harm to or the death of  
23 an individual in the care and custody of a state agency  
24 commits a felony of the second degree, punishable as provided  
25 in s. 775.082, s. 775.083, or s. 775.084. For the purposes of  
26 this paragraph, the term "care and custody" includes, but is  
27 not limited to, a child abuse protective investigation,  
28 protective supervision, foster care and related services, or a  
29 protective investigation or protective supervision of a  
30 vulnerable adult, as defined in chapter 39, chapter 409, or  
31 chapter 415.

1           (c) Any person who knowingly falsifies, alters,  
2 destroys, defaces, overwrites, removes, or discards ~~by~~  
3 ~~altering, destroying, defacing, overwriting, removing, or~~  
4 ~~discarding~~ records of the Department of Children and Family  
5 Services or its contract provider with the intent to conceal a  
6 fact material to a child abuse protective investigation,  
7 protective supervision, foster care and related services, or a  
8 protective investigation or protective supervision of a  
9 vulnerable adult, as defined in chapter 39, chapter 409, or  
10 chapter 415, commits a felony of the third degree, punishable  
11 as provided in s. 775.082, s. 775.083, or s. 775.084. Nothing  
12 in this paragraph prohibits prosecution for a violation of  
13 paragraph (a) or paragraph (b) involving records described in  
14 this paragraph.

15           (d) This section does not prohibit the disposing or  
16 archiving of records as otherwise provided by law. In  
17 addition, this section does not prohibit any person from  
18 correcting or updating records.

19           Section 3. Except as otherwise expressly provided in  
20 this act, this act shall take effect upon becoming a law.  
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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 1394

4 The committee substitute:

- 5 - Authorizes the Department of Children and Family Services  
6 (DCF) to begin departmental reorganization. It directs  
7 DCF to integrate Substance Abuse and Mental Health  
8 programs into the overall structure and priorities of the  
9 department. It also authorizes DCF to plan for  
10 realignment of department districts with judicial  
11 circuits and to phase in changes to ensure that children  
12 currently in the system will not be adversely impacted.
- 13 - Requires DCF to submit to the Legislature a report on its  
14 organizational modifications concurrently with the Sunset  
15 Review Report required by current law.
- 16 - Authorizes DCF to use the name Department of Children and  
17 Families.
- 18 - Permits DCF to establish community partnerships and  
19 permits the Secretary to establish advisory groups at the  
20 state level.
- 21 - Amends s. 839.13(2), F.S., to clarify that it is unlawful  
22 to create, as well as to alter, destroy, deface,  
23 overwrite, remove or discard official records relating to  
24 individuals in the care and custody of a state agency and  
25 certain DCF records.
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