

By the Committees on Governmental Oversight and Accountability;  
and Children, Families, and Elder Affairs; and Senator Storms

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

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30 394.9135, F.S.; requiring the transfer of certain  
31 sexually violent offenders to the custody of the  
32 United States Immigration and Customs Enforcement;  
33 requiring that the department put into place a  
34 memorandum of understanding for retaining custody of  
35 such an offender under certain circumstances; amending  
36 s. 402.313, F.S.; revising licensure requirements for  
37 family day care homes; amending s. 402.315, F.S.;  
38 requiring the county, rather than the department, to  
39 bear the costs of licensing family day care homes,  
40 under certain circumstances; amending s. 402.40, F.S.;  
41 defining the terms "child welfare certification" and  
42 "core competency"; requiring that professionals  
43 providing child welfare services demonstrate core  
44 competency; requiring that the department recognize  
45 certain certifications; requiring that certain persons  
46 hold active certification; amending s. 409.1671, F.S.;  
47 revising provisions relating to lead agencies;  
48 requiring the department to annually evaluate each  
49 agency; conforming provision to changes made by the  
50 act; amending s. 409.1755, F.S.; decreasing the  
51 membership of the One Church, One Child of Florida  
52 Corporation, to conform to changes made by the act;  
53 amending s. 420.621, F.S.; revising the definition of  
54 the term "district" to conform to changes made by the  
55 act; amending s. 420.622, F.S.; deleting a requirement  
56 for the Governor to appoint the executive director of  
57 the State Office of Homelessness; conforming a  
58 provision; amending ss. 20.195, 39.01, 39.0121,

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59 39.301, 39.302, 39.303, 39.806, 39.828, 49.011,  
60 381.0072, 394.493, 394.4985, 394.67, 394.73, 394.74,  
61 394.75, 394.76, 394.82, 394.9084, 397.821, 402.49,  
62 409.152, 409.1685, 410.0245, 410.603, 410.604,  
63 411.224, 414.24, 415.1113, 420.623, 420.625, 429.35,  
64 and 1002.67, F.S.; revising provisions to conform to  
65 changes made by the act; correcting cross-references;  
66 repealing ss. 39.311, 39.312, 39.313, 39.314, 39.315,  
67 39.316, 39.317, and 39.318, F.S., relating to the  
68 Family Builders Program; repealing s. 394.9083, F.S.,  
69 relating to the Behavioral Health Services Integration  
70 Workgroup; repealing s. 402.35, F.S., which provides  
71 for department employees to be governed by Department  
72 of Management Services rules; directing the Division  
73 of Statutory Revision to prepare a reviser's bill;  
74 requiring the Agency for Persons with Disabilities to  
75 prepare a plan to perform its own administrative and  
76 operational functions separate from the department;  
77 directing the department to define legal services  
78 associated with dependency proceeding and modify lead  
79 agency funding; directing the department to establish  
80 a procedure for assisting certain undocumented aliens  
81 in returning to their country of origin; directing the  
82 department to institute a program for identifying  
83 undocumented aliens in mental health institutions who  
84 may be appropriate candidates for removal; providing  
85 an effective date.

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

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

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

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

(1) MISSION AND PLAN.—

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

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

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

(2) SECRETARY OF CHILDREN AND FAMILIES.—

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

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

(c) The secretary shall appoint a deputy secretary who shall act in the absence of the secretary. The deputy secretary

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117 is directly responsible to the secretary, performs such duties  
118 as are assigned by the secretary, and serves at the pleasure of  
119 the secretary.

120 (d) The secretary shall appoint an Assistant Secretary for  
121 Substance Abuse and Mental Health and may establish assistant  
122 secretary positions as necessary to administer the requirements  
123 of this section. All persons appointed to such positions shall  
124 serve at the pleasure of the secretary. The department shall  
125 integrate substance abuse and mental health programs into the  
126 overall structure and priorities of the department.

127 (3) SERVICES PROVIDED.—

128 (a) The department shall establish the following program  
129 offices, each of which shall be headed by a program director who  
130 shall be appointed by and serve at the pleasure of the  
131 secretary:

- 132 1. Adult protection.
- 133 2. Child care licensure.
- 134 3. Domestic violence.
- 135 4. Economic self-sufficiency.
- 136 5. Family safety.
- 137 6. Mental health.
- 138 7. Refugee services.
- 139 8. Substance abuse.
- 140 9. Homelessness.

141 (b) The secretary may appoint additional directors as  
142 necessary for the effective management of the program services  
143 provided by the department.

144 (4) OPERATING UNITS.—

145 (a) The department shall plan and administer its program

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146 services through operating units called "circuits" that conform  
147 to the geographic boundaries of the judicial circuits  
148 established in s. 26.021. The department may also establish one  
149 or more regions consisting of one or more circuits. A region  
150 shall provide administrative, management, and infrastructure  
151 support to the circuits operating within the region. The region  
152 shall consolidate support functions to provide the most  
153 efficient use of resources to support the circuits operating  
154 within the region.

155 (b) The secretary may appoint a circuit administrator for  
156 each circuit and a region director for each region who shall  
157 serve at the pleasure of the secretary and shall perform such  
158 duties as are assigned by the secretary.

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

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

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175 1. Participating in joint planning for the effective use of  
176 resources in the community, including resources appropriated to  
177 the department, and any funds that local funding sources choose  
178 to provide.

179 2. Performing a needs assessment and establishing community  
180 priorities for service delivery.

181 3. Determining community outcome goals to supplement state-  
182 required outcomes.

183 4. Serving as a catalyst for community resource  
184 development.

185 5. Providing for community education and advocacy on issues  
186 related to service delivery.

187 6. Promoting prevention and early intervention services.

188 (b) If one or more community alliances or community  
189 partnerships are established in a circuit, the department shall  
190 ensure, to the greatest extent possible, that the formation of  
191 each alliance or partnership builds on the strengths of the  
192 existing community human services infrastructure.

193 (c) Members of community alliances, community partnerships,  
194 and advisory groups shall serve without compensation, but are  
195 entitled to reimbursement for per diem and travel expenses in  
196 accordance with s. 112.061. The department may also authorize  
197 payment for preapproved child care expenses or lost wages for  
198 members who are consumers of services provided by the  
199 department.

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

203 (e) Actions taken by community alliances, community

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204 partnerships, and advisory groups must be consistent with  
205 department policy and state and federal laws, rules, and  
206 regulations.

207 (f) Each member of a community alliance, community  
208 partnership, or advisory group must submit annually to the  
209 inspector general of the department a disclosure statement of  
210 any interest in services provided by the department. Any member  
211 who has an interest in a matter under consideration by the  
212 community alliance, community partnership, or advisory group  
213 must abstain from voting on that matter.

214 (g) All meetings of community alliances, community  
215 partnerships, and advisory groups are open to the public  
216 pursuant to s. 286.011 and are subject to the public-records  
217 provisions of s. 119.07(1).

218 (6) CONSULTATION WITH COUNTIES ON MANDATED PROGRAMS.—It is  
219 the intent of the Legislature that when county governments are  
220 required by law to participate in the funding of programs  
221 serviced by the department, the department shall consult with  
222 designated representatives of county governments in developing  
223 policies and service delivery plans for those programs.

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

226 20.04 Structure of executive branch.—The executive branch  
227 of state government is structured as follows:

228 (4) Within the Department of Children and ~~Families~~ Family  
229 ~~Services~~ there are organizational units called "program  
230 offices," headed by program directors, and operating units  
231 called "circuits," headed by circuit administrators. In  
232 addition, there may be "regions," headed by region directors.

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233 (7)

234 (b) Within the limitations of this subsection, the head of  
235 the department may recommend the establishment of additional  
236 divisions, bureaus, sections, and subsections of the department  
237 to promote efficient and effective operation of the department.  
238 However, additional divisions, or offices in ~~the Department of~~  
239 ~~Children and Family Services,~~ the Department of Corrections, and  
240 the Department of Transportation, may be established only by  
241 specific statutory enactment. New bureaus, sections, and  
242 subsections of departments may be initiated by a department and  
243 established as recommended by the Department of Management  
244 Services and approved by the Executive Office of the Governor,  
245 or may be established by specific statutory enactment.

246 Section 3. Paragraph (a) of subsection (4) of section  
247 20.195, Florida Statutes, is amended to read:

248 20.195 Department of Children and Family Services; trust  
249 funds.—The following trust funds shall be administered by the  
250 Department of Children and Family Services:

251 (4) Domestic Violence Trust Fund.

252 (a) Funds to be credited to and uses of the trust fund  
253 shall be administered in accordance with the provisions of s.  
254 28.101, part XII ~~XIII~~ of chapter 39, and chapter 741.

255 Section 4. Subsection (5) of section 20.43, Florida  
256 Statutes, is amended to read:

257 20.43 Department of Health.—There is created a Department  
258 of Health.

259 (5) The department shall plan and administer its public  
260 health programs through its county health departments and may,  
261 for administrative purposes and efficient service delivery,

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262 establish up to 15 service areas to carry out such duties as may  
263 be prescribed by the State Surgeon General. ~~The boundaries of~~  
264 ~~the service areas shall be the same as, or combinations of, the~~  
265 ~~service districts of the Department of Children and Family~~  
266 ~~Services established in s. 20.19 and, to the extent practicable,~~  
267 ~~shall take into consideration the boundaries of the jobs and~~  
268 ~~education regional boards.~~

269 Section 5. Subsections (18) through (76) of section 39.01,  
270 Florida Statutes, are renumbered as subsections (19) through  
271 (75), respectively, subsection (10) is amended, present  
272 subsection (26) is repealed, and present subsection (27) of that  
273 section is renumbered as subsection (18) and amended, to read:

274 39.01 Definitions.—When used in this chapter, unless the  
275 context otherwise requires:

276 (10) "Caregiver" means the parent, legal custodian,  
277 permanent guardian, adult household member, or other person  
278 responsible for a child's welfare as defined in subsection (46)  
279 ~~(47)~~.

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

282 (18) ~~(27)~~ "Circuit District administrator" means the chief  
283 operating officer of each circuit service district of the  
284 department as defined in s. 20.19 ~~(5)~~ and, where appropriate,  
285 ~~includes any district administrator whose service district falls~~  
286 ~~within the boundaries of a judicial circuit.~~

287 Section 6. Subsection (10) of section 39.0121, Florida  
288 Statutes, is amended to read:

289 39.0121 Specific rulemaking authority.—Pursuant to the  
290 requirements of s. 120.536, the department is specifically

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291 authorized to adopt, amend, and repeal administrative rules  
292 which implement or interpret law or policy, or describe the  
293 procedure and practice requirements necessary to implement this  
294 chapter, including, but not limited to, the following:

295 (10) The ~~Family Builders Program~~, the Intensive Crisis  
296 Counseling Program, and any other early intervention programs  
297 and kinship care assistance programs.

298 Section 7. Paragraph (a) of subsection (15) of section  
299 39.301, Florida Statutes, is amended to read:

300 39.301 Initiation of protective investigations.—

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

303 1. Medical or other health care; or

304 2. Homemaker care, day care, protective supervision, or  
305 other services to stabilize the home environment, including  
306 intensive family preservation services through ~~the Family~~  
307 ~~Builders Program~~ or the Intensive Crisis Counseling Program, ~~or~~  
308 ~~both~~,

309  
310 such services shall first be offered for voluntary acceptance  
311 unless there are high-risk factors that may impact the ability  
312 of the parents or legal custodians to exercise judgment. Such  
313 factors may include the parents' or legal custodians' young age  
314 or history of substance abuse or domestic violence.

315 Section 8. Subsection (1) of section 39.302, Florida  
316 Statutes, is amended to read:

317 39.302 Protective investigations of institutional child  
318 abuse, abandonment, or neglect.—

319 (1) The department shall conduct a child protective

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320 investigation of each report of institutional child abuse,  
321 abandonment, or neglect. Upon receipt of a report that alleges  
322 that an employee or agent of the department, or any other entity  
323 or person covered by s. 39.01(32)~~(33)~~ or (46)~~(47)~~, acting in an  
324 official capacity, has committed an act of child abuse,  
325 abandonment, or neglect, the department shall initiate a child  
326 protective investigation within the timeframe established under  
327 s. 39.201(5) and orally notify the appropriate state attorney,  
328 law enforcement agency, and licensing agency, which shall  
329 immediately conduct a joint investigation, unless independent  
330 investigations are more feasible. When conducting investigations  
331 onsite or having face-to-face interviews with the child,  
332 investigation visits shall be unannounced unless it is  
333 determined by the department or its agent that unannounced  
334 visits threaten the safety of the child. If a facility is exempt  
335 from licensing, the department shall inform the owner or  
336 operator of the facility of the report. Each agency conducting a  
337 joint investigation is entitled to full access to the  
338 information gathered by the department in the course of the  
339 investigation. A protective investigation must include an onsite  
340 visit of the child's place of residence. The department shall  
341 make a full written report to the state attorney within 3  
342 working days after making the oral report. A criminal  
343 investigation shall be coordinated, whenever possible, with the  
344 child protective investigation of the department. Any interested  
345 person who has information regarding the offenses described in  
346 this subsection may forward a statement to the state attorney as  
347 to whether prosecution is warranted and appropriate. Within 15  
348 days after the completion of the investigation, the state

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349 attorney shall report the findings to the department and shall  
350 include in the report a determination of whether or not  
351 prosecution is justified and appropriate in view of the  
352 circumstances of the specific case.

353 Section 9. Section 39.303, Florida Statutes, is amended to  
354 read:

355 39.303 Child protection teams; services; eligible cases.—  
356 The Children's Medical Services Program in the Department of  
357 Health shall develop, maintain, and coordinate the services of  
358 one or more multidisciplinary child protection teams in each of  
359 the circuits ~~service districts~~ of the Department of Children and  
360 Families ~~Family Services~~. Such teams may be composed of  
361 appropriate representatives of school districts and appropriate  
362 health, mental health, social service, legal service, and law  
363 enforcement agencies. The Legislature finds that optimal  
364 coordination of child protection teams and sexual abuse  
365 treatment programs requires collaboration between the Department  
366 of Health and the Department of Children and Families ~~Family~~  
367 ~~Services~~. The two departments shall maintain an interagency  
368 agreement that establishes protocols for oversight and  
369 operations of child protection teams and sexual abuse treatment  
370 programs. The State Surgeon General and the Deputy Secretary for  
371 Children's Medical Services, in consultation with the Secretary  
372 of Children and Families ~~Family Services~~, shall maintain the  
373 responsibility for the screening, employment, and, if necessary,  
374 the termination of child protection team medical directors, at  
375 headquarters and in the circuits ~~15 districts~~. Child protection  
376 team medical directors shall be responsible for oversight of the  
377 teams in the circuits ~~districts~~.

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378 (1) The Department of Health shall utilize and convene the  
379 teams to supplement the assessment and protective supervision  
380 activities of the family safety and preservation program of the  
381 Department of Children and Families ~~Family Services~~. Nothing in  
382 this section shall be construed to remove or reduce the duty and  
383 responsibility of any person to report pursuant to this chapter  
384 all suspected or actual cases of child abuse, abandonment, or  
385 neglect or sexual abuse of a child. The role of the teams shall  
386 be to support activities of the program and to provide services  
387 deemed by the teams to be necessary and appropriate to abused,  
388 abandoned, and neglected children upon referral. The specialized  
389 diagnostic assessment, evaluation, coordination, consultation,  
390 and other supportive services that a child protection team shall  
391 be capable of providing include, but are not limited to, the  
392 following:

393 (a) Medical diagnosis and evaluation services, including  
394 provision or interpretation of X rays and laboratory tests, and  
395 related services, as needed, and documentation of findings  
396 relative thereto.

397 (b) Telephone consultation services in emergencies and in  
398 other situations.

399 (c) Medical evaluation related to abuse, abandonment, or  
400 neglect, as defined by policy or rule of the Department of  
401 Health.

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

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407 (e) Expert medical, psychological, and related professional  
408 testimony in court cases.

409 (f) Case staffings to develop treatment plans for children  
410 whose cases have been referred to the team. A child protection  
411 team may provide consultation with respect to a child who is  
412 alleged or is shown to be abused, abandoned, or neglected, which  
413 consultation shall be provided at the request of a  
414 representative of the family safety and preservation program or  
415 at the request of any other professional involved with a child  
416 or the child's parent or parents, legal custodian or custodians,  
417 or other caregivers. In every such child protection team case  
418 staffing, consultation, or staff activity involving a child, a  
419 family safety and preservation program representative shall  
420 attend and participate.

421 (g) Case service coordination and assistance, including the  
422 location of services available from other public and private  
423 agencies in the community.

424 (h) Such training services for program and other employees  
425 of the Department of Children and Families ~~Family Services~~,  
426 employees of the Department of Health, and other medical  
427 professionals as is deemed appropriate to enable them to develop  
428 and maintain their professional skills and abilities in handling  
429 child abuse, abandonment, and neglect cases.

430 (i) Educational and community awareness campaigns on child  
431 abuse, abandonment, and neglect in an effort to enable citizens  
432 more successfully to prevent, identify, and treat child abuse,  
433 abandonment, and neglect in the community.

434 (j) Child protection team assessments that include, as  
435 appropriate, medical evaluations, medical consultations, family

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436 psychosocial interviews, specialized clinical interviews, or  
437 forensic interviews.

438

439 All medical personnel participating on a child protection team  
440 must successfully complete the required child protection team  
441 training curriculum as set forth in protocols determined by the  
442 Deputy Secretary for Children's Medical Services and the  
443 Statewide Medical Director for Child Protection.

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

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

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

452 (c) Any report alleging sexual abuse of a child.

453 (d) Any sexually transmitted disease in a prepubescent  
454 child.

455 (e) Reported malnutrition of a child and failure of a child  
456 to thrive.

457 (f) Reported medical neglect of a child.

458 (g) Any family in which one or more children have been  
459 pronounced dead on arrival at a hospital or other health care  
460 facility, or have been injured and later died, as a result of  
461 suspected abuse, abandonment, or neglect, when any sibling or  
462 other child remains in the home.

463 (h) Symptoms of serious emotional problems in a child when  
464 emotional or other abuse, abandonment, or neglect is suspected.

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465 (3) All abuse and neglect cases transmitted for  
466 investigation to a circuit ~~district~~ by the hotline must be  
467 simultaneously transmitted to the Department of Health child  
468 protection team for review. For the purpose of determining  
469 whether face-to-face medical evaluation by a child protection  
470 team is necessary, all cases transmitted to the child protection  
471 team which meet the criteria in subsection (2) must be timely  
472 reviewed by:

473 (a) A physician licensed under chapter 458 or chapter 459  
474 who holds board certification in pediatrics and is a member of a  
475 child protection team;

476 (b) A physician licensed under chapter 458 or chapter 459  
477 who holds board certification in a specialty other than  
478 pediatrics, who may complete the review only when working under  
479 the direction of a physician licensed under chapter 458 or  
480 chapter 459 who holds board certification in pediatrics and is a  
481 member of a child protection team;

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

485 (d) A physician assistant licensed under chapter 458 or  
486 chapter 459, who may complete the review only when working under  
487 the supervision of a physician licensed under chapter 458 or  
488 chapter 459 who holds board certification in pediatrics and is a  
489 member of a child protection team; or

490 (e) A registered nurse licensed under chapter 464, who may  
491 complete the review only when working under the direct  
492 supervision of a physician licensed under chapter 458 or chapter  
493 459 who holds certification in pediatrics and is a member of a

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494 child protection team.

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

497 (a) The child was examined for the alleged abuse or neglect  
498 by a physician who is not a member of the child protection team,  
499 and a consultation between the child protection team board-  
500 certified pediatrician, advanced registered nurse practitioner,  
501 physician assistant working under the supervision of a child  
502 protection team board-certified pediatrician, or registered  
503 nurse working under the direct supervision of a child protection  
504 team board-certified pediatrician, and the examining physician  
505 concludes that a further medical evaluation is unnecessary;

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

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

513

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

517 (5) In all instances in which a child protection team is  
518 providing certain services to abused, abandoned, or neglected  
519 children, other offices and units of the Department of Health,  
520 and offices and units of the Department of Children and Families  
521 ~~Family Services~~, shall avoid duplicating the provision of those  
522 services.

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523 (6) The Department of Health child protection team quality  
524 assurance program and the Department of Children and Families'  
525 ~~Family Services'~~ Family Safety Program Office quality assurance  
526 program shall collaborate to ensure referrals and responses to  
527 child abuse, abandonment, and neglect reports are appropriate.  
528 Each quality assurance program shall include a review of records  
529 in which there are no findings of abuse, abandonment, or  
530 neglect, and the findings of these reviews shall be included in  
531 each department's quality assurance reports.

532 Section 10. Paragraph (k) of subsection (1) of section  
533 39.806, Florida Statutes, is amended to read:

534 39.806 Grounds for termination of parental rights.—

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

537 (k) A test administered at birth that indicated that the  
538 child's blood, urine, or meconium contained any amount of  
539 alcohol or a controlled substance or metabolites of such  
540 substances, the presence of which was not the result of medical  
541 treatment administered to the mother or the newborn infant, and  
542 the biological mother of the child is the biological mother of  
543 at least one other child who was adjudicated dependent after a  
544 finding of harm to the child's health or welfare due to exposure  
545 to a controlled substance or alcohol as defined in s.

546 39.01 (31) ~~(32)~~ (g), after which the biological mother had the  
547 opportunity to participate in substance abuse treatment.

548 Section 11. Paragraph (a) of subsection (1) of section  
549 39.828, Florida Statutes, is amended to read:

550 39.828 Grounds for appointment of a guardian advocate.—

551 (1) The court shall appoint the person named in the

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552 petition as a guardian advocate with all the powers and duties  
553 specified in s. 39.829 for an initial term of 1 year upon a  
554 finding that:

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

557 (b) The parent or parents of the child have voluntarily  
558 relinquished temporary custody of the child to a relative or  
559 other responsible adult;

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

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

565 Section 12. Subsection (13) of section 49.011, Florida  
566 Statutes, is amended to read:

567 49.011 Service of process by publication; cases in which  
568 allowed.—Service of process by publication may be made in any  
569 court on any party identified in s. 49.021 in any action or  
570 proceeding:

571 (13) For termination of parental rights pursuant to part  
572 VIII ~~IX~~ of chapter 39 or chapter 63.

573 Section 13. Paragraph (a) of subsection (3) of section  
574 381.0072, Florida Statutes, is amended to read:

575 381.0072 Food service protection.—It shall be the duty of  
576 the Department of Health to adopt and enforce sanitation rules  
577 consistent with law to ensure the protection of the public from  
578 food-borne illness. These rules shall provide the standards and  
579 requirements for the storage, preparation, serving, or display  
580 of food in food service establishments as defined in this

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581 section and which are not permitted or licensed under chapter  
582 500 or chapter 509.

583 (3) LICENSES REQUIRED.—

584 (a) *Licenses; annual renewals.*—Each food service  
585 establishment regulated under this section shall obtain a  
586 license from the department annually. Food service establishment  
587 licenses shall expire annually and are not transferable from one  
588 place or individual to another. However, those facilities  
589 licensed by the department's Office of Licensure and  
590 Certification, the Child Care Licensure ~~Services~~ Program Office,  
591 or the Agency for Persons with Disabilities are exempt from this  
592 subsection. It shall be a misdemeanor of the second degree,  
593 punishable as provided in s. 381.0061, s. 775.082, or s.  
594 775.083, for such an establishment to operate without this  
595 license. The department may refuse a license, or a renewal  
596 thereof, to any establishment that is not constructed or  
597 maintained in accordance with law and with the rules of the  
598 department. Annual application for renewal is not required.

599 Section 14. Subsection (3) of section 394.47865, Florida  
600 Statutes, is amended to read:

601 394.47865 South Florida State Hospital; privatization.—

602 (3) ~~(a)~~ Current South Florida State Hospital employees who  
603 are affected by the privatization shall be given first  
604 preference for continued employment by the contractor. The  
605 department shall make reasonable efforts to find suitable job  
606 placements for employees who wish to remain within the state  
607 Career Service System.

608 ~~(b) Any savings that result from the privatization of South~~  
609 ~~Florida State Hospital shall be directed to the department's~~

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610 ~~service districts 9, 10, and 11 for the delivery of community~~  
611 ~~mental health services.~~

612 Section 15. Subsection (2) of section 394.493, Florida  
613 Statutes, is amended to read:

614 394.493 Target populations for child and adolescent mental  
615 health services funded through the department.—

616 (2) Each mental health provider under contract with the  
617 department to provide mental health services to the target  
618 population shall collect fees from the parent or legal guardian  
619 of the child or adolescent receiving services. The fees shall be  
620 based on a sliding fee scale for families whose net family  
621 income is at or above 150 percent of the Federal Poverty Income  
622 Guidelines. The department shall adopt, by rule, a sliding fee  
623 scale for statewide implementation. Fees collected from families  
624 shall be retained in the circuit ~~service district~~ and used for  
625 expanding child and adolescent mental health treatment services.

626 Section 16. Section 394.4985, Florida Statutes, is amended  
627 to read:

628 394.4985 Circuitwide ~~Districtwide~~ information and referral  
629 network; implementation.—

630 (1) Each circuit ~~service district~~ of the Department of  
631 Children and Families ~~Family Services~~ shall develop a detailed  
632 implementation plan for a circuitwide ~~districtwide~~ comprehensive  
633 child and adolescent mental health information and referral  
634 network to be operational by July 1, 1999. The plan must include  
635 an operating budget that demonstrates cost efficiencies and  
636 identifies funding sources for the circuit ~~district~~ information  
637 and referral network. The plan must be submitted by the  
638 department to the Legislature by October 1, 1998. The circuit

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639 ~~district~~ shall use existing circuit ~~district~~ information and  
640 referral providers if, in the development of the plan, it is  
641 concluded that these providers would deliver information and  
642 referral services in a more efficient and effective manner when  
643 compared to other alternatives. The circuit ~~district~~ information  
644 and referral network must include:

645 (a) A resource file that contains information about the  
646 child and adolescent mental health services as described in s.  
647 394.495, including, but not limited to:

- 648 1. Type of program;
- 649 2. Hours of service;
- 650 3. Ages of persons served;
- 651 4. Program description;
- 652 5. Eligibility requirements; and
- 653 6. Fees.

654 (b) Information about private providers and professionals  
655 in the community which serve children and adolescents with an  
656 emotional disturbance.

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

- 660 1. Number of calls by type of service requested;
- 661 2. Ages of the children and adolescents for whom services  
662 are requested; and
- 663 3. Type of referral made by the network.

664 (d) The ability to share client information with the  
665 appropriate community agencies.

666 (e) The submission of an annual report to the department,  
667 the Agency for Health Care Administration, and appropriate local

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668 government entities, which contains information about the  
669 sources and frequency of requests for information, types and  
670 frequency of services requested, and types and frequency of  
671 referrals made.

672 (2) In planning the information and referral network, the  
673 circuit ~~district~~ shall consider the establishment of a 24-hour  
674 toll-free telephone number, staffed at all times, for parents  
675 and other persons to call for information that concerns child  
676 and adolescent mental health services and a community public  
677 service campaign to inform the public about information and  
678 referral services.

679 Section 17. Subsection (12) of section 394.655, Florida  
680 Statutes, is amended to read:

681 394.655 The Substance Abuse and Mental Health Corporation;  
682 powers and duties; composition; evaluation and reporting  
683 requirements.—

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

686 Section 18. Subsections (2) through (6) of section 394.67,  
687 Florida Statutes, are renumbered as subsections (4) and (8),  
688 respectively, and present subsections (7) and (8) are renumbered  
689 as subsections (2) and (3), respectively, and amended to read:

690 394.67 Definitions.—As used in this part, the term:

691 ~~(2)-(7)~~ (2) "Circuit ~~District~~ administrator" means the person  
692 appointed by the Secretary of Children and Families ~~Family~~  
693 ~~Services~~ for the purpose of administering a department circuit  
694 ~~service-district~~ as set forth in s. 20.19.

695 ~~(3)-(8)~~ (3) "Circuit ~~District~~ plan" or "plan" means the combined  
696 circuit ~~district~~ substance abuse and mental health plan approved

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697 by the circuit ~~district~~ administrator and governing bodies in  
698 accordance with this part.

699 Section 19. Section 394.73, Florida Statutes, is amended to  
700 read:

701 394.73 Joint alcohol, drug abuse, and mental health service  
702 programs in two or more counties.—

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

707 (2) In order to carry out the intent of this part and to  
708 provide alcohol, drug abuse, and mental health services in  
709 accordance with the circuit ~~district~~ plan, the counties within a  
710 circuit ~~service-district~~ may enter into agreements with each  
711 other for the establishment of joint service programs. The  
712 agreements may provide for the joint provision or operation of  
713 services and facilities or for the provision or operation of  
714 services and facilities by one participating county under  
715 contract with other participating counties.

716 (3) When a circuit ~~service-district~~ comprises two or more  
717 counties or portions thereof, it is the obligation of the  
718 planning council to submit to the governing bodies, prior to the  
719 budget submission date of each governing body, an estimate of  
720 the proportionate share of costs of alcohol, drug abuse, and  
721 mental health services proposed to be borne by each such  
722 governing body.

723 (4) Any county desiring to withdraw from a joint program  
724 may submit to the circuit ~~district~~ administrator a resolution  
725 requesting withdrawal therefrom together with a plan for the

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726 equitable adjustment and division of the assets, property,  
727 debts, and obligations, if any, of the joint program.

728 Section 20. Paragraph (a) of subsection (3) of section  
729 394.74, Florida Statutes, is amended to read:

730 394.74 Contracts for provision of local substance abuse and  
731 mental health programs.—

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

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

739 Section 21. Subsection (10) of section 394.75, Florida  
740 Statutes, is amended to read:

741 394.75 State and circuit ~~district~~ substance abuse and  
742 mental health plans.—

743 (10) The circuit ~~district~~ administrator shall ensure that  
744 the circuit ~~district~~ plan:

745 (a) Conforms to the priorities in the state plan, the  
746 requirements of this part, and the standards adopted under this  
747 part;

748 (b) Ensures that the most effective and economical use will  
749 be made of available public and private substance abuse and  
750 mental health resources in the circuit ~~service-district~~; and

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

753 Section 22. Subsection (2) of section 394.76, Florida  
754 Statutes, is amended to read:

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755           394.76 Financing of circuit ~~district~~ programs and  
756 services.—If the local match funding level is not provided in  
757 the General Appropriations Act or the substantive bill  
758 implementing the General Appropriations Act, such funding level  
759 shall be provided as follows:

760           (2) If in any fiscal year the approved state appropriation  
761 is insufficient to finance the programs and services specified  
762 by this part, the department shall have the authority to  
763 determine the amount of state funds available to each circuit  
764 ~~service-district~~ for such purposes in accordance with the  
765 priorities in both the state and circuit ~~district~~ plans. The  
766 circuit ~~district~~ administrator shall consult with the planning  
767 council to ensure that the summary operating budget conforms to  
768 the approved plan.

769           Section 23. Subsection (5) of section 394.78, Florida  
770 Statutes, is amended to read:

771           394.78 Operation and administration; personnel standards;  
772 procedures for audit and monitoring of service providers;  
773 ~~resolution of disputes.—~~

774           ~~(5) In unresolved disputes regarding this part or rules~~  
775 ~~established pursuant to this part, providers and district health~~  
776 ~~and human services boards shall adhere to formal procedures~~  
777 ~~specified under s. 20.19(8)(n).—~~

778           Section 24. Subsections (3) and (4) of section 394.82,  
779 Florida Statutes, are amended to read:

780           394.82 Funding of expanded services.—

781           (3) Each fiscal year, any funding increases for crisis  
782 services or community mental health services that are included  
783 in the General Appropriations Act shall be appropriated in a

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784 lump-sum category as defined in s. 216.011(1)(aa). In accordance  
785 with s. 216.181(6)(a), the Executive Office of the Governor  
786 shall require the Department of Children and Families ~~Family~~  
787 ~~Services~~ to submit a spending plan for the use of funds  
788 appropriated for this purpose. The spending plan must include a  
789 schedule for phasing in the new community mental health services  
790 in each circuit ~~service-district~~ of the department and must  
791 describe how the new services will be integrated and coordinated  
792 with all current community-based health and human services.

793 (4) By January 1, 2004, the crisis services defined in s.  
794 394.67(5) ~~(3)~~ shall be implemented, as appropriate, in the  
795 state's public community mental health system to serve children  
796 and adults who are experiencing an acute mental or emotional  
797 crisis, as defined in s. 394.67(17). By January 1, 2006, the  
798 mental health services defined in s. 394.67(15) shall be  
799 implemented, as appropriate, in the state's public community  
800 mental health system to serve adults and older adults who have a  
801 severe and persistent mental illness and to serve children who  
802 have a serious emotional disturbance or mental illness, as  
803 defined in s. 394.492(6).

804 Section 25. Subsection (1) of section 394.9084, Florida  
805 Statutes, is amended to read:

806 394.9084 Florida Self-Directed Care program.—

807 (1) The Department of Children and Families ~~Family~~  
808 ~~Services~~, in cooperation with the Agency for Health Care  
809 Administration, may provide a client-directed and choice-based  
810 Florida Self-Directed Care program in all department circuits  
811 ~~service-districts~~, in addition to the pilot projects established  
812 in district 4 and district 8, to provide mental health treatment

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813 and support services to adults who have a serious mental  
814 illness. The department may also develop and implement a client-  
815 directed and choice-based pilot project in one circuit ~~district~~  
816 to provide mental health treatment and support services for  
817 children with a serious emotional disturbance who live at home.  
818 If established, any staff who work with children must be  
819 screened under s. 435.04. The department shall implement a  
820 payment mechanism in which each client controls the money that  
821 is available for that client's mental health treatment and  
822 support services. The department shall establish interagency  
823 cooperative agreements and work with the agency, the Division of  
824 Vocational Rehabilitation, and the Social Security  
825 Administration to implement and administer the Florida Self-  
826 Directed Care program.

827 Section 26. Subsection (1) of section 397.821, Florida  
828 Statutes, is amended to read:

829 397.821 Juvenile substance abuse impairment prevention and  
830 early intervention councils.—

831 (1) Each judicial circuit as set forth in s. 26.021 may  
832 establish a juvenile substance abuse impairment prevention and  
833 early intervention council composed of at least 12 members,  
834 including representatives from law enforcement, the department,  
835 school districts, state attorney and public defender offices,  
836 the circuit court, the religious community, substance abuse  
837 impairment professionals, child advocates from the community,  
838 business leaders, parents, and high school students. However,  
839 those circuits which already have in operation a council of  
840 similar composition may designate the existing body as the  
841 juvenile substance abuse impairment prevention and early

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842 intervention council for the purposes of this section. Each  
843 council shall establish bylaws providing for the length of term  
844 of its members, but the term may not exceed 4 years. The circuit  
845 ~~substate entity~~ administrator, as defined in s. 20.19, and the  
846 chief judge of the circuit court shall each appoint six members  
847 of the council. The circuit ~~substate entity~~ administrator shall  
848 appoint a representative from the department, a school district  
849 representative, a substance abuse impairment treatment  
850 professional, a child advocate, a parent, and a high school  
851 student. The chief judge of the circuit court shall appoint a  
852 business leader and representatives from the state attorney's  
853 office, the public defender's office, the religious community,  
854 the circuit court, and law enforcement agencies.

855 Section 27. Subsection (1) of section 394.9135, Florida  
856 Statutes, is amended to read:

857 394.9135 Immediate releases from total confinement;  
858 transfer of person ~~to department~~; time limitations on  
859 assessment, notification, and filing petition to hold in  
860 custody; filing petition after release.-

861 (1) If the anticipated release from total confinement of a  
862 person who has been convicted of a sexually violent offense  
863 becomes immediate for any reason, the agency with jurisdiction  
864 shall upon immediate release from total confinement transfer  
865 that person:

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

868 (b) To the custody of the Department of Children and  
869 Families ~~Family Services~~ to be held in an appropriate secure  
870 facility.

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871  
872 The department shall put into place a memorandum of  
873 understanding with United States Immigration and Customs  
874 Enforcement to ensure that if Immigration and Customs  
875 Enforcement is unable to deport the person for any reason, the  
876 person shall be immediately transferred back to the custody of  
877 the department for civil commitment and further proceedings  
878 under this section.

879 Section 28. Subsection (1) of section 402.313, Florida  
880 Statutes, is amended to read:

881 402.313 Family day care homes.—

882 (1) Family day care homes shall be licensed under this act  
883 if they are presently being licensed under an existing county  
884 licensing ordinance, if they are participating in the subsidized  
885 child care program, or if the board of county commissioners  
886 passes a resolution that family day care homes be licensed. If  
887 no county authority exists for the licensing of a family day  
888 care home and the county passes a resolution requiring  
889 licensure, the department shall have the authority to license  
890 family day care homes under contract with the county ~~for the~~  
891 ~~purchase of service system in the subsidized child care program.~~

892 (a) If not subject to license, family day care homes shall  
893 register annually with the department, providing the following  
894 information:

- 895 1. The name and address of the home.
- 896 2. The name of the operator.
- 897 3. The number of children served.
- 898 4. Proof of a written plan to provide at least one other  
899 competent adult to be available to substitute for the operator

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900 in an emergency. This plan shall include the name, address, and  
901 telephone number of the designated substitute.

902 5. Proof of screening and background checks.

903 6. Proof of successful completion of the 30-hour training  
904 course, as evidenced by passage of a competency examination,  
905 which shall include:

906 a. State and local rules and regulations that govern child  
907 care.

908 b. Health, safety, and nutrition.

909 c. Identifying and reporting child abuse and neglect.

910 d. Child development, including typical and atypical  
911 language development; and cognitive, motor, social, and self-  
912 help skills development.

913 e. Observation of developmental behaviors, including using  
914 a checklist or other similar observation tools and techniques to  
915 determine a child's developmental level.

916 f. Specialized areas, including early literacy and language  
917 development of children from birth to 5 years of age, as  
918 determined by the department, for owner-operators of family day  
919 care homes.

920 7. Proof that immunization records are kept current.

921 8. Proof of completion of the required continuing education  
922 units or clock hours.

923 (b) A family day care home not participating in the  
924 subsidized child care program may volunteer to be licensed under  
925 the provisions of this act.

926 (c) The department may provide technical assistance to  
927 counties and family day care home providers to enable counties  
928 and family day care providers to achieve compliance with family

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929 day care homes standards.

930 Section 29. Subsection (2) of section 402.315, Florida  
931 Statutes, is amended to read:

932 402.315 Funding; license fees.—

933 (2) The county department shall bear the costs of the  
934 licensing of family day care homes when contracting with the  
935 department pursuant to s. 402.313(1) ~~child care facilities when~~  
936 ~~contracted to do so by a county or when directly responsible for~~  
937 ~~licensing in a county which fails to meet or exceed state~~  
938 ~~minimum standards.~~

939 Section 30. Subsections (2), (3), and (7) of section  
940 402.40, Florida Statutes, are amended to read:

941 402.40 Child welfare training.—

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

943 (a) “Child welfare certification” means a professional  
944 credential awarded by the department or by a credentialing  
945 entity recognized by the department to individuals demonstrating  
946 core competency in any child welfare services practice area.

947 (b) “Child welfare services” means any intake, protective  
948 investigations, preprotective services, protective services,  
949 foster care, shelter and group care, and adoption and related  
950 services program, including supportive services, supervision,  
951 ~~and legal services,~~ provided to children who are alleged to have  
952 been abused, abandoned, or neglected, or who are at risk of  
953 becoming, are alleged to be, or have been found dependent  
954 pursuant to chapter 39.

955 (c) “Core competency” means the knowledge, skills, and  
956 abilities necessary to carry out work responsibilities.

957 (d) ~~(b)~~ “Person providing child welfare services” means a

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958 person who has a responsibility for supervisory, ~~legal,~~ direct  
959 care or support related work in the provision of child welfare  
960 services pursuant to chapter 39.

961 (3) CHILD WELFARE TRAINING PROGRAM.—The department shall  
962 establish a program for training pursuant to the provisions of  
963 this section, and all persons providing child welfare services  
964 shall be required to demonstrate core competency by earning and  
965 maintaining a department or third-party-awarded child welfare  
966 certification and participate in and successfully complete the  
967 program of training pertinent to their areas of responsibility.

968 (7) CERTIFICATION AND TRAINER QUALIFICATIONS.—The  
969 department shall, in collaboration with the professionals and  
970 providers described in subsection (5), develop minimum standards  
971 for a certification process that ensures that participants have  
972 successfully attained the knowledge, skills, and abilities  
973 necessary to competently carry out their work responsibilities.  
974 The department shall recognize third-party certification for  
975 child welfare services staff which satisfies the core  
976 competencies and meets the certification requirements  
977 established in this section and shall ~~develop minimum standards~~  
978 ~~for trainer qualifications which must be required of training~~  
979 ~~academies in the offering of the training curricula.~~ Any person  
980 providing child welfare services shall be required to master the  
981 core competencies and hold an active child welfare certification  
982 ~~components of the curriculum~~ that is are particular to that  
983 person's work responsibilities.

984 Section 31. Subsection (2) of section 402.49, Florida  
985 Statutes, is amended to read:

986 402.49 Mediation process established.—

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987 (2) (a) The department shall appoint at least one mediation  
988 panel in each of the department's circuits ~~service districts~~.  
989 Each panel shall have at least three and not more than five  
990 members and shall include a representative from the department,  
991 a representative of an agency that provides similar services to  
992 those provided by the agency that is a party to the dispute, and  
993 additional members who are mutually acceptable to the department  
994 and the agency that is a party to the dispute. Such additional  
995 members may include laypersons who are involved in advocacy  
996 organizations, members of boards of directors of agencies  
997 similar to the agency that is a party to the dispute, members of  
998 families of department clients, members of department planning  
999 councils in the area of services that are the subject of the  
1000 dispute, and interested and informed members of the local  
1001 community.

1002 (b) If the parties to the conflict agree, a mediation panel  
1003 may hear a complaint that is filed outside of the panel's  
1004 circuit ~~service district~~.

1005 Section 32. Subsection (3) of section 409.152, Florida  
1006 Statutes, is amended to read:

1007 409.152 Service integration and family preservation.-

1008 (3) Each circuit ~~service district~~ of the department shall  
1009 develop a family preservation service integration plan that  
1010 identifies various programs that can be organized at the point  
1011 of service delivery into a logical and cohesive family-centered  
1012 services constellation. The plan shall include:

1013 (a) Goals and objectives for integrating services for  
1014 families and avoiding barriers to service integration,  
1015 procedures for centralized intake and assessment, a

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1016 comprehensive service plan for each family, and an evaluation  
1017 method of program outcome.

1018 (b) Recommendations for proposed changes to fiscal and  
1019 substantive policies, regulations, and laws at local, circuit  
1020 ~~district~~, and state delivery levels, including budget and  
1021 personnel policies; purchasing flexibility and workforce  
1022 incentives; discretionary resources; and incentives to reduce  
1023 dependency on government programs and services.

1024 (c) Strategies for creating partnerships with the  
1025 community, clients, and consumers of services which establish,  
1026 maintain, and preserve family units.

1027 Section 33. Paragraph (e) of subsection (1) and subsection  
1028 (8) of section 409.1671, Florida Statutes, are amended, and  
1029 paragraph (m) is added to subsection (1) of that section, to  
1030 read:

1031 409.1671 Foster care and related services; outsourcing.—

1032 (1)

1033 (e) As used in this section, the term "eligible lead  
1034 community-based provider" means a single agency with which the  
1035 department contracts ~~shall contract~~ for the provision of child  
1036 protective services in a community that is no smaller than a  
1037 county. The secretary of the department may authorize more than  
1038 one eligible lead community-based provider within a single  
1039 county if it ~~when to do so~~ will result in more effective  
1040 delivery of foster care and related services. To compete for an  
1041 outsourcing project, such agency must have:

1042 1. The ability to coordinate, integrate, and manage all  
1043 child protective services in the designated community in  
1044 cooperation with child protective investigations.

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1045           2. The ability to ensure continuity of care from entry to  
1046 exit for all children referred from the protective investigation  
1047 and court systems.

1048           3. The ability to ~~provide directly, or contract for~~ through  
1049 a local network of providers, for all necessary child protective  
1050 services. Such agency may not ~~agencies should~~ directly provide  
1051 ~~no~~ more than 35 percent of all child protective services  
1052 provided.

1053           4. The willingness to be accountable ~~accept accountability~~  
1054 for meeting the outcomes and performance standards related to  
1055 child protective services established by the Legislature and the  
1056 Federal Government.

1057           5. The capability and the willingness to serve all children  
1058 referred to it from the protective investigation and court  
1059 systems, regardless of the level of funding allocated to the  
1060 community by the state if, ~~provided~~ all related funding is  
1061 transferred.

1062           6. The willingness to ensure that each individual who  
1063 provides child protective services completes the training  
1064 required of child protective service workers by the Department  
1065 of Children and Family Services.

1066           7. The ability to maintain eligibility to receive all  
1067 federal child welfare funds, including Title IV-E and IV-A  
1068 funds, currently being used by the Department of Children and  
1069 Family Services.

1070           8. Written agreements with Healthy Families Florida lead  
1071 entities in their community, pursuant to s. 409.153, to promote  
1072 cooperative planning for the provision of prevention and  
1073 intervention services.

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1074 9. A board of directors, of which at least 51 percent of  
1075 the membership is comprised of persons residing in this state.  
1076 Of the state residents, at least 51 percent must also reside  
1077 within the service area of the eligible lead community-based  
1078 provider.

1079 (m) In order to ensure an efficient and effective  
1080 community-based care system, the department shall annually  
1081 evaluate each lead agency's success in developing an effective  
1082 network of local providers, improving the coordination and  
1083 delivery of services to children, and investing appropriated  
1084 funds into the community for direct services to children and  
1085 families.

1086 (8) Notwithstanding the provisions of s. 215.425, all  
1087 documented federal funds earned for the current fiscal year by  
1088 the department and community-based agencies which exceed the  
1089 amount appropriated by the Legislature shall be distributed to  
1090 all entities that contributed to the excess earnings based on a  
1091 schedule and methodology developed by the department and  
1092 approved by the Executive Office of the Governor. Distribution  
1093 shall be pro rata based on total earnings and shall be made only  
1094 to those entities that contributed to excess earnings. Excess  
1095 earnings of community-based agencies shall be used only in the  
1096 circuit ~~service district~~ in which they were earned. Additional  
1097 state funds appropriated by the Legislature for community-based  
1098 agencies or made available pursuant to the budgetary amendment  
1099 process described in s. 216.177 shall be transferred to the  
1100 community-based agencies. The department shall amend a  
1101 community-based agency's contract to permit expenditure of the  
1102 funds.

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1103 Section 34. Section 409.1685, Florida Statutes, is amended  
1104 to read:

1105 409.1685 Children in foster care; annual report to  
1106 Legislature.—The Department of Children and Family Services  
1107 shall submit a written report to the substantive committees of  
1108 the Legislature concerning the status of children in foster care  
1109 and concerning the judicial review mandated by part IX ~~✕~~ of  
1110 chapter 39. This report shall be submitted by March 1 of each  
1111 year and ~~shall~~ include the following information for the prior  
1112 calendar year:

1113 (1) The number of 6-month and annual judicial reviews  
1114 completed during that period.

1115 (2) The number of children in foster care returned to a  
1116 parent, guardian, or relative as a result of a 6-month or annual  
1117 judicial review hearing during that period.

1118 (3) The number of termination of parental rights  
1119 proceedings instituted during that period including ~~which shall~~  
1120 include:

1121 (a) The number of termination of parental rights  
1122 proceedings initiated pursuant to former s. 39.703; and

1123 (b) The total number of terminations of parental rights  
1124 ordered.

1125 (4) The number of foster care children placed for adoption  
1126 during that period.

1127 Section 35. Paragraph (a) of subsection (4) of section  
1128 409.1755, Florida Statutes, is amended to read:

1129 409.1755 One Church, One Child of Florida Corporation Act;  
1130 creation; duties.—

1131 (4) BOARD OF DIRECTORS.—

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1132 (a) The One Church, One Child of Florida Corporation shall  
1133 operate subject to the supervision and approval of a board of  
1134 directors consisting of 21 ~~23~~ members, with one ~~two~~ directors  
1135 representing each circuit ~~service district~~ of the Department of  
1136 Children and Families ~~Family Services~~ and one director who shall  
1137 be an at-large member.

1138 Section 36. Paragraph (a) of subsection (1) and subsection  
1139 (2) of section 410.0245, Florida Statutes, are amended to read:

1140 410.0245 Study of service needs; report; multiyear plan.—

1141 (1) (a) The Adult Protection Services ~~Services~~ Program Office of the  
1142 Department of Children and Families ~~Family Services~~ shall  
1143 contract for a study of the service needs of the 18-to-59-year-  
1144 old disabled adult population served or waiting to be served by  
1145 the community care for disabled adults program. The Division of  
1146 Vocational Rehabilitation of the Department of Education and  
1147 other appropriate state agencies shall provide information to  
1148 the Department of Children and Families ~~Family Services~~ when  
1149 requested for the purposes of this study.

1150 (2) Based on the findings of the study, the Adult  
1151 Protection Services ~~Services~~ Program of the Department of Children and  
1152 Families ~~Family Services~~ shall develop a multiyear plan which  
1153 shall provide for the needs of disabled adults in this state and  
1154 shall provide strategies for statewide coordination of all  
1155 services for disabled adults. The multiyear plan shall include  
1156 an inventory of existing services and an analysis of costs  
1157 associated with existing and projected services. The multiyear  
1158 plan shall be presented to the Governor, the President of the  
1159 Senate, and the Speaker of the House of Representatives every 3  
1160 years on or before March 1, beginning in 1992. On or before

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1161 March 1 of each intervening year, the department shall submit an  
1162 analysis of the status of the implementation of each element of  
1163 the multiyear plan, any continued unmet need, and the  
1164 relationship between that need and the department's budget  
1165 request for that year.

1166 Section 37. Subsections (1) and (2) of section 410.603,  
1167 Florida Statutes, are renumbered as subsections (2) and (3),  
1168 respectively, and present subsection (3) of that section is  
1169 renumbered as subsection (1) and amended to read:

1170 410.603 Definitions relating to Community Care for Disabled  
1171 Adults Act.—As used in ss. 410.601-410.606:

1172 (1)~~(3)~~ "Circuit District" means a specified geographic  
1173 service area that conforms to the judicial circuits established  
1174 in s. 26.021, ~~as defined in s. 20.19~~, in which the programs of  
1175 the department are administered and services are delivered.

1176 Section 38. Subsection (2) of section 410.604, Florida  
1177 Statutes, is amended to read:

1178 410.604 Community care for disabled adults program; powers  
1179 and duties of the department.—

1180 (2) Any person who meets the definition of a disabled adult  
1181 pursuant to s. 410.603 (3)~~(2)~~ is eligible to receive the services  
1182 of the community care for disabled adults program. However, the  
1183 community care for disabled adults program shall operate within  
1184 the funds appropriated by the Legislature. Priority shall be  
1185 given to disabled adults who are not eligible for comparable  
1186 services in programs of or funded by the department or the  
1187 Division of Vocational Rehabilitation of the Department of  
1188 Education; who are determined to be at risk of  
1189 institutionalization; and whose income is at or below the

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1190 existing institutional care program eligibility standard.

1191 Section 39. Section 411.224, Florida Statutes, is amended  
1192 to read:

1193 411.224 Family support planning process.—The Legislature  
1194 establishes a family support planning process to be used by the  
1195 Department of Children and Families ~~Family Services~~ as the  
1196 service planning process for targeted individuals, children, and  
1197 families under its purview.

1198 (1) The Department of Education shall take all appropriate  
1199 and necessary steps to encourage and facilitate the  
1200 implementation of the family support planning process for  
1201 individuals, children, and families within its purview.

1202 (2) To the extent possible within existing resources, the  
1203 following populations must be included in the family support  
1204 planning process:

1205 (a) Children from birth to age 5 who are served by the  
1206 clinic and programs of the Division of Children's Medical  
1207 Services of the Department of Health.

1208 (b) Children participating in the developmental evaluation  
1209 and intervention program of the Division of Children's Medical  
1210 Services of the Department of Health.

1211 (c) Children from age 3 through age 5 who are served by the  
1212 Agency for Persons with Disabilities.

1213 (d) Children from birth through age 5 who are served by the  
1214 Mental Health Program Office of the Department of Children and  
1215 Families ~~Family Services~~.

1216 (e) Participants who are served by the Children's Early  
1217 Investment Program established in s. 411.232.

1218 (f) Healthy Start participants in need of ongoing service

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1219 coordination.

1220 (g) Children from birth through age 5 who are served by the  
1221 voluntary family services, protective supervision, foster care,  
1222 or adoption and related services programs of the Child Care  
1223 Licensure Services Program Office of the Department of Children  
1224 and Families ~~Family Services~~, and who are eligible for ongoing  
1225 services from one or more other programs or agencies that  
1226 participate in family support planning; however, children served  
1227 by the voluntary family services program, where the planned  
1228 length of intervention is 30 days or less, are excluded from  
1229 this population.

1230 (3) When individuals included in the target population are  
1231 served by Head Start, local education agencies, or other  
1232 prevention and early intervention programs, providers must be  
1233 notified and efforts made to facilitate the concerned agency's  
1234 participation in family support planning.

1235 (4) Local education agencies are encouraged to use a family  
1236 support planning process for children from birth through 5 years  
1237 of age who are served by the prekindergarten program for  
1238 children with disabilities, in lieu of the Individual Education  
1239 Plan.

1240 (5) There must be only a single-family support plan to  
1241 address the problems of the various family members unless the  
1242 family requests that an individual family support plan be  
1243 developed for different members of that family. The family  
1244 support plan must replace individual habilitation plans for  
1245 children from 3 through 5 years old who are served by the Agency  
1246 for Persons with Disabilities.

1247 (6) The family support plan at a minimum must include the

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1248 following information:

1249 (a) The family's statement of family concerns, priorities,  
1250 and resources.

1251 (b) Information related to the health, educational,  
1252 economic and social needs, and overall development of the  
1253 individual and the family.

1254 (c) The outcomes that the plan is intended to achieve.

1255 (d) Identification of the resources and services to achieve  
1256 each outcome projected in the plan. These resources and services  
1257 are to be provided based on availability and funding.

1258 (7) A family support plan meeting must be held with the  
1259 family to initially develop the family support plan and annually  
1260 thereafter to update the plan as necessary. The family includes  
1261 anyone who has an integral role in the life of the individual or  
1262 child as identified by the individual or family. The family  
1263 support plan must be reviewed periodically during the year, at  
1264 least at 6-month intervals, to modify and update the plan as  
1265 needed. Such periodic reviews do not require a family support  
1266 plan team meeting but may be accomplished through other means  
1267 such as a case file review and telephone conference with the  
1268 family.

1269 (8) The initial family support plan must be developed  
1270 within a 90-day period. If exceptional circumstances make it  
1271 impossible to complete the evaluation activities and to hold the  
1272 initial family support plan team meeting within a reasonable  
1273 time period, these circumstances must be documented, and the  
1274 individual or family must be notified of the reason for the  
1275 delay. With the agreement of the family and the provider,  
1276 services for which either the individual or the family is

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1277 eligible may be initiated before the completion of the  
1278 evaluation activities and the family support plan.

1279 (9) The Department of Children and Families ~~Family~~  
1280 ~~Services~~, the Department of Health, and the Department of  
1281 Education, to the extent that funds are available, must offer  
1282 technical assistance to communities to facilitate the  
1283 implementation of the family support plan.

1284 (10) The Department of Children and Families ~~Family~~  
1285 ~~Services~~, the Department of Health, and the Department of  
1286 Education shall adopt rules necessary to implement this act.

1287 Section 40. Section 414.24, Florida Statutes, is amended to  
1288 read:

1289 414.24 Integrated welfare reform and child welfare  
1290 services.—The department shall develop integrated service  
1291 delivery strategies to better meet the needs of families subject  
1292 to work activity requirements who are involved in the child  
1293 welfare system or are at high risk of involvement in the child  
1294 welfare system. To the extent that resources are available, the  
1295 department and the Department of Labor and Employment Security  
1296 shall provide funds to one or more circuits ~~service districts~~ to  
1297 promote development of integrated, nonduplicative case  
1298 management within the department, the Department of Labor and  
1299 Employment Security, other participating government agencies,  
1300 and community partners. Alternative delivery systems shall be  
1301 encouraged which include well-defined, pertinent outcome  
1302 measures. Other factors to be considered shall include  
1303 innovation regarding training, enhancement of existing  
1304 resources, and increased private sector and business sector  
1305 participation.

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1306 Section 41. Subsection (8) of section 415.1113, Florida  
1307 Statutes, is amended to read:

1308 415.1113 Administrative fines for false report of abuse,  
1309 neglect, or exploitation of a vulnerable adult.—

1310 (8) All amounts collected under this section must be  
1311 deposited into the Operations and Maintenance Trust Fund within  
1312 the Adult Protection Services Program of the department.

1313 Section 42. Subsections (1) through (3) of section 420.621,  
1314 Florida Statutes, are renumbered as subsections (2) through (4),  
1315 respectively, and present subsection (4) of that section is  
1316 renumbered as subsection (1) and amended to read:

1317 420.621 Definitions.—As used in ss. 420.621-420.628, the  
1318 term:

1319 (1)-(4) "Circuit District" means a specified geographic  
1320 service area that conforms to the judicial circuits established  
1321 in s. 26.021 service district of the department, as set forth in  
1322 s. 20.19.

1323 Section 43. Subsection (1) of section 420.622, Florida  
1324 Statutes, is amended to read:

1325 420.622 State Office on Homelessness; Council on  
1326 Homelessness.—

1327 (1) The State Office on Homelessness is created within the  
1328 Department of Children and Families ~~Family Services~~ to provide  
1329 interagency, council, and other related coordination on issues  
1330 relating to homelessness. ~~An executive director of the office~~  
1331 ~~shall be appointed by the Governor.~~

1332 Section 44. Subsection (4) of section 420.623, Florida  
1333 Statutes, is amended to read:

1334 420.623 Local coalitions for the homeless.—

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1335 (4) ANNUAL REPORTS.—The department shall submit to the  
1336 Governor, the Speaker of the House of Representatives, and the  
1337 President of the Senate, by June 30, an annual report consisting  
1338 of a compilation of data collected by local coalitions, progress  
1339 made in the development and implementation of local homeless  
1340 assistance continuums of care plans in each circuit ~~district~~,  
1341 local spending plans, programs and resources available at the  
1342 local level, and recommendations for programs and funding.

1343 Section 45. Subsections (4) through (8) of section 420.625,  
1344 Florida Statutes, are amended to read:

1345 420.625 Grant-in-aid program.—

1346 (4) APPLICATION PROCEDURE.—Local agencies shall submit an  
1347 application for grant-in-aid funds to the circuit ~~district~~  
1348 administrator for review. During the first year of  
1349 implementation, circuit ~~district~~ administrators shall begin to  
1350 accept applications for circuit ~~district~~ funds no later than  
1351 October 1, 1988, and by August 1 of each year thereafter for  
1352 which funding for this section is provided. Circuit ~~District~~  
1353 funds shall be made available to local agencies no more than 30  
1354 days after the deadline date for applications for each funding  
1355 cycle.

1356 (5) SPENDING PLANS.—The department shall develop guidelines  
1357 for the development of spending plans and for the evaluation and  
1358 approval by circuit ~~district~~ administrators of spending plans,  
1359 based upon such factors as:

1360 (a) The demonstrated level of need for the program.

1361 (b) The demonstrated ability of the local agency or  
1362 agencies seeking assistance to deliver the services and to  
1363 assure that identified needs will be met.

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1364 (c) The ability of the local agency or agencies seeking  
1365 assistance to deliver a wide range of services as enumerated in  
1366 subsection (3).

1367 (d) The adequacy and reasonableness of proposed budgets and  
1368 planned expenditures, and the demonstrated capacity of the local  
1369 agency or agencies to administer the funds sought.

1370 (e) A statement from the local coalition for the homeless  
1371 as to the steps to be taken to assure coordination and  
1372 integration of services in the circuit ~~district~~ to avoid  
1373 unnecessary duplication and costs.

1374 (f) Assurances by the local coalition for the homeless that  
1375 alternative funding strategies for meeting needs through the  
1376 reallocation of existing resources, utilization of volunteers,  
1377 and local government or private agency funding have been  
1378 explored.

1379 (g) The existence of an evaluation component designed to  
1380 measure program outcomes and determine the overall effectiveness  
1381 of the local programs for the homeless for which funding is  
1382 sought.

1383 (6) ALLOCATION OF GRANT FUNDS TO CIRCUITS ~~DISTRICTS~~.—State  
1384 grant-in-aid funds for local initiatives for the homeless shall  
1385 be allocated by the department to, and administered by,  
1386 department circuits ~~districts~~. Allocations shall be based upon  
1387 sufficient documentation of:

1388 (a) The magnitude of the problem of homelessness in the  
1389 circuit ~~district~~, and the demonstrated level of unmet need for  
1390 services in the circuit ~~district~~ for those who are homeless or  
1391 are about to become homeless.

1392 (b) A strong local commitment to seriously address the

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1393 problem of homelessness as evidenced by coordinated programs  
1394 involving preventive, emergency, and transitional services and  
1395 by the existence of active local organizations committed to  
1396 serving those who have become, or are about to become, homeless.

1397 (c) Agreement by local government and private agencies  
1398 currently serving the homeless not to reduce current  
1399 expenditures for services presently provided to those who are  
1400 homeless or are about to become homeless if grant assistance is  
1401 provided pursuant to this section.

1402 (d) Geographic distribution of circuit ~~district~~ programs to  
1403 ensure that such programs serve both rural and urban areas, as  
1404 needed.

1405 (7) DISTRIBUTION TO LOCAL AGENCIES.—Circuit ~~District~~ funds  
1406 so allocated shall be available for distribution by the circuit  
1407 ~~district~~ administrator to local agencies to fund programs such  
1408 as those set forth in subsection (3), based upon the  
1409 recommendations of the local coalitions in accordance with  
1410 spending plans developed by the coalitions and approved by the  
1411 circuit ~~district~~ administrator. Not more than 10 percent of the  
1412 total state funds awarded under a spending plan may be used by  
1413 the local coalition for staffing and administration.

1414 (8) LOCAL MATCHING FUNDS.—Entities contracting to provide  
1415 services through financial assistance obtained under this  
1416 section shall provide a minimum of 25 percent of the funding  
1417 necessary for the support of project operations. In-kind  
1418 contributions, whether materials, commodities, transportation,  
1419 office space, other types of facilities, or personal services,  
1420 and contributions of money or services from homeless persons may  
1421 be evaluated and counted as part or all of this required local

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1422 funding, in the discretion of the circuit ~~district~~  
1423 administrator.

1424 Section 46. Subsection (2) of section 429.35, Florida  
1425 Statutes, is amended to read:

1426 429.35 Maintenance of records; reports.—

1427 (2) Within 60 days after the date of the biennial  
1428 inspection visit required under s. 408.811 or within 30 days  
1429 after the date of any interim visit, the agency shall forward  
1430 the results of the inspection to the local ombudsman council in  
1431 whose planning and service area, as defined in part II of  
1432 chapter 400, the facility is located; to at least one public  
1433 library or, in the absence of a public library, the county seat  
1434 in the county in which the inspected assisted living facility is  
1435 located; and, when appropriate, to the circuit ~~district~~ Adult  
1436 Protection Services and Mental Health Program Offices.

1437 Section 47. Paragraph (d) of subsection (3) of section  
1438 1002.67, Florida Statutes, is amended to read:

1439 1002.67 Performance standards; curricula and  
1440 accountability.—

1441 (3)

1442 (d) Each early learning coalition, the Agency for Workforce  
1443 Innovation, and the department shall coordinate with the Child  
1444 Care Licensure ~~Services~~ Program Office of the Department of  
1445 Children and Families ~~Family Services~~ to minimize interagency  
1446 duplication of activities for monitoring private prekindergarten  
1447 providers for compliance with requirements of the Voluntary  
1448 Prekindergarten Education Program under this part, the school  
1449 readiness programs under s. 411.01, and the licensing of  
1450 providers under ss. 402.301-402.319.

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1451           Section 48. Sections 39.311, 39.312, 39.313, 39.314,  
1452 39.315, 39.316, 39.317, 39.318, 394.9083, and 402.35, Florida  
1453 Statutes, are repealed.

1454           Section 49. The Division of Statutory Revision of the Joint  
1455 Legislative Management Committee is directed to prepare a  
1456 reviser's bill for introduction at a subsequent session of the  
1457 Legislature to change the term "Department of Children and  
1458 Family Services" to "Department of Children and Families," the  
1459 term "Secretary of Children and Family Services" to "Secretary  
1460 of Children and Families," and the term "district administrator"  
1461 to "circuit administrator," as that term relates to the  
1462 responsibilities of the Department of Children and Families,  
1463 wherever that term appears in the Florida Statutes.

1464           Section 50. The Agency for Persons with Disabilities is  
1465 directed to prepare a plan that will enable it to perform all of  
1466 its own administrative and operational functions separate from  
1467 the Department of Children and Family Services by July 1, 2015.  
1468 The plan must identify resource requirements and a timeframe for  
1469 completing the transfer of responsibilities from the Department  
1470 of Children and Family Services, including submittal of a  
1471 detailed justification for each position the agency estimates it  
1472 would need to become administratively self-sufficient; an  
1473 analysis of each function to determine if the Department of  
1474 Children and Family Services could provide the service more  
1475 efficiently on a reimbursed cost basis through an interagency  
1476 agreement; and an estimate of the costs and benefits to be  
1477 derived through the separation. The Department of Children and  
1478 Family Services is directed to cooperate with the agency in  
1479 preparing the plan. The plan shall be presented to the Speaker

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1480 of the House of Representatives, the President of the Senate,  
1481 and the appropriate substantive committees by January 15, 2011.

1482 Section 51. The Department of Children and Families,  
1483 through its Office of General Counsel and in consultation with  
1484 its contracted legal services providers and lead agency  
1485 administrators, shall define the types of legal services  
1486 associated with dependency proceedings. These legal services  
1487 include, but are not limited to, service of process, court  
1488 reporter and transcription services, expert witnesses, and legal  
1489 publication. The department shall delineate the specific costs  
1490 each lead agency will pay for those defined legal services, and  
1491 by contract amendment, modify lead agency funding amounts to  
1492 shift funding and responsibility for those costs to the  
1493 department through its Office of General Counsel.

1494 Section 52. The Department of Children and Families is  
1495 directed to establish a procedure to assist undocumented aliens  
1496 forensically committed in mental health institutions as not  
1497 guilty by reason of insanity or civilly committed under the  
1498 Baker Act to return to their country of origin. The procedure  
1499 should include guidelines to identify appropriate candidates and  
1500 a process to facilitate their voluntary repatriation.

1501 Section 53. The Department of Children and Families is  
1502 directed to institute a program, modeled on the Department of  
1503 Corrections' Institutional Hearing Program, to improve  
1504 coordination with United States Immigration and Customs  
1505 Enforcement to identify undocumented aliens in mental health  
1506 institutions for whom removal may be appropriate. The program  
1507 should allow undocumented aliens of any commitment status in  
1508 state mental health treatment facilities to be identified and

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1509 the removal process initiated early in their commitment.

1510 Section 54. This act shall take effect July 1, 2010.