

By the Committee on Budget

576-03641-11

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1                   A bill to be entitled  
2           An act relating to the welfare of children; repealing  
3           s. 39.001(6), (7), (8), (9), and (12), F.S., relating  
4           to the Office of Adoption and Child Protection within  
5           the Executive Office of the Governor; amending s.  
6           39.0014, F.S.; requiring all state, county, and local  
7           agencies to cooperate, assist, and provide information  
8           to the Department of Children and Family Services  
9           rather than the Office of Adoption and Child  
10          Protection; repealing s. 39.01(46), F.S., relating to  
11          the definition of the term "office" as it relates to  
12          the Office of Adoption and Child Protection; amending  
13          s. 39.302, F.S.; conforming a cross-reference;  
14          amending s. 402.56, F.S.; relocating the Children and  
15          Youth Cabinet from the Executive Office of the  
16          Governor to the Department of Children and Family  
17          Services; revising the membership of the cabinet;  
18          providing an effective date.

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

21  
22           Section 1. Subsections (6), (7), (8), (9), and (12) of  
23 section 39.001, Florida Statutes, are repealed.

24           Section 2. Section 39.0014, Florida Statutes, is amended to  
25 read:

26           39.0014 Responsibilities of public agencies.—All state,  
27 county, and local agencies shall cooperate, assist, and provide  
28 information to the ~~Office of Adoption and Child Protection and~~  
29 ~~the~~ department as will enable them to fulfill their

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30 responsibilities under this chapter.

31 Section 3. Subsection (46) of section 39.01, Florida  
32 Statutes, is repealed.

33 Section 4. Subsection (1) of section 39.302, Florida  
34 Statutes, is amended to read:

35 39.302 Protective investigations of institutional child  
36 abuse, abandonment, or neglect.—

37 (1) The department shall conduct a child protective  
38 investigation of each report of institutional child abuse,  
39 abandonment, or neglect. Upon receipt of a report that alleges  
40 that an employee or agent of the department, or any other entity  
41 or person covered by s. 39.01(33) or (46)~~(47)~~, acting in an  
42 official capacity, has committed an act of child abuse,  
43 abandonment, or neglect, the department shall initiate a child  
44 protective investigation within the timeframe established under  
45 s. 39.201(5) and orally notify the appropriate state attorney,  
46 law enforcement agency, and licensing agency, which shall  
47 immediately conduct a joint investigation, unless independent  
48 investigations are more feasible. When conducting investigations  
49 onsite or having face-to-face interviews with the child,  
50 investigation visits shall be unannounced unless it is  
51 determined by the department or its agent that unannounced  
52 visits threaten the safety of the child. If a facility is exempt  
53 from licensing, the department shall inform the owner or  
54 operator of the facility of the report. Each agency conducting a  
55 joint investigation is entitled to full access to the  
56 information gathered by the department in the course of the  
57 investigation. A protective investigation must include an onsite  
58 visit of the child's place of residence. The department shall

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59 make a full written report to the state attorney within 3  
60 working days after making the oral report. A criminal  
61 investigation shall be coordinated, whenever possible, with the  
62 child protective investigation of the department. Any interested  
63 person who has information regarding the offenses described in  
64 this subsection may forward a statement to the state attorney as  
65 to whether prosecution is warranted and appropriate. Within 15  
66 days after the completion of the investigation, the state  
67 attorney shall report the findings to the department and shall  
68 include in the report a determination of whether or not  
69 prosecution is justified and appropriate in view of the  
70 circumstances of the specific case.

71 Section 5. Subsections (3) and (4) of section 402.56,  
72 Florida Statutes, are amended to read:

73 402.56 Children's cabinet; organization; responsibilities;  
74 annual report.—

75 (3) ORGANIZATION.—There is created the Children and Youth  
76 Cabinet, which is a coordinating council as defined in s. 20.03.

77 (a) The cabinet shall ensure that the public policy of this  
78 state relating to children and youth is developed to promote  
79 interdepartmental collaboration and program implementation in  
80 order that services designed for children and youth are planned,  
81 managed, and delivered in a holistic and integrated manner to  
82 improve the children's self-sufficiency, safety, economic  
83 stability, health, and quality of life.

84 (b) The cabinet shall be located ~~is created~~ in the  
85 Department of Children and Family Services ~~Executive Office of~~  
86 ~~the Governor~~, which shall provide administrative support and  
87 service to the cabinet.

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88 (c) The cabinet shall meet for its organizational session  
89 no later than October 1, 2007. Thereafter, the cabinet shall  
90 meet at least four ~~six~~ times each year in different regions of  
91 the state in order to solicit input from the public and any  
92 other individual offering testimony relevant to the issues  
93 considered. Each meeting must include a public comment session.

94 (4) MEMBERS.—The cabinet shall consist of 14 ~~15~~ members  
95 including the Secretary of Children and Family Services ~~Governor~~  
96 and the following persons:

97 (a)1. The Governor or his or her designee ~~Secretary of~~  
98 ~~Children and Family Services;~~

99 2. The Secretary of Juvenile Justice or his or her  
100 designee;

101 3. The director of the Agency for Persons with Disabilities  
102 or his or her designee;

103 4. The director of the Agency for Workforce Innovation or  
104 his or her designee;

105 5. The State Surgeon General or his or her designee;

106 6. The Secretary of Health Care Administration or his or  
107 her designee;

108 7. The Commissioner of Education or his or her designee;

109 8. The director of the Statewide Guardian Ad Litem Office  
110 or his or her designee; and

111 ~~9. The director of the Office of Child Abuse Prevention;~~  
112 ~~and~~

113 ~~9.10.~~ Five members representing children and youth advocacy  
114 organizations, who are not service providers and who are  
115 appointed by the Governor.

116 (b) The President of the Senate, the Speaker of the House

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117 of Representatives, the Chief Justice of the Supreme Court, the  
118 Attorney General, and the Chief Financial Officer, or their  
119 appointed designees, shall serve as ex officio members of the  
120 cabinet.

121 (c) The Secretary of Children and Family Services or his or  
122 her ~~Governor or the Governor's~~ designee shall serve as the chair  
123 of the cabinet.

124 (d) Nongovernmental members of the cabinet shall serve  
125 without compensation, but are entitled to receive per diem and  
126 travel expenses in accordance with s. 112.061 while in  
127 performance of their duties.

128 Section 6. This act shall take effect July 1, 2011.