

By the Committee on Children, Families, and Elder Affairs; and
Senator Storms

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1 A bill to be entitled
2 An act relating to a review of the Department of
3 Children and Family Services under the Florida
4 Government Accountability Act; reenacting and amending
5 s. 20.19, F.S., relating to the establishment of the
6 department; changing the name of the Department of
7 Children and Family Services to the Department of
8 Children and Families; revising provisions relating to
9 the establishment and structure of, and services
10 provided by, the department; providing for operating
11 units called circuits that conform to the geographic
12 boundaries of judicial circuits; providing for the
13 establishment of and requirements for membership and
14 participation in community alliances and community
15 partnerships; amending s. 20.04, F.S.; authorizing the
16 department to establish circuits or regions headed by
17 circuit administrators or region directors and
18 deleting a requirement for statutory enactment for
19 additional divisions or offices in the department;
20 amending s. 20.43, F.S.; revising provisions relating
21 to service area boundaries; amending s. 394.47865,
22 F.S.; deleting provisions relating to distribution of
23 privatization savings to specified service districts
24 to conform to changes made by the act; amending s.
25 394.655, F.S.; extending the expiration date of the
26 Substance Abuse and Mental Health Corporation;
27 amending s. 394.78, F.S.; deleting an obsolete
28 provision relating to dispute resolution; amending s.
29 394.9135, F.S.; requiring the transfer of certain

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30 sexually violent offenders to the custody of the
31 United States Immigration and Customs Enforcement;
32 requiring that the department put into place a
33 memorandum of understanding for retaining custody of
34 such an offender under certain circumstances; amending
35 s. 402.313, F.S.; revising licensure requirements for
36 family day care homes; amending s. 402.315, F.S.;
37 requiring the county, rather than the department, to
38 bear the costs of licensing family day care homes,
39 under certain circumstances; amending s. 402.40, F.S.;
40 defining the terms "child welfare certification" and
41 "core competency"; requiring that professionals
42 providing child welfare services demonstrate core
43 competency; requiring that the department recognize
44 certain certifications; requiring that certain persons
45 hold active certification; amending s. 420.621, F.S.;
46 revising the definition of the term "district" to
47 conform to changes made by the act; amending s.
48 420.622, F.S.; deleting a requirement for the Governor
49 to appoint the executive director of the State Office
50 of Homelessness; conforming a provision; amending ss.
51 39.01, 39.0121, 39.301, 39.302, 39.303, 39.806,
52 39.828, 381.0072, 394.493, 394.4985, 394.67, 394.73,
53 394.74, 394.75, 394.76, 394.82, 394.9084, 397.821,
54 402.49, 409.152, 409.1671, 409.1755, 410.0245,
55 410.603, 410.604, 411.224, 414.24, 415.1113, 420.623,
56 420.625, 429.35, and 1002.67, F.S.; revising
57 provisions to conform to changes made by the act;
58 correcting cross-references; repealing ss. 39.311,

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59 39.312, 39.313, 39.314, 39.315, 39.316, 39.317, and
60 39.318, F.S., relating to the Family Builders Program;
61 repealing s. 394.9083, F.S., relating to the
62 Behavioral Health Services Integration Workgroup;
63 repealing s. 402.35, F.S., which provides for
64 department employees to be governed by Department of
65 Management Services rules; directing the Division of
66 Statutory Revision to prepare a reviser's bill;
67 requiring the Agency for Persons with Disabilities to
68 prepare a plan to perform its own administrative and
69 operational functions separate from the department;
70 directing the department to define legal services
71 associated with dependency proceeding and modify lead
72 agency funding; directing the department to establish
73 a procedure for assisting certain undocumented aliens
74 in returning to their country of origin; directing the
75 department to institute a program for identifying
76 undocumented aliens in mental health institutions who
77 may be appropriate candidates for removal; providing
78 an effective date.

79
80 Be It Enacted by the Legislature of the State of Florida:

81
82 Section 1. Section 20.19, Florida Statutes, is reenacted
83 and amended to read:

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

86 20.19 Department of Children and Families.—There is created
87 a Department of Children and Families.

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88 (1) MISSION AND PLAN.—

89 (a) The mission of the Department of Children and Families
90 is to work in partnership with local communities to ensure the
91 safety, well-being, and self-sufficiency of the people served.

92 (b) The department shall develop a strategic plan for
93 fulfilling its mission and establish a set of measurable goals,
94 objectives, performance standards, and quality assurance
95 requirements to ensure that the department is accountable to the
96 people of Florida.

97 (c) To the extent allowed by law and within specific
98 appropriations, the department shall deliver services by
99 contract through private providers.

100 (2) SECRETARY OF CHILDREN AND FAMILIES.—

101 (a) The head of the department is the Secretary of Children
102 and Families. The Governor shall appoint the secretary, who is
103 subject to confirmation by the Senate. The secretary serves at
104 the pleasure of the Governor.

105 (b) The secretary is responsible for planning,
106 coordinating, and managing the delivery of all services that are
107 the responsibility of the department.

108 (c) The secretary shall appoint a deputy secretary who
109 shall act in the absence of the secretary. The deputy secretary
110 is directly responsible to the secretary, performs such duties
111 as are assigned by the secretary, and serves at the pleasure of
112 the secretary.

113 (d) The secretary shall appoint an Assistant Secretary for
114 Substance Abuse and Mental Health and may establish assistant
115 secretary positions as necessary to administer the requirements
116 of this section. All persons appointed to such positions shall

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117 serve at the pleasure of the secretary. The department shall
118 integrate substance abuse and mental health programs into the
119 overall structure and priorities of the department.

120 (3) SERVICES PROVIDED.—

121 (a) The department shall establish the following program
122 offices, each of which shall be headed by a program director who
123 shall be appointed by and serve at the pleasure of the
124 secretary:

- 125 1. Adult protection.
- 126 2. Child care licensure.
- 127 3. Domestic violence.
- 128 4. Economic self-sufficiency.
- 129 5. Family safety.
- 130 6. Mental health.
- 131 7. Refugee services.
- 132 8. Substance abuse.
- 133 9. Homelessness.

134 (b) The secretary may appoint additional directors as
135 necessary for the effective management of the program services
136 provided by the department.

137 (4) OPERATING UNITS.—

138 (a) The department shall plan and administer its program
139 services through operating units called "circuits" that conform
140 to the geographic boundaries of the judicial circuits
141 established in s. 26.021. The department may also establish one
142 or more regions consisting of one or more circuits. A region
143 shall provide administrative, management, and infrastructure
144 support to the circuits operating within the region. The region
145 shall consolidate support functions to provide the most

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146 efficient use of resources to support the circuits operating
147 within the region.

148 (b) The secretary may appoint a circuit administrator for
149 each circuit and a region director for each region who shall
150 serve at the pleasure of the secretary and shall perform such
151 duties as are assigned by the secretary.

152 (5) COMMUNITY ALLIANCES AND PARTNERSHIPS; ADVISORY GROUPS.-
153 The department may, or at the request of a county government
154 shall, establish in each circuit one or more community alliances
155 or community partnerships. The purpose of a community alliance
156 or community partnership is to provide a focal point for
157 community participation and the governance of community-based
158 services. The membership of a community alliance or community
159 partnership shall represent the diversity of a community and
160 consist of stakeholders, community leaders, client
161 representatives, and entities that fund human services. The
162 secretary may also establish advisory groups at the state level
163 as necessary to ensure and enhance communication and provide
164 liaison with stakeholders, community leaders, and client
165 representatives.

166 (a) The duties of a community alliance or community
167 partnership may include, but are not limited to:

168 1. Participating in joint planning for the effective use of
169 resources in the community, including resources appropriated to
170 the department, and any funds that local funding sources choose
171 to provide.

172 2. Performing a needs assessment and establishing community
173 priorities for service delivery.

174 3. Determining community outcome goals to supplement state-

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175 required outcomes.

176 4. Serving as a catalyst for community resource
177 development.

178 5. Providing for community education and advocacy on issues
179 related to service delivery.

180 6. Promoting prevention and early intervention services.

181 (b) If one or more community alliances or community
182 partnerships are established in a circuit, the department shall
183 ensure, to the greatest extent possible, that the formation of
184 each alliance or partnership builds on the strengths of the
185 existing community human services infrastructure.

186 (c) Members of community alliances, community partnerships,
187 and advisory groups shall serve without compensation, but are
188 entitled to reimbursement for per diem and travel expenses in
189 accordance with s. 112.061. The department may also authorize
190 payment for preapproved child care expenses or lost wages for
191 members who are consumers of services provided by the
192 department.

193 (d) Members of community alliances, community partnerships,
194 and advisory groups are subject to part III of chapter 112, the
195 Code of Ethics for Public Officers and Employees.

196 (e) Actions taken by community alliances, community
197 partnerships, and advisory groups must be consistent with
198 department policy and state and federal laws, rules, and
199 regulations.

200 (f) Each member of a community alliance, community
201 partnership, or advisory group must submit annually to the
202 inspector general of the department a disclosure statement of
203 any interest in services provided by the department. Any member

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204 who has an interest in a matter under consideration by the
205 community alliance, community partnership, or advisory group
206 must abstain from voting on that matter.

207 (g) All meetings of community alliances, community
208 partnerships, and advisory groups are open to the public
209 pursuant to s. 286.011 and are subject to the public-records
210 provisions of s. 119.07(1).

211 (6) CONSULTATION WITH COUNTIES ON MANDATED PROGRAMS.—It is
212 the intent of the Legislature that when county governments are
213 required by law to participate in the funding of programs
214 serviced by the department, the department shall consult with
215 designated representatives of county governments in developing
216 policies and service delivery plans for those programs.

217 Section 2. Subsection (4) and paragraph (b) of subsection
218 (7) of section 20.04, Florida Statutes, are amended to read:

219 20.04 Structure of executive branch.—The executive branch
220 of state government is structured as follows:

221 (4) Within the Department of Children and ~~Families~~ Family
222 ~~Services~~ there are organizational units called "program
223 offices," headed by program directors, and operating units
224 called "circuits," headed by circuit administrators. In
225 addition, there may be "regions," headed by region directors.

226 (7)

227 (b) Within the limitations of this subsection, the head of
228 the department may recommend the establishment of additional
229 divisions, bureaus, sections, and subsections of the department
230 to promote efficient and effective operation of the department.
231 However, additional divisions, or offices in ~~the Department of~~
232 ~~Children and Family Services,~~ the Department of Corrections, and

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233 the Department of Transportation, may be established only by
234 specific statutory enactment. New bureaus, sections, and
235 subsections of departments may be initiated by a department and
236 established as recommended by the Department of Management
237 Services and approved by the Executive Office of the Governor,
238 or may be established by specific statutory enactment.

239 Section 3. Subsection (5) of section 20.43, Florida
240 Statutes, is amended to read:

241 20.43 Department of Health.—There is created a Department
242 of Health.

243 (5) The department shall plan and administer its public
244 health programs through its county health departments and may,
245 for administrative purposes and efficient service delivery,
246 establish up to 15 service areas to carry out such duties as may
247 be prescribed by the State Surgeon General. ~~The boundaries of
248 the service areas shall be the same as, or combinations of, the
249 service districts of the Department of Children and Family
250 Services established in s. 20.19 and, to the extent practicable,
251 shall take into consideration the boundaries of the jobs and
252 education regional boards.~~

253 Section 4. Subsections (18) through (76) of section 39.01,
254 Florida Statutes, are renumbered as subsections (19) through
255 (75), respectively, subsection (10) is amended, present
256 subsection (26) is repealed, and present subsection (27) of that
257 section is renumbered as subsection (18) and amended, to read:

258 39.01 Definitions.—When used in this chapter, unless the
259 context otherwise requires:

260 (10) "Caregiver" means the parent, legal custodian,
261 permanent guardian, adult household member, or other person

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262 responsible for a child's welfare as defined in subsection (46)
263 ~~(47)~~.

264 ~~(26) "District" means any one of the 15 service districts~~
265 ~~of the department established pursuant to s. 20.19.~~

266 (18)~~(27)~~ "Circuit District administrator" means the chief
267 operating officer of each circuit ~~service district~~ of the
268 department as defined in s. 20.19~~(5)~~ and, ~~where appropriate,~~
269 ~~includes any district administrator whose service district falls~~
270 ~~within the boundaries of a judicial circuit.~~

271 Section 5. Subsection (10) of section 39.0121, Florida
272 Statutes, is amended to read:

273 39.0121 Specific rulemaking authority.—Pursuant to the
274 requirements of s. 120.536, the department is specifically
275 authorized to adopt, amend, and repeal administrative rules
276 which implement or interpret law or policy, or describe the
277 procedure and practice requirements necessary to implement this
278 chapter, including, but not limited to, the following:

279 (10) ~~The Family Builders Program, the Intensive Crisis~~
280 ~~Counseling Program,~~ and any other early intervention programs
281 and kinship care assistance programs.

282 Section 6. Paragraph (a) of subsection (15) of section
283 39.301, Florida Statutes, is amended to read:

284 39.301 Initiation of protective investigations.—

285 (15) (a) If the department or its agent determines that a
286 child requires immediate or long-term protection through:

287 1. Medical or other health care; or

288 2. Homemaker care, day care, protective supervision, or
289 other services to stabilize the home environment, including
290 intensive family preservation services through ~~the Family~~

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291 ~~Builders Program or~~ the Intensive Crisis Counseling Program, ~~or~~
292 ~~both,~~

293

294 such services shall first be offered for voluntary acceptance
295 unless there are high-risk factors that may impact the ability
296 of the parents or legal custodians to exercise judgment. Such
297 factors may include the parents' or legal custodians' young age
298 or history of substance abuse or domestic violence.

299 Section 7. Subsection (1) of section 39.302, Florida
300 Statutes, is amended to read:

301 39.302 Protective investigations of institutional child
302 abuse, abandonment, or neglect.—

303 (1) The department shall conduct a child protective
304 investigation of each report of institutional child abuse,
305 abandonment, or neglect. Upon receipt of a report that alleges
306 that an employee or agent of the department, or any other entity
307 or person covered by s. 39.01(32)~~(33)~~ or (46)~~(47)~~, acting in an
308 official capacity, has committed an act of child abuse,
309 abandonment, or neglect, the department shall initiate a child
310 protective investigation within the timeframe established under
311 s. 39.201(5) and orally notify the appropriate state attorney,
312 law enforcement agency, and licensing agency, which shall
313 immediately conduct a joint investigation, unless independent
314 investigations are more feasible. When conducting investigations
315 onsite or having face-to-face interviews with the child,
316 investigation visits shall be unannounced unless it is
317 determined by the department or its agent that unannounced
318 visits threaten the safety of the child. If a facility is exempt
319 from licensing, the department shall inform the owner or

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320 operator of the facility of the report. Each agency conducting a
321 joint investigation is entitled to full access to the
322 information gathered by the department in the course of the
323 investigation. A protective investigation must include an onsite
324 visit of the child's place of residence. The department shall
325 make a full written report to the state attorney within 3
326 working days after making the oral report. A criminal
327 investigation shall be coordinated, whenever possible, with the
328 child protective investigation of the department. Any interested
329 person who has information regarding the offenses described in
330 this subsection may forward a statement to the state attorney as
331 to whether prosecution is warranted and appropriate. Within 15
332 days after the completion of the investigation, the state
333 attorney shall report the findings to the department and shall
334 include in the report a determination of whether or not
335 prosecution is justified and appropriate in view of the
336 circumstances of the specific case.

337 Section 8. Section 39.303, Florida Statutes, is amended to
338 read:

339 39.303 Child protection teams; services; eligible cases.—
340 The Children's Medical Services Program in the Department of
341 Health shall develop, maintain, and coordinate the services of
342 one or more multidisciplinary child protection teams in each of
343 the circuits ~~service districts~~ of the Department of Children and
344 Families ~~Family Services~~. Such teams may be composed of
345 appropriate representatives of school districts and appropriate
346 health, mental health, social service, legal service, and law
347 enforcement agencies. The Legislature finds that optimal
348 coordination of child protection teams and sexual abuse

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349 treatment programs requires collaboration between the Department
350 of Health and the Department of Children and Families ~~Family~~
351 ~~Services~~. The two departments shall maintain an interagency
352 agreement that establishes protocols for oversight and
353 operations of child protection teams and sexual abuse treatment
354 programs. The State Surgeon General and the Deputy Secretary for
355 Children's Medical Services, in consultation with the Secretary
356 of Children and Families ~~Family Services~~, shall maintain the
357 responsibility for the screening, employment, and, if necessary,
358 the termination of child protection team medical directors, at
359 headquarters and in the circuits ~~15 districts~~. Child protection
360 team medical directors shall be responsible for oversight of the
361 teams in the circuits ~~districts~~.

362 (1) The Department of Health shall utilize and convene the
363 teams to supplement the assessment and protective supervision
364 activities of the family safety and preservation program of the
365 Department of Children and Families ~~Family Services~~. Nothing in
366 this section shall be construed to remove or reduce the duty and
367 responsibility of any person to report pursuant to this chapter
368 all suspected or actual cases of child abuse, abandonment, or
369 neglect or sexual abuse of a child. The role of the teams shall
370 be to support activities of the program and to provide services
371 deemed by the teams to be necessary and appropriate to abused,
372 abandoned, and neglected children upon referral. The specialized
373 diagnostic assessment, evaluation, coordination, consultation,
374 and other supportive services that a child protection team shall
375 be capable of providing include, but are not limited to, the
376 following:

377 (a) Medical diagnosis and evaluation services, including

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378 provision or interpretation of X rays and laboratory tests, and
379 related services, as needed, and documentation of findings
380 relative thereto.

381 (b) Telephone consultation services in emergencies and in
382 other situations.

383 (c) Medical evaluation related to abuse, abandonment, or
384 neglect, as defined by policy or rule of the Department of
385 Health.

386 (d) Such psychological and psychiatric diagnosis and
387 evaluation services for the child or the child's parent or
388 parents, legal custodian or custodians, or other caregivers, or
389 any other individual involved in a child abuse, abandonment, or
390 neglect case, as the team may determine to be needed.

391 (e) Expert medical, psychological, and related professional
392 testimony in court cases.

393 (f) Case staffings to develop treatment plans for children
394 whose cases have been referred to the team. A child protection
395 team may provide consultation with respect to a child who is
396 alleged or is shown to be abused, abandoned, or neglected, which
397 consultation shall be provided at the request of a
398 representative of the family safety and preservation program or
399 at the request of any other professional involved with a child
400 or the child's parent or parents, legal custodian or custodians,
401 or other caregivers. In every such child protection team case
402 staffing, consultation, or staff activity involving a child, a
403 family safety and preservation program representative shall
404 attend and participate.

405 (g) Case service coordination and assistance, including the
406 location of services available from other public and private

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407 agencies in the community.

408 (h) Such training services for program and other employees
409 of the Department of Children and Families ~~Family Services~~,
410 employees of the Department of Health, and other medical
411 professionals as is deemed appropriate to enable them to develop
412 and maintain their professional skills and abilities in handling
413 child abuse, abandonment, and neglect cases.

414 (i) Educational and community awareness campaigns on child
415 abuse, abandonment, and neglect in an effort to enable citizens
416 more successfully to prevent, identify, and treat child abuse,
417 abandonment, and neglect in the community.

418 (j) Child protection team assessments that include, as
419 appropriate, medical evaluations, medical consultations, family
420 psychosocial interviews, specialized clinical interviews, or
421 forensic interviews.

422
423 All medical personnel participating on a child protection team
424 must successfully complete the required child protection team
425 training curriculum as set forth in protocols determined by the
426 Deputy Secretary for Children's Medical Services and the
427 Statewide Medical Director for Child Protection.

428 (2) The child abuse, abandonment, and neglect reports that
429 must be referred by the department to child protection teams of
430 the Department of Health for an assessment and other appropriate
431 available support services as set forth in subsection (1) must
432 include cases involving:

433 (a) Injuries to the head, bruises to the neck or head,
434 burns, or fractures in a child of any age.

435 (b) Bruises anywhere on a child 5 years of age or under.

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- 436 (c) Any report alleging sexual abuse of a child.
- 437 (d) Any sexually transmitted disease in a prepubescent
438 child.
- 439 (e) Reported malnutrition of a child and failure of a child
440 to thrive.
- 441 (f) Reported medical neglect of a child.
- 442 (g) Any family in which one or more children have been
443 pronounced dead on arrival at a hospital or other health care
444 facility, or have been injured and later died, as a result of
445 suspected abuse, abandonment, or neglect, when any sibling or
446 other child remains in the home.
- 447 (h) Symptoms of serious emotional problems in a child when
448 emotional or other abuse, abandonment, or neglect is suspected.
- 449 (3) All abuse and neglect cases transmitted for
450 investigation to a circuit district ~~district~~ by the hotline must be
451 simultaneously transmitted to the Department of Health child
452 protection team for review. For the purpose of determining
453 whether face-to-face medical evaluation by a child protection
454 team is necessary, all cases transmitted to the child protection
455 team which meet the criteria in subsection (2) must be timely
456 reviewed by:
- 457 (a) A physician licensed under chapter 458 or chapter 459
458 who holds board certification in pediatrics and is a member of a
459 child protection team;
- 460 (b) A physician licensed under chapter 458 or chapter 459
461 who holds board certification in a specialty other than
462 pediatrics, who may complete the review only when working under
463 the direction of a physician licensed under chapter 458 or
464 chapter 459 who holds board certification in pediatrics and is a

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465 member of a child protection team;

466 (c) An advanced registered nurse practitioner licensed
467 under chapter 464 who has a specialty ~~speciality~~ in pediatrics
468 or family medicine and is a member of a child protection team;

469 (d) A physician assistant licensed under chapter 458 or
470 chapter 459, who may complete the review only when working under
471 the supervision of a physician licensed under chapter 458 or
472 chapter 459 who holds board certification in pediatrics and is a
473 member of a child protection team; or

474 (e) A registered nurse licensed under chapter 464, who may
475 complete the review only when working under the direct
476 supervision of a physician licensed under chapter 458 or chapter
477 459 who holds certification in pediatrics and is a member of a
478 child protection team.

479 (4) A face-to-face medical evaluation by a child protection
480 team is not necessary when:

481 (a) The child was examined for the alleged abuse or neglect
482 by a physician who is not a member of the child protection team,
483 and a consultation between the child protection team board-
484 certified pediatrician, advanced registered nurse practitioner,
485 physician assistant working under the supervision of a child
486 protection team board-certified pediatrician, or registered
487 nurse working under the direct supervision of a child protection
488 team board-certified pediatrician, and the examining physician
489 concludes that a further medical evaluation is unnecessary;

490 (b) The child protective investigator, with supervisory
491 approval, has determined, after conducting a child safety
492 assessment, that there are no indications of injuries as
493 described in paragraphs (2) (a)-(h) as reported; or

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494 (c) The child protection team board-certified pediatrician,
495 as authorized in subsection (3), determines that a medical
496 evaluation is not required.

497
498 Notwithstanding paragraphs (a), (b), and (c), a child protection
499 team pediatrician, as authorized in subsection (3), may
500 determine that a face-to-face medical evaluation is necessary.

501 (5) In all instances in which a child protection team is
502 providing certain services to abused, abandoned, or neglected
503 children, other offices and units of the Department of Health,
504 and offices and units of the Department of Children and Families
505 ~~Family Services~~, shall avoid duplicating the provision of those
506 services.

507 (6) The Department of Health child protection team quality
508 assurance program and the Department of Children and Families'
509 ~~Family Services'~~ Family Safety Program Office quality assurance
510 program shall collaborate to ensure referrals and responses to
511 child abuse, abandonment, and neglect reports are appropriate.
512 Each quality assurance program shall include a review of records
513 in which there are no findings of abuse, abandonment, or
514 neglect, and the findings of these reviews shall be included in
515 each department's quality assurance reports.

516 Section 9. Paragraph (k) of subsection (1) of section
517 39.806, Florida Statutes, is amended to read:

518 39.806 Grounds for termination of parental rights.—

519 (1) Grounds for the termination of parental rights may be
520 established under any of the following circumstances:

521 (k) A test administered at birth that indicated that the
522 child's blood, urine, or meconium contained any amount of

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523 alcohol or a controlled substance or metabolites of such
524 substances, the presence of which was not the result of medical
525 treatment administered to the mother or the newborn infant, and
526 the biological mother of the child is the biological mother of
527 at least one other child who was adjudicated dependent after a
528 finding of harm to the child's health or welfare due to exposure
529 to a controlled substance or alcohol as defined in s.

530 39.01(31)~~(32)~~(g), after which the biological mother had the
531 opportunity to participate in substance abuse treatment.

532 Section 10. Paragraph (a) of subsection (1) of section
533 39.828, Florida Statutes, is amended to read:

534 39.828 Grounds for appointment of a guardian advocate.—

535 (1) The court shall appoint the person named in the
536 petition as a guardian advocate with all the powers and duties
537 specified in s. 39.829 for an initial term of 1 year upon a
538 finding that:

539 (a) The child named in the petition is or was a drug
540 dependent newborn as described in s. 39.01(31)~~(32)~~(g);

541 (b) The parent or parents of the child have voluntarily
542 relinquished temporary custody of the child to a relative or
543 other responsible adult;

544 (c) The person named in the petition to be appointed the
545 guardian advocate is capable of carrying out the duties as
546 provided in s. 39.829; and

547 (d) A petition to adjudicate the child dependent under this
548 chapter has not been filed.

549 Section 11. Paragraph (a) of subsection (3) of section
550 381.0072, Florida Statutes, is amended to read:

551 381.0072 Food service protection.—It shall be the duty of

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552 the Department of Health to adopt and enforce sanitation rules
553 consistent with law to ensure the protection of the public from
554 food-borne illness. These rules shall provide the standards and
555 requirements for the storage, preparation, serving, or display
556 of food in food service establishments as defined in this
557 section and which are not permitted or licensed under chapter
558 500 or chapter 509.

559 (3) LICENSES REQUIRED.—

560 (a) *Licenses; annual renewals.*—Each food service
561 establishment regulated under this section shall obtain a
562 license from the department annually. Food service establishment
563 licenses shall expire annually and are not transferable from one
564 place or individual to another. However, those facilities
565 licensed by the department's Office of Licensure and
566 Certification, the Child Care Licensure ~~Services~~ Program Office,
567 or the Agency for Persons with Disabilities are exempt from this
568 subsection. It shall be a misdemeanor of the second degree,
569 punishable as provided in s. 381.0061, s. 775.082, or s.
570 775.083, for such an establishment to operate without this
571 license. The department may refuse a license, or a renewal
572 thereof, to any establishment that is not constructed or
573 maintained in accordance with law and with the rules of the
574 department. Annual application for renewal is not required.

575 Section 12. Subsection (3) of section 394.47865, Florida
576 Statutes, is amended to read:

577 394.47865 South Florida State Hospital; privatization.—

578 (3) ~~(a)~~ Current South Florida State Hospital employees who
579 are affected by the privatization shall be given first
580 preference for continued employment by the contractor. The

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581 department shall make reasonable efforts to find suitable job
582 placements for employees who wish to remain within the state
583 Career Service System.

584 ~~(b) Any savings that result from the privatization of South~~
585 ~~Florida State Hospital shall be directed to the department's~~
586 ~~service districts 9, 10, and 11 for the delivery of community~~
587 ~~mental health services.~~

588 Section 13. Subsection (2) of section 394.493, Florida
589 Statutes, is amended to read:

590 394.493 Target populations for child and adolescent mental
591 health services funded through the department.—

592 (2) Each mental health provider under contract with the
593 department to provide mental health services to the target
594 population shall collect fees from the parent or legal guardian
595 of the child or adolescent receiving services. The fees shall be
596 based on a sliding fee scale for families whose net family
597 income is at or above 150 percent of the Federal Poverty Income
598 Guidelines. The department shall adopt, by rule, a sliding fee
599 scale for statewide implementation. Fees collected from families
600 shall be retained in the circuit ~~service district~~ and used for
601 expanding child and adolescent mental health treatment services.

602 Section 14. Section 394.4985, Florida Statutes, is amended
603 to read:

604 394.4985 Circuitwide ~~Districtwide~~ information and referral
605 network; implementation.—

606 (1) Each circuit ~~service district~~ of the Department of
607 Children and Families ~~Family Services~~ shall develop a detailed
608 implementation plan for a circuitwide ~~districtwide~~ comprehensive
609 child and adolescent mental health information and referral

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610 network to be operational by July 1, 1999. The plan must include
611 an operating budget that demonstrates cost efficiencies and
612 identifies funding sources for the circuit ~~district~~ information
613 and referral network. The plan must be submitted by the
614 department to the Legislature by October 1, 1998. The circuit
615 ~~district~~ shall use existing circuit ~~district~~ information and
616 referral providers if, in the development of the plan, it is
617 concluded that these providers would deliver information and
618 referral services in a more efficient and effective manner when
619 compared to other alternatives. The circuit ~~district~~ information
620 and referral network must include:

621 (a) A resource file that contains information about the
622 child and adolescent mental health services as described in s.
623 394.495, including, but not limited to:

- 624 1. Type of program;
- 625 2. Hours of service;
- 626 3. Ages of persons served;
- 627 4. Program description;
- 628 5. Eligibility requirements; and
- 629 6. Fees.

630 (b) Information about private providers and professionals
631 in the community which serve children and adolescents with an
632 emotional disturbance.

633 (c) A system to document requests for services that are
634 received through the network referral process, including, but
635 not limited to:

- 636 1. Number of calls by type of service requested;
- 637 2. Ages of the children and adolescents for whom services
638 are requested; and

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639 3. Type of referral made by the network.

640 (d) The ability to share client information with the
641 appropriate community agencies.

642 (e) The submission of an annual report to the department,
643 the Agency for Health Care Administration, and appropriate local
644 government entities, which contains information about the
645 sources and frequency of requests for information, types and
646 frequency of services requested, and types and frequency of
647 referrals made.

648 (2) In planning the information and referral network, the
649 circuit ~~district~~ shall consider the establishment of a 24-hour
650 toll-free telephone number, staffed at all times, for parents
651 and other persons to call for information that concerns child
652 and adolescent mental health services and a community public
653 service campaign to inform the public about information and
654 referral services.

655 Section 15. Subsection (12) of section 394.655, Florida
656 Statutes, is amended to read:

657 394.655 The Substance Abuse and Mental Health Corporation;
658 powers and duties; composition; evaluation and reporting
659 requirements.—

660 (12) This section expires on October 1, 2015 ~~2011~~, unless
661 reviewed and reenacted by the Legislature before that date.

662 Section 16. Subsections (2) through (6) of section 394.67,
663 Florida Statutes, are renumbered as subsections (4) and (8),
664 respectively, and present subsections (7) and (8) are renumbered
665 as subsections (2) and (3), respectively, and amended to read:

666 394.67 Definitions.—As used in this part, the term:

667 (2) ~~(7)~~ "Circuit ~~District~~ administrator" means the person

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668 appointed by the Secretary of Children and Families ~~Family~~
669 ~~Services~~ for the purpose of administering a department circuit
670 ~~service-district~~ as set forth in s. 20.19.

671 ~~(3)-(8)~~ "Circuit District plan" or "plan" means the combined
672 circuit district substance abuse and mental health plan approved
673 by the circuit district administrator and governing bodies in
674 accordance with this part.

675 Section 17. Section 394.73, Florida Statutes, is amended to
676 read:

677 394.73 Joint alcohol, drug abuse, and mental health service
678 programs in two or more counties.—

679 (1) Subject to rules established by the department, any
680 county within a circuit service-district shall have the same
681 power to contract for alcohol, drug abuse, and mental health
682 services as the department has under existing statutes.

683 (2) In order to carry out the intent of this part and to
684 provide alcohol, drug abuse, and mental health services in
685 accordance with the circuit district plan, the counties within a
686 circuit service-district may enter into agreements with each
687 other for the establishment of joint service programs. The
688 agreements may provide for the joint provision or operation of
689 services and facilities or for the provision or operation of
690 services and facilities by one participating county under
691 contract with other participating counties.

692 (3) When a circuit service-district comprises two or more
693 counties or portions thereof, it is the obligation of the
694 planning council to submit to the governing bodies, prior to the
695 budget submission date of each governing body, an estimate of
696 the proportionate share of costs of alcohol, drug abuse, and

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697 mental health services proposed to be borne by each such
698 governing body.

699 (4) Any county desiring to withdraw from a joint program
700 may submit to the circuit ~~district~~ administrator a resolution
701 requesting withdrawal therefrom together with a plan for the
702 equitable adjustment and division of the assets, property,
703 debts, and obligations, if any, of the joint program.

704 Section 18. Paragraph (a) of subsection (3) of section
705 394.74, Florida Statutes, is amended to read:

706 394.74 Contracts for provision of local substance abuse and
707 mental health programs.—

708 (3) Contracts shall include, but are not limited to:

709 (a) A provision that, within the limits of available
710 resources, substance abuse and mental health crisis services, as
711 defined in s. 394.67 (5) ~~(3)~~, shall be available to any individual
712 residing or employed within the service area, regardless of
713 ability to pay for such services, current or past health
714 condition, or any other factor;

715 Section 19. Subsection (10) of section 394.75, Florida
716 Statutes, is amended to read:

717 394.75 State and circuit ~~district~~ substance abuse and
718 mental health plans.—

719 (10) The circuit ~~district~~ administrator shall ensure that
720 the circuit ~~district~~ plan:

721 (a) Conforms to the priorities in the state plan, the
722 requirements of this part, and the standards adopted under this
723 part;

724 (b) Ensures that the most effective and economical use will
725 be made of available public and private substance abuse and

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726 mental health resources in the circuit ~~service district~~; and

727 (c) Has adequate provisions made for review and evaluation
728 of the services provided in the circuit ~~service district~~.

729 Section 20. Subsection (2) of section 394.76, Florida
730 Statutes, is amended to read:

731 394.76 Financing of circuit ~~district~~ programs and
732 services.—If the local match funding level is not provided in
733 the General Appropriations Act or the substantive bill
734 implementing the General Appropriations Act, such funding level
735 shall be provided as follows:

736 (2) If in any fiscal year the approved state appropriation
737 is insufficient to finance the programs and services specified
738 by this part, the department shall have the authority to
739 determine the amount of state funds available to each circuit
740 ~~service district~~ for such purposes in accordance with the
741 priorities in both the state and circuit ~~district~~ plans. The
742 circuit ~~district~~ administrator shall consult with the planning
743 council to ensure that the summary operating budget conforms to
744 the approved plan.

745 Section 21. Subsection (5) of section 394.78, Florida
746 Statutes, is amended to read:

747 394.78 Operation and administration; personnel standards;
748 procedures for audit and monitoring of service providers;
749 ~~resolution of disputes.—~~

750 ~~(5) In unresolved disputes regarding this part or rules~~
751 ~~established pursuant to this part, providers and district health~~
752 ~~and human services boards shall adhere to formal procedures~~
753 ~~specified under s. 20.19(8)(n).~~

754 Section 22. Subsections (3) and (4) of section 394.82,

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755 Florida Statutes, are amended to read:

756 394.82 Funding of expanded services.—

757 (3) Each fiscal year, any funding increases for crisis
758 services or community mental health services that are included
759 in the General Appropriations Act shall be appropriated in a
760 lump-sum category as defined in s. 216.011(1)(aa). In accordance
761 with s. 216.181(6)(a), the Executive Office of the Governor
762 shall require the Department of Children and Families ~~Family~~
763 ~~Services~~ to submit a spending plan for the use of funds
764 appropriated for this purpose. The spending plan must include a
765 schedule for phasing in the new community mental health services
766 in each circuit ~~service district~~ of the department and must
767 describe how the new services will be integrated and coordinated
768 with all current community-based health and human services.

769 (4) By January 1, 2004, the crisis services defined in s.
770 394.67(5) ~~(3)~~ shall be implemented, as appropriate, in the
771 state's public community mental health system to serve children
772 and adults who are experiencing an acute mental or emotional
773 crisis, as defined in s. 394.67(17). By January 1, 2006, the
774 mental health services defined in s. 394.67(15) shall be
775 implemented, as appropriate, in the state's public community
776 mental health system to serve adults and older adults who have a
777 severe and persistent mental illness and to serve children who
778 have a serious emotional disturbance or mental illness, as
779 defined in s. 394.492(6).

780 Section 23. Subsection (1) of section 394.9084, Florida
781 Statutes, is amended to read:

782 394.9084 Florida Self-Directed Care program.—

783 (1) The Department of Children and Families ~~Family~~

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784 ~~Services~~, in cooperation with the Agency for Health Care
785 Administration, may provide a client-directed and choice-based
786 Florida Self-Directed Care program in all department circuits
787 ~~service districts~~, in addition to the pilot projects established
788 in district 4 and district 8, to provide mental health treatment
789 and support services to adults who have a serious mental
790 illness. The department may also develop and implement a client-
791 directed and choice-based pilot project in one circuit ~~district~~
792 to provide mental health treatment and support services for
793 children with a serious emotional disturbance who live at home.
794 If established, any staff who work with children must be
795 screened under s. 435.04. The department shall implement a
796 payment mechanism in which each client controls the money that
797 is available for that client's mental health treatment and
798 support services. The department shall establish interagency
799 cooperative agreements and work with the agency, the Division of
800 Vocational Rehabilitation, and the Social Security
801 Administration to implement and administer the Florida Self-
802 Directed Care program.

803 Section 24. Subsection (1) of section 397.821, Florida
804 Statutes, is amended to read:

805 397.821 Juvenile substance abuse impairment prevention and
806 early intervention councils.—

807 (1) Each judicial circuit as set forth in s. 26.021 may
808 establish a juvenile substance abuse impairment prevention and
809 early intervention council composed of at least 12 members,
810 including representatives from law enforcement, the department,
811 school districts, state attorney and public defender offices,
812 the circuit court, the religious community, substance abuse

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813 impairment professionals, child advocates from the community,
814 business leaders, parents, and high school students. However,
815 those circuits which already have in operation a council of
816 similar composition may designate the existing body as the
817 juvenile substance abuse impairment prevention and early
818 intervention council for the purposes of this section. Each
819 council shall establish bylaws providing for the length of term
820 of its members, but the term may not exceed 4 years. The circuit
821 ~~substate entity~~ administrator, as defined in s. 20.19, and the
822 chief judge of the circuit court shall each appoint six members
823 of the council. The circuit ~~substate entity~~ administrator shall
824 appoint a representative from the department, a school district
825 representative, a substance abuse impairment treatment
826 professional, a child advocate, a parent, and a high school
827 student. The chief judge of the circuit court shall appoint a
828 business leader and representatives from the state attorney's
829 office, the public defender's office, the religious community,
830 the circuit court, and law enforcement agencies.

831 Section 25. Subsection (1) of section 394.9135, Florida
832 Statutes, is amended to read:

833 394.9135 Immediate releases from total confinement;
834 transfer of person ~~to department~~; time limitations on
835 assessment, notification, and filing petition to hold in
836 custody; filing petition after release.—

837 (1) If the anticipated release from total confinement of a
838 person who has been convicted of a sexually violent offense
839 becomes immediate for any reason, the agency with jurisdiction
840 shall upon immediate release from total confinement transfer
841 that person:

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842 (a) To the custody of United States Immigration and Customs
843 Enforcement if a detainer order is in place for the person; or

844 (b) To the custody of the Department of Children and
845 Families ~~Family Services~~ to be held in an appropriate secure
846 facility.

847
848 The department shall put into place a memorandum of
849 understanding with United States Immigration and Customs
850 Enforcement to ensure that if Immigration and Customs
851 Enforcement is unable to deport the person for any reason, the
852 person shall be immediately transferred back to the custody of
853 the department for civil commitment and further proceedings
854 under this section.

855 Section 26. Subsection (1) of section 402.313, Florida
856 Statutes, is amended to read:

857 402.313 Family day care homes.—

858 (1) Family day care homes shall be licensed under this act
859 if they are presently being licensed under an existing county
860 licensing ordinance, if they are participating in the subsidized
861 child care program, or if the board of county commissioners
862 passes a resolution that family day care homes be licensed. If
863 no county authority exists for the licensing of a family day
864 care home and the county passes a resolution requiring
865 licensure, the department shall have the authority to license
866 family day care homes under contract with the county ~~for the~~
867 ~~purchase of service system in the subsidized child care program.~~

868 (a) If not subject to license, family day care homes shall
869 register annually with the department, providing the following
870 information:

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- 871 1. The name and address of the home.
- 872 2. The name of the operator.
- 873 3. The number of children served.
- 874 4. Proof of a written plan to provide at least one other
875 competent adult to be available to substitute for the operator
876 in an emergency. This plan shall include the name, address, and
877 telephone number of the designated substitute.
- 878 5. Proof of screening and background checks.
- 879 6. Proof of successful completion of the 30-hour training
880 course, as evidenced by passage of a competency examination,
881 which shall include:
- 882 a. State and local rules and regulations that govern child
883 care.
- 884 b. Health, safety, and nutrition.
- 885 c. Identifying and reporting child abuse and neglect.
- 886 d. Child development, including typical and atypical
887 language development; and cognitive, motor, social, and self-
888 help skills development.
- 889 e. Observation of developmental behaviors, including using
890 a checklist or other similar observation tools and techniques to
891 determine a child's developmental level.
- 892 f. Specialized areas, including early literacy and language
893 development of children from birth to 5 years of age, as
894 determined by the department, for owner-operators of family day
895 care homes.
- 896 7. Proof that immunization records are kept current.
- 897 8. Proof of completion of the required continuing education
898 units or clock hours.
- 899 (b) A family day care home not participating in the

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900 subsidized child care program may volunteer to be licensed under
901 the provisions of this act.

902 (c) The department may provide technical assistance to
903 counties and family day care home providers to enable counties
904 and family day care providers to achieve compliance with family
905 day care homes standards.

906 Section 27. Subsection (2) of section 402.315, Florida
907 Statutes, is amended to read:

908 402.315 Funding; license fees.—

909 (2) The county ~~department~~ shall bear the costs of the
910 licensing of family day care homes when contracting with the
911 department pursuant to s. 402.313(1) ~~child care facilities when~~
912 ~~contracted to do so by a county or when directly responsible for~~
913 ~~licensing in a county which fails to meet or exceed state~~
914 ~~minimum standards.~~

915 Section 28. Subsections (2), (3), and (7) of section
916 402.40, Florida Statutes, are amended to read:

917 402.40 Child welfare training.—

918 (2) DEFINITIONS.—As used in this section, the term:

919 (a) "Child welfare certification" means a professional
920 credential awarded by the department or by a credentialing
921 entity recognized by the department to individuals demonstrating
922 core competency in any child welfare services practice area.

923 (b) "Child welfare services" means any intake, protective
924 investigations, preprotective services, protective services,
925 foster care, shelter and group care, and adoption and related
926 services program, including supportive services, supervision,
927 ~~and legal services,~~ provided to children who are alleged to have
928 been abused, abandoned, or neglected, or who are at risk of

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929 becoming, are alleged to be, or have been found dependent
930 pursuant to chapter 39.

931 (c) "Core competency" means the knowledge, skills, and
932 abilities necessary to carry out work responsibilities.

933 (d) ~~(b)~~ "Person providing child welfare services" means a
934 person who has a responsibility for supervisory, ~~legal,~~ direct
935 care or support related work in the provision of child welfare
936 services pursuant to chapter 39.

937 (3) CHILD WELFARE TRAINING PROGRAM.—The department shall
938 establish a program for training pursuant to the provisions of
939 this section, and all persons providing child welfare services
940 shall be required to demonstrate core competency by earning and
941 maintaining a department or third-party-awarded child welfare
942 certification and participate in and successfully complete the
943 program of training pertinent to their areas of responsibility.

944 (7) CERTIFICATION AND TRAINER QUALIFICATIONS.—The
945 department shall, in collaboration with the professionals and
946 providers described in subsection (5), develop minimum standards
947 for a certification process that ensures that participants have
948 successfully attained the knowledge, skills, and abilities
949 necessary to competently carry out their work responsibilities.
950 The department shall recognize third-party certification for
951 child welfare services staff which satisfies the core
952 competencies and meets the certification requirements
953 established in this section and shall ~~develop minimum standards~~
954 ~~for trainer qualifications which must be required of training~~
955 ~~academies in the offering of the training curricula.~~ Any person
956 providing child welfare services shall be required to master the
957 core competencies and hold an active child welfare certification

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958 ~~components of the curriculum~~ that is are particular to that
959 person's work responsibilities.

960 Section 29. Subsection (2) of section 402.49, Florida
961 Statutes, is amended to read:

962 402.49 Mediation process established.-

963 (2) (a) The department shall appoint at least one mediation
964 panel in each of the department's circuits ~~service districts~~.
965 Each panel shall have at least three and not more than five
966 members and shall include a representative from the department,
967 a representative of an agency that provides similar services to
968 those provided by the agency that is a party to the dispute, and
969 additional members who are mutually acceptable to the department
970 and the agency that is a party to the dispute. Such additional
971 members may include laypersons who are involved in advocacy
972 organizations, members of boards of directors of agencies
973 similar to the agency that is a party to the dispute, members of
974 families of department clients, members of department planning
975 councils in the area of services that are the subject of the
976 dispute, and interested and informed members of the local
977 community.

978 (b) If the parties to the conflict agree, a mediation panel
979 may hear a complaint that is filed outside of the panel's
980 circuit ~~service district~~.

981 Section 30. Subsection (3) of section 409.152, Florida
982 Statutes, is amended to read:

983 409.152 Service integration and family preservation.-

984 (3) Each circuit ~~service district~~ of the department shall
985 develop a family preservation service integration plan that
986 identifies various programs that can be organized at the point

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987 of service delivery into a logical and cohesive family-centered
988 services constellation. The plan shall include:

989 (a) Goals and objectives for integrating services for
990 families and avoiding barriers to service integration,
991 procedures for centralized intake and assessment, a
992 comprehensive service plan for each family, and an evaluation
993 method of program outcome.

994 (b) Recommendations for proposed changes to fiscal and
995 substantive policies, regulations, and laws at local, circuit
996 ~~district~~, and state delivery levels, including budget and
997 personnel policies; purchasing flexibility and workforce
998 incentives; discretionary resources; and incentives to reduce
999 dependency on government programs and services.

1000 (c) Strategies for creating partnerships with the
1001 community, clients, and consumers of services which establish,
1002 maintain, and preserve family units.

1003 Section 31. Subsection (8) of section 409.1671, Florida
1004 Statutes, is amended to read:

1005 409.1671 Foster care and related services; outsourcing.—

1006 (8) Notwithstanding the provisions of s. 215.425, all
1007 documented federal funds earned for the current fiscal year by
1008 the department and community-based agencies which exceed the
1009 amount appropriated by the Legislature shall be distributed to
1010 all entities that contributed to the excess earnings based on a
1011 schedule and methodology developed by the department and
1012 approved by the Executive Office of the Governor. Distribution
1013 shall be pro rata based on total earnings and shall be made only
1014 to those entities that contributed to excess earnings. Excess
1015 earnings of community-based agencies shall be used only in the

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1016 circuit ~~service district~~ in which they were earned. Additional
1017 state funds appropriated by the Legislature for community-based
1018 agencies or made available pursuant to the budgetary amendment
1019 process described in s. 216.177 shall be transferred to the
1020 community-based agencies. The department shall amend a
1021 community-based agency's contract to permit expenditure of the
1022 funds.

1023 Section 32. Paragraph (a) of subsection (4) of section
1024 409.1755, Florida Statutes, is amended to read:

1025 409.1755 One Church, One Child of Florida Corporation Act;
1026 creation; duties.—

1027 (4) BOARD OF DIRECTORS.—

1028 (a) The One Church, One Child of Florida Corporation shall
1029 operate subject to the supervision and approval of a board of
1030 directors consisting of 23 members, with two directors
1031 representing each circuit ~~service district~~ of the Department of
1032 Children and Families ~~Family Services~~ and one director who shall
1033 be an at-large member.

1034 Section 33. Paragraph (a) of subsection (1) and subsection
1035 (2) of section 410.0245, Florida Statutes, are amended to read:

1036 410.0245 Study of service needs; report; multiyear plan.—

1037 (1) (a) The Adult Protection ~~Services~~ Program Office of the
1038 Department of Children and Families ~~Family Services~~ shall
1039 contract for a study of the service needs of the 18-to-59-year-
1040 old disabled adult population served or waiting to be served by
1041 the community care for disabled adults program. The Division of
1042 Vocational Rehabilitation of the Department of Education and
1043 other appropriate state agencies shall provide information to
1044 the Department of Children and Families ~~Family Services~~ when

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1045 requested for the purposes of this study.

1046 (2) Based on the findings of the study, the Adult
1047 Protection Services Program of the Department of Children and
1048 Families ~~Family Services~~ shall develop a multiyear plan which
1049 shall provide for the needs of disabled adults in this state and
1050 shall provide strategies for statewide coordination of all
1051 services for disabled adults. The multiyear plan shall include
1052 an inventory of existing services and an analysis of costs
1053 associated with existing and projected services. The multiyear
1054 plan shall be presented to the Governor, the President of the
1055 Senate, and the Speaker of the House of Representatives every 3
1056 years on or before March 1, beginning in 1992. On or before
1057 March 1 of each intervening year, the department shall submit an
1058 analysis of the status of the implementation of each element of
1059 the multiyear plan, any continued unmet need, and the
1060 relationship between that need and the department's budget
1061 request for that year.

1062 Section 34. Subsections (1) and (2) of section 410.603,
1063 Florida Statutes, are renumbered as subsections (2) and (3),
1064 respectively, and present subsection (3) of that section is
1065 renumbered as subsection (1) and amended to read:

1066 410.603 Definitions relating to Community Care for Disabled
1067 Adults Act.—As used in ss. 410.601-410.606:

1068 ~~(1)(3)~~ "Circuit District" means a specified geographic
1069 service area that conforms to the judicial circuits established
1070 in s. 26.021, ~~as defined in s. 20.19,~~ in which the programs of
1071 the department are administered and services are delivered.

1072 Section 35. Subsection (2) of section 410.604, Florida
1073 Statutes, is amended to read:

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1074 410.604 Community care for disabled adults program; powers
1075 and duties of the department.—

1076 (2) Any person who meets the definition of a disabled adult
1077 pursuant to s. 410.603 (3) ~~(2)~~ is eligible to receive the services
1078 of the community care for disabled adults program. However, the
1079 community care for disabled adults program shall operate within
1080 the funds appropriated by the Legislature. Priority shall be
1081 given to disabled adults who are not eligible for comparable
1082 services in programs of or funded by the department or the
1083 Division of Vocational Rehabilitation of the Department of
1084 Education; who are determined to be at risk of
1085 institutionalization; and whose income is at or below the
1086 existing institutional care program eligibility standard.

1087 Section 36. Section 411.224, Florida Statutes, is amended
1088 to read:

1089 411.224 Family support planning process.—The Legislature
1090 establishes a family support planning process to be used by the
1091 Department of Children and Families ~~Family Services~~ as the
1092 service planning process for targeted individuals, children, and
1093 families under its purview.

1094 (1) The Department of Education shall take all appropriate
1095 and necessary steps to encourage and facilitate the
1096 implementation of the family support planning process for
1097 individuals, children, and families within its purview.

1098 (2) To the extent possible within existing resources, the
1099 following populations must be included in the family support
1100 planning process:

1101 (a) Children from birth to age 5 who are served by the
1102 clinic and programs of the Division of Children's Medical

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1103 Services of the Department of Health.

1104 (b) Children participating in the developmental evaluation
1105 and intervention program of the Division of Children's Medical
1106 Services of the Department of Health.

1107 (c) Children from age 3 through age 5 who are served by the
1108 Agency for Persons with Disabilities.

1109 (d) Children from birth through age 5 who are served by the
1110 Mental Health Program Office of the Department of Children and
1111 Families ~~Family Services~~.

1112 (e) Participants who are served by the Children's Early
1113 Investment Program established in s. 411.232.

1114 (f) Healthy Start participants in need of ongoing service
1115 coordination.

1116 (g) Children from birth through age 5 who are served by the
1117 voluntary family services, protective supervision, foster care,
1118 or adoption and related services programs of the Child Care
1119 Licensure ~~Services~~ Program Office of the Department of Children
1120 and Families ~~Family Services~~, and who are eligible for ongoing
1121 services from one or more other programs or agencies that
1122 participate in family support planning; however, children served
1123 by the voluntary family services program, where the planned
1124 length of intervention is 30 days or less, are excluded from
1125 this population.

1126 (3) When individuals included in the target population are
1127 served by Head Start, local education agencies, or other
1128 prevention and early intervention programs, providers must be
1129 notified and efforts made to facilitate the concerned agency's
1130 participation in family support planning.

1131 (4) Local education agencies are encouraged to use a family

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1132 support planning process for children from birth through 5 years
1133 of age who are served by the prekindergarten program for
1134 children with disabilities, in lieu of the Individual Education
1135 Plan.

1136 (5) There must be only a single-family support plan to
1137 address the problems of the various family members unless the
1138 family requests that an individual family support plan be
1139 developed for different members of that family. The family
1140 support plan must replace individual habilitation plans for
1141 children from 3 through 5 years old who are served by the Agency
1142 for Persons with Disabilities.

1143 (6) The family support plan at a minimum must include the
1144 following information:

1145 (a) The family's statement of family concerns, priorities,
1146 and resources.

1147 (b) Information related to the health, educational,
1148 economic and social needs, and overall development of the
1149 individual and the family.

1150 (c) The outcomes that the plan is intended to achieve.

1151 (d) Identification of the resources and services to achieve
1152 each outcome projected in the plan. These resources and services
1153 are to be provided based on availability and funding.

1154 (7) A family support plan meeting must be held with the
1155 family to initially develop the family support plan and annually
1156 thereafter to update the plan as necessary. The family includes
1157 anyone who has an integral role in the life of the individual or
1158 child as identified by the individual or family. The family
1159 support plan must be reviewed periodically during the year, at
1160 least at 6-month intervals, to modify and update the plan as

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1161 needed. Such periodic reviews do not require a family support
1162 plan team meeting but may be accomplished through other means
1163 such as a case file review and telephone conference with the
1164 family.

1165 (8) The initial family support plan must be developed
1166 within a 90-day period. If exceptional circumstances make it
1167 impossible to complete the evaluation activities and to hold the
1168 initial family support plan team meeting within a reasonable
1169 time period, these circumstances must be documented, and the
1170 individual or family must be notified of the reason for the
1171 delay. With the agreement of the family and the provider,
1172 services for which either the individual or the family is
1173 eligible may be initiated before the completion of the
1174 evaluation activities and the family support plan.

1175 (9) The Department of Children and Families ~~Family~~
1176 ~~Services~~, the Department of Health, and the Department of
1177 Education, to the extent that funds are available, must offer
1178 technical assistance to communities to facilitate the
1179 implementation of the family support plan.

1180 (10) The Department of Children and Families ~~Family~~
1181 ~~Services~~, the Department of Health, and the Department of
1182 Education shall adopt rules necessary to implement this act.

1183 Section 37. Section 414.24, Florida Statutes, is amended to
1184 read:

1185 414.24 Integrated welfare reform and child welfare
1186 services.—The department shall develop integrated service
1187 delivery strategies to better meet the needs of families subject
1188 to work activity requirements who are involved in the child
1189 welfare system or are at high risk of involvement in the child

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1190 welfare system. To the extent that resources are available, the
1191 department and the Department of Labor and Employment Security
1192 shall provide funds to one or more circuits ~~service districts~~ to
1193 promote development of integrated, nonduplicative case
1194 management within the department, the Department of Labor and
1195 Employment Security, other participating government agencies,
1196 and community partners. Alternative delivery systems shall be
1197 encouraged which include well-defined, pertinent outcome
1198 measures. Other factors to be considered shall include
1199 innovation regarding training, enhancement of existing
1200 resources, and increased private sector and business sector
1201 participation.

1202 Section 38. Subsection (8) of section 415.1113, Florida
1203 Statutes, is amended to read:

1204 415.1113 Administrative fines for false report of abuse,
1205 neglect, or exploitation of a vulnerable adult.—

1206 (8) All amounts collected under this section must be
1207 deposited into the Operations and Maintenance Trust Fund within
1208 the Adult Protection Services ~~Program~~ of the department.

1209 Section 39. Subsections (1) through (3) of section 420.621,
1210 Florida Statutes, are renumbered as subsections (2) through (4),
1211 respectively, and present subsection (4) of that section is
1212 renumbered as subsection (1) and amended to read:

1213 420.621 Definitions.—As used in ss. 420.621-420.628, the
1214 term:

1215 (1)-(4) "Circuit District" means a specified geographic
1216 service area that conforms to the judicial circuits established
1217 in s. 26.021 ~~service district of the department, as set forth in~~
1218 ~~s. 20.19.~~

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1219 Section 40. Subsection (1) of section 420.622, Florida
1220 Statutes, is amended to read:

1221 420.622 State Office on Homelessness; Council on
1222 Homelessness.—

1223 (1) The State Office on Homelessness is created within the
1224 Department of Children and Families ~~Family Services~~ to provide
1225 interagency, council, and other related coordination on issues
1226 relating to homelessness. ~~An executive director of the office~~
1227 ~~shall be appointed by the Governor.~~

1228 Section 41. Subsection (4) of section 420.623, Florida
1229 Statutes, is amended to read:

1230 420.623 Local coalitions for the homeless.—

1231 (4) ANNUAL REPORTS.—The department shall submit to the
1232 Governor, the Speaker of the House of Representatives, and the
1233 President of the Senate, by June 30, an annual report consisting
1234 of a compilation of data collected by local coalitions, progress
1235 made in the development and implementation of local homeless
1236 assistance continuums of care plans in each circuit ~~district~~,
1237 local spending plans, programs and resources available at the
1238 local level, and recommendations for programs and funding.

1239 Section 42. Subsections (4) through (8) of section 420.625,
1240 Florida Statutes, are amended to read:

1241 420.625 Grant-in-aid program.—

1242 (4) APPLICATION PROCEDURE.—Local agencies shall submit an
1243 application for grant-in-aid funds to the circuit ~~district~~
1244 administrator for review. During the first year of
1245 implementation, circuit ~~district~~ administrators shall begin to
1246 accept applications for circuit ~~district~~ funds no later than
1247 October 1, 1988, and by August 1 of each year thereafter for

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1248 which funding for this section is provided. Circuit ~~District~~
1249 funds shall be made available to local agencies no more than 30
1250 days after the deadline date for applications for each funding
1251 cycle.

1252 (5) SPENDING PLANS.—The department shall develop guidelines
1253 for the development of spending plans and for the evaluation and
1254 approval by circuit ~~district~~ administrators of spending plans,
1255 based upon such factors as:

1256 (a) The demonstrated level of need for the program.

1257 (b) The demonstrated ability of the local agency or
1258 agencies seeking assistance to deliver the services and to
1259 assure that identified needs will be met.

1260 (c) The ability of the local agency or agencies seeking
1261 assistance to deliver a wide range of services as enumerated in
1262 subsection (3).

1263 (d) The adequacy and reasonableness of proposed budgets and
1264 planned expenditures, and the demonstrated capacity of the local
1265 agency or agencies to administer the funds sought.

1266 (e) A statement from the local coalition for the homeless
1267 as to the steps to be taken to assure coordination and
1268 integration of services in the circuit ~~district~~ to avoid
1269 unnecessary duplication and costs.

1270 (f) Assurances by the local coalition for the homeless that
1271 alternative funding strategies for meeting needs through the
1272 reallocation of existing resources, utilization of volunteers,
1273 and local government or private agency funding have been
1274 explored.

1275 (g) The existence of an evaluation component designed to
1276 measure program outcomes and determine the overall effectiveness

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1277 of the local programs for the homeless for which funding is
1278 sought.

1279 (6) ALLOCATION OF GRANT FUNDS TO CIRCUITS ~~DISTRICTS~~.—State
1280 grant-in-aid funds for local initiatives for the homeless shall
1281 be allocated by the department to, and administered by,
1282 department circuits ~~districts~~. Allocations shall be based upon
1283 sufficient documentation of:

1284 (a) The magnitude of the problem of homelessness in the
1285 circuit ~~district~~, and the demonstrated level of unmet need for
1286 services in the circuit ~~district~~ for those who are homeless or
1287 are about to become homeless.

1288 (b) A strong local commitment to seriously address the
1289 problem of homelessness as evidenced by coordinated programs
1290 involving preventive, emergency, and transitional services and
1291 by the existence of active local organizations committed to
1292 serving those who have become, or are about to become, homeless.

1293 (c) Agreement by local government and private agencies
1294 currently serving the homeless not to reduce current
1295 expenditures for services presently provided to those who are
1296 homeless or are about to become homeless if grant assistance is
1297 provided pursuant to this section.

1298 (d) Geographic distribution of circuit ~~district~~ programs to
1299 ensure that such programs serve both rural and urban areas, as
1300 needed.

1301 (7) DISTRIBUTION TO LOCAL AGENCIES.—Circuit ~~District~~ funds
1302 so allocated shall be available for distribution by the circuit
1303 ~~district~~ administrator to local agencies to fund programs such
1304 as those set forth in subsection (3), based upon the
1305 recommendations of the local coalitions in accordance with

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1306 spending plans developed by the coalitions and approved by the
1307 circuit ~~district~~ administrator. Not more than 10 percent of the
1308 total state funds awarded under a spending plan may be used by
1309 the local coalition for staffing and administration.

1310 (8) LOCAL MATCHING FUNDS.—Entities contracting to provide
1311 services through financial assistance obtained under this
1312 section shall provide a minimum of 25 percent of the funding
1313 necessary for the support of project operations. In-kind
1314 contributions, whether materials, commodities, transportation,
1315 office space, other types of facilities, or personal services,
1316 and contributions of money or services from homeless persons may
1317 be evaluated and counted as part or all of this required local
1318 funding, in the discretion of the circuit ~~district~~
1319 administrator.

1320 Section 43. Subsection (2) of section 429.35, Florida
1321 Statutes, is amended to read:

1322 429.35 Maintenance of records; reports.—

1323 (2) Within 60 days after the date of the biennial
1324 inspection visit required under s. 408.811 or within 30 days
1325 after the date of any interim visit, the agency shall forward
1326 the results of the inspection to the local ombudsman council in
1327 whose planning and service area, as defined in part II of
1328 chapter 400, the facility is located; to at least one public
1329 library or, in the absence of a public library, the county seat
1330 in the county in which the inspected assisted living facility is
1331 located; and, when appropriate, to the circuit ~~district~~ Adult
1332 Protection Services and Mental Health Program Offices.

1333 Section 44. Paragraph (d) of subsection (3) of section
1334 1002.67, Florida Statutes, is amended to read:

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1335 1002.67 Performance standards; curricula and
1336 accountability.—

1337 (3)

1338 (d) Each early learning coalition, the Agency for Workforce
1339 Innovation, and the department shall coordinate with the Child
1340 Care Licensure ~~Services~~ Program Office of the Department of
1341 Children and Families ~~Family Services~~ to minimize interagency
1342 duplication of activities for monitoring private prekindergarten
1343 providers for compliance with requirements of the Voluntary
1344 Prekindergarten Education Program under this part, the school
1345 readiness programs under s. 411.01, and the licensing of
1346 providers under ss. 402.301-402.319.

1347 Section 45. Sections 39.311, 39.312, 39.313, 39.314,
1348 39.315, 39.316, 39.317, 39.318, 394.9083, and 402.35, Florida
1349 Statutes, are repealed.

1350 Section 46. The Division of Statutory Revision of the Joint
1351 Legislative Management Committee is directed to prepare a
1352 reviser's bill for introduction at a subsequent session of the
1353 Legislature to change the term "Department of Children and
1354 Family Services" to "Department of Children and Families," the
1355 term "Secretary of Children and Family Services" to "Secretary
1356 of Children and Families," and the term "district administrator"
1357 to "circuit administrator," as that term relates to the
1358 responsibilities of the Department of Children and Families,
1359 wherever that term appears in the Florida Statutes.

1360 Section 47. The Agency for Persons with Disabilities is
1361 directed to prepare a plan that will enable it to perform all of
1362 its own administrative and operational functions separate from
1363 the Department of Children and Family Services by July 1, 2015.

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1364 The plan must identify resource requirements and a timeframe for
1365 completing the transfer of responsibilities from the Department
1366 of Children and Family Services, including submittal of a
1367 detailed justification for each position the agency estimates it
1368 would need to become administratively self-sufficient; an
1369 analysis of each function to determine if the Department of
1370 Children and Family Services could provide the service more
1371 efficiently on a reimbursed cost basis through an interagency
1372 agreement; and an estimate of the costs and benefits to be
1373 derived through the separation. The Department of Children and
1374 Family Services is directed to cooperate with the agency in
1375 preparing the plan. The plan shall be presented to the Speaker
1376 of the House of Representatives, the President of the Senate,
1377 and the appropriate substantive committees by January 15, 2011.

1378 Section 48. The Department of Children and Families,
1379 through its Office of General Counsel and in consultation with
1380 its contracted legal services providers and lead agency
1381 administrators, shall define the types of legal services
1382 associated with dependency proceedings. These legal services
1383 include, but are not limited to, service of process, court
1384 reporter and transcription services, expert witnesses, and legal
1385 publication. The department shall delineate the specific costs
1386 each lead agency will pay for those defined legal services, and
1387 by contract amendment, modify lead agency funding amounts to
1388 shift funding and responsibility for those costs to the
1389 department through its Office of General Counsel.

1390 Section 49. The Department of Children and Families is
1391 directed to establish a procedure to assist undocumented aliens
1392 forensically committed in mental health institutions as not

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1393 guilty by reason of insanity or civilly committed under the
1394 Baker Act to return to their country of origin. The procedure
1395 should include guidelines to identify appropriate candidates and
1396 a process to facilitate their voluntary repatriation.

1397 Section 50. The Department of Children and Families is
1398 directed to institute a program, modeled on the Department of
1399 Corrections' Institutional Hearing Program, to improve
1400 coordination with United States Immigration and Customs
1401 Enforcement to identify undocumented aliens in mental health
1402 institutions for whom removal may be appropriate. The program
1403 should allow undocumented aliens of any commitment status in
1404 state mental health treatment facilities to be identified and
1405 the removal process initiated early in their commitment.

1406 Section 51. This act shall take effect July 1, 2010.