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1  
2 An act relating to the Florida Statutes; amending ss.  
3 14.2019, 14.20195, 16.615, 17.61, 20.195, 20.197,  
4 20.506, 28.101, 39.001, 39.0016, 39.01, 39.2021,  
5 39.303, 39.3031, 39.3032, 39.3035, 39.3065, 39.308,  
6 39.395, 39.5085, 39.604, 39.9055, 61.20, 61.21,  
7 63.022, 63.032, 63.039, 63.054, 63.202, 90.503,  
8 110.205, 120.80, 121.0515, 125.0109, 125.901, 125.902,  
9 154.067, 154.306, 166.0445, 186.901, 194.013, 196.095,  
10 212.04, 212.08, 213.053, 215.5601, 218.65, 252.355,  
11 253.034, 282.201, 284.40, 287.0575, 287.155, 288.0656,  
12 288.975, 316.6135, 318.14, 320.0848, 322.055, 364.10,  
13 379.353, 381.0022, 381.006, 381.0072, 381.0303,  
14 381.0407, 382.016, 383.011, 383.402, 393.002, 393.065,  
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52 651.117, 683.331, 718.115, 720.309, 741.01, 741.29,  
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59 945.025, 945.10, 945.12, 945.46, 945.47, 945.49,  
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61 984.085, 984.086, 984.10, 984.15, 984.19, 984.22,  
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63 985.145, 985.155, 985.18, 985.19, 985.433, 985.461,  
64 985.48, 985.556, 985.565, 985.601, 985.61, 985.614,  
65 985.64, 985.731, 985.8025, 1001.42, 1002.3305,  
66 1002.395, 1002.57, 1003.27, 1003.49, 1003.51, 1003.57,  
67 1003.58, 1004.44, 1004.61, 1004.93, 1006.03, 1006.061,  
68 1008.39, 1009.25, 1010.57, 1011.62, 1012.32, 1012.62,  
69 and 1012.98, F.S.; to conform references within the  
70 Florida Statutes to the redesignation of the  
71 Department of Children and Family Services as the  
72 Department of Children and Families by section 2 of  
73 chapter 2012-84, Laws of Florida; providing an  
74 effective date.  
75

76 Be It Enacted by the Legislature of the State of Florida:  
77

78 Section 1. Subsections (1) and (3) of section 14.2019,  
79 Florida Statutes, are amended to read:

80 14.2019 Statewide Office for Suicide Prevention.—

81 (1) The Statewide Office for Suicide Prevention is created  
82 within the Department of Children and Families ~~Family Services~~.

83 (3) The Statewide Office for Suicide Prevention may seek  
84 and accept grants or funds from any federal, state, or local  
85 source to support the operation and defray the authorized  
86 expenses of the office and the Suicide Prevention Coordinating  
87 Council. Revenues from grants shall be deposited in the Grants

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88 and Donations Trust Fund within the Department of Children and  
89 Families ~~Family Services~~. In accordance with s. 216.181(11), the  
90 Executive Office of the Governor may request changes to the  
91 approved operating budget to allow the expenditure of any  
92 additional grant funds collected pursuant to this subsection.

93 Section 2. Paragraph (b) of subsection (2) of section  
94 14.20195, Florida Statutes, is amended to read:

95 14.20195 Suicide Prevention Coordinating Council; creation;  
96 membership; duties.—There is created within the Statewide Office  
97 for Suicide Prevention a Suicide Prevention Coordinating  
98 Council. The council shall develop strategies for preventing  
99 suicide.

100 (2) MEMBERSHIP.—The Suicide Prevention Coordinating Council  
101 shall consist of 27 voting members and one nonvoting member.

102 (b) The following state officials or their designees shall  
103 serve on the coordinating council:

- 104 1. The Secretary of Elderly Affairs.
- 105 2. The State Surgeon General.
- 106 3. The Commissioner of Education.
- 107 4. The Secretary of Health Care Administration.
- 108 5. The Secretary of Juvenile Justice.
- 109 6. The Secretary of Corrections.
- 110 7. The executive director of the Department of Law  
111 Enforcement.
- 112 8. The executive director of the Department of Veterans'  
113 Affairs.
- 114 9. The Secretary of Children and Families ~~Family Services~~.
- 115 10. The executive director of the Department of Economic  
116 Opportunity.

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117 Section 3. Paragraphs (c) and (d) of subsection (1) of  
118 section 16.615, Florida Statutes, are amended to read:

119 16.615 Council on the Social Status of Black Men and Boys.—

120 (1) The Council on the Social Status of Black Men and Boys  
121 is established within the Department of Legal Affairs and shall  
122 consist of 19 members appointed as follows:

123 (c) The Secretary of Children and Families ~~Family Services~~  
124 or his or her designee.

125 (d) The director of the Mental Health Program Office within  
126 the Department of Children and Families ~~Family Services~~ or his  
127 or her designee.

128 Section 4. Paragraph (c) of subsection (3) of section  
129 17.61, Florida Statutes, is amended to read:

130 17.61 Chief Financial Officer; powers and duties in the  
131 investment of certain funds.—

132 (3)

133 (c) Except as provided in this paragraph and except for  
134 moneys described in paragraph (d), the following agencies may  
135 not invest trust fund moneys as provided in this section, but  
136 shall retain such moneys in their respective trust funds for  
137 investment, with interest appropriated to the General Revenue  
138 Fund, pursuant to s. 17.57:

139 1. The Agency for Health Care Administration, except for  
140 the Tobacco Settlement Trust Fund.

141 2. The Agency for Persons with Disabilities, except for:

142 a. The Federal Grants Trust Fund.

143 b. The Tobacco Settlement Trust Fund.

144 3. The Department of Children and Families ~~Family Services~~,  
145 except for:

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- 146 a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.  
147 b. The Social Services Block Grant Trust Fund.  
148 c. The Tobacco Settlement Trust Fund.  
149 d. The Working Capital Trust Fund.  
150 4. The Department of Corrections.  
151 5. The Department of Elderly Affairs, except for:  
152 a. The Federal Grants Trust Fund.  
153 b. The Tobacco Settlement Trust Fund.  
154 6. The Department of Health, except for:  
155 a. The Federal Grants Trust Fund.  
156 b. The Grants and Donations Trust Fund.  
157 c. The Maternal and Child Health Block Grant Trust Fund.  
158 d. The Tobacco Settlement Trust Fund.  
159 7. The Department of Highway Safety and Motor Vehicles,  
160 only for the Security Deposits Trust Fund.  
161 8. The Department of Juvenile Justice.  
162 9. The Department of Law Enforcement.  
163 10. The Department of Legal Affairs.  
164 11. The Department of State, only for:  
165 a. The Grants and Donations Trust Fund.  
166 b. The Records Management Trust Fund.  
167 12. The Department of Economic Opportunity, only for:  
168 a. The Economic Development Transportation Trust Fund.  
169 b. The Economic Development Trust Fund.  
170 13. The Florida Public Service Commission, only for the  
171 Florida Public Service Regulatory Trust Fund.  
172 14. The Justice Administrative Commission.  
173 15. The state courts system.  
174 Section 5. Section 20.195, Florida Statutes, is amended to

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175 read:

176 20.195 Department of Children and Families ~~Family Services~~;  
177 trust funds.—The following trust funds shall be administered by  
178 the Department of Children and Families ~~Family Services~~:

179 (1) Administrative Trust Fund.

180 (a) Funds to be credited to and uses of the trust fund  
181 shall be administered in accordance with the provisions of s.  
182 215.32.

183 (b) Notwithstanding the provisions of s. 216.301 and  
184 pursuant to s. 216.351, any balance in the trust fund at the end  
185 of any fiscal year shall remain in the trust fund at the end of  
186 the year and shall be available for carrying out the purposes of  
187 the trust fund.

188 (2) Alcohol, Drug Abuse, and Mental Health Trust Fund.

189 (a) Funds to be credited to the trust fund shall consist of  
190 federal mental health or substance abuse block grant funds, and  
191 shall be used for the purpose of providing mental health or  
192 substance abuse treatment and support services to department  
193 clients and for other such purposes as may be appropriate.

194 (b) Notwithstanding the provisions of s. 216.301 and  
195 pursuant to s. 216.351, any balance in the trust fund at the end  
196 of any fiscal year shall remain in the trust fund at the end of  
197 the year and shall be available for carrying out the purposes of  
198 the trust fund.

199 (3) Child Welfare Training Trust Fund.

200 (a) Funds to be credited to and uses of the trust fund  
201 shall be administered in accordance with the provisions of s.  
202 402.40.

203 (b) Notwithstanding the provisions of s. 216.301 and

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204 pursuant to s. 216.351, any balance in the trust fund at the end  
205 of any fiscal year shall remain in the trust fund at the end of  
206 the year and shall be available for carrying out the purposes of  
207 the trust fund.

208 (4) Domestic Violence Trust Fund.

209 (a) Funds to be credited to and uses of the trust fund  
210 shall be administered in accordance with the provisions of s.  
211 28.101, part XII of chapter 39, and chapter 741.

212 (b) Notwithstanding the provisions of s. 216.301 and  
213 pursuant to s. 216.351, any balance in the trust fund at the end  
214 of any fiscal year shall remain in the trust fund at the end of  
215 the year and shall be available for carrying out the purposes of  
216 the trust fund.

217 (5) Federal Grants Trust Fund.

218 (a) Funds to be credited to and uses of the trust fund  
219 shall be administered in accordance with the provisions of s.  
220 215.32.

221 (b) Notwithstanding the provisions of s. 216.301 and  
222 pursuant to s. 216.351, any balance in the trust fund at the end  
223 of any fiscal year shall remain in the trust fund at the end of  
224 the year and shall be available for carrying out the purposes of  
225 the trust fund.

226 (6) Grants and Donations Trust Fund.

227 (a) Funds to be credited to and uses of the trust fund  
228 shall be administered in accordance with the provisions of s.  
229 215.32.

230 (b) Notwithstanding the provisions of s. 216.301 and  
231 pursuant to s. 216.351, any balance in the trust fund at the end  
232 of any fiscal year shall remain in the trust fund at the end of



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233 the year and shall be available for carrying out the purposes of  
234 the trust fund.

235 (7) Operations and Maintenance Trust Fund.

236 (a) Funds to be credited to and uses of the trust fund  
237 shall be administered in accordance with the provisions of s.  
238 215.32.

239 (b) Notwithstanding the provisions of s. 216.301 and  
240 pursuant to s. 216.351, any balance in the trust fund at the end  
241 of any fiscal year shall remain in the trust fund at the end of  
242 the year and shall be available for carrying out the purposes of  
243 the trust fund.

244 (8) Social Services Block Grant Trust Fund.

245 (a) Funds to be credited to the trust fund shall consist of  
246 federal social services block grant funds, and shall be used for  
247 the purpose of providing health care and support services to  
248 department clients and for other such purposes as may be  
249 appropriate.

250 (b) Notwithstanding the provisions of s. 216.301 and  
251 pursuant to s. 216.351, any balance in the trust fund at the end  
252 of any fiscal year shall remain in the trust fund at the end of  
253 the year and shall be available for carrying out the purposes of  
254 the trust fund.

255 (9) Tobacco Settlement Trust Fund.

256 (a) Funds to be credited to the trust fund shall consist of  
257 funds disbursed, by nonoperating transfer, from the Department  
258 of Financial Services Tobacco Settlement Clearing Trust Fund in  
259 amounts equal to the annual appropriations made from this trust  
260 fund.

261 (b) Notwithstanding the provisions of s. 216.301 and

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262 pursuant to s. 216.351, any unencumbered balance in the trust  
263 fund at the end of any fiscal year and any encumbered balance  
264 remaining undisbursed on September 30 of the same calendar year  
265 shall revert to the Department of Financial Services Tobacco  
266 Settlement Clearing Trust Fund.

267 (10) Welfare Transition Trust Fund.

268 (a) Funds to be credited to and uses of the trust fund  
269 shall be administered in accordance with the provisions of s.  
270 20.506.

271 (b) Notwithstanding the provisions of s. 216.301 and  
272 pursuant to s. 216.351, any balance in the trust fund at the end  
273 of any fiscal year shall remain in the trust fund at the end of  
274 the year and shall be available for carrying out the purposes of  
275 the trust fund.

276 (11) Working Capital Trust Fund.

277 (a) Funds to be credited to and uses of the trust fund  
278 shall be administered in accordance with the provisions of s.  
279 215.32.

280 (b) Notwithstanding the provisions of s. 216.301 and  
281 pursuant to s. 216.351, any balance in the trust fund at the end  
282 of any fiscal year shall remain in the trust fund at the end of  
283 the year and shall be available for carrying out the purposes of  
284 the trust fund.

285 Section 6. Section 20.197, Florida Statutes, is amended to  
286 read:

287 20.197 Agency for Persons with Disabilities.—There is  
288 created the Agency for Persons with Disabilities, housed within  
289 the Department of Children and Families ~~Family Services~~ for  
290 administrative purposes only. The agency shall be a separate

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291 budget entity not subject to control, supervision, or direction  
292 by the Department of Children and Families ~~Family Services~~ in  
293 any manner, including, but not limited to, personnel,  
294 purchasing, transactions involving real or personal property,  
295 and budgetary matters.

296 (1) The director of the agency shall be the agency head for  
297 all purposes and shall be appointed by the Governor, subject to  
298 confirmation by the Senate, and shall serve at the pleasure of  
299 the Governor. The director shall administer the affairs of the  
300 agency and may, within available resources, employ assistants,  
301 professional staff, and other employees as necessary to  
302 discharge the powers and duties of the agency.

303 (2) The agency shall include a Division of Budget and  
304 Planning and a Division of Operations. In addition, and in  
305 accordance with s. 20.04, the director of the agency may  
306 recommend establishing additional divisions, bureaus, sections,  
307 and subsections of the agency in order to promote efficient and  
308 effective operation of the agency.

309 (3) The agency is responsible for providing all services  
310 provided to persons with developmental disabilities under  
311 chapter 393, including the operation of all state institutional  
312 programs and the programmatic management of Medicaid waivers  
313 established to provide services to persons with developmental  
314 disabilities.

315 (4) The agency shall engage in such other administrative  
316 activities as are deemed necessary to effectively and  
317 efficiently address the needs of the agency's clients.

318 (5) The agency shall enter into an interagency agreement  
319 that delineates the responsibilities of the Agency for Health

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320 Care Administration for the following:

321 (a) The terms and execution of contracts with Medicaid  
322 providers for the provision of services provided through  
323 Medicaid, including federally approved waiver programs.

324 (b) The billing, payment, and reconciliation of claims for  
325 Medicaid services reimbursed by the agency.

326 (c) The implementation of utilization management measures,  
327 including the prior authorization of services plans and the  
328 streamlining and consolidation of waiver services, to ensure the  
329 cost-effective provision of needed Medicaid services and to  
330 maximize the number of persons with access to such services.

331 (d) A system of approving each client's plan of care to  
332 ensure that the services on the plan of care are those that  
333 without which the client would require the services of an  
334 intermediate care facility for the developmentally disabled.

335 Section 7. Section 20.506, Florida Statutes, is amended to  
336 read:

337 20.506 Welfare Transition Trust Fund.—The Welfare  
338 Transition Trust Fund is created within the Department of  
339 Children and Families ~~Family Services~~ for the purposes of  
340 receiving federal funds under the Temporary Assistance for Needy  
341 Families Program. Trust fund moneys shall be used exclusively  
342 for the purpose of providing services to individuals eligible  
343 for Temporary Assistance for Needy Families pursuant to the  
344 requirements and limitations of part A of Title IV of the Social  
345 Security Act, as amended, or any other applicable federal  
346 requirement or limitation. Funds credited to the trust fund  
347 consist of those funds collected from the Temporary Assistance  
348 for Needy Families Block Grant.

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349 Section 8. Paragraph (c) of subsection (1) of section  
350 28.101, Florida Statutes, is amended to read:

351 28.101 Petitions and records of dissolution of marriage;  
352 additional charges.—

353 (1) When a party petitions for a dissolution of marriage,  
354 in addition to the filing charges in s. 28.241, the clerk shall  
355 collect and receive:

356 (c) A charge of \$55. On a monthly basis, the clerk shall  
357 transfer the moneys collected pursuant to this paragraph to the  
358 Department of Revenue for deposit in the Domestic Violence Trust  
359 Fund. Such funds which are generated shall be directed to the  
360 Department of Children and Families ~~Family Services~~ for the  
361 specific purpose of funding domestic violence centers.

362 Section 9. Paragraph (a) of subsection (9) of section  
363 39.001, Florida Statutes, is amended to read:

364 39.001 Purposes and intent; personnel standards and  
365 screening.—

366 (9) PLAN FOR COMPREHENSIVE APPROACH.—

367 (a) The office shall develop a state plan for the promotion  
368 of adoption, support of adoptive families, and prevention of  
369 abuse, abandonment, and neglect of children and shall submit the  
370 state plan to the Speaker of the House of Representatives, the  
371 President of the Senate, and the Governor no later than December  
372 31, 2008. The Department of Children and Families ~~Family~~  
373 ~~Services~~, the Department of Corrections, the Department of  
374 Education, the Department of Health, the Department of Juvenile  
375 Justice, the Department of Law Enforcement, and the Agency for  
376 Persons with Disabilities shall participate and fully cooperate  
377 in the development of the state plan at both the state and local

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378 levels. Furthermore, appropriate local agencies and  
379 organizations shall be provided an opportunity to participate in  
380 the development of the state plan at the local level.  
381 Appropriate local groups and organizations shall include, but  
382 not be limited to, community mental health centers; guardian ad  
383 litem programs for children under the circuit court; the school  
384 boards of the local school districts; the Florida local advocacy  
385 councils; community-based care lead agencies; private or public  
386 organizations or programs with recognized expertise in working  
387 with child abuse prevention programs for children and families;  
388 private or public organizations or programs with recognized  
389 expertise in working with children who are sexually abused,  
390 physically abused, emotionally abused, abandoned, or neglected  
391 and with expertise in working with the families of such  
392 children; private or public programs or organizations with  
393 expertise in maternal and infant health care; multidisciplinary  
394 child protection teams; child day care centers; law enforcement  
395 agencies; and the circuit courts, when guardian ad litem  
396 programs are not available in the local area. The state plan to  
397 be provided to the Legislature and the Governor shall include,  
398 as a minimum, the information required of the various groups in  
399 paragraph (b).

400 Section 10. Paragraph (b) of subsection (1) and paragraph  
401 (b) of subsection (3) of section 39.0016, Florida Statutes, are  
402 amended to read:

403 39.0016 Education of abused, neglected, and abandoned  
404 children; agency agreements; children having or suspected of  
405 having a disability.—

406 (1) DEFINITIONS.—As used in this section, the term:

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407 (b) "Department" means the Department of Children and  
408 Families ~~Family Services~~ or a community-based care lead agency  
409 acting on behalf of the Department of Children and Families  
410 ~~Family Services~~, as appropriate.

411 (3) CHILDREN HAVING OR SUSPECTED OF HAVING A DISABILITY.—

412 (b)1. Each district school superintendent or dependency  
413 court must appoint a surrogate parent for a child known to the  
414 department who has or is suspected of having a disability, as  
415 defined in s. 1003.01(3), when:

416 a. After reasonable efforts, no parent can be located; or

417 b. A court of competent jurisdiction over a child under  
418 this chapter has determined that no person has the authority  
419 under the Individuals with Disabilities Education Act, including  
420 the parent or parents subject to the dependency action, or that  
421 no person has the authority, willingness, or ability to serve as  
422 the educational decisionmaker for the child without judicial  
423 action.

424 2. A surrogate parent appointed by the district school  
425 superintendent or the court must be at least 18 years old and  
426 have no personal or professional interest that conflicts with  
427 the interests of the student to be represented. Neither the  
428 district school superintendent nor the court may appoint an  
429 employee of the Department of Education, the local school  
430 district, a community-based care provider, the Department of  
431 Children and Families ~~Family Services~~, or any other public or  
432 private agency involved in the education or care of the child as  
433 appointment of those persons is prohibited by federal law. This  
434 prohibition includes group home staff and therapeutic foster  
435 parents. However, a person who acts in a parental role to a

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436 child, such as a foster parent or relative caregiver, is not  
437 prohibited from serving as a surrogate parent if he or she is  
438 employed by such agency, willing to serve, and knowledgeable  
439 about the child and the exceptional student education process.  
440 The surrogate parent may be a court-appointed guardian ad litem  
441 or a relative or nonrelative adult who is involved in the  
442 child's life regardless of whether that person has physical  
443 custody of the child. Each person appointed as a surrogate  
444 parent must have the knowledge and skills acquired by  
445 successfully completing training using materials developed and  
446 approved by the Department of Education to ensure adequate  
447 representation of the child.

448 3. If a guardian ad litem has been appointed for a child,  
449 the district school superintendent must first consider the  
450 child's guardian ad litem when appointing a surrogate parent.  
451 The district school superintendent must accept the appointment  
452 of the court if he or she has not previously appointed a  
453 surrogate parent. Similarly, the court must accept a surrogate  
454 parent duly appointed by a district school superintendent.

455 4. A surrogate parent appointed by the district school  
456 superintendent or the court must be accepted by any subsequent  
457 school or school district without regard to where the child is  
458 receiving residential care so that a single surrogate parent can  
459 follow the education of the child during his or her entire time  
460 in state custody. Nothing in this paragraph or in rule shall  
461 limit or prohibit the continuance of a surrogate parent  
462 appointment when the responsibility for the student's  
463 educational placement moves among and between public and private  
464 agencies.



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465           5. For a child known to the department, the responsibility  
466 to appoint a surrogate parent resides with both the district  
467 school superintendent and the court with jurisdiction over the  
468 child. If the court elects to appoint a surrogate parent, notice  
469 shall be provided as soon as practicable to the child's school.  
470 At any time the court determines that it is in the best  
471 interests of a child to remove a surrogate parent, the court may  
472 appoint a new surrogate parent for educational decisionmaking  
473 purposes for that child.

474           6. The surrogate parent shall continue in the appointed  
475 role until one of the following occurs:

476           a. The child is determined to no longer be eligible or in  
477 need of special programs, except when termination of special  
478 programs is being contested.

479           b. The child achieves permanency through adoption or legal  
480 guardianship and is no longer in the custody of the department.

481           c. The parent who was previously unknown becomes known,  
482 whose whereabouts were unknown is located, or who was  
483 unavailable is determined by the court to be available.

484           d. The appointed surrogate no longer wishes to represent  
485 the child or is unable to represent the child.

486           e. The superintendent of the school district in which the  
487 child is attending school, the Department of Education contract  
488 designee, or the court that appointed the surrogate determines  
489 that the appointed surrogate parent no longer adequately  
490 represents the child.

491           f. The child moves to a geographic location that is not  
492 reasonably accessible to the appointed surrogate.

493           7. The appointment and termination of appointment of a

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494 surrogate under this paragraph shall be entered as an order of  
495 the court with a copy of the order provided to the child's  
496 school as soon as practicable.

497 8. The person appointed as a surrogate parent under this  
498 paragraph must:

499 a. Be acquainted with the child and become knowledgeable  
500 about his or her disability and educational needs.

501 b. Represent the child in all matters relating to  
502 identification, evaluation, and educational placement and the  
503 provision of a free and appropriate education to the child.

504 c. Represent the interests and safeguard the rights of the  
505 child in educational decisions that affect the child.

506 9. The responsibilities of the person appointed as a  
507 surrogate parent shall not extend to the care, maintenance,  
508 custody, residential placement, or any other area not  
509 specifically related to the education of the child, unless the  
510 same person is appointed by the court for such other purposes.

511 10. A person appointed as a surrogate parent shall enjoy  
512 all of the procedural safeguards afforded a parent with respect  
513 to the identification, evaluation, and educational placement of  
514 a student with a disability or a student who is suspected of  
515 having a disability.

516 11. A person appointed as a surrogate parent shall not be  
517 held liable for actions taken in good faith on behalf of the  
518 student in protecting the special education rights of the child.

519 Section 11. Subsections (21) and (66) of section 39.01,  
520 Florida Statutes, are amended to read:

521 39.01 Definitions.—When used in this chapter, unless the  
522 context otherwise requires:

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523 (21) "Department" means the Department of Children and  
524 Families ~~Family Services~~.

525 (66) "Secretary" means the Secretary of Children and  
526 Families ~~Family Services~~.

527 Section 12. Subsections (1) and (2) of section 39.2021,  
528 Florida Statutes, are amended to read:

529 39.2021 Release of confidential information.—

530 (1) Any person or organization, including the Department of  
531 Children and Families ~~Family Services~~, may petition the court  
532 for an order making public the records of the Department of  
533 Children and Families ~~Family Services~~ which pertain to  
534 investigations of alleged abuse, abandonment, or neglect of a  
535 child. The court shall determine whether good cause exists for  
536 public access to the records sought or a portion thereof. In  
537 making this determination, the court shall balance the best  
538 interests of the child who is the focus of the investigation and  
539 the interest of that child's siblings, together with the privacy  
540 rights of other persons identified in the reports, against the  
541 public interest. The public interest in access to such records  
542 is reflected in s. 119.01(1), and includes the need for citizens  
543 to know of and adequately evaluate the actions of the Department  
544 of Children and Families ~~Family Services~~ and the court system in  
545 providing children of this state with the protections enumerated  
546 in s. 39.001. However, this subsection does not contravene s.  
547 39.202, which protects the name of any person reporting the  
548 abuse, abandonment, or neglect of a child.

549 (2) In cases involving serious bodily injury to a child,  
550 the Department of Children and Families ~~Family Services~~ may  
551 petition the court for an order for the immediate public release

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552 of records of the department which pertain to the protective  
553 investigation. The petition must be personally served upon the  
554 child, the child's parent or guardian, and any person named as  
555 an alleged perpetrator in the report of abuse, abandonment, or  
556 neglect. The court must determine whether good cause exists for  
557 the public release of the records sought no later than 24 hours,  
558 excluding Saturdays, Sundays, and legal holidays, after the date  
559 the department filed the petition with the court. If the court  
560 does not grant or deny the petition within the 24-hour time  
561 period, the department may release to the public summary  
562 information including:

563 (a) A confirmation that an investigation has been conducted  
564 concerning the alleged victim.

565 (b) The dates and brief description of procedural  
566 activities undertaken during the department's investigation.

567 (c) The date of each judicial proceeding, a summary of each  
568 participant's recommendations made at the judicial proceeding,  
569 and the ruling of the court.

570  
571 The summary information shall not include the name of, or other  
572 identifying information with respect to, any person identified  
573 in any investigation. In making a determination to release  
574 confidential information, the court shall balance the best  
575 interests of the child who is the focus of the investigation and  
576 the interests of that child's siblings, together with the  
577 privacy rights of other persons identified in the reports  
578 against the public interest for access to public records.

579 However, this subsection does not contravene s. 39.202, which  
580 protects the name of any person reporting abuse, abandonment, or

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581 neglect of a child.

582 Section 13. Section 39.303, Florida Statutes, is amended to  
583 read:

584 39.303 Child protection teams; services; eligible cases.—

585 The Children's Medical Services Program in the Department of  
586 Health shall develop, maintain, and coordinate the services of  
587 one or more multidisciplinary child protection teams in each of  
588 the service districts of the Department of Children and Families  
589 ~~Family Services~~. Such teams may be composed of appropriate  
590 representatives of school districts and appropriate health,  
591 mental health, social service, legal service, and law  
592 enforcement agencies. The Legislature finds that optimal  
593 coordination of child protection teams and sexual abuse  
594 treatment programs requires collaboration between the Department  
595 of Health and the Department of Children and Families ~~Family~~  
596 ~~Services~~. The two departments shall maintain an interagency  
597 agreement that establishes protocols for oversight and  
598 operations of child protection teams and sexual abuse treatment  
599 programs. The State Surgeon General and the Deputy Secretary for  
600 Children's Medical Services, in consultation with the Secretary  
601 of Children and Families ~~Family Services~~, shall maintain the  
602 responsibility for the screening, employment, and, if necessary,  
603 the termination of child protection team medical directors, at  
604 headquarters and in the 15 districts. Child protection team  
605 medical directors shall be responsible for oversight of the  
606 teams in the districts.

607 (1) The Department of Health shall utilize and convene the  
608 teams to supplement the assessment and protective supervision  
609 activities of the family safety and preservation program of the

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610 Department of Children and Families ~~Family Services~~. Nothing in  
611 this section shall be construed to remove or reduce the duty and  
612 responsibility of any person to report pursuant to this chapter  
613 all suspected or actual cases of child abuse, abandonment, or  
614 neglect or sexual abuse of a child. The role of the teams shall  
615 be to support activities of the program and to provide services  
616 deemed by the teams to be necessary and appropriate to abused,  
617 abandoned, and neglected children upon referral. The specialized  
618 diagnostic assessment, evaluation, coordination, consultation,  
619 and other supportive services that a child protection team shall  
620 be capable of providing include, but are not limited to, the  
621 following:

622 (a) Medical diagnosis and evaluation services, including  
623 provision or interpretation of X rays and laboratory tests, and  
624 related services, as needed, and documentation of findings  
625 relative thereto.

626 (b) Telephone consultation services in emergencies and in  
627 other situations.

628 (c) Medical evaluation related to abuse, abandonment, or  
629 neglect, as defined by policy or rule of the Department of  
630 Health.

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

636 (e) Expert medical, psychological, and related professional  
637 testimony in court cases.

638 (f) Case staffings to develop treatment plans for children

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639 whose cases have been referred to the team. A child protection  
640 team may provide consultation with respect to a child who is  
641 alleged or is shown to be abused, abandoned, or neglected, which  
642 consultation shall be provided at the request of a  
643 representative of the family safety and preservation program or  
644 at the request of any other professional involved with a child  
645 or the child's parent or parents, legal custodian or custodians,  
646 or other caregivers. In every such child protection team case  
647 staffing, consultation, or staff activity involving a child, a  
648 family safety and preservation program representative shall  
649 attend and participate.

650 (g) Case service coordination and assistance, including the  
651 location of services available from other public and private  
652 agencies in the community.

653 (h) Such training services for program and other employees  
654 of the Department of Children and Families ~~Family Services~~,  
655 employees of the Department of Health, and other medical  
656 professionals as is deemed appropriate to enable them to develop  
657 and maintain their professional skills and abilities in handling  
658 child abuse, abandonment, and neglect cases.

659 (i) Educational and community awareness campaigns on child  
660 abuse, abandonment, and neglect in an effort to enable citizens  
661 more successfully to prevent, identify, and treat child abuse,  
662 abandonment, and neglect in the community.

663 (j) Child protection team assessments that include, as  
664 appropriate, medical evaluations, medical consultations, family  
665 psychosocial interviews, specialized clinical interviews, or  
666 forensic interviews.

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668 All medical personnel participating on a child protection team  
669 must successfully complete the required child protection team  
670 training curriculum as set forth in protocols determined by the  
671 Deputy Secretary for Children's Medical Services and the  
672 Statewide Medical Director for Child Protection.

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

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

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

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

682 (d) Any sexually transmitted disease in a prepubescent  
683 child.

684 (e) Reported malnutrition of a child and failure of a child  
685 to thrive.

686 (f) Reported medical neglect of a child.

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

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

694 (3) All abuse and neglect cases transmitted for  
695 investigation to a district by the hotline must be  
696 simultaneously transmitted to the Department of Health child



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697 protection team for review. For the purpose of determining  
698 whether face-to-face medical evaluation by a child protection  
699 team is necessary, all cases transmitted to the child protection  
700 team which meet the criteria in subsection (2) must be timely  
701 reviewed by:

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

705 (b) A physician licensed under chapter 458 or chapter 459  
706 who holds board certification in a specialty other than  
707 pediatrics, who may complete the review only when working under  
708 the direction of a physician licensed under chapter 458 or  
709 chapter 459 who holds board certification in pediatrics and is a  
710 member of a child protection team;

711 (c) An advanced registered nurse practitioner licensed  
712 under chapter 464 who has a speciality in pediatrics or family  
713 medicine and is a member of a child protection team;

714 (d) A physician assistant licensed under chapter 458 or  
715 chapter 459, who may complete the review only when working under  
716 the supervision of a physician licensed under chapter 458 or  
717 chapter 459 who holds board certification in pediatrics and is a  
718 member of a child protection team; or

719 (e) A registered nurse licensed under chapter 464, who may  
720 complete the review only when working under the direct  
721 supervision of a physician licensed under chapter 458 or chapter  
722 459 who holds certification in pediatrics and is a member of a  
723 child protection team.

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

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726 (a) The child was examined for the alleged abuse or neglect  
727 by a physician who is not a member of the child protection team,  
728 and a consultation between the child protection team board-  
729 certified pediatrician, advanced registered nurse practitioner,  
730 physician assistant working under the supervision of a child  
731 protection team board-certified pediatrician, or registered  
732 nurse working under the direct supervision of a child protection  
733 team board-certified pediatrician, and the examining physician  
734 concludes that a further medical evaluation is unnecessary;

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

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

742  
743 Notwithstanding paragraphs (a), (b), and (c), a child protection  
744 team pediatrician, as authorized in subsection (3), may  
745 determine that a face-to-face medical evaluation is necessary.

746 (5) In all instances in which a child protection team is  
747 providing certain services to abused, abandoned, or neglected  
748 children, other offices and units of the Department of Health,  
749 and offices and units of the Department of Children and Families  
750 ~~Family Services~~, shall avoid duplicating the provision of those  
751 services.

752 (6) The Department of Health child protection team quality  
753 assurance program and the Department of Children and Families'  
754 ~~Family Services'~~ Family Safety Program Office quality assurance

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755 program shall collaborate to ensure referrals and responses to  
756 child abuse, abandonment, and neglect reports are appropriate.  
757 Each quality assurance program shall include a review of records  
758 in which there are no findings of abuse, abandonment, or  
759 neglect, and the findings of these reviews shall be included in  
760 each department's quality assurance reports.

761 Section 14. Section 39.3031, Florida Statutes, is amended  
762 to read:

763 39.3031 Rules for implementation of s. 39.303.—The  
764 Department of Health, in consultation with the Department of  
765 Children and Families ~~Family Services~~, shall adopt rules  
766 governing the child protection teams pursuant to s. 39.303,  
767 including definitions, organization, roles and responsibilities,  
768 eligibility, services and their availability, qualifications of  
769 staff, and a waiver-request process.

770 Section 15. Section 39.3032, Florida Statutes, is amended  
771 to read:

772 39.3032 Memorandum of agreement.—A memorandum of agreement  
773 shall be developed between the Department of Children and  
774 Families ~~Family Services~~ and the Department of Health that  
775 specifies how the teams will work with child protective  
776 investigation and service staff, that requires joint oversight  
777 by the two departments of the activities of the teams, and that  
778 specifies how that oversight will be implemented.

779 Section 16. Paragraph (a) of subsection (3) of section  
780 39.3035, Florida Statutes, is amended to read:

781 39.3035 Child advocacy centers; standards; state funding.—

782 (3) A child advocacy center within this state may not  
783 receive the funds generated pursuant to s. 938.10, state or

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784 federal funds administered by a state agency, or any other funds  
785 appropriated by the Legislature unless all of the standards of  
786 subsection (1) are met and the screening requirement of  
787 subsection (2) is met. The Florida Network of Children's  
788 Advocacy Centers, Inc., shall be responsible for tracking and  
789 documenting compliance with subsections (1) and (2) for any of  
790 the funds it administers to member child advocacy centers.

791 (a) Funds for the specific purpose of funding children's  
792 advocacy centers shall be appropriated to the Department of  
793 Children and Families ~~Family Services~~ from funds collected from  
794 the additional court cost imposed in cases of certain crimes  
795 against minors under s. 938.10. Funds shall be disbursed to the  
796 Florida Network of Children's Advocacy Centers, Inc., as  
797 established under this section, for the purpose of providing  
798 community-based services that augment, but do not duplicate,  
799 services provided by state agencies.

800 Section 17. Section 39.3065, Florida Statutes, is amended  
801 to read:

802 39.3065 Sheriffs of certain counties to provide child  
803 protective investigative services; procedures; funding.—

804 (1) As described in this section, the Department of  
805 Children and Families ~~Family Services~~ shall, by the end of  
806 fiscal year 1999-2000, transfer all responsibility for child  
807 protective investigations for Pinellas County, Manatee County,  
808 Broward County, and Pasco County to the sheriff of that county  
809 in which the child abuse, neglect, or abandonment is alleged to  
810 have occurred. Each sheriff is responsible for the provision of  
811 all child protective investigations in his or her county. Each  
812 individual who provides these services must complete the

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813 training provided to and required of protective investigators  
814 employed by the Department of Children and Families ~~Family~~  
815 ~~Services~~.

816 (2) During fiscal year 1998-1999, the Department of  
817 Children and Families ~~Family Services~~ and each sheriff's office  
818 shall enter into a contract for the provision of these services.  
819 Funding for the services will be appropriated to the Department  
820 of Children and Families ~~Family Services~~, and the department  
821 shall transfer to the respective sheriffs for the duration of  
822 fiscal year 1998-1999, funding for the investigative  
823 responsibilities assumed by the sheriffs, including federal  
824 funds that the provider is eligible for and agrees to earn and  
825 that portion of general revenue funds which is currently  
826 associated with the services that are being furnished under  
827 contract, and including, but not limited to, funding for all  
828 investigative, supervisory, and clerical positions; training;  
829 all associated equipment; furnishings; and other fixed capital  
830 items. The contract must specify whether the department will  
831 continue to perform part or none of the child protective  
832 investigations during the initial year. The sheriffs may either  
833 conduct the investigations themselves or may, in turn,  
834 subcontract with law enforcement officials or with properly  
835 trained employees of private agencies to conduct investigations  
836 related to neglect cases only. If such a subcontract is awarded,  
837 the sheriff must take full responsibility for any safety  
838 decision made by the subcontractor and must immediately respond  
839 with law enforcement staff to any situation that requires  
840 removal of a child due to a condition that poses an immediate  
841 threat to the child's life. The contract must specify whether

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842 the services are to be performed by departmental employees or by  
843 persons determined by the sheriff. During this initial year, the  
844 department is responsible for quality assurance, and the  
845 department retains the responsibility for the performance of all  
846 child protective investigations. The department must identify  
847 any barriers to transferring the entire responsibility for child  
848 protective services to the sheriffs' offices and must pursue  
849 avenues for removing any such barriers by means including, but  
850 not limited to, applying for federal waivers. By January 15,  
851 1999, the department shall submit to the President of the  
852 Senate, the Speaker of the House of Representatives, and the  
853 chairs of the Senate and House committees that oversee  
854 departmental activities a report that describes any remaining  
855 barriers, including any that pertain to funding and related  
856 administrative issues. Unless the Legislature, on the basis of  
857 that report or other pertinent information, acts to block a  
858 transfer of the entire responsibility for child protective  
859 investigations to the sheriffs' offices, the sheriffs of Pasco  
860 County, Manatee County, Broward County, and Pinellas County,  
861 beginning in fiscal year 1999-2000, shall assume the entire  
862 responsibility for such services, as provided in subsection (3).

863 (3) (a) Beginning in fiscal year 1999-2000, the sheriffs of  
864 Pasco County, Manatee County, Broward County, and Pinellas  
865 County have the responsibility to provide all child protective  
866 investigations in their respective counties. Beginning in fiscal  
867 year 2000-2001, the Department of Children and Families ~~Family~~  
868 ~~Services~~ is authorized to enter into grant agreements with  
869 sheriffs of other counties to perform child protective  
870 investigations in their respective counties.

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871 (b) The sheriffs shall operate, at a minimum, in accordance  
872 with the performance standards and outcome measures established  
873 by the Legislature for protective investigations conducted by  
874 the Department of Children and Families ~~Family Services~~. Each  
875 individual who provides these services must complete, at a  
876 minimum, the training provided to and required of protective  
877 investigators employed by the Department of Children and  
878 Families ~~Family Services~~.

879 (c) Funds for providing child protective investigations  
880 must be identified in the annual appropriation made to the  
881 Department of Children and Families ~~Family Services~~, which shall  
882 award grants for the full amount identified to the respective  
883 sheriffs' offices. Notwithstanding the provisions of ss.  
884 216.181(16) (b) and 216.351, the Department of Children and  
885 Families ~~Family Services~~ may advance payments to the sheriffs  
886 for child protective investigations. Funds for the child  
887 protective investigations may not be integrated into the  
888 sheriffs' regular budgets. Budgetary data and other data  
889 relating to the performance of child protective investigations  
890 must be maintained separately from all other records of the  
891 sheriffs' offices and reported to the Department of Children and  
892 Families ~~Family Services~~ as specified in the grant agreement.

893 (d) Program performance evaluation shall be based on  
894 criteria mutually agreed upon by the respective sheriffs and the  
895 Department of Children and Families ~~Family Services~~. The program  
896 performance evaluation shall be conducted by a team of peer  
897 reviewers from the respective sheriffs' offices that perform  
898 child protective investigations and representatives from the  
899 department. The Department of Children and Families ~~Family~~

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900 ~~Services~~ shall submit an annual report regarding quality  
901 performance, outcome-measure attainment, and cost efficiency to  
902 the President of the Senate, the Speaker of the House of  
903 Representatives, and to the Governor no later than January 31 of  
904 each year the sheriffs are receiving general appropriations to  
905 provide child protective investigations.

906 Section 18. Section 39.308, Florida Statutes, is amended to  
907 read:

908 39.308 Guidelines for onsite child protective  
909 investigation.—The Department of Children and Families ~~Family~~  
910 ~~Services~~, in collaboration with the sheriffs' offices, shall  
911 develop guidelines for conducting an onsite child protective  
912 investigation that specifically does not require the additional  
913 activities required by the department and for conducting an  
914 enhanced child protective investigation, including determining  
915 whether compelling evidence exists that no maltreatment  
916 occurred, conducting collateral contacts, contacting the  
917 reporter, updating the risk assessment, and providing for  
918 differential levels of documentation between an onsite and an  
919 enhanced onsite child protective investigation.

920 Section 19. Section 39.395, Florida Statutes, is amended to  
921 read:

922 39.395 Detaining a child; medical or hospital personnel.—  
923 Any person in charge of a hospital or similar institution, or  
924 any physician or licensed health care professional treating a  
925 child may detain that child without the consent of the parents,  
926 caregiver, or legal custodian, whether or not additional medical  
927 treatment is required, if the circumstances are such, or if the  
928 condition of the child is such that returning the child to the



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929 care or custody of the parents, caregiver, or legal custodian  
930 presents an imminent danger to the child's life or physical or  
931 mental health. Any such person detaining a child shall  
932 immediately notify the department, whereupon the department  
933 shall immediately begin a child protective investigation in  
934 accordance with the provisions of this chapter and shall make  
935 every reasonable effort to immediately notify the parents or  
936 legal custodian that such child has been detained. If the  
937 department determines, according to the criteria set forth in  
938 this chapter, that the child should be detained longer than 24  
939 hours, it shall petition the court through the attorney  
940 representing the Department of Children and Families ~~Family~~  
941 ~~Services~~ as quickly as possible and not to exceed 24 hours, for  
942 an order authorizing such custody in the same manner as if the  
943 child were placed in a shelter. The department shall attempt to  
944 avoid the placement of a child in an institution whenever  
945 possible.

946 Section 20. Paragraph (a) of subsection (2) of section  
947 39.5085, Florida Statutes, is amended to read:

948 39.5085 Relative Caregiver Program.—

949 (2) (a) The Department of Children and Families ~~Family~~  
950 ~~Services~~ shall establish and operate the Relative Caregiver  
951 Program pursuant to eligibility guidelines established in this  
952 section as further implemented by rule of the department. The  
953 Relative Caregiver Program shall, within the limits of available  
954 funding, provide financial assistance to:

955 1. Relatives who are within the fifth degree by blood or  
956 marriage to the parent or stepparent of a child and who are  
957 caring full-time for that dependent child in the role of

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958 substitute parent as a result of a court's determination of  
959 child abuse, neglect, or abandonment and subsequent placement  
960 with the relative under this chapter.

961 2. Relatives who are within the fifth degree by blood or  
962 marriage to the parent or stepparent of a child and who are  
963 caring full-time for that dependent child, and a dependent half-  
964 brother or half-sister of that dependent child, in the role of  
965 substitute parent as a result of a court's determination of  
966 child abuse, neglect, or abandonment and subsequent placement  
967 with the relative under this chapter.

968  
969 The placement may be court-ordered temporary legal custody to  
970 the relative under protective supervision of the department  
971 pursuant to s. 39.521(1)(b)3., or court-ordered placement in the  
972 home of a relative as a permanency option under s. 39.6221 or s.  
973 39.6231 or under former s. 39.622 if the placement was made  
974 before July 1, 2006. The Relative Caregiver Program shall offer  
975 financial assistance to caregivers who are relatives and who  
976 would be unable to serve in that capacity without the relative  
977 caregiver payment because of financial burden, thus exposing the  
978 child to the trauma of placement in a shelter or in foster care.

979 Section 21. Subsections (3) and (4) of section 39.604,  
980 Florida Statutes, are amended to read:

981 39.604 Rilya Wilson Act; short title; legislative intent;  
982 requirements; attendance and reporting responsibilities.—

983 (3) REQUIREMENTS.—A child who is age 3 years to school  
984 entry, under court ordered protective supervision or in the  
985 custody of the Family Safety Program Office of the Department of  
986 Children and Families ~~Family Services~~ or a community-based lead

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987 agency, and enrolled in a licensed early education or child care  
988 program must be enrolled to participate in the program 5 days a  
989 week. Notwithstanding the requirements of s. 39.202, the  
990 Department of Children and Families ~~Family Services~~ must notify  
991 operators of the licensed early education or child care program,  
992 subject to the reporting requirements of this act, of the  
993 enrollment of any child age 3 years to school entry, under court  
994 ordered protective supervision or in the custody of the Family  
995 Safety Program Office of the Department of Children and Families  
996 ~~Family Services~~ or a community-based lead agency. The case plan  
997 developed for a child pursuant to this chapter who is enrolled  
998 in a licensed early education or child care program must contain  
999 the participation in this program as a required action. An  
1000 exemption to participating in the licensed early education or  
1001 child care program 5 days a week may be granted by the court.

1002 (4) ATTENDANCE AND REPORTING REQUIREMENTS.—

1003 (a) A child enrolled in a licensed early education or child  
1004 care program who meets the requirements of subsection (3) may  
1005 not be withdrawn from the program without the prior written  
1006 approval of the Family Safety Program Office of the Department  
1007 of Children and Families ~~Family Services~~ or the community-based  
1008 lead agency.

1009 (b)1. If a child covered by this section is absent from the  
1010 program on a day when he or she is supposed to be present, the  
1011 person with whom the child resides must report the absence to  
1012 the program by the end of the business day. If the person with  
1013 whom the child resides, whether the parent or caregiver, fails  
1014 to timely report the absence, the absence is considered to be  
1015 unexcused. The program shall report any unexcused absence or

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1016 seven consecutive excused absences of a child who is enrolled in  
1017 the program and covered by this act to the local designated  
1018 staff of the Family Safety Program Office of the Department of  
1019 Children and Families ~~Family Services~~ or the community-based  
1020 lead agency by the end of the business day following the  
1021 unexcused absence or seventh consecutive excused absence.

1022 2. The department or community-based lead agency shall  
1023 conduct a site visit to the residence of the child upon  
1024 receiving a report of two consecutive unexcused absences or  
1025 seven consecutive excused absences.

1026 3. If the site visit results in a determination that the  
1027 child is missing, the department or community-based lead agency  
1028 shall report the child as missing to a law enforcement agency  
1029 and proceed with the necessary actions to locate the child  
1030 pursuant to procedures for locating missing children.

1031 4. If the site visit results in a determination that the  
1032 child is not missing, the parent or caregiver shall be notified  
1033 that failure to ensure that the child attends the licensed early  
1034 education or child care program is a violation of the case plan.  
1035 If more than two site visits are conducted pursuant to this  
1036 subsection, staff shall initiate action to notify the court of  
1037 the parent or caregiver's noncompliance with the case plan.

1038 Section 22. Section 39.9055, Florida Statutes, is amended  
1039 to read:

1040 39.9055 Certified domestic violence centers; capital  
1041 improvement grant program.—There is established a certified  
1042 domestic violence center capital improvement grant program.

1043 (1) A certified domestic violence center as defined in s.  
1044 39.905 may apply to the Department of Children and Families

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1045 ~~Family Services~~ for a capital improvement grant. The grant  
1046 application must provide information that includes:  
1047       (a) A statement specifying the capital improvement that the  
1048 certified domestic violence center proposes to make with the  
1049 grant funds.  
1050       (b) The proposed strategy for making the capital  
1051 improvement.  
1052       (c) The organizational structure that will carry out the  
1053 capital improvement.  
1054       (d) Evidence that the certified domestic violence center  
1055 has difficulty in obtaining funding or that funds available for  
1056 the proposed improvement are inadequate.  
1057       (e) Evidence that the funds will assist in meeting the  
1058 needs of victims of domestic violence and their children in the  
1059 certified domestic violence center service area.  
1060       (f) Evidence of a satisfactory recordkeeping system to  
1061 account for fund expenditures.  
1062       (g) Evidence of ability to generate local match.  
1063       (2) Certified domestic violence centers as defined in s.  
1064 39.905 may receive funding subject to legislative appropriation,  
1065 upon application to the Department of Children and Families  
1066 ~~Family Services~~, for projects to construct, acquire, repair,  
1067 improve, or upgrade systems, facilities, or equipment, subject  
1068 to availability of funds. An award of funds under this section  
1069 must be made in accordance with a needs assessment developed by  
1070 the Florida Coalition Against Domestic Violence and the  
1071 Department of Children and Families ~~Family Services~~. The  
1072 department annually shall perform this needs assessment and  
1073 shall rank in order of need those centers that are requesting

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1074 funds for capital improvement.

1075 (3) The Department of Children and Families ~~Family Services~~  
1076 shall, in collaboration with the Florida Coalition Against  
1077 Domestic Violence, establish criteria for awarding the capital  
1078 improvement funds that must be used exclusively for support and  
1079 assistance with the capital improvement needs of the certified  
1080 domestic violence centers, as defined in s. 39.905.

1081 (4) The Department of Children and Families ~~Family Services~~  
1082 shall ensure that the funds awarded under this section are used  
1083 solely for the purposes specified in this section. The  
1084 department will also ensure that the grant process maintains the  
1085 confidentiality of the location of the certified domestic  
1086 violence centers, pursuant to s. 39.908. The total amount of  
1087 grant moneys awarded under this section may not exceed the  
1088 amount appropriated for this program.

1089 Section 23. Subsection (2) of section 61.20, Florida  
1090 Statutes, is amended to read:

1091 61.20 Social investigation and recommendations regarding a  
1092 parenting plan.—

1093 (2) A social investigation and study, when ordered by the  
1094 court, shall be conducted by qualified staff of the court; a  
1095 child-placing agency licensed pursuant to s. 409.175; a  
1096 psychologist licensed pursuant to chapter 490; or a clinical  
1097 social worker, marriage and family therapist, or mental health  
1098 counselor licensed pursuant to chapter 491. If a certification  
1099 of indigence based on an affidavit filed with the court pursuant  
1100 to s. 57.081 is provided by an adult party to the proceeding and  
1101 the court does not have qualified staff to perform the  
1102 investigation and study, the court may request that the

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1103 Department of Children and Families ~~Family Services~~ conduct the  
1104 investigation and study.

1105 Section 24. Subsections (2) and (3) of section 61.21,  
1106 Florida Statutes, are amended to read:

1107 61.21 Parenting course authorized; fees; required  
1108 attendance authorized; contempt.—

1109 (2) The Department of Children and Families ~~Family Services~~  
1110 shall approve a parenting course which shall be a course of a  
1111 minimum of 4 hours designed to educate, train, and assist  
1112 divorcing parents in regard to the consequences of divorce on  
1113 parents and children.

1114 (a) The parenting course referred to in this section shall  
1115 be named the Parent Education and Family Stabilization Course  
1116 and may include, but need not be limited to, the following  
1117 topics as they relate to court actions between parents involving  
1118 custody, care, time-sharing, and support of a child or children:

1119 1. Legal aspects of deciding child-related issues between  
1120 parents.

1121 2. Emotional aspects of separation and divorce on adults.

1122 3. Emotional aspects of separation and divorce on children.

1123 4. Family relationships and family dynamics.

1124 5. Financial responsibilities to a child or children.

1125 6. Issues regarding spousal or child abuse and neglect.

1126 7. Skill-based relationship education that may be  
1127 generalized to parenting, workplace, school, neighborhood, and  
1128 civic relationships.

1129 (b) Information regarding spousal and child abuse and  
1130 neglect shall be included in every parent education and family  
1131 stabilization course. A list of local agencies that provide

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1132 assistance with such issues shall also be provided.

1133 (c) The parent education and family stabilization course  
1134 shall be educational in nature and shall not be designed to  
1135 provide individual mental health therapy for parents or  
1136 children, or individual legal advice to parents or children.

1137 (d) Course providers shall not solicit participants from  
1138 the sessions they conduct to become private clients or patients.

1139 (e) Course providers shall not give individual legal advice  
1140 or mental health therapy.

1141 (3) Each course provider offering a parenting course  
1142 pursuant to this section must be approved by the Department of  
1143 Children and Families ~~Family Services~~.

1144 (a) The Department of Children and Families ~~Family Services~~  
1145 shall provide each judicial circuit with a list of approved  
1146 course providers and sites at which the parent education and  
1147 family stabilization course may be completed. Each judicial  
1148 circuit must make information regarding all course providers  
1149 approved for their circuit available to all parents.

1150 (b) The Department of Children and Families ~~Family Services~~  
1151 shall include on the list of approved course providers and sites  
1152 for each circuit at least one site in that circuit where the  
1153 parent education and family stabilization course may be  
1154 completed on a sliding fee scale, if available.

1155 (c) The Department of Children and Families ~~Family Services~~  
1156 shall include on the list of approved course providers, without  
1157 limitation as to the area of the state for which the course is  
1158 approved, a minimum of one statewide approved course to be  
1159 provided through the Internet and one statewide approved course  
1160 to be provided through correspondence. The purpose of the



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1161 Internet and correspondence courses is to ensure that the parent  
1162 education and stabilization course is available in the home  
1163 county of each state resident and to those out-of-state persons  
1164 subject to this section.

1165 (d) The Department of Children and Families ~~Family Services~~  
1166 may remove a provider who violates this section, or its  
1167 implementing rules, from the list of approved court providers.

1168 (e) The Department of Children and Families ~~Family Services~~  
1169 shall adopt rules to administer subsection (2) and this  
1170 subsection.

1171 Section 25. Subsection (5) of section 63.022, Florida  
1172 Statutes, is amended to read:

1173 63.022 Legislative intent.—

1174 (5) It is the intent of the Legislature to provide for  
1175 cooperation between private adoption entities and the Department  
1176 of Children and Families ~~Family Services~~ in matters relating to  
1177 permanent placement options for children in the care of the  
1178 department whose birth parents wish to participate in a private  
1179 adoption plan with a qualified family.

1180 Section 26. Subsection (9) of section 63.032, Florida  
1181 Statutes, is amended to read:

1182 63.032 Definitions.—As used in this chapter, the term:

1183 (9) "Department" means the Department of Children and  
1184 Families ~~Family Services~~.

1185 Section 27. Paragraph (b) of subsection (5) of section  
1186 63.039, Florida Statutes, is amended to read:

1187 63.039 Duty of adoption entity to prospective adoptive  
1188 parents; sanctions.—

1189 (5) Within 30 days after the entry of an order of the court

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1190 finding sanctionable conduct on the part of an adoption entity,  
1191 the clerk of the court must forward to:

1192 (b) The Department of Children and Families ~~Family Services~~  
1193 any order that imposes sanctions under this section against a  
1194 licensed child-placing agency or a child-placing agency licensed  
1195 in another state that is qualified by the department.

1196 Section 28. Subsections (3), (10), and (11) of section  
1197 63.054, Florida Statutes, are amended to read:

1198 63.054 Actions required by an unmarried biological father  
1199 to establish parental rights; Florida Putative Father Registry.-

1200 (3) The Office of Vital Statistics of the Department of  
1201 Health shall adopt by rule the appropriate claim of paternity  
1202 form in English, Spanish, and Creole in order to facilitate the  
1203 registration of an unmarried biological father with the Florida  
1204 Putative Father Registry and shall, within existing resources,  
1205 make these forms available through local offices of the  
1206 Department of Health and the Department of Children and Families  
1207 ~~Family Services~~, the Internet websites of those agencies, and  
1208 the offices of the clerks of the circuit court. The claim of  
1209 paternity form shall be signed by the unmarried biological  
1210 father and must include his name, address, date of birth, and  
1211 physical description. In addition, the registrant shall provide,  
1212 if known, the name, address, date of birth, and physical  
1213 description of the mother; the date, place, and location of  
1214 conception of the child; and the name, date, and place of birth  
1215 of the child or estimated date of birth of the expected minor  
1216 child, if known. The claim of paternity form shall be signed  
1217 under oath by the registrant.

1218 (10) The Department of Health shall, within existing

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1219 resources, prepare and adopt by rule application forms for  
1220 initiating a search of the Florida Putative Father Registry and  
1221 shall make those forms available through the local offices of  
1222 the Department of Health and the Department of Children and  
1223 Families ~~Family Services~~ and the offices of the clerks of the  
1224 circuit court.

1225 (11) The Department of Health shall produce and distribute,  
1226 within existing resources, a pamphlet or publication informing  
1227 the public about the Florida Putative Father Registry and which  
1228 is printed in English, Spanish, and Creole. The pamphlet shall  
1229 indicate the procedures for voluntary acknowledgment of  
1230 paternity, the consequences of acknowledgment of paternity, the  
1231 consequences of failure to acknowledge paternity, and the  
1232 address of the Florida Putative Father Registry. Such pamphlets  
1233 or publications shall be made available for distribution at all  
1234 offices of the Department of Health and the Department of  
1235 Children and Families ~~Family Services~~ and shall be included in  
1236 health class curricula taught in public and charter schools in  
1237 this state. The Department of Health shall also provide such  
1238 pamphlets or publications to hospitals, adoption entities,  
1239 libraries, medical clinics, schools, universities, and providers  
1240 of child-related services, upon request. In cooperation with the  
1241 Department of Highway Safety and Motor Vehicles, each person  
1242 applying for a Florida driver's license, or renewal thereof, and  
1243 each person applying for a Florida identification card shall be  
1244 offered the pamphlet or publication informing the public about  
1245 the Florida Putative Father Registry.

1246 Section 29. Subsection (1) of section 63.202, Florida  
1247 Statutes, is amended to read:

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1248 63.202 Authority to license; adoption of rules.—  
1249 (1) The Department of Children and Families ~~Family Services~~  
1250 is authorized and empowered to license child placement agencies  
1251 that it determines to be qualified to place minors for adoption.  
1252 Section 30. Paragraph (a) of subsection (1) of section  
1253 90.503, Florida Statutes, is amended to read:  
1254 90.503 Psychotherapist-patient privilege.—  
1255 (1) For purposes of this section:  
1256 (a) A "psychotherapist" is:  
1257 1. A person authorized to practice medicine in any state or  
1258 nation, or reasonably believed by the patient so to be, who is  
1259 engaged in the diagnosis or treatment of a mental or emotional  
1260 condition, including alcoholism and other drug addiction;  
1261 2. A person licensed or certified as a psychologist under  
1262 the laws of any state or nation, who is engaged primarily in the  
1263 diagnosis or treatment of a mental or emotional condition,  
1264 including alcoholism and other drug addiction;  
1265 3. A person licensed or certified as a clinical social  
1266 worker, marriage and family therapist, or mental health  
1267 counselor under the laws of this state, who is engaged primarily  
1268 in the diagnosis or treatment of a mental or emotional  
1269 condition, including alcoholism and other drug addiction;  
1270 4. Treatment personnel of facilities licensed by the state  
1271 pursuant to chapter 394, chapter 395, or chapter 397, of  
1272 facilities designated by the Department of Children and Families  
1273 ~~Family Services~~ pursuant to chapter 394 as treatment facilities,  
1274 or of facilities defined as community mental health centers  
1275 pursuant to s. 394.907(1), who are engaged primarily in the  
1276 diagnosis or treatment of a mental or emotional condition,

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1277 including alcoholism and other drug addiction; or

1278         5. An advanced registered nurse practitioner certified  
1279 under s. 464.012, whose primary scope of practice is the  
1280 diagnosis or treatment of mental or emotional conditions,  
1281 including chemical abuse, and limited only to actions performed  
1282 in accordance with part I of chapter 464.

1283         Section 31. Paragraphs (j), (m), and (q) of subsection (2)  
1284 of section 110.205, Florida Statutes, are amended to read:

1285         110.205 Career service; exemptions.—

1286         (2) EXEMPT POSITIONS.—The exempt positions that are not  
1287 covered by this part include the following:

1288         (j) The appointed secretaries and the State Surgeon  
1289 General, assistant secretaries, deputy secretaries, and deputy  
1290 assistant secretaries of all departments; the executive  
1291 directors, assistant executive directors, deputy executive  
1292 directors, and deputy assistant executive directors of all  
1293 departments; the directors of all divisions and those positions  
1294 determined by the department to have managerial responsibilities  
1295 comparable to such positions, which positions include, but are  
1296 not limited to, program directors, assistant program directors,  
1297 district administrators, deputy district administrators, the  
1298 Director of Central Operations Services of the Department of  
1299 Children and Families ~~Family Services~~, the State Transportation  
1300 Development Administrator, State Public Transportation and Modal  
1301 Administrator, district secretaries, district directors of  
1302 transportation development, transportation operations,  
1303 transportation support, and the managers of the offices  
1304 specified in s. 20.23(4)(b), of the Department of  
1305 Transportation. Unless otherwise fixed by law, the department

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1306 shall set the salary and benefits of these positions in  
1307 accordance with the rules of the Senior Management Service; and  
1308 the county health department directors and county health  
1309 department administrators of the Department of Health.

1310 (m) All assistant division director, deputy division  
1311 director, and bureau chief positions in any department, and  
1312 those positions determined by the department to have managerial  
1313 responsibilities comparable to such positions, which include,  
1314 but are not limited to:

1315 1. Positions in the Department of Health and the Department  
1316 of Children and Families ~~Family Services~~ that are assigned  
1317 primary duties of serving as the superintendent or assistant  
1318 superintendent of an institution.

1319 2. Positions in the Department of Corrections that are  
1320 assigned primary duties of serving as the warden, assistant  
1321 warden, colonel, or major of an institution or that are assigned  
1322 primary duties of serving as the circuit administrator or deputy  
1323 circuit administrator.

1324 3. Positions in the Department of Transportation that are  
1325 assigned primary duties of serving as regional toll managers and  
1326 managers of offices, as defined in s. 20.23(4)(b) and (5)(c).

1327 4. Positions in the Department of Environmental Protection  
1328 that are assigned the duty of an Environmental Administrator or  
1329 program administrator.

1330 5. Positions in the Department of Health that are assigned  
1331 the duties of Environmental Administrator, Assistant County  
1332 Health Department Director, and County Health Department  
1333 Financial Administrator.

1334 6. Positions in the Department of Highway Safety and Motor

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1335 Vehicles that are assigned primary duties of serving as captains  
1336 in the Florida Highway Patrol.

1337  
1338 Unless otherwise fixed by law, the department shall set the  
1339 salary and benefits of the positions listed in this paragraph in  
1340 accordance with the rules established for the Selected Exempt  
1341 Service.

1342 (q) The staff directors, assistant staff directors,  
1343 district program managers, district program coordinators,  
1344 district subdistrict administrators, district administrative  
1345 services directors, district attorneys, and the Deputy Director  
1346 of Central Operations Services of the Department of Children and  
1347 Families ~~Family Services~~. Unless otherwise fixed by law, the  
1348 department shall establish the pay band and benefits for these  
1349 positions in accordance with the rules of the Selected Exempt  
1350 Service.

1351 Section 32. Subsections (7) and (15) of section 120.80,  
1352 Florida Statutes, are amended to read:

1353 120.80 Exceptions and special requirements; agencies.—

1354 (7) DEPARTMENT OF CHILDREN AND FAMILIES ~~FAMILY SERVICES~~.—  
1355 Notwithstanding s. 120.57(1)(a), hearings conducted within the  
1356 Department of Children and Families ~~Family Services~~ in the  
1357 execution of those social and economic programs administered by  
1358 the former Division of Family Services of the former Department  
1359 of Health and Rehabilitative Services prior to the  
1360 reorganization effected by chapter 75-48, Laws of Florida, need  
1361 not be conducted by an administrative law judge assigned by the  
1362 division.

1363 (15) DEPARTMENT OF HEALTH.—Notwithstanding s. 120.57(1)(a),

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1364 formal hearings may not be conducted by the State Surgeon  
1365 General, the Secretary of Health Care Administration, or a board  
1366 or member of a board within the Department of Health or the  
1367 Agency for Health Care Administration for matters relating to  
1368 the regulation of professions, as defined by chapter 456.  
1369 Notwithstanding s. 120.57(1)(a), hearings conducted within the  
1370 Department of Health in execution of the Special Supplemental  
1371 Nutrition Program for Women, Infants, and Children; Child Care  
1372 Food Program; Children's Medical Services Program; the Brain and  
1373 Spinal Cord Injury Program; and the exemption from  
1374 disqualification reviews for certified nurse assistants program  
1375 need not be conducted by an administrative law judge assigned by  
1376 the division. The Department of Health may contract with the  
1377 Department of Children and Families ~~Family Services~~ for a  
1378 hearing officer in these matters.

1379 Section 33. Paragraph (d) of subsection (2) of section  
1380 121.0515, Florida Statutes, is amended to read:

1381 121.0515 Special Risk Class.—

1382 (2) MEMBERSHIP.—

1383 (d) Effective January 1, 2001, "special risk member"  
1384 includes:

1385 1. Any member who is employed as a community-based  
1386 correctional probation officer and meets the special criteria  
1387 set forth in paragraph (3)(e).

1388 2. Any professional health care bargaining unit or non-unit  
1389 member who is employed by the Department of Corrections or the  
1390 Department of Children and Families ~~Family Services~~ and meets  
1391 the special criteria set forth in paragraph (3)(f).

1392 Section 34. Section 125.0109, Florida Statutes, is amended



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1393 to read:

1394 125.0109 Family day care homes; local zoning regulation.—  
1395 The operation of a residence as a family day care home, as  
1396 defined by law, registered or licensed with the Department of  
1397 Children and Families ~~Family Services~~ shall constitute a valid  
1398 residential use for purposes of any local zoning regulations,  
1399 and no such regulation shall require the owner or operator of  
1400 such family day care home to obtain any special exemption or use  
1401 permit or waiver, or to pay any special fee in excess of \$50, to  
1402 operate in an area zoned for residential use.

1403 Section 35. Paragraphs (a) and (b) of subsection (1) of  
1404 section 125.901, Florida Statutes, are amended to read:

1405 125.901 Children's services; independent special district;  
1406 council; powers, duties, and functions; public records  
1407 exemption.—

1408 (1) Each county may by ordinance create an independent  
1409 special district, as defined in ss. 189.403(3) and  
1410 200.001(8)(e), to provide funding for children's services  
1411 throughout the county in accordance with this section. The  
1412 boundaries of such district shall be coterminous with the  
1413 boundaries of the county. The county governing body shall obtain  
1414 approval, by a majority vote of those electors voting on the  
1415 question, to annually levy ad valorem taxes which shall not  
1416 exceed the maximum millage rate authorized by this section. Any  
1417 district created pursuant to the provisions of this subsection  
1418 shall be required to levy and fix millage subject to the  
1419 provisions of s. 200.065. Once such millage is approved by the  
1420 electorate, the district shall not be required to seek approval  
1421 of the electorate in future years to levy the previously

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1422 approved millage.

1423 (a) The governing board of the district shall be a council  
1424 on children's services, which may also be known as a juvenile  
1425 welfare board or similar name as established in the ordinance by  
1426 the county governing body. Such council shall consist of 10  
1427 members, including: the superintendent of schools; a local  
1428 school board member; the district administrator from the  
1429 appropriate district of the Department of Children and Families  
1430 ~~Family Services~~, or his or her designee who is a member of the  
1431 Senior Management Service or of the Selected Exempt Service; one  
1432 member of the county governing body; and the judge assigned to  
1433 juvenile cases who shall sit as a voting member of the board,  
1434 except that said judge shall not vote or participate in the  
1435 setting of ad valorem taxes under this section. If there is more  
1436 than one judge assigned to juvenile cases in a county, the chief  
1437 judge shall designate one of said juvenile judges to serve on  
1438 the board. The remaining five members shall be appointed by the  
1439 Governor, and shall, to the extent possible, represent the  
1440 demographic diversity of the population of the county. After  
1441 soliciting recommendations from the public, the county governing  
1442 body shall submit to the Governor the names of at least three  
1443 persons for each vacancy occurring among the five members  
1444 appointed by the Governor, and the Governor shall appoint  
1445 members to the council from the candidates nominated by the  
1446 county governing body. The Governor shall make a selection  
1447 within a 45-day period or request a new list of candidates. All  
1448 members appointed by the Governor shall have been residents of  
1449 the county for the previous 24-month period. Such members shall  
1450 be appointed for 4-year terms, except that the length of the

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1451 terms of the initial appointees shall be adjusted to stagger the  
1452 terms. The Governor may remove a member for cause or upon the  
1453 written petition of the county governing body. If any of the  
1454 members of the council required to be appointed by the Governor  
1455 under the provisions of this subsection shall resign, die, or be  
1456 removed from office, the vacancy thereby created shall, as soon  
1457 as practicable, be filled by appointment by the Governor, using  
1458 the same method as the original appointment, and such  
1459 appointment to fill a vacancy shall be for the unexpired term of  
1460 the person who resigns, dies, or is removed from office.

1461 (b) However, any county as defined in s. 125.011(1) may  
1462 instead have a governing board consisting of 33 members,  
1463 including: the superintendent of schools; two representatives of  
1464 public postsecondary education institutions located in the  
1465 county; the county manager or the equivalent county officer; the  
1466 district administrator from the appropriate district of the  
1467 Department of Children and Families ~~Family Services~~, or the  
1468 administrator's designee who is a member of the Senior  
1469 Management Service or the Selected Exempt Service; the director  
1470 of the county health department or the director's designee; the  
1471 state attorney for the county or the state attorney's designee;  
1472 the chief judge assigned to juvenile cases, or another juvenile  
1473 judge who is the chief judge's designee and who shall sit as a  
1474 voting member of the board, except that the judge may not vote  
1475 or participate in setting ad valorem taxes under this section;  
1476 an individual who is selected by the board of the local United  
1477 Way or its equivalent; a member of a locally recognized faith-  
1478 based coalition, selected by that coalition; a member of the  
1479 local chamber of commerce, selected by that chamber or, if more

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1480 than one chamber exists within the county, a person selected by  
1481 a coalition of the local chambers; a member of the early  
1482 learning coalition, selected by that coalition; a representative  
1483 of a labor organization or union active in the county; a member  
1484 of a local alliance or coalition engaged in cross-system  
1485 planning for health and social service delivery in the county,  
1486 selected by that alliance or coalition; a member of the local  
1487 Parent-Teachers Association/Parent-Teacher-Student Association,  
1488 selected by that association; a youth representative selected by  
1489 the local school system's student government; a local school  
1490 board member appointed by the chair of the school board; the  
1491 mayor of the county or the mayor's designee; one member of the  
1492 county governing body, appointed by the chair of that body; a  
1493 member of the state Legislature who represents residents of the  
1494 county, selected by the chair of the local legislative  
1495 delegation; an elected official representing the residents of a  
1496 municipality in the county, selected by the county municipal  
1497 league; and 4 members-at-large, appointed to the council by the  
1498 majority of sitting council members. The remaining 7 members  
1499 shall be appointed by the Governor in accordance with procedures  
1500 set forth in paragraph (a), except that the Governor may remove  
1501 a member for cause or upon the written petition of the council.  
1502 Appointments by the Governor must, to the extent reasonably  
1503 possible, represent the geographic and demographic diversity of  
1504 the population of the county. Members who are appointed to the  
1505 council by reason of their position are not subject to the  
1506 length of terms and limits on consecutive terms as provided in  
1507 this section. The remaining appointed members of the governing  
1508 board shall be appointed to serve 2-year terms, except that

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1509 those members appointed by the Governor shall be appointed to  
1510 serve 4-year terms, and the youth representative and the  
1511 legislative delegate shall be appointed to serve 1-year terms. A  
1512 member may be reappointed; however, a member may not serve for  
1513 more than three consecutive terms. A member is eligible to be  
1514 appointed again after a 2-year hiatus from the council.

1515 Section 36. Section 125.902, Florida Statutes, is amended  
1516 to read:

1517 125.902 Children's services council or juvenile welfare  
1518 board incentive grants.—

1519 (1) Subject to specific appropriations, it is the intent of  
1520 the Legislature to provide incentives to encourage children's  
1521 services councils or juvenile welfare boards to provide support  
1522 to local child welfare programs related to implementation of  
1523 community-based care.

1524 (a) A children's services council or juvenile welfare  
1525 board, as authorized in s. 125.901, may submit a request for  
1526 funding or continued funding to the Department of Children and  
1527 Families ~~Family Services~~ to support programs funded by the  
1528 council or board for local child welfare services related to  
1529 implementation of community-based care.

1530 (b) The Department of Children and Families ~~Family Services~~  
1531 shall establish grant application procedures.

1532 (2) The Department of Children and Families ~~Family Services~~  
1533 shall make award determinations no later than October 1 of each  
1534 year. All applicants shall be notified by the department of its  
1535 final action.

1536 (3) Each council or board that is awarded a grant as  
1537 provided for in this section shall submit performance and output

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1538 information as determined by the Department of Children and  
1539 Families ~~Family Services~~.

1540 Section 37. Subsection (2) of section 154.067, Florida  
1541 Statutes, is amended to read:

1542 154.067 Child abuse and neglect cases; duties.—The  
1543 Department of Health shall adopt a rule requiring every county  
1544 health department, as described in s. 154.01, to adopt a  
1545 protocol that, at a minimum, requires the county health  
1546 department to:

1547 (2) In any case involving suspected child abuse,  
1548 abandonment, or neglect, designate, at the request of the  
1549 department, a staff physician to act as a liaison between the  
1550 county health department and the Department of Children and  
1551 Families ~~Family Services~~ office that is investigating the  
1552 suspected abuse, abandonment, or neglect, and the child  
1553 protection team, as defined in s. 39.01, when the case is  
1554 referred to such a team.

1555 Section 38. Subsection (3) of section 154.306, Florida  
1556 Statutes, is amended to read:

1557 154.306 Financial responsibility for certified residents  
1558 who are qualified indigent patients treated at an out-of-county  
1559 participating hospital or regional referral hospital.—Ultimate  
1560 financial responsibility for treatment received at a  
1561 participating hospital or a regional referral hospital by a  
1562 qualified indigent patient who is a certified resident of a  
1563 county in the State of Florida, but is not a resident of the  
1564 county in which the participating hospital or regional referral  
1565 hospital is located, is the obligation of the county of which  
1566 the qualified indigent patient is a resident. Each county shall

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1567 reimburse participating hospitals or regional referral hospitals  
1568 as provided for in this part, and shall provide or arrange for  
1569 indigent eligibility determination procedures and resident  
1570 certification determination procedures as provided for in rules  
1571 developed to implement this part. The agency, or any county  
1572 determining eligibility of a qualified indigent, shall provide  
1573 to the county of residence, upon request, a copy of any  
1574 documents, forms, or other information, as determined by rule,  
1575 which may be used in making an eligibility determination.

1576 (3) For the purpose of computing the maximum amount that a  
1577 county having a population of 100,000 or less may be required to  
1578 pay, the agency must reduce the official state population  
1579 estimates by the number of inmates and patients residing in the  
1580 county in institutions operated by the Federal Government, the  
1581 Department of Corrections, the Department of Health, or the  
1582 Department of Children and Families ~~Family Services~~, and by the  
1583 number of active-duty military personnel residing in the county,  
1584 all of whom shall not be considered residents of the county.  
1585 However, a county is entitled to receive the benefit of such a  
1586 reduction in estimated population figures only if the county  
1587 accepts as valid and true, and does not require any  
1588 reverification of, the documentation of financial eligibility  
1589 and county residency which is provided to it by the  
1590 participating hospital or regional referral hospital. The  
1591 participating hospital or regional referral hospital must  
1592 provide documentation that is complete and in the form required  
1593 by s. 154.3105.

1594 Section 39. Section 166.0445, Florida Statutes, is amended  
1595 to read:

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1596 166.0445 Family day care homes; local zoning regulation.—  
1597 The operation of a residence as a family day care home, as  
1598 defined by law, registered or licensed with the Department of  
1599 Children and Families ~~Family Services~~ shall constitute a valid  
1600 residential use for purposes of any local zoning regulations,  
1601 and no such regulation shall require the owner or operator of  
1602 such family day care home to obtain any special exemption or use  
1603 permit or waiver, or to pay any special fee in excess of \$50, to  
1604 operate in an area zoned for residential use.

1605 Section 40. Paragraph (b) of subsection (2) of section  
1606 186.901, Florida Statutes, is amended to read:

1607 186.901 Population census determination.—

1608 (2)

1609 (b) For the purpose of revenue-sharing distribution  
1610 formulas and distribution proportions for the local government  
1611 half-cent sales tax, inmates and patients residing in  
1612 institutions operated by the Federal Government, the Department  
1613 of Corrections, the Department of Health, or the Department of  
1614 Children and Families ~~Family Services~~ shall not be considered to  
1615 be residents of the governmental unit in which the institutions  
1616 are located.

1617 Section 41. Subsection (2) of section 194.013, Florida  
1618 Statutes, is amended to read:

1619 194.013 Filing fees for petitions; disposition; waiver.—

1620 (2) The value adjustment board shall waive the filing fee  
1621 with respect to a petition filed by a taxpayer who demonstrates  
1622 at the time of filing, by an appropriate certificate or other  
1623 documentation issued by the Department of Children and Families  
1624 ~~Family Services~~ and submitted with the petition, that the



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1625 petitioner is then an eligible recipient of temporary assistance  
1626 under chapter 414.

1627 Section 42. Subsection (3) of section 196.095, Florida  
1628 Statutes, is amended to read:

1629 196.095 Exemption for a licensed child care facility  
1630 operating in an enterprise zone.—

1631 (3) The production by the child care facility operator of a  
1632 current license by the Department of Children and Families  
1633 ~~Family Services~~ or local licensing authority and certification  
1634 by the governing body or enterprise zone where the child care  
1635 center is located is prima facie evidence that the child care  
1636 facility owner is entitled to such exemptions.

1637 Section 43. Paragraph (a) of subsection (2) of section  
1638 212.04, Florida Statutes, is amended to read:

1639 212.04 Admissions tax; rate, procedure, enforcement.—

1640 (2) (a) 1. No tax shall be levied on admissions to athletic  
1641 or other events sponsored by elementary schools, junior high  
1642 schools, middle schools, high schools, community colleges,  
1643 public or private colleges and universities, deaf and blind  
1644 schools, facilities of the youth services programs of the  
1645 Department of Children and Families ~~Family Services~~, and state  
1646 correctional institutions when only student, faculty, or inmate  
1647 talent is used. However, this exemption shall not apply to  
1648 admission to athletic events sponsored by a state university,  
1649 and the proceeds of the tax collected on such admissions shall  
1650 be retained and used by each institution to support women's  
1651 athletics as provided in s. 1006.71(2)(c).

1652 2.a. No tax shall be levied on dues, membership fees, and  
1653 admission charges imposed by not-for-profit sponsoring

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1654 organizations. To receive this exemption, the sponsoring  
1655 organization must qualify as a not-for-profit entity under the  
1656 provisions of s. 501(c)(3) of the Internal Revenue Code of 1954,  
1657 as amended.

1658       b. No tax shall be levied on admission charges to an event  
1659 sponsored by a governmental entity, sports authority, or sports  
1660 commission when held in a convention hall, exhibition hall,  
1661 auditorium, stadium, theater, arena, civic center, performing  
1662 arts center, or publicly owned recreational facility and when  
1663 100 percent of the risk of success or failure lies with the  
1664 sponsor of the event and 100 percent of the funds at risk for  
1665 the event belong to the sponsor, and student or faculty talent  
1666 is not exclusively used. As used in this sub-subparagraph, the  
1667 terms "sports authority" and "sports commission" mean a  
1668 nonprofit organization that is exempt from federal income tax  
1669 under s. 501(c)(3) of the Internal Revenue Code and that  
1670 contracts with a county or municipal government for the purpose  
1671 of promoting and attracting sports-tourism events to the  
1672 community with which it contracts.

1673       3. No tax shall be levied on an admission paid by a  
1674 student, or on the student's behalf, to any required place of  
1675 sport or recreation if the student's participation in the sport  
1676 or recreational activity is required as a part of a program or  
1677 activity sponsored by, and under the jurisdiction of, the  
1678 student's educational institution, provided his or her  
1679 attendance is as a participant and not as a spectator.

1680       4. No tax shall be levied on admissions to the National  
1681 Football League championship game or Pro Bowl; on admissions to  
1682 any semifinal game or championship game of a national collegiate

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1683 tournament; on admissions to a Major League Baseball, National  
1684 Basketball Association, or National Hockey League all-star game;  
1685 on admissions to the Major League Baseball Home Run Derby held  
1686 before the Major League Baseball All-Star Game; or on admissions  
1687 to the National Basketball Association Rookie Challenge,  
1688 Celebrity Game, 3-Point Shooting Contest, or Slam Dunk  
1689 Challenge.

1690         5. A participation fee or sponsorship fee imposed by a  
1691 governmental entity as described in s. 212.08(6) for an athletic  
1692 or recreational program is exempt when the governmental entity  
1693 by itself, or in conjunction with an organization exempt under  
1694 s. 501(c)(3) of the Internal Revenue Code of 1954, as amended,  
1695 sponsors, administers, plans, supervises, directs, and controls  
1696 the athletic or recreational program.

1697         6. Also exempt from the tax imposed by this section to the  
1698 extent provided in this subparagraph are admissions to live  
1699 theater, live opera, or live ballet productions in this state  
1700 which are sponsored by an organization that has received a  
1701 determination from the Internal Revenue Service that the  
1702 organization is exempt from federal income tax under s.  
1703 501(c)(3) of the Internal Revenue Code of 1954, as amended, if  
1704 the organization actively participates in planning and  
1705 conducting the event, is responsible for the safety and success  
1706 of the event, is organized for the purpose of sponsoring live  
1707 theater, live opera, or live ballet productions in this state,  
1708 has more than 10,000 subscribing members and has among the  
1709 stated purposes in its charter the promotion of arts education  
1710 in the communities which it serves, and will receive at least 20  
1711 percent of the net profits, if any, of the events which the

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1712 organization sponsors and will bear the risk of at least 20  
1713 percent of the losses, if any, from the events which it sponsors  
1714 if the organization employs other persons as agents to provide  
1715 services in connection with a sponsored event. Prior to March 1  
1716 of each year, such organization may apply to the department for  
1717 a certificate of exemption for admissions to such events  
1718 sponsored in this state by the organization during the  
1719 immediately following state fiscal year. The application shall  
1720 state the total dollar amount of admissions receipts collected  
1721 by the organization or its agents from such events in this state  
1722 sponsored by the organization or its agents in the year  
1723 immediately preceding the year in which the organization applies  
1724 for the exemption. Such organization shall receive the exemption  
1725 only to the extent of \$1.5 million multiplied by the ratio that  
1726 such receipts bear to the total of such receipts of all  
1727 organizations applying for the exemption in such year; however,  
1728 in no event shall such exemption granted to any organization  
1729 exceed 6 percent of such admissions receipts collected by the  
1730 organization or its agents in the year immediately preceding the  
1731 year in which the organization applies for the exemption. Each  
1732 organization receiving the exemption shall report each month to  
1733 the department the total admissions receipts collected from such  
1734 events sponsored by the organization during the preceding month  
1735 and shall remit to the department an amount equal to 6 percent  
1736 of such receipts reduced by any amount remaining under the  
1737 exemption. Tickets for such events sold by such organizations  
1738 shall not reflect the tax otherwise imposed under this section.

1739       7. Also exempt from the tax imposed by this section are  
1740 entry fees for participation in freshwater fishing tournaments.

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1741 8. Also exempt from the tax imposed by this section are  
1742 participation or entry fees charged to participants in a game,  
1743 race, or other sport or recreational event if spectators are  
1744 charged a taxable admission to such event.

1745 9. No tax shall be levied on admissions to any postseason  
1746 collegiate football game sanctioned by the National Collegiate  
1747 Athletic Association.

1748 Section 44. Paragraph (m) of subsection (5) of section  
1749 212.08, Florida Statutes, is amended to read:

1750 212.08 Sales, rental, use, consumption, distribution, and  
1751 storage tax; specified exemptions.—The sale at retail, the  
1752 rental, the use, the consumption, the distribution, and the  
1753 storage to be used or consumed in this state of the following  
1754 are hereby specifically exempt from the tax imposed by this  
1755 chapter.

1756 (5) EXEMPTIONS; ACCOUNT OF USE.—

1757 (m) *Educational materials purchased by certain child care*  
1758 *facilities.*—Educational materials, such as glue, paper, paints,  
1759 crayons, unique craft items, scissors, books, and educational  
1760 toys, purchased by a child care facility that meets the  
1761 standards delineated in s. 402.305, is licensed under s.  
1762 402.308, holds a current Gold Seal Quality Care designation  
1763 pursuant to s. 402.281, and provides basic health insurance to  
1764 all employees are exempt from the taxes imposed by this chapter.  
1765 For purposes of this paragraph, the term “basic health  
1766 insurance” shall be defined and promulgated in rules developed  
1767 jointly by the Department of Children and Families ~~Family~~  
1768 ~~Services~~, the Agency for Health Care Administration, and the  
1769 Financial Services Commission.

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1770 Section 45. Subsection (16) of section 213.053, Florida  
1771 Statutes, is amended to read:

1772 213.053 Confidentiality and information sharing.—

1773 (16) (a) Confidential taxpayer information may be shared  
1774 with the child support enforcement program, which may use the  
1775 information for purposes of program administration, and with the  
1776 Department of Children and Families ~~Family Services~~ for the  
1777 purpose of diligent search activities pursuant to chapter 39.

1778 (b) Nothing in this subsection authorizes the disclosure of  
1779 information if such disclosure is prohibited by federal law.  
1780 Employees of the child support enforcement program and of the  
1781 Department of Children and Families ~~Family Services~~ are bound by  
1782 the same requirements of confidentiality and the same penalties  
1783 for violation of the requirements as the department.

1784 Section 46. Paragraph (d) of subsection (2), paragraph (a)  
1785 of subsection (5), and paragraph (c) of subsection (6) of  
1786 section 215.5601, Florida Statutes, are amended to read:

1787 215.5601 Lawton Chiles Endowment Fund.—

1788 (2) DEFINITIONS.—As used in this section, the term:

1789 (d) "State agency" or "state agencies" means the Department  
1790 of Health, the Department of Children and Families ~~Family~~  
1791 ~~Services~~, the Department of Elderly Affairs, or the Agency for  
1792 Health Care Administration, or any combination thereof, as the  
1793 context indicates.

1794 (5) AVAILABILITY OF FUNDS; USES.—

1795 (a) Funds from the endowment which are available for  
1796 legislative appropriation shall be transferred by the board to  
1797 the Department of Financial Services Tobacco Settlement Clearing  
1798 Trust Fund, created in s. 17.41, and disbursed in accordance

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1799 with the legislative appropriation.

1800 1. Appropriations by the Legislature to the Department of  
1801 Health from endowment earnings from the principal set aside for  
1802 biomedical research shall be from a category called the James  
1803 and Esther King Biomedical Research Program and shall be  
1804 deposited into the Biomedical Research Trust Fund in the  
1805 Department of Health established in s. 20.435.

1806 2. Appropriations by the Legislature to the Department of  
1807 Children and Families ~~Family Services~~, the Department of Health,  
1808 or the Department of Elderly Affairs from endowment earnings for  
1809 health and human services programs shall be deposited into each  
1810 department's respective Tobacco Settlement Trust Fund as  
1811 appropriated.

1812 (6) ADVISORY COUNCIL.—The Lawton Chiles Endowment Fund  
1813 Advisory Council is established for the purpose of reviewing the  
1814 funding priorities of the state agencies, evaluating their  
1815 requests against the mission and goals of the agencies and  
1816 legislative intent for the use of endowment funds, and allowing  
1817 for public input and advocacy.

1818 (c) Members of the advisory council shall serve without  
1819 compensation, but may receive reimbursement as provided in s.  
1820 112.061 for per diem and travel expenses incurred in the  
1821 performance of their official duties. The Department of Children  
1822 and Families ~~Family Services~~ shall provide staff and other  
1823 administrative assistance reasonably necessary to assist the  
1824 advisory council in carrying out its responsibilities.  
1825 Administrative costs of the advisory council shall be charged  
1826 equally to endowment funds deposited in the Department of  
1827 Children and Families ~~Family Services~~ and the Department of

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1828 Elderly Affairs Tobacco Settlement Trust Funds.

1829 Section 47. Paragraph (b) of subsection (8) of section  
1830 218.65, Florida Statutes, is amended to read:

1831 218.65 Emergency distribution.—

1832 (8)

1833 (b) For the purposes of this subsection, the term:

1834 1. "Inmate population" means the latest official state  
1835 estimate of the number of inmates and patients residing in  
1836 institutions operated by the Federal Government, the Department  
1837 of Corrections, or the Department of Children and Families  
1838 ~~Family Services~~.

1839 2. "Total population" includes inmate population and  
1840 noninmate population.

1841 Section 48. Subsection (1) of section 252.355, Florida  
1842 Statutes, is amended to read:

1843 252.355 Registry of persons with special needs; notice.—

1844 (1) In order to meet the special needs of persons who would  
1845 need assistance during evacuations and sheltering because of  
1846 physical, mental, cognitive impairment, or sensory disabilities,  
1847 each local emergency management agency in the state shall  
1848 maintain a registry of persons with special needs located within  
1849 the jurisdiction of the local agency. The registration shall  
1850 identify those persons in need of assistance and plan for  
1851 resource allocation to meet those identified needs. To assist  
1852 the local emergency management agency in identifying such  
1853 persons, home health agencies, hospices, nurse registries, home  
1854 medical equipment providers, the Department of Children and  
1855 Families ~~Family Services~~, Department of Health, Agency for  
1856 Health Care Administration, Department of Education, Agency for



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1857 Persons with Disabilities, and Department of Elderly Affairs  
1858 shall provide registration information to all of their special  
1859 needs clients and to all persons with special needs who receive  
1860 services. The registry shall be updated annually. The  
1861 registration program shall give persons with special needs the  
1862 option of preauthorizing emergency response personnel to enter  
1863 their homes during search and rescue operations if necessary to  
1864 assure their safety and welfare following disasters.

1865 Section 49. Subsection (9) of section 253.034, Florida  
1866 Statutes, is amended to read:

1867 253.034 State-owned lands; uses.—

1868 (9) Land management plans required to be submitted by the  
1869 Department of Corrections, the Department of Juvenile Justice,  
1870 the Department of Children and Families ~~Family Services~~, or the  
1871 Department of Education are not subject to the provisions for  
1872 review by the council or its successor described in subsection  
1873 (5). Management plans filed by these agencies shall be made  
1874 available to the public for a period of 90 days at the  
1875 administrative offices of the parcel or project affected by the  
1876 management plan and at the Tallahassee offices of each agency.  
1877 Any plans not objected to during the public comment period shall  
1878 be deemed approved. Any plans for which an objection is filed  
1879 shall be submitted to the Board of Trustees of the Internal  
1880 Improvement Trust Fund for consideration. The Board of Trustees  
1881 of the Internal Improvement Trust Fund shall approve the plan  
1882 with or without modification, or reject the plan. The use or  
1883 possession of any such lands which is not in accordance with an  
1884 approved land management plan is subject to termination by the  
1885 board.

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1886 Section 50. Paragraph (i) of subsection (4) of section  
1887 282.201, Florida Statutes, is amended to read:

1888 282.201 State data center system; agency duties and  
1889 limitations.—A state data center system that includes all  
1890 primary data centers, other nonprimary data centers, and  
1891 computing facilities, and that provides an enterprise  
1892 information technology service as defined in s. 282.0041, is  
1893 established.

1894 (4) SCHEDULE FOR CONSOLIDATIONS OF AGENCY DATA CENTERS.—

1895 (i) During the 2014-2015 fiscal year, the following  
1896 agencies shall work with the Agency for Enterprise Information  
1897 Technology to begin preliminary planning for consolidation into  
1898 a primary data center:

1899 1. The Department of Health's Jacksonville Lab Data Center.

1900 2. The Department of Transportation's district offices,  
1901 toll offices, and the District Materials Office.

1902 3. The Department of Military Affairs' Camp Blanding Joint  
1903 Training Center in Starke.

1904 4. The Camp Blanding Emergency Operations Center in Starke.

1905 5. The Department of Education's Division of Blind Services  
1906 disaster recovery site in Daytona Beach.

1907 6. The Department of Education's disaster recovery site at  
1908 Santa Fe College.

1909 7. The Fish and Wildlife Conservation Commission's Fish and  
1910 Wildlife Research Institute in St. Petersburg.

1911 8. The Department of Children and Families' ~~Family~~  
1912 ~~Services'~~ Suncoast Data Center in Tampa.

1913 9. The Department of Children and Families' ~~Family~~  
1914 ~~Services'~~ Florida State Hospital in Chattahoochee.

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1915 Section 51. Subsection (3) of section 284.40, Florida  
1916 Statutes, is amended to read:

1917 284.40 Division of Risk Management.—

1918 (3) Upon certification by the division director or his or  
1919 her designee to the custodian of any records maintained by the  
1920 Department of Children and Families ~~Family Services~~, Department  
1921 of Health, Agency for Health Care Administration, or Department  
1922 of Elderly Affairs that such records are necessary to  
1923 investigate a claim against the Department of Children and  
1924 Families ~~Family Services~~, Department of Health, Agency for  
1925 Health Care Administration, or Department of Elderly Affairs  
1926 being handled by the Division of Risk Management, the records  
1927 shall be released to the division subject to the provisions of  
1928 subsection (2), any conflicting provisions as to the  
1929 confidentiality of such records notwithstanding.

1930 Section 52. Section 287.0575, Florida Statutes, is amended  
1931 to read:

1932 287.0575 Coordination of contracted services.—The following  
1933 duties and responsibilities of the Department of Children and  
1934 Families ~~Family Services~~, the Agency for Persons with  
1935 Disabilities, the Department of Health, the Department of  
1936 Elderly Affairs, and the Department of Veterans' Affairs, and  
1937 service providers under contract to those agencies, are  
1938 established:

1939 (1) No later than August 1, 2010, or upon entering into any  
1940 new contract for health and human services, state agencies  
1941 contracting for health and human services must notify their  
1942 contract service providers of the requirements of this section.

1943 (2) No later than October 1, 2010, contract service

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1944 providers that have more than one contract with one or more  
1945 state agencies to provide health and human services must provide  
1946 to each of their contract managers a comprehensive list of their  
1947 health and human services contracts. The list must include the  
1948 following information:

1949 (a) The name of each contracting state agency and the  
1950 applicable office or program issuing the contract.

1951 (b) The identifying name and number of each contract.

1952 (c) The starting and ending date of each contract.

1953 (d) The amount of each contract.

1954 (e) A brief description of the purpose of the contract and  
1955 the types of services provided under each contract.

1956 (f) The name and contact information of the contract  
1957 manager.

1958 (3) With respect to contracts entered into on or after  
1959 August 1, 2010, effective November 1, 2010, or 30 days after  
1960 receiving the list provided under subsection (2), a single lead  
1961 administrative coordinator for each contract service provider  
1962 shall be designated as provided in this subsection from among  
1963 the agencies having multiple contracts as provided in subsection  
1964 (2). On or before the date such responsibilities are assumed,  
1965 the designated lead administrative coordinator shall provide  
1966 notice of his or her designation to the contract service  
1967 provider and to the agency contract managers for each affected  
1968 contract. Unless another lead administrative coordinator is  
1969 selected by agreement of all affected contract managers, the  
1970 designated lead administrative coordinator shall be the agency  
1971 contract manager of the contract with the highest dollar value  
1972 over the term of the contract, provided the term of the contract

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1973 remaining at the time of designation exceeds 24 months. If the  
1974 remaining terms of all contracts are 24 months or less, the  
1975 designated lead administrative coordinator shall be the contract  
1976 manager of the contract with the latest end date. A designated  
1977 lead administrative coordinator, or his or her successor as  
1978 contract manager, shall continue as lead administrative  
1979 coordinator until another lead administrative coordinator is  
1980 selected by agreement of all affected contract managers or until  
1981 the end date of the contract for which the designated lead  
1982 administrative coordinator serves as contract manager, at which  
1983 time a new lead administrative coordinator shall be designated  
1984 pursuant to this subsection, if applicable.

1985 (4) The designated lead administrative coordinator shall be  
1986 responsible for:

1987 (a) Establishing a coordinated schedule for administrative  
1988 and fiscal monitoring;

1989 (b) Consulting with other case managers to establish a  
1990 single unified set of required administrative and fiscal  
1991 documentation;

1992 (c) Consulting with other case managers to establish a  
1993 single unified schedule for periodic updates of administrative  
1994 and fiscal information; and

1995 (d) Maintaining an accessible electronic file of up-to-date  
1996 administrative and fiscal documents, including, but not limited  
1997 to, corporate documents, membership records, audits, and  
1998 monitoring reports.

1999 (5) Contract managers for agency contracts other than the  
2000 designated lead administrative coordinator must conduct  
2001 administrative and fiscal monitoring activities in accordance

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2002 with the coordinated schedule and must obtain any necessary  
2003 administrative and fiscal documents from the designated lead  
2004 administrative coordinator's electronic file.

2005 (6) This section does not apply to routine program  
2006 performance monitoring or prohibit a contracting agency from  
2007 directly and immediately contacting the service provider when  
2008 the health or safety of clients is at risk.

2009 (7) Each agency contracting for health and human services  
2010 shall annually evaluate the performance of its designated lead  
2011 administrative coordinator in establishing coordinated systems,  
2012 improving efficiency, and reducing redundant monitoring  
2013 activities for state agencies and their service providers. The  
2014 annual report shall be submitted to the Governor, the President  
2015 of the Senate, and the Speaker of the House of Representatives.

2016 Section 53. Subsection (1) of section 287.155, Florida  
2017 Statutes, is amended to read:

2018 287.155 Motor vehicles; purchase by Department of Children  
2019 and Families ~~Family Services~~, Agency for Persons with  
2020 Disabilities, Department of Health, Department of Juvenile  
2021 Justice, and Department of Corrections.—

2022 (1) The Department of Children and Families ~~Family~~  
2023 ~~Services~~, the Agency for Persons with Disabilities, the  
2024 Department of Health, the Department of Juvenile Justice, and  
2025 the Department of Corrections may, subject to the approval of  
2026 the Department of Management Services, purchase automobiles,  
2027 trucks, tractors, and other automotive equipment for the use of  
2028 institutions or developmental disabilities centers under the  
2029 management of the Department of Children and Families ~~Family~~  
2030 ~~Services~~, the Agency for Persons with Disabilities, the

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2031 Department of Health, and the Department of Corrections, and for  
2032 the use of residential facilities managed or contracted by the  
2033 Department of Juvenile Justice.

2034 Section 54. Paragraph (a) of subsection (6) of section  
2035 288.0656, Florida Statutes, is amended to read:

2036 288.0656 Rural Economic Development Initiative.—

2037 (6) (a) By August 1 of each year, the head of each of the  
2038 following agencies and organizations shall designate a deputy  
2039 secretary or higher-level staff person from within the agency or  
2040 organization to serve as the REDI representative for the agency  
2041 or organization:

- 2042 1. The Department of Transportation.
- 2043 2. The Department of Environmental Protection.
- 2044 3. The Department of Agriculture and Consumer Services.
- 2045 4. The Department of State.
- 2046 5. The Department of Health.
- 2047 6. The Department of Children and Families ~~Family Services~~.
- 2048 7. The Department of Corrections.
- 2049 8. The Department of Education.
- 2050 9. The Department of Juvenile Justice.
- 2051 10. The Fish and Wildlife Conservation Commission.
- 2052 11. Each water management district.
- 2053 12. Enterprise Florida, Inc.
- 2054 13. Workforce Florida, Inc.
- 2055 14. VISIT Florida.
- 2056 15. The Florida Regional Planning Council Association.
- 2057 16. The Agency for Health Care Administration.
- 2058 17. The Institute of Food and Agricultural Sciences (IFAS).

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2060 An alternate for each designee shall also be chosen, and the  
2061 names of the designees and alternates shall be sent to the  
2062 executive director of the department.

2063 Section 55. Subsection (8) and paragraph (a) of subsection  
2064 (9) of section 288.975, Florida Statutes, are amended to read:  
2065 288.975 Military base reuse plans.—

2066 (8) At the request of a host local government, the  
2067 department shall coordinate a presubmission workshop concerning  
2068 a military base reuse plan within the boundaries of the host  
2069 jurisdiction. Agencies that shall participate in the workshop  
2070 shall include any affected local governments; the Department of  
2071 Environmental Protection; the department; the Department of  
2072 Transportation; the Department of Health; the Department of  
2073 Children and Families ~~Family Services~~; the Department of  
2074 Juvenile Justice; the Department of Agriculture and Consumer  
2075 Services; the Department of State; the Fish and Wildlife  
2076 Conservation Commission; and any applicable water management  
2077 districts and regional planning councils. The purposes of the  
2078 workshop shall be to assist the host local government to  
2079 understand issues of concern to the above listed entities  
2080 pertaining to the military base site and to identify  
2081 opportunities for better coordination of planning and review  
2082 efforts with the information and analyses generated by the  
2083 federal environmental impact statement process and the federal  
2084 community base reuse planning process.

2085 (9) If a host local government elects to use the optional  
2086 provisions of this act, it shall, no later than 12 months after  
2087 notifying the agencies of its intent pursuant to subsection (3)  
2088 either:



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2089 (a) Send a copy of the proposed military base reuse plan  
2090 for review to any affected local governments; the Department of  
2091 Environmental Protection; the department; the Department of  
2092 Transportation; the Department of Health; the Department of  
2093 Children and Families ~~Family Services~~; the Department of  
2094 Juvenile Justice; the Department of Agriculture and Consumer  
2095 Services; the Department of State; the Fish and Wildlife  
2096 Conservation Commission; and any applicable water management  
2097 districts and regional planning councils, or

2098 Section 56. Subsection (7) of section 316.6135, Florida  
2099 Statutes, is amended to read:

2100 316.6135 Leaving children unattended or unsupervised in  
2101 motor vehicles; penalty; authority of law enforcement officer.—

2102 (7) The child shall be remanded to the custody of the  
2103 Department of Children and Families ~~Family Services~~ pursuant to  
2104 chapter 39, unless the law enforcement officer is able to locate  
2105 the parents or legal guardian or other person responsible for  
2106 the child.

2107 Section 57. Paragraph (b) of subsection (10) of section  
2108 318.14, Florida Statutes, is amended to read:

2109 318.14 Noncriminal traffic infractions; exception;  
2110 procedures.—

2111 (10)

2112 (b) Any person cited for an offense listed in this  
2113 subsection shall present proof of compliance before the  
2114 scheduled court appearance date. For the purposes of this  
2115 subsection, proof of compliance shall consist of a valid,  
2116 renewed, or reinstated driver license or registration  
2117 certificate and proper proof of maintenance of security as

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2118 required by s. 316.646. Notwithstanding waiver of fine, any  
2119 person establishing proof of compliance shall be assessed court  
2120 costs of \$25, except that a person charged with violation of s.  
2121 316.646(1)-(3) may be assessed court costs of \$8. One dollar of  
2122 such costs shall be remitted to the Department of Revenue for  
2123 deposit into the Child Welfare Training Trust Fund of the  
2124 Department of Children and Families ~~Family Services~~. One dollar  
2125 of such costs shall be distributed to the Department of Juvenile  
2126 Justice for deposit into the Juvenile Justice Training Trust  
2127 Fund. Fourteen dollars of such costs shall be distributed to the  
2128 municipality and \$9 shall be deposited by the clerk of the court  
2129 into the fine and forfeiture fund established pursuant to s.  
2130 142.01, if the offense was committed within the municipality. If  
2131 the offense was committed in an unincorporated area of a county  
2132 or if the citation was for a violation of s. 316.646(1)-(3), the  
2133 entire amount shall be deposited by the clerk of the court into  
2134 the fine and forfeiture fund established pursuant to s. 142.01,  
2135 except for the moneys to be deposited into the Child Welfare  
2136 Training Trust Fund and the Juvenile Justice Training Trust  
2137 Fund. This subsection does not authorize the operation of a  
2138 vehicle without a valid driver license, without a valid vehicle  
2139 tag and registration, or without the maintenance of required  
2140 security.

2141 Section 58. Paragraph (a) of subsection (8) of section  
2142 320.0848, Florida Statutes, is amended to read:

2143 320.0848 Persons who have disabilities; issuance of  
2144 disabled parking permits; temporary permits; permits for certain  
2145 providers of transportation services to persons who have  
2146 disabilities.—

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2147 (8) A law enforcement officer or a parking enforcement  
2148 specialist may confiscate the disabled parking permit from any  
2149 person who fraudulently obtains or unlawfully uses such a  
2150 permit. A law enforcement officer or a parking enforcement  
2151 specialist may confiscate any disabled parking permit that is  
2152 expired, reported as lost or stolen, or defaced or that does not  
2153 display a personal identification number.

2154 (a) The permit number of each confiscated permit must be  
2155 submitted to the department, and the fact that the permit has  
2156 been confiscated must be noted on the permit holder's record. If  
2157 two permits issued to the same person have been confiscated, the  
2158 department shall refer the information to the central abuse  
2159 hotline of the Department of Children and Families ~~Family~~  
2160 ~~Services~~ for an investigation of potential abuse, neglect, or  
2161 exploitation of the permit owner.

2162 Section 59. Subsections (1), (2), (3), and (4) of section  
2163 322.055, Florida Statutes, are amended to read:

2164 322.055 Revocation or suspension of, or delay of  
2165 eligibility for, driver's license for persons 18 years of age or  
2166 older convicted of certain drug offenses.—

2167 (1) Notwithstanding the provisions of s. 322.28, upon the  
2168 conviction of a person 18 years of age or older for possession  
2169 or sale of, trafficking in, or conspiracy to possess, sell, or  
2170 traffic in a controlled substance, the court shall direct the  
2171 department to revoke the driver's license or driving privilege  
2172 of the person. The period of such revocation shall be 2 years or  
2173 until the person is evaluated for and, if deemed necessary by  
2174 the evaluating agency, completes a drug treatment and  
2175 rehabilitation program approved or regulated by the Department

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2176 of Children and Families ~~Family Services~~. However, the court  
2177 may, in its sound discretion, direct the department to issue a  
2178 license for driving privileges restricted to business or  
2179 employment purposes only, as defined by s. 322.271, if the  
2180 person is otherwise qualified for such a license. A driver whose  
2181 license or driving privilege has been suspended or revoked under  
2182 this section or s. 322.056 may, upon the expiration of 6 months,  
2183 petition the department for restoration of the driving privilege  
2184 on a restricted or unrestricted basis depending on length of  
2185 suspension or revocation. In no case shall a restricted license  
2186 be available until 6 months of the suspension or revocation  
2187 period has expired.

2188 (2) If a person 18 years of age or older is convicted for  
2189 the possession or sale of, trafficking in, or conspiracy to  
2190 possess, sell, or traffic in a controlled substance and such  
2191 person is eligible by reason of age for a driver's license or  
2192 privilege, the court shall direct the department to withhold  
2193 issuance of such person's driver's license or driving privilege  
2194 for a period of 2 years after the date the person was convicted  
2195 or until the person is evaluated for and, if deemed necessary by  
2196 the evaluating agency, completes a drug treatment and  
2197 rehabilitation program approved or regulated by the Department  
2198 of Children and Families ~~Family Services~~. However, the court  
2199 may, in its sound discretion, direct the department to issue a  
2200 license for driving privileges restricted to business or  
2201 employment purposes only, as defined by s. 322.271, if the  
2202 person is otherwise qualified for such a license. A driver whose  
2203 license or driving privilege has been suspended or revoked under  
2204 this section or s. 322.056 may, upon the expiration of 6 months,

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2205 petition the department for restoration of the driving privilege  
2206 on a restricted or unrestricted basis depending on the length of  
2207 suspension or revocation. In no case shall a restricted license  
2208 be available until 6 months of the suspension or revocation  
2209 period has expired.

2210 (3) If a person 18 years of age or older is convicted for  
2211 the possession or sale of, trafficking in, or conspiracy to  
2212 possess, sell, or traffic in a controlled substance and such  
2213 person's driver's license or driving privilege is already under  
2214 suspension or revocation for any reason, the court shall direct  
2215 the department to extend the period of such suspension or  
2216 revocation by an additional period of 2 years or until the  
2217 person is evaluated for and, if deemed necessary by the  
2218 evaluating agency, completes a drug treatment and rehabilitation  
2219 program approved or regulated by the Department of Children and  
2220 Families ~~Family Services~~. However, the court may, in its sound  
2221 discretion, direct the department to issue a license for driving  
2222 privileges restricted to business or employment purposes only,  
2223 as defined by s. 322.271, if the person is otherwise qualified  
2224 for such a license. A driver whose license or driving privilege  
2225 has been suspended or revoked under this section or s. 322.056  
2226 may, upon the expiration of 6 months, petition the department  
2227 for restoration of the driving privilege on a restricted or  
2228 unrestricted basis depending on the length of suspension or  
2229 revocation. In no case shall a restricted license be available  
2230 until 6 months of the suspension or revocation period has  
2231 expired.

2232 (4) If a person 18 years of age or older is convicted for  
2233 the possession or sale of, trafficking in, or conspiracy to

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2234 possess, sell, or traffic in a controlled substance and such  
2235 person is ineligible by reason of age for a driver's license or  
2236 driving privilege, the court shall direct the department to  
2237 withhold issuance of such person's driver's license or driving  
2238 privilege for a period of 2 years after the date that he or she  
2239 would otherwise have become eligible or until he or she becomes  
2240 eligible by reason of age for a driver's license and is  
2241 evaluated for and, if deemed necessary by the evaluating agency,  
2242 completes a drug treatment and rehabilitation program approved  
2243 or regulated by the Department of Children and Families ~~Family~~  
2244 ~~Services~~. However, the court may, in its sound discretion,  
2245 direct the department to issue a license for driving privileges  
2246 restricted to business or employment purposes only, as defined  
2247 by s. 322.271, if the person is otherwise qualified for such a  
2248 license. A driver whose license or driving privilege has been  
2249 suspended or revoked under this section or s. 322.056 may, upon  
2250 the expiration of 6 months, petition the department for  
2251 restoration of the driving privilege on a restricted or  
2252 unrestricted basis depending on the length of suspension or  
2253 revocation. In no case shall a restricted license be available  
2254 until 6 months of the suspension or revocation period has  
2255 expired.

2256 Section 60. Paragraph (g) of subsection (2) of section  
2257 364.10, Florida Statutes, is amended to read:

2258 364.10 Lifeline service.—

2259 (2)

2260 (g)1. By December 31, 2010, each state agency that provides  
2261 benefits to persons eligible for Lifeline service shall  
2262 undertake, in cooperation with the Department of Children and

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2263 Families ~~Family Services~~, the Department of Education, the  
2264 commission, the Office of Public Counsel, and telecommunications  
2265 companies designated eligible telecommunications carriers  
2266 providing Lifeline services, the development of procedures to  
2267 promote Lifeline participation. The departments, the commission,  
2268 and the Office of Public Counsel may exchange sufficient  
2269 information with the appropriate eligible telecommunications  
2270 carriers and any commercial mobile radio service provider  
2271 electing to provide Lifeline service under paragraph (a), such  
2272 as a person's name, date of birth, service address, and  
2273 telephone number, so that the carriers can identify and enroll  
2274 an eligible person in the Lifeline and Link-Up programs. The  
2275 information remains confidential pursuant to s. 364.107 and may  
2276 only be used for purposes of determining eligibility and  
2277 enrollment in the Lifeline and Link-Up programs.

2278         2. If any state agency determines that a person is eligible  
2279 for Lifeline services, the agency shall immediately forward the  
2280 information to the commission to ensure that the person is  
2281 automatically enrolled in the program with the appropriate  
2282 eligible telecommunications carrier. The state agency shall  
2283 include an option for an eligible customer to choose not to  
2284 subscribe to the Lifeline service. The Public Service Commission  
2285 and the Department of Children and Families ~~Family Services~~  
2286 shall, no later than December 31, 2007, adopt rules creating  
2287 procedures to automatically enroll eligible customers in  
2288 Lifeline service.

2289         3. By December 31, 2010, the commission, the Department of  
2290 Children and Families ~~Family Services~~, the Office of Public  
2291 Counsel, and each eligible telecommunications carrier offering

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2292 Lifeline and Link-Up services shall convene a Lifeline Workgroup  
2293 to discuss how the eligible subscriber information in  
2294 subparagraph 1. will be shared, the obligations of each party  
2295 with respect to the use of that information, and the procedures  
2296 to be implemented to increase enrollment and verify eligibility  
2297 in these programs.

2298 Section 61. Paragraphs (g) and (h) of subsection (2) of  
2299 section 379.353, Florida Statutes, are amended to read:

2300 379.353 Recreational licenses and permits; exemptions from  
2301 fees and requirements.-

2302 (2) A hunting, freshwater fishing, or saltwater fishing  
2303 license or permit is not required for:

2304 (g) Any person fishing who has been accepted as a client  
2305 for developmental disabilities services by the Department of  
2306 Children and Families ~~Family Services~~, provided the department  
2307 furnishes proof thereof.

2308 (h) Any resident saltwater fishing from land or from a  
2309 structure fixed to the land who has been determined eligible by  
2310 the Department of Children and Families ~~Family Services~~ for the  
2311 food assistance program, temporary cash assistance, or the  
2312 Medicaid programs. A benefit issuance or program identification  
2313 card issued by the Department of Children and Families ~~Family~~  
2314 ~~Services~~ or the Florida Medicaid program of the Agency for  
2315 Health Care Administration shall serve as proof of program  
2316 eligibility. The client must have in his or her possession the  
2317 ID card and positive proof of identification when fishing.

2318 Section 62. Subsection (1) of section 381.0022, Florida  
2319 Statutes, is amended to read:

2320 381.0022 Sharing confidential or exempt information.-



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2321 (1) Notwithstanding any other provision of law to the  
2322 contrary, the Department of Health and the Department of  
2323 Children and Families ~~Family Services~~ may share confidential  
2324 information or information exempt from disclosure under chapter  
2325 119 on any individual who is or has been the subject of a  
2326 program within the jurisdiction of each agency. Information so  
2327 exchanged remains confidential or exempt as provided by law.

2328 Section 63. Subsection (18) of section 381.006, Florida  
2329 Statutes, is amended to read:

2330 381.006 Environmental health.—The department shall conduct  
2331 an environmental health program as part of fulfilling the  
2332 state's public health mission. The purpose of this program is to  
2333 detect and prevent disease caused by natural and manmade factors  
2334 in the environment. The environmental health program shall  
2335 include, but not be limited to:

2336 (18) A food service inspection function for domestic  
2337 violence centers that are certified by the Department of  
2338 Children and Families ~~Family Services~~ and monitored by the  
2339 Florida Coalition Against Domestic Violence under part XII of  
2340 chapter 39 and group care homes as described in subsection (16),  
2341 which shall be conducted annually and be limited to the  
2342 requirements in department rule applicable to community-based  
2343 residential facilities with five or fewer residents.

2344  
2345 The department may adopt rules to carry out the provisions of  
2346 this section.

2347 Section 64. Paragraph (b) of subsection (1) and paragraph  
2348 (a) of subsection (2) of section 381.0072, Florida Statutes, are  
2349 amended to read:

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2350           381.0072 Food service protection.—It shall be the duty of  
2351 the Department of Health to adopt and enforce sanitation rules  
2352 consistent with law to ensure the protection of the public from  
2353 food-borne illness. These rules shall provide the standards and  
2354 requirements for the storage, preparation, serving, or display  
2355 of food in food service establishments as defined in this  
2356 section and which are not permitted or licensed under chapter  
2357 500 or chapter 509.

2358           (1) DEFINITIONS.—As used in this section, the term:

2359           (b) "Food service establishment" means detention  
2360 facilities, public or private schools, migrant labor camps,  
2361 assisted living facilities, facilities participating in the  
2362 United States Department of Agriculture Afterschool Meal Program  
2363 that are located at a facility or site that is not inspected by  
2364 another state agency for compliance with sanitation standards,  
2365 adult family-care homes, adult day care centers, short-term  
2366 residential treatment centers, residential treatment facilities,  
2367 homes for special services, transitional living facilities,  
2368 crisis stabilization units, hospices, prescribed pediatric  
2369 extended care centers, intermediate care facilities for persons  
2370 with developmental disabilities, boarding schools, civic or  
2371 fraternal organizations, bars and lounges, vending machines that  
2372 dispense potentially hazardous foods at facilities expressly  
2373 named in this paragraph, and facilities used as temporary food  
2374 events or mobile food units at any facility expressly named in  
2375 this paragraph, where food is prepared and intended for  
2376 individual portion service, including the site at which  
2377 individual portions are provided, regardless of whether  
2378 consumption is on or off the premises and regardless of whether

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2379 there is a charge for the food. The term does not include any  
2380 entity not expressly named in this paragraph; nor does the term  
2381 include a domestic violence center certified by the Department  
2382 of Children and Families ~~Family Services~~ and monitored by the  
2383 Florida Coalition Against Domestic Violence under part XII of  
2384 chapter 39 if the center does not prepare and serve food to its  
2385 residents and does not advertise food or drink for public  
2386 consumption.

2387 (2) DUTIES.—

2388 (a) The department may advise and consult with the Agency  
2389 for Health Care Administration, the Department of Business and  
2390 Professional Regulation, the Department of Agriculture and  
2391 Consumer Services, and the Department of Children and Families  
2392 ~~Family Services~~ concerning procedures related to the storage,  
2393 preparation, serving, or display of food at any building,  
2394 structure, or facility not expressly included in this section  
2395 that is inspected, licensed, or regulated by those agencies.

2396 Section 65. Paragraph (e) of subsection (2) and paragraph  
2397 (b) of subsection (5) of section 381.0303, Florida Statutes, are  
2398 amended to read:

2399 381.0303 Special needs shelters.—

2400 (2) SPECIAL NEEDS SHELTER PLAN; STAFFING; STATE AGENCY  
2401 ASSISTANCE.—If funds have been appropriated to support disaster  
2402 coordinator positions in county health departments:

2403 (e) The Secretary of Elderly Affairs, or his or her  
2404 designee, shall convene, at any time that he or she deems  
2405 appropriate and necessary, a multiagency special needs shelter  
2406 discharge planning team to assist local areas that are severely  
2407 impacted by a natural or manmade disaster that requires the use

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2408 of special needs shelters. Multiagency special needs shelter  
2409 discharge planning teams shall provide assistance to local  
2410 emergency management agencies with the continued operation or  
2411 closure of the shelters, as well as with the discharge of  
2412 special needs clients to alternate facilities if necessary.  
2413 Local emergency management agencies may request the assistance  
2414 of a multiagency special needs shelter discharge planning team  
2415 by alerting statewide emergency management officials of the  
2416 necessity for additional assistance in their area. The Secretary  
2417 of Elderly Affairs is encouraged to proactively work with other  
2418 state agencies prior to any natural disasters for which warnings  
2419 are provided to ensure that multiagency special needs shelter  
2420 discharge planning teams are ready to assemble and deploy  
2421 rapidly upon a determination by state emergency management  
2422 officials that a disaster area requires additional assistance.  
2423 The Secretary of Elderly Affairs may call upon any state agency  
2424 or office to provide staff to assist a multiagency special needs  
2425 shelter discharge planning team. Unless the secretary determines  
2426 that the nature or circumstances surrounding the disaster do not  
2427 warrant participation from a particular agency's staff, each  
2428 multiagency special needs shelter discharge planning team shall  
2429 include at least one representative from each of the following  
2430 state agencies:

- 2431 1. Department of Elderly Affairs.
- 2432 2. Department of Health.
- 2433 3. Department of Children and Families ~~Family Services~~.
- 2434 4. Department of Veterans' Affairs.
- 2435 5. Division of Emergency Management.
- 2436 6. Agency for Health Care Administration.

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2437 7. Agency for Persons with Disabilities.

2438 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.—The State  
2439 Surgeon General may establish a special needs shelter  
2440 interagency committee and serve as, or appoint a designee to  
2441 serve as, the committee's chair. The department shall provide  
2442 any necessary staff and resources to support the committee in  
2443 the performance of its duties. The committee shall address and  
2444 resolve problems related to special needs shelters not addressed  
2445 in the state comprehensive emergency medical plan and shall  
2446 consult on the planning and operation of special needs shelters.

2447 (b) The special needs shelter interagency committee shall  
2448 be composed of representatives of emergency management, health,  
2449 medical, and social services organizations. Membership shall  
2450 include, but shall not be limited to, representatives of the  
2451 Departments of Health, Children and Families ~~Family Services~~,  
2452 Elderly Affairs, and Education; the Agency for Health Care  
2453 Administration; the Division of Emergency Management; the  
2454 Florida Medical Association; the Florida Osteopathic Medical  
2455 Association; Associated Home Health Industries of Florida, Inc.;  
2456 the Florida Nurses Association; the Florida Health Care  
2457 Association; the Florida Assisted Living Affiliation; the  
2458 Florida Hospital Association; the Florida Statutory Teaching  
2459 Hospital Council; the Florida Association of Homes for the  
2460 Aging; the Florida Emergency Preparedness Association; the  
2461 American Red Cross; Florida Hospices and Palliative Care, Inc.;  
2462 the Association of Community Hospitals and Health Systems; the  
2463 Florida Association of Health Maintenance Organizations; the  
2464 Florida League of Health Systems; the Private Care Association;  
2465 the Salvation Army; the Florida Association of Aging Services

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2466 Providers; the AARP; and the Florida Renal Coalition.

2467 Section 66. Subsection (5) of section 381.0407, Florida  
2468 Statutes, is amended to read:

2469 381.0407 Managed care and publicly funded primary care  
2470 program coordination.—

2471 (5) EMERGENCY SHELTER MEDICAL SCREENING REIMBURSEMENT.—

2472 County health departments shall be reimbursed by managed care  
2473 plans, and the MediPass program as administered by the Agency  
2474 for Health Care Administration, for clients of the Department of  
2475 Children and Families ~~Family Services~~ who receive emergency  
2476 shelter medical screenings.

2477 Section 67. Paragraph (e) of subsection (1) of section  
2478 382.016, Florida Statutes, is amended to read:

2479 382.016 Amendment of records.—The department, upon receipt  
2480 of the fee prescribed in s. 382.0255; documentary evidence, as  
2481 specified by rule, of any misstatement, error, or omission  
2482 occurring in any birth, death, or fetal death record; and an  
2483 affidavit setting forth the changes to be made, shall amend or  
2484 replace the original certificate as necessary.

2485 (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.—

2486 (e) The Department of Revenue shall develop written  
2487 educational materials for use and distribution by the Department  
2488 of Children and Families ~~Family Services~~, Department of  
2489 Corrections, Department of Education, Department of Health, and  
2490 Department of Juvenile Justice that describe how paternity is  
2491 established and the benefits of establishing paternity. The  
2492 Department of Children and Families ~~Family Services~~, Department  
2493 of Corrections, Department of Education, Department of Health,  
2494 and Department of Juvenile Justice shall make the materials

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2495 available to individuals to whom services are provided and are  
2496 encouraged to provide additional education on how paternity is  
2497 established and the benefits of establishing paternity.

2498 Section 68. Paragraph (g) of subsection (1) of section  
2499 383.011, Florida Statutes, is amended to read:

2500 383.011 Administration of maternal and child health  
2501 programs.—

2502 (1) The Department of Health is designated as the state  
2503 agency for:

2504 (g) Receiving the federal funds for the "Special  
2505 Supplemental Nutrition Program for Women, Infants, and  
2506 Children," or WIC, authorized by the Child Nutrition Act of  
2507 1966, as amended, and for providing clinical leadership for the  
2508 statewide WIC program.

2509 1. The department shall establish an interagency agreement  
2510 with the Department of Children and Families ~~Family Services~~ for  
2511 fiscal management of the program. Responsibilities are delegated  
2512 to each department, as follows:

2513 a. The department shall provide clinical leadership, manage  
2514 program eligibility, and distribute nutritional guidance and  
2515 information to participants.

2516 b. The Department of Children and Families ~~Family Services~~  
2517 shall develop and implement an electronic benefits transfer  
2518 system.

2519 c. The Department of Children and Families ~~Family Services~~  
2520 shall develop a cost containment plan that provides timely and  
2521 accurate adjustments based on wholesale price fluctuations and  
2522 adjusts for the number of cash registers in calculating  
2523 statewide averages.

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2524 d. The department shall coordinate submission of  
2525 information to appropriate federal officials in order to obtain  
2526 approval of the electronic benefits system and cost containment  
2527 plan, which must include participation of WIC-only stores.

2528 2. The department shall assist the Department of Children  
2529 and Families ~~Family Services~~ in the development of the  
2530 electronic benefits system to ensure full implementation no  
2531 later than July 1, 2013.

2532 Section 69. Subsection (2), paragraph (b) of subsection  
2533 (8), and subsection (18) of section 383.402, Florida Statutes,  
2534 are amended to read:

2535 383.402 Child abuse death review; State Child Abuse Death  
2536 Review Committee; local child abuse death review committees.—

2537 (2) (a) The State Child Abuse Death Review Committee is  
2538 established within the Department of Health and shall consist of  
2539 a representative of the Department of Health, appointed by the  
2540 State Surgeon General, who shall serve as the state committee  
2541 coordinator. The head of each of the following agencies or  
2542 organizations shall also appoint a representative to the state  
2543 committee:

- 2544 1. The Department of Legal Affairs.
- 2545 2. The Department of Children and Families ~~Family Services~~.
- 2546 3. The Department of Law Enforcement.
- 2547 4. The Department of Education.
- 2548 5. The Florida Prosecuting Attorneys Association, Inc.
- 2549 6. The Florida Medical Examiners Commission, whose  
2550 representative must be a forensic pathologist.

2551 (b) In addition, the State Surgeon General shall appoint  
2552 the following members to the state committee, based on



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2553 recommendations from the Department of Health and the agencies  
2554 listed in paragraph (a), and ensuring that the committee  
2555 represents the regional, gender, and ethnic diversity of the  
2556 state to the greatest extent possible:

2557 1. A board-certified pediatrician.

2558 2. A public health nurse.

2559 3. A mental health professional who treats children or  
2560 adolescents.

2561 4. An employee of the Department of Children and Families  
2562 ~~Family Services~~ who supervises family services counselors and  
2563 who has at least 5 years of experience in child protective  
2564 investigations.

2565 5. The medical director of a child protection team.

2566 6. A member of a child advocacy organization.

2567 7. A social worker who has experience in working with  
2568 victims and perpetrators of child abuse.

2569 8. A person trained as a paraprofessional in patient  
2570 resources who is employed in a child abuse prevention program.

2571 9. A law enforcement officer who has at least 5 years of  
2572 experience in children's issues.

2573 10. A representative of the Florida Coalition Against  
2574 Domestic Violence.

2575 11. A representative from a private provider of programs on  
2576 preventing child abuse and neglect.

2577 (8) Notwithstanding any other law, the chairperson of the  
2578 State Child Abuse Death Review Committee, or the chairperson of  
2579 a local committee, shall be provided with access to any  
2580 information or records that pertain to a child whose death is  
2581 being reviewed by the committee and that are necessary for the

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2582 committee to carry out its duties, including information or  
2583 records that pertain to the child's family, as follows:

2584 (b) Information or records of any state agency or political  
2585 subdivision which might assist a committee in reviewing a  
2586 child's death, including, but not limited to, information or  
2587 records of the Department of Children and Families ~~Family~~  
2588 ~~Services~~, the Department of Health, the Department of Education,  
2589 or the Department of Juvenile Justice.

2590 (18) Each district administrator of the Department of  
2591 Children and Families ~~Family Services~~ must appoint a child abuse  
2592 death review coordinator for the district. The coordinator must  
2593 have knowledge and expertise in the area of child abuse and  
2594 neglect. The coordinator's general responsibilities include:

2595 (a) Coordinating with the local child abuse death review  
2596 committee.

2597 (b) Ensuring the appropriate implementation of the child  
2598 abuse death review process and all district activities related  
2599 to the review of child abuse deaths.

2600 (c) Working with the committee to ensure that the reviews  
2601 are thorough and that all issues are appropriately addressed.

2602 (d) Maintaining a system of logging child abuse deaths  
2603 covered by this procedure and tracking cases during the child  
2604 abuse death review process.

2605 (e) Conducting or arranging for a Florida Abuse Hotline  
2606 Information System (FAHIS) record check on all child abuse  
2607 deaths covered by this procedure to determine whether there were  
2608 any prior reports concerning the child or concerning any  
2609 siblings, other children, or adults in the home.

2610 (f) Coordinating child abuse death review activities, as

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2611 needed, with individuals in the community and the Department of  
2612 Health.

2613 (g) Notifying the district administrator, the Secretary of  
2614 Children and Families ~~Family Services~~, the Deputy Secretary for  
2615 Children's Medical Services, and the Department of Health Child  
2616 Abuse Death Review Coordinator of all child abuse deaths meeting  
2617 criteria for review as specified in this section within 1  
2618 working day after verifying the child's death was due to abuse,  
2619 neglect, or abandonment.

2620 (h) Ensuring that all critical issues identified by the  
2621 local child abuse death review committee are brought to the  
2622 attention of the district administrator and the Secretary of  
2623 Children and Families ~~Family Services~~.

2624 (i) Providing technical assistance to the local child abuse  
2625 death review committee during the review of any child abuse  
2626 death.

2627 Section 70. Subsection (5) of section 393.002, Florida  
2628 Statutes, is amended to read:

2629 393.002 Transfer of Florida Developmental Disabilities  
2630 Council as formerly created in this chapter to private nonprofit  
2631 corporation.—

2632 (5) Pursuant to the applicable provisions of chapter 284,  
2633 the Division of Risk Management of the Department of Financial  
2634 Services is authorized to insure this nonprofit corporation  
2635 under the same general terms and conditions as the Florida  
2636 Developmental Disabilities Council was insured in the Department  
2637 of Children and Families ~~Family Services~~ by the division prior  
2638 to the transfer of its functions authorized by this section.

2639 Section 71. Paragraph (b) of subsection (5) of section

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2640 393.065, Florida Statutes, is amended to read:

2641 393.065 Application and eligibility determination.—

2642 (5) Except as otherwise directed by law, beginning July 1,  
2643 2010, the agency shall assign and provide priority to clients  
2644 waiting for waiver services in the following order:

2645 (b) Category 2, which includes children on the wait list  
2646 who are from the child welfare system with an open case in the  
2647 Department of Children and Families' ~~Family Services'~~ statewide  
2648 automated child welfare information system.

2649  
2650 Within categories 3, 4, 5, 6, and 7, the agency shall maintain a  
2651 wait list of clients placed in the order of the date that the  
2652 client is determined eligible for waiver services.

2653 Section 72. Paragraph (a) of subsection (1) and subsection  
2654 (3) of section 393.0661, Florida Statutes, are amended to read:

2655 393.0661 Home and community-based services delivery system;  
2656 comprehensive redesign.—The Legislature finds that the home and  
2657 community-based services delivery system for persons with  
2658 developmental disabilities and the availability of appropriated  
2659 funds are two of the critical elements in making services  
2660 available. Therefore, it is the intent of the Legislature that  
2661 the Agency for Persons with Disabilities shall develop and  
2662 implement a comprehensive redesign of the system.

2663 (1) The redesign of the home and community-based services  
2664 system shall include, at a minimum, all actions necessary to  
2665 achieve an appropriate rate structure, client choice within a  
2666 specified service package, appropriate assessment strategies, an  
2667 efficient billing process that contains reconciliation and  
2668 monitoring components, and a redefined role for support

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2669 coordinators that avoids potential conflicts of interest and  
2670 ensures that family/client budgets are linked to levels of need.

2671 (a) The agency shall use an assessment instrument that the  
2672 agency deems to be reliable and valid, including, but not  
2673 limited to, the Department of Children and Families' ~~Family~~  
2674 ~~Services'~~ Individual Cost Guidelines or the agency's  
2675 Questionnaire for Situational Information. The agency may  
2676 contract with an external vendor or may use support coordinators  
2677 to complete client assessments if it develops sufficient  
2678 safeguards and training to ensure ongoing inter-rater  
2679 reliability.

2680 (3) The Agency for Health Care Administration, in  
2681 consultation with the agency, shall seek federal approval and  
2682 implement a four-tiered waiver system to serve eligible clients  
2683 through the developmental disabilities and family and supported  
2684 living waivers. For the purpose of this waiver program, eligible  
2685 clients shall include individuals with a diagnosis of Down  
2686 syndrome or a developmental disability as defined in s. 393.063.  
2687 The agency shall assign all clients receiving services through  
2688 the developmental disabilities waiver to a tier based on the  
2689 Department of Children and Families' ~~Family Services'~~ Individual  
2690 Cost Guidelines, the agency's Questionnaire for Situational  
2691 Information, or another such assessment instrument deemed to be  
2692 valid and reliable by the agency; client characteristics,  
2693 including, but not limited to, age; and other appropriate  
2694 assessment methods.

2695 (a) Tier one is limited to clients who have service needs  
2696 that cannot be met in tier two, three, or four for intensive  
2697 medical or adaptive needs and that are essential for avoiding

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2698 institutionalization, or who possess behavioral problems that  
2699 are exceptional in intensity, duration, or frequency and present  
2700 a substantial risk of harm to themselves or others. Total annual  
2701 expenditures under tier one may not exceed \$150,000 per client  
2702 each year, provided that expenditures for clients in tier one  
2703 with a documented medical necessity requiring intensive  
2704 behavioral residential habilitation services, intensive  
2705 behavioral residential habilitation services with medical needs,  
2706 or special medical home care, as provided in the Developmental  
2707 Disabilities Waiver Services Coverage and Limitations Handbook,  
2708 are not subject to the \$150,000 limit on annual expenditures.

2709 (b) Tier two is limited to clients whose service needs  
2710 include a licensed residential facility and who are authorized  
2711 to receive a moderate level of support for standard residential  
2712 habilitation services or a minimal level of support for behavior  
2713 focus residential habilitation services, or clients in supported  
2714 living who receive more than 6 hours a day of in-home support  
2715 services. Total annual expenditures under tier two may not  
2716 exceed \$53,625 per client each year.

2717 (c) Tier three includes, but is not limited to, clients  
2718 requiring residential placements, clients in independent or  
2719 supported living situations, and clients who live in their  
2720 family home. Total annual expenditures under tier three may not  
2721 exceed \$34,125 per client each year.

2722 (d) Tier four includes individuals who were enrolled in the  
2723 family and supported living waiver on July 1, 2007, who shall be  
2724 assigned to this tier without the assessments required by this  
2725 section. Tier four also includes, but is not limited to, clients  
2726 in independent or supported living situations and clients who

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2727 live in their family home. Total annual expenditures under tier  
2728 four may not exceed \$14,422 per client each year.

2729 (e) The Agency for Health Care Administration shall also  
2730 seek federal approval to provide a consumer-directed option for  
2731 persons with developmental disabilities which corresponds to the  
2732 funding levels in each of the waiver tiers. The agency shall  
2733 implement the four-tiered waiver system beginning with tiers  
2734 one, three, and four and followed by tier two. The agency and  
2735 the Agency for Health Care Administration may adopt rules  
2736 necessary to administer this subsection.

2737 (f) The agency shall seek federal waivers and amend  
2738 contracts as necessary to make changes to services defined in  
2739 federal waiver programs administered by the agency as follows:

2740 1. Supported living coaching services may not exceed 20  
2741 hours per month for persons who also receive in-home support  
2742 services.

2743 2. Limited support coordination services is the only type  
2744 of support coordination service that may be provided to persons  
2745 under the age of 18 who live in the family home.

2746 3. Personal care assistance services are limited to 180  
2747 hours per calendar month and may not include rate modifiers.  
2748 Additional hours may be authorized for persons who have  
2749 intensive physical, medical, or adaptive needs if such hours are  
2750 essential for avoiding institutionalization.

2751 4. Residential habilitation services are limited to 8 hours  
2752 per day. Additional hours may be authorized for persons who have  
2753 intensive medical or adaptive needs and if such hours are  
2754 essential for avoiding institutionalization, or for persons who  
2755 possess behavioral problems that are exceptional in intensity,

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2756 duration, or frequency and present a substantial risk of harming  
2757 themselves or others. This restriction shall be in effect until  
2758 the four-tiered waiver system is fully implemented.

2759 5. Chore services, nonresidential support services, and  
2760 homemaker services are eliminated. The agency shall expand the  
2761 definition of in-home support services to allow the service  
2762 provider to include activities previously provided in these  
2763 eliminated services.

2764 6. Massage therapy, medication review, and psychological  
2765 assessment services are eliminated.

2766 7. The agency shall conduct supplemental cost plan reviews  
2767 to verify the medical necessity of authorized services for plans  
2768 that have increased by more than 8 percent during either of the  
2769 2 preceding fiscal years.

2770 8. The agency shall implement a consolidated residential  
2771 habilitation rate structure to increase savings to the state  
2772 through a more cost-effective payment method and establish  
2773 uniform rates for intensive behavioral residential habilitation  
2774 services.

2775 9. Pending federal approval, the agency may extend current  
2776 support plans for clients receiving services under Medicaid  
2777 waivers for 1 year beginning July 1, 2007, or from the date  
2778 approved, whichever is later. Clients who have a substantial  
2779 change in circumstances which threatens their health and safety  
2780 may be reassessed during this year in order to determine the  
2781 necessity for a change in their support plan.

2782 10. The agency shall develop a plan to eliminate  
2783 redundancies and duplications between in-home support services,  
2784 companion services, personal care services, and supported living



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2785 coaching by limiting or consolidating such services.

2786 11. The agency shall develop a plan to reduce the intensity  
2787 and frequency of supported employment services to clients in  
2788 stable employment situations who have a documented history of at  
2789 least 3 years' employment with the same company or in the same  
2790 industry.

2791 Section 73. Paragraph (b) of subsection (1) and subsection  
2792 (2) of section 393.0673, Florida Statutes, are amended to read:

2793 393.0673 Denial, suspension, or revocation of license;  
2794 moratorium on admissions; administrative fines; procedures.—

2795 (1) The agency may revoke or suspend a license or impose an  
2796 administrative fine, not to exceed \$1,000 per violation per day,  
2797 if:

2798 (b) The Department of Children and Families ~~Family Services~~  
2799 has verified that the licensee is responsible for the abuse,  
2800 neglect, or abandonment of a child or the abuse, neglect, or  
2801 exploitation of a vulnerable adult.

2802 (2) The agency may deny an application for licensure  
2803 submitted under s. 393.067 if:

2804 (a) The applicant has:

2805 1. Falsely represented or omitted a material fact in its  
2806 license application submitted under s. 393.067;

2807 2. Had prior action taken against it under the Medicaid or  
2808 Medicare program;

2809 3. Failed to comply with the applicable requirements of  
2810 this chapter or rules applicable to the applicant; or

2811 4. Previously had a license to operate a residential  
2812 facility revoked by the agency, the Department of Children and  
2813 Families ~~Family Services~~, or the Agency for Health Care

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2814 Administration; or

2815 (b) The Department of Children and Families ~~Family Services~~  
2816 has verified that the applicant is responsible for the abuse,  
2817 neglect, or abandonment of a child or the abuse, neglect, or  
2818 exploitation of a vulnerable adult.

2819 Section 74. Paragraph (a) of subsection (1) of section  
2820 393.125, Florida Statutes, is amended to read:

2821 393.125 Hearing rights.—

2822 (1) REVIEW OF AGENCY DECISIONS.—

2823 (a) For Medicaid programs administered by the agency, any  
2824 developmental services applicant or client, or his or her  
2825 parent, guardian advocate, or authorized representative, may  
2826 request a hearing in accordance with federal law and rules  
2827 applicable to Medicaid cases and has the right to request an  
2828 administrative hearing pursuant to ss. 120.569 and 120.57. These  
2829 hearings shall be provided by the Department of Children and  
2830 Families ~~Family Services~~ pursuant to s. 409.285 and shall follow  
2831 procedures consistent with federal law and rules applicable to  
2832 Medicaid cases.

2833 Section 75. Subsection (5) of section 393.135, Florida  
2834 Statutes, is amended to read:

2835 393.135 Sexual misconduct prohibited; reporting required;  
2836 penalties.—

2837 (5) A covered person who witnesses sexual misconduct, or  
2838 who otherwise knows or has reasonable cause to suspect that a  
2839 person has engaged in sexual misconduct, shall immediately  
2840 report the incident to the central abuse hotline of the  
2841 Department of Children and Families ~~Family Services~~ and to the  
2842 appropriate local law enforcement agency. The covered person

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2843 shall also prepare, date, and sign an independent report that  
2844 specifically describes the nature of the sexual misconduct, the  
2845 location and time of the incident, and the persons involved. The  
2846 covered person shall deliver the report to the supervisor or  
2847 program director, who is responsible for providing copies to the  
2848 agency's local office and the agency's inspector general.

2849 Section 76. Paragraph (b) of subsection (6) of section  
2850 393.18, Florida Statutes, is amended to read:

2851 393.18 Comprehensive transitional education program.—A  
2852 comprehensive transitional education program is a group of  
2853 jointly operating centers or units, the collective purpose of  
2854 which is to provide a sequential series of educational care,  
2855 training, treatment, habilitation, and rehabilitation services  
2856 to persons who have developmental disabilities and who have  
2857 severe or moderate maladaptive behaviors. However, this section  
2858 does not require such programs to provide services only to  
2859 persons with developmental disabilities. All such services shall  
2860 be temporary in nature and delivered in a structured residential  
2861 setting, having the primary goal of incorporating the principle  
2862 of self-determination in establishing permanent residence for  
2863 persons with maladaptive behaviors in facilities that are not  
2864 associated with the comprehensive transitional education  
2865 program. The staff shall include behavior analysts and teachers,  
2866 as appropriate, who shall be available to provide services in  
2867 each component center or unit of the program. A behavior analyst  
2868 must be certified pursuant to s. 393.17.

2869 (6) Notwithstanding subsection (5), in order to maximize  
2870 federal revenues and provide for children needing special  
2871 behavioral services, the agency may authorize the licensure of a

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2872 facility that:

2873 (b) As of July 1, 2010, serve children who were served by  
2874 the child welfare system and who have an open case in the  
2875 automated child welfare system of the Department of Children and  
2876 Families ~~Family Services~~.

2877  
2878 The facility must be in compliance with all program criteria and  
2879 local zoning requirements and may not exceed a capacity of 15  
2880 children.

2881 Section 77. Section 394.453, Florida Statutes, is amended  
2882 to read:

2883 394.453 Legislative intent.—It is the intent of the  
2884 Legislature to authorize and direct the Department of Children  
2885 and Families ~~Family Services~~ to evaluate, research, plan, and  
2886 recommend to the Governor and the Legislature programs designed  
2887 to reduce the occurrence, severity, duration, and disabling  
2888 aspects of mental, emotional, and behavioral disorders. It is  
2889 the intent of the Legislature that treatment programs for such  
2890 disorders shall include, but not be limited to, comprehensive  
2891 health, social, educational, and rehabilitative services to  
2892 persons requiring intensive short-term and continued treatment  
2893 in order to encourage them to assume responsibility for their  
2894 treatment and recovery. It is intended that such persons be  
2895 provided with emergency service and temporary detention for  
2896 evaluation when required; that they be admitted to treatment  
2897 facilities on a voluntary basis when extended or continuing care  
2898 is needed and unavailable in the community; that involuntary  
2899 placement be provided only when expert evaluation determines  
2900 that it is necessary; that any involuntary treatment or

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2901 examination be accomplished in a setting which is clinically  
2902 appropriate and most likely to facilitate the person's return to  
2903 the community as soon as possible; and that individual dignity  
2904 and human rights be guaranteed to all persons who are admitted  
2905 to mental health facilities or who are being held under s.  
2906 394.463. It is the further intent of the Legislature that the  
2907 least restrictive means of intervention be employed based on the  
2908 individual needs of each person, within the scope of available  
2909 services. It is the policy of this state that the use of  
2910 restraint and seclusion on clients is justified only as an  
2911 emergency safety measure to be used in response to imminent  
2912 danger to the client or others. It is, therefore, the intent of  
2913 the Legislature to achieve an ongoing reduction in the use of  
2914 restraint and seclusion in programs and facilities serving  
2915 persons with mental illness.

2916 Section 78. Subsections (8), (30), and (33) of section  
2917 394.455, Florida Statutes, are amended to read:

2918 394.455 Definitions.—As used in this part, unless the  
2919 context clearly requires otherwise, the term:

2920 (8) "Department" means the Department of Children and  
2921 Families ~~Family Services~~.

2922 (30) "Secretary" means the Secretary of Children and  
2923 Families ~~Family Services~~.

2924 (33) "Service provider" means any public or private  
2925 receiving facility, an entity under contract with the Department  
2926 of Children and Families ~~Family Services~~ to provide mental  
2927 health services, a clinical psychologist, a clinical social  
2928 worker, a marriage and family therapist, a mental health  
2929 counselor, a physician, a psychiatric nurse as defined in

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2930 subsection (23), or a community mental health center or clinic  
2931 as defined in this part.

2932 Section 79. Subsection (1) of section 394.457, Florida  
2933 Statutes, is amended to read:

2934 394.457 Operation and administration.—

2935 (1) ADMINISTRATION.—The Department of Children and Families  
2936 ~~Family Services~~ is designated the "Mental Health Authority" of  
2937 Florida. The department and the Agency for Health Care  
2938 Administration shall exercise executive and administrative  
2939 supervision over all mental health facilities, programs, and  
2940 services.

2941 Section 80. Subsection (3) of section 394.4574, Florida  
2942 Statutes, is amended to read:

2943 394.4574 Department responsibilities for a mental health  
2944 resident who resides in an assisted living facility that holds a  
2945 limited mental health license.—

2946 (3) The Secretary of Children and Families ~~Family Services~~,  
2947 in consultation with the Agency for Health Care Administration,  
2948 shall annually require each district administrator to develop,  
2949 with community input, detailed plans that demonstrate how the  
2950 district will ensure the provision of state-funded mental health  
2951 and substance abuse treatment services to residents of assisted  
2952 living facilities that hold a limited mental health license.  
2953 These plans must be consistent with the substance abuse and  
2954 mental health district plan developed pursuant to s. 394.75 and  
2955 must address case management services; access to consumer-  
2956 operated drop-in centers; access to services during evenings,  
2957 weekends, and holidays; supervision of the clinical needs of the  
2958 residents; and access to emergency psychiatric care.

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2959           Section 81. Paragraph (b) of subsection (4) of section  
2960 394.461, Florida Statutes, is amended to read:

2961           394.461 Designation of receiving and treatment facilities.—  
2962 The department is authorized to designate and monitor receiving  
2963 facilities and treatment facilities and may suspend or withdraw  
2964 such designation for failure to comply with this part and rules  
2965 adopted under this part. Unless designated by the department,  
2966 facilities are not permitted to hold or treat involuntary  
2967 patients under this part.

2968           (4)

2969           (b) For the purposes of this subsection, "payor class"  
2970 means Medicare, Medicare HMO, Medicaid, Medicaid HMO, private-  
2971 pay health insurance, private-pay health maintenance  
2972 organization, private preferred provider organization, the  
2973 Department of Children and Families ~~Family Services~~, other  
2974 government programs, self-pay patients, and charity care.

2975           Section 82. Subsection (1) of section 394.4612, Florida  
2976 Statutes, is amended to read:

2977           394.4612 Integrated adult mental health crisis  
2978 stabilization and addictions receiving facilities.—

2979           (1) The Agency for Health Care Administration, in  
2980 consultation with the Department of Children and Families ~~Family~~  
2981 ~~Services~~, may license facilities that integrate services  
2982 provided in an adult mental health crisis stabilization unit  
2983 with services provided in an adult addictions receiving  
2984 facility. Such a facility shall be licensed by the agency as an  
2985 adult crisis stabilization unit under part IV and must meet all  
2986 licensure requirements for crisis stabilization units providing  
2987 integrated services.

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2988 Section 83. Paragraph (d) of subsection (2) of section  
2989 394.4615, Florida Statutes, is amended to read:

2990 394.4615 Clinical records; confidentiality.—

2991 (2) The clinical record shall be released when:

2992 (d) The patient is committed to, or is to be returned to,  
2993 the Department of Corrections from the Department of Children  
2994 and Families ~~Family Services~~, and the Department of Corrections  
2995 requests such records. These records shall be furnished without  
2996 charge to the Department of Corrections.

2997 Section 84. Section 394.46715, Florida Statutes, is amended  
2998 to read:

2999 394.46715 Rulemaking authority.—The Department of Children  
3000 and Families ~~Family Services~~ shall have rulemaking authority to  
3001 implement the provisions of ss. 394.455, 394.4598, 394.4615,  
3002 394.463, 394.4655, and 394.467 as amended or created by this  
3003 act. These rules shall be for the purpose of protecting the  
3004 health, safety, and well-being of persons examined, treated, or  
3005 placed under this act.

3006 Section 85. Paragraph (b) of subsection (1) of section  
3007 394.4781, Florida Statutes, is amended to read:

3008 394.4781 Residential care for psychotic and emotionally  
3009 disturbed children.—

3010 (1) DEFINITIONS.—As used in this section:

3011 (b) "Department" means the Department of Children and  
3012 Families ~~Family Services~~.

3013 Section 86. Subsection (1) of section 394.47865, Florida  
3014 Statutes, is amended to read:

3015 394.47865 South Florida State Hospital; privatization.—

3016 (1) The Department of Children and Families ~~Family Services~~



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3017 shall, through a request for proposals, privatize South Florida  
3018 State Hospital. The department shall plan to begin  
3019 implementation of this privatization initiative by July 1, 1998.

3020 (a) Notwithstanding s. 287.057(13), the department may  
3021 enter into agreements, not to exceed 20 years, with a private  
3022 provider, a coalition of providers, or another agency to  
3023 finance, design, and construct a treatment facility having up to  
3024 350 beds and to operate all aspects of daily operations within  
3025 the facility. The department may subcontract any or all  
3026 components of this procurement to a statutorily established  
3027 state governmental entity that has successfully contracted with  
3028 private companies for designing, financing, acquiring, leasing,  
3029 constructing, and operating major privatized state facilities.

3030 (b) The selected contractor is authorized to sponsor the  
3031 issuance of tax-exempt bonds, certificates of participation, or  
3032 other securities to finance the project, and the state is  
3033 authorized to enter into a lease-purchase agreement for the  
3034 treatment facility.

3035 Section 87. Section 394.480, Florida Statutes, is amended  
3036 to read:

3037 394.480 Compact administrator.—Pursuant to said compact,  
3038 the Secretary of Children and Families ~~Family Services~~ shall be  
3039 the compact administrator who, acting jointly with like officers  
3040 of other party states, shall have power to promulgate rules and  
3041 regulations to carry out more effectively the terms of the  
3042 compact. The compact administrator is hereby authorized,  
3043 empowered, and directed to cooperate with all departments,  
3044 agencies, and officers of and in the government of this state  
3045 and its subdivisions in facilitating the proper administration

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3046 of the compact of any supplementary agreement or agreements  
3047 entered into by this state thereunder.

3048 Section 88. Subsection (8) of section 394.492, Florida  
3049 Statutes, is amended to read:

3050 394.492 Definitions.—As used in ss. 394.490–394.497, the  
3051 term:

3052 (8) "Department" means the Department of Children and  
3053 Families ~~Family Services~~.

3054 Section 89. Subsection (1) of section 394.493, Florida  
3055 Statutes, is amended to read:

3056 394.493 Target populations for child and adolescent mental  
3057 health services funded through the department.—

3058 (1) The child and adolescent mental health system of care  
3059 funded through the Department of Children and Families ~~Family~~  
3060 ~~Services~~ shall serve, to the extent that resources are  
3061 available, the following groups of children and adolescents who  
3062 reside with their parents or legal guardians or who are placed  
3063 in state custody:

3064 (a) Children and adolescents who are experiencing an acute  
3065 mental or emotional crisis.

3066 (b) Children and adolescents who have a serious emotional  
3067 disturbance or mental illness.

3068 (c) Children and adolescents who have an emotional  
3069 disturbance.

3070 (d) Children and adolescents who are at risk of emotional  
3071 disturbance.

3072 Section 90. Subsection (1) of section 394.4985, Florida  
3073 Statutes, is amended to read:

3074 394.4985 Districtwide information and referral network;

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3075 implementation.—

3076 (1) Each service district of the Department of Children and  
3077 Families ~~Family Services~~ shall develop a detailed implementation  
3078 plan for a districtwide comprehensive child and adolescent  
3079 mental health information and referral network to be operational  
3080 by July 1, 1999. The plan must include an operating budget that  
3081 demonstrates cost efficiencies and identifies funding sources  
3082 for the district information and referral network. The district  
3083 shall use existing district information and referral providers  
3084 if, in the development of the plan, it is concluded that these  
3085 providers would deliver information and referral services in a  
3086 more efficient and effective manner when compared to other  
3087 alternatives. The district information and referral network must  
3088 include:

3089 (a) A resource file that contains information about the  
3090 child and adolescent mental health services as described in s.  
3091 394.495, including, but not limited to:

- 3092 1. Type of program;
- 3093 2. Hours of service;
- 3094 3. Ages of persons served;
- 3095 4. Program description;
- 3096 5. Eligibility requirements; and
- 3097 6. Fees.

3098 (b) Information about private providers and professionals  
3099 in the community who serve children and adolescents with an  
3100 emotional disturbance.

3101 (c) A system to document requests for services which are  
3102 received through the network referral process, including, but  
3103 not limited to:

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- 3104 1. Number of calls by type of service requested;  
3105 2. Ages of the children and adolescents for whom services  
3106 are requested; and  
3107 3. Type of referral made by the network.

3108 (d) The ability to share client information with the  
3109 appropriate community agencies.

3110 Section 91. Subsection (1) of section 394.499, Florida  
3111 Statutes, is amended to read:

3112 394.499 Integrated children's crisis stabilization  
3113 unit/juvenile addictions receiving facility services.-

3114 (1) Beginning July 1, 2001, the Department of Children and  
3115 Families ~~Family Services~~, in consultation with the Agency for  
3116 Health Care Administration, is authorized to establish  
3117 children's behavioral crisis unit demonstration models in  
3118 Collier, Lee, and Sarasota Counties. As a result of the  
3119 recommendations regarding expansion of the demonstration models  
3120 contained in the evaluation report of December 31, 2003, the  
3121 department, in cooperation with the agency, may expand the  
3122 demonstration models to other areas in the state after July 1,  
3123 2005. The children's behavioral crisis unit demonstration models  
3124 will integrate children's mental health crisis stabilization  
3125 units with substance abuse juvenile addictions receiving  
3126 facility services, to provide emergency mental health and  
3127 substance abuse services that are integrated within facilities  
3128 licensed and designated by the agency for children under 18  
3129 years of age who meet criteria for admission or examination  
3130 under this section. The services shall be designated as  
3131 "integrated children's crisis stabilization unit/juvenile  
3132 addictions receiving facility services," shall be licensed by

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3133 the agency as children's crisis stabilization units, and shall  
3134 meet all licensure requirements for crisis stabilization units.  
3135 The department, in cooperation with the agency, shall develop  
3136 standards that address eligibility criteria; clinical  
3137 procedures; staffing requirements; operational, administrative,  
3138 and financing requirements; and investigation of complaints for  
3139 such integrated facility services. Standards that are  
3140 implemented specific to substance abuse services shall meet or  
3141 exceed existing standards for addictions receiving facilities.

3142 Section 92. Subsection (1), paragraph (a) of subsection  
3143 (2), and subsection (4) of section 394.656, Florida Statutes,  
3144 are amended to read:

3145 394.656 Criminal Justice, Mental Health, and Substance  
3146 Abuse Reinvestment Grant Program.—

3147 (1) There is created within the Department of Children and  
3148 Families ~~Family Services~~ the Criminal Justice, Mental Health,  
3149 and Substance Abuse Reinvestment Grant Program. The purpose of  
3150 the program is to provide funding to counties with which they  
3151 can plan, implement, or expand initiatives that increase public  
3152 safety, avert increased spending on criminal justice, and  
3153 improve the accessibility and effectiveness of treatment  
3154 services for adults and juveniles who have a mental illness,  
3155 substance abuse disorder, or co-occurring mental health and  
3156 substance abuse disorders and who are in, or at risk of  
3157 entering, the criminal or juvenile justice systems.

3158 (2) The department shall establish a Criminal Justice,  
3159 Mental Health, and Substance Abuse Statewide Grant Review  
3160 Committee. The committee shall include:

3161 (a) One representative of the Department of Children and

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3162 Families ~~Family Services~~;

3163

3164 To the extent possible, the members of the committee shall have  
3165 expertise in grant writing, grant reviewing, and grant  
3166 application scoring.

3167 (4) The grant review committee shall notify the Department  
3168 of Children and Families ~~Family Services~~ in writing of the names  
3169 of the applicants who have been selected by the committee to  
3170 receive a grant. Contingent upon the availability of funds and  
3171 upon notification by the review committee of those applicants  
3172 approved to receive planning, implementation, or expansion  
3173 grants, the Department of Children and Families ~~Family Services~~  
3174 may transfer funds appropriated for the grant program to any  
3175 county awarded a grant.

3176 Section 93. Paragraph (a) of subsection (2) of section  
3177 394.657, Florida Statutes, is amended to read:

3178 394.657 County planning councils or committees.—

3179 (2) (a) For the purposes of this section, the membership of  
3180 a designated planning council or committee must include:

3181 1. The state attorney, or an assistant state attorney  
3182 designated by the state attorney.

3183 2. A public defender, or an assistant public defender  
3184 designated by the public defender.

3185 3. A circuit judge designated by the chief judge of the  
3186 circuit.

3187 4. A county court judge designated by the chief judge of  
3188 the circuit.

3189 5. The chief correctional officer.

3190 6. The sheriff, if the sheriff is the chief correctional

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3191 officer, or a person designated by the sheriff.

3192 7. The police chief, or a person designated by the local  
3193 police chiefs association.

3194 8. The state probation circuit administrator, or a person  
3195 designated by the state probation circuit administrator.

3196 9. The local court administrator, or a person designated by  
3197 the local court administrator.

3198 10. The chairperson of the board of county commissioners,  
3199 or another county commissioner designated by the chairperson,  
3200 or, if the planning council is a consortium of counties, a  
3201 county commissioner or designee from each member county.

3202 11. The director of any county probation or pretrial  
3203 intervention program, if the county has such a program.

3204 12. The director of a local substance abuse treatment  
3205 program, or a person designated by the director.

3206 13. The director of a community mental health agency, or a  
3207 person designated by the director.

3208 14. A representative of the substance abuse program office  
3209 and the mental health program office of the Department of  
3210 Children and Families ~~Family Services~~, selected by the substance  
3211 abuse and mental health program supervisor of the district in  
3212 which the county is located.

3213 15. A primary consumer of mental health services, selected  
3214 by the substance abuse and mental health program supervisor of  
3215 the district in which the primary consumer resides. If multiple  
3216 counties apply together, a primary consumer may be selected to  
3217 represent each county.

3218 16. A primary consumer of substance abuse services,  
3219 selected by the substance abuse and mental health program

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3220 supervisor of the district in which the primary consumer  
3221 resides. If the planning council is a consortium of counties, a  
3222 primary consumer may be selected to represent each county.

3223 17. A family member of a primary consumer of community-  
3224 based treatment services, selected by the abuse and mental  
3225 health program supervisor of the district in which the family  
3226 member resides.

3227 18. A representative from an area homeless program or a  
3228 supportive housing program.

3229 19. The director of the detention facility of the  
3230 Department of Juvenile Justice, or a person designated by the  
3231 director.

3232 20. The chief probation officer of the Department of  
3233 Juvenile Justice, or an employee designated by the chief  
3234 probation officer.

3235 Section 94. Subsection (1) of section 394.658, Florida  
3236 Statutes, is amended to read:

3237 394.658 Criminal Justice, Mental Health, and Substance  
3238 Abuse Reinvestment Grant Program requirements.—

3239 (1) The Criminal Justice, Mental Health, and Substance  
3240 Abuse Statewide Grant Review Committee, in collaboration with  
3241 the Department of Children and Families ~~Family Services~~, the  
3242 Department of Corrections, the Department of Juvenile Justice,  
3243 the Department of Elderly Affairs, and the Office of the State  
3244 Courts Administrator, shall establish criteria to be used to  
3245 review submitted applications and to select the county that will  
3246 be awarded a 1-year planning grant or a 3-year implementation or  
3247 expansion grant. A planning, implementation, or expansion grant  
3248 may not be awarded unless the application of the county meets



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3249 the established criteria.

3250 (a) The application criteria for a 1-year planning grant  
3251 must include a requirement that the applicant county or counties  
3252 have a strategic plan to initiate systemic change to identify  
3253 and treat individuals who have a mental illness, substance abuse  
3254 disorder, or co-occurring mental health and substance abuse  
3255 disorders who are in, or at risk of entering, the criminal or  
3256 juvenile justice systems. The 1-year planning grant must be used  
3257 to develop effective collaboration efforts among participants in  
3258 affected governmental agencies, including the criminal,  
3259 juvenile, and civil justice systems, mental health and substance  
3260 abuse treatment service providers, transportation programs, and  
3261 housing assistance programs. The collaboration efforts shall be  
3262 the basis for developing a problem-solving model and strategic  
3263 plan for treating adults and juveniles who are in, or at risk of  
3264 entering, the criminal or juvenile justice system and doing so  
3265 at the earliest point of contact, taking into consideration  
3266 public safety. The planning grant shall include strategies to  
3267 divert individuals from judicial commitment to community-based  
3268 service programs offered by the Department of Children and  
3269 Families ~~Family Services~~ in accordance with ss. 916.13 and  
3270 916.17.

3271 (b) The application criteria for a 3-year implementation or  
3272 expansion grant shall require information from a county that  
3273 demonstrates its completion of a well-established collaboration  
3274 plan that includes public-private partnership models and the  
3275 application of evidence-based practices. The implementation or  
3276 expansion grants may support programs and diversion initiatives  
3277 that include, but need not be limited to:

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- 3278 1. Mental health courts;
- 3279 2. Diversion programs;
- 3280 3. Alternative prosecution and sentencing programs;
- 3281 4. Crisis intervention teams;
- 3282 5. Treatment accountability services;
- 3283 6. Specialized training for criminal justice, juvenile
- 3284 justice, and treatment services professionals;
- 3285 7. Service delivery of collateral services such as housing,
- 3286 transitional housing, and supported employment; and
- 3287 8. Reentry services to create or expand mental health and
- 3288 substance abuse services and supports for affected persons.
- 3289 (c) Each county application must include the following
- 3290 information:
- 3291 1. An analysis of the current population of the jail and
- 3292 juvenile detention center in the county, which includes:
- 3293 a. The screening and assessment process that the county
- 3294 uses to identify an adult or juvenile who has a mental illness,
- 3295 substance abuse disorder, or co-occurring mental health and
- 3296 substance abuse disorders;
- 3297 b. The percentage of each category of persons admitted to
- 3298 the jail and juvenile detention center that represents people
- 3299 who have a mental illness, substance abuse disorder, or co-
- 3300 occurring mental health and substance abuse disorders; and
- 3301 c. An analysis of observed contributing factors that affect
- 3302 population trends in the county jail and juvenile detention
- 3303 center.
- 3304 2. A description of the strategies the county intends to
- 3305 use to serve one or more clearly defined subsets of the
- 3306 population of the jail and juvenile detention center who have a

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3307 mental illness or to serve those at risk of arrest and  
3308 incarceration. The proposed strategies may include identifying  
3309 the population designated to receive the new interventions, a  
3310 description of the services and supervision methods to be  
3311 applied to that population, and the goals and measurable  
3312 objectives of the new interventions. The interventions a county  
3313 may use with the target population may include, but are not  
3314 limited to:

- 3315 a. Specialized responses by law enforcement agencies;
- 3316 b. Centralized receiving facilities for individuals  
3317 evidencing behavioral difficulties;
- 3318 c. Postbooking alternatives to incarceration;
- 3319 d. New court programs, including pretrial services and  
3320 specialized dockets;
- 3321 e. Specialized diversion programs;
- 3322 f. Intensified transition services that are directed to the  
3323 designated populations while they are in jail or juvenile  
3324 detention to facilitate their transition to the community;
- 3325 g. Specialized probation processes;
- 3326 h. Day-reporting centers;
- 3327 i. Linkages to community-based, evidence-based treatment  
3328 programs for adults and juveniles who have mental illness or  
3329 substance abuse disorders; and
- 3330 j. Community services and programs designed to prevent  
3331 high-risk populations from becoming involved in the criminal or  
3332 juvenile justice system.

3333 3. The projected effect the proposed initiatives will have  
3334 on the population and the budget of the jail and juvenile  
3335 detention center. The information must include:

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3336 a. The county's estimate of how the initiative will reduce  
3337 the expenditures associated with the incarceration of adults and  
3338 the detention of juveniles who have a mental illness;

3339 b. The methodology that the county intends to use to  
3340 measure the defined outcomes and the corresponding savings or  
3341 averted costs;

3342 c. The county's estimate of how the cost savings or averted  
3343 costs will sustain or expand the mental health and substance  
3344 abuse treatment services and supports needed in the community;  
3345 and

3346 d. How the county's proposed initiative will reduce the  
3347 number of individuals judicially committed to a state mental  
3348 health treatment facility.

3349 4. The proposed strategies that the county intends to use  
3350 to preserve and enhance its community mental health and  
3351 substance abuse system, which serves as the local behavioral  
3352 health safety net for low-income and uninsured individuals.

3353 5. The proposed strategies that the county intends to use  
3354 to continue the implemented or expanded programs and initiatives  
3355 that have resulted from the grant funding.

3356 Section 95. Subsections (6) and (12) of section 394.66,  
3357 Florida Statutes, are amended to read:

3358 394.66 Legislative intent with respect to substance abuse  
3359 and mental health services.—It is the intent of the Legislature  
3360 to:

3361 (6) Ensure that all activities of the Department of  
3362 Children and Families ~~Family Services~~ and the Agency for Health  
3363 Care Administration, and their respective contract providers,  
3364 involved in the delivery of substance abuse and mental health

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3365 treatment and prevention services are coordinated and integrated  
3366 with other local systems and groups, public and private, such as  
3367 juvenile justice, criminal justice, child protection, and public  
3368 health organizations; school districts; and local groups or  
3369 organizations that focus on services to older adults.

3370 (12) Include substance abuse and mental health services as  
3371 a component of the integrated service delivery system of the  
3372 Department of Children and Families ~~Family Services~~.

3373 Section 96. Subsections (5), (7), and (20) of section  
3374 394.67, Florida Statutes, are amended to read:

3375 394.67 Definitions.—As used in this part, the term:

3376 (5) "Department" means the Department of Children and  
3377 Families ~~Family Services~~.

3378 (7) "District administrator" means the person appointed by  
3379 the Secretary of Children and Families ~~Family Services~~ for the  
3380 purpose of administering a department service district as set  
3381 forth in s. 20.19.

3382 (20) "Program office" means the Mental Health Program  
3383 Office of the Department of Children and Families ~~Family~~  
3384 ~~Services~~.

3385 Section 97. Section 394.745, Florida Statutes, is amended  
3386 to read:

3387 394.745 Annual report; compliance of providers under  
3388 contract with department.—By November 1 of each year, the  
3389 Department of Children and Families ~~Family Services~~ shall submit  
3390 a report to the President of the Senate and the Speaker of the  
3391 House of Representatives which describes the compliance of  
3392 providers that provide substance abuse treatment programs and  
3393 mental health services under contract with the Department of

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3394 Children and Families ~~Family Services~~. The report must describe  
3395 the status of compliance with the annual performance outcome  
3396 standards established by the Legislature and must address the  
3397 providers that meet or exceed performance standards, the  
3398 providers that did not achieve performance standards for which  
3399 corrective action measures were developed, and the providers  
3400 whose contracts were terminated due to failure to meet the  
3401 requirements of the corrective plan.

3402 Section 98. Paragraph (b) of subsection (1) of section  
3403 394.75, Florida Statutes, is amended to read:

3404 394.75 State and district substance abuse and mental health  
3405 plans.—

3406 (1)

3407 (b) The initial plan must include an assessment of the  
3408 clinical practice guidelines and standards for community-based  
3409 mental health and substance abuse services delivered by persons  
3410 or agencies under contract with the Department of Children and  
3411 Families ~~Family Services~~. The assessment must include an  
3412 inventory of current clinical guidelines and standards used by  
3413 persons and agencies under contract with the department, and by  
3414 nationally recognized accreditation organizations, to address  
3415 the quality of care and must specify additional clinical  
3416 practice standards and guidelines for new or existing services  
3417 and programs.

3418 Section 99. Paragraph (a) of subsection (1) of section  
3419 394.78, Florida Statutes, is amended to read:

3420 394.78 Operation and administration; personnel standards;  
3421 procedures for audit and monitoring of service providers;  
3422 resolution of disputes.—

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3423           (1) (a) The Department of Children and Families ~~Family~~  
3424 ~~Services~~ shall administer this part and shall adopt rules  
3425 necessary for its administration. In addition to other  
3426 rulemaking authority, the department may adopt financial rules  
3427 relating to conflicts of interest; related party transactions;  
3428 full disclosure of revenue funds and expenses; charts of  
3429 accounts for state reporting; auditing; penalties for  
3430 nonperformance; benefit packages; performance outcomes,  
3431 including client satisfaction and functional assessments;  
3432 nonpayment and suspended payments for failure to timely submit  
3433 required client service reports; and client financial  
3434 eligibility requirements.

3435           Section 100. Subsection (1) of section 394.9084, Florida  
3436 Statutes, is amended to read:

3437           394.9084 Florida Self-Directed Care program.—

3438           (1) The Department of Children and Families ~~Family~~  
3439 ~~Services~~, in cooperation with the Agency for Health Care  
3440 Administration, may provide a client-directed and choice-based  
3441 Florida Self-Directed Care program in all department service  
3442 districts, in addition to the pilot projects established in  
3443 district 4 and district 8, to provide mental health treatment  
3444 and support services to adults who have a serious mental  
3445 illness. The department may also develop and implement a client-  
3446 directed and choice-based pilot project in one district to  
3447 provide mental health treatment and support services for  
3448 children with a serious emotional disturbance who live at home.  
3449 If established, any staff who work with children must be  
3450 screened under s. 435.04. The department shall implement a  
3451 payment mechanism in which each client controls the money that

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3452 is available for that client's mental health treatment and  
3453 support services. The department shall establish interagency  
3454 cooperative agreements and work with the agency, the Division of  
3455 Vocational Rehabilitation, and the Social Security  
3456 Administration to implement and administer the Florida Self-  
3457 Directed Care program.

3458 Section 101. Subsections (1), (3), (7), and (11) of section  
3459 394.912, Florida Statutes, are amended to read:

3460 394.912 Definitions.—As used in this part, the term:

3461 (1) "Agency with jurisdiction" means the agency that  
3462 releases, upon lawful order or authority, a person who is  
3463 serving a sentence in the custody of the Department of  
3464 Corrections, a person who was adjudicated delinquent and is  
3465 committed to the custody of the Department of Juvenile Justice,  
3466 or a person who was involuntarily committed to the custody of  
3467 the Department of Children and Families ~~Family Services~~ upon an  
3468 adjudication of not guilty by reason of insanity.

3469 (3) "Department" means the Department of Children and  
3470 Families ~~Family Services~~.

3471 (7) "Secretary" means the secretary of the Department of  
3472 Children and Families ~~Family Services~~.

3473 (11) "Total confinement" means that the person is currently  
3474 being held in any physically secure facility being operated or  
3475 contractually operated for the Department of Corrections, the  
3476 Department of Juvenile Justice, or the Department of Children  
3477 and Families ~~Family Services~~. A person shall also be deemed to  
3478 be in total confinement for applicability of provisions under  
3479 this part if the person is serving an incarcerative sentence  
3480 under the custody of the Department of Corrections or the



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3481 Department of Juvenile Justice and is being held in any other  
3482 secure facility for any reason.

3483 Section 102. Paragraph (e) of subsection (3) of section  
3484 394.913, Florida Statutes, is amended to read:

3485 394.913 Notice to state attorney and multidisciplinary team  
3486 of release of sexually violent predator; establishing  
3487 multidisciplinary teams; information to be provided to  
3488 multidisciplinary teams.—

3489 (3)

3490 (e)1. Within 180 days after receiving notice, there shall  
3491 be a written assessment as to whether the person meets the  
3492 definition of a sexually violent predator and a written  
3493 recommendation, which shall be provided to the state attorney.  
3494 The written recommendation shall be provided by the Department  
3495 of Children and Families ~~Family Services~~ and shall include the  
3496 written report of the multidisciplinary team.

3497 2. Notwithstanding subparagraph 1., in the case of a person  
3498 for whom the written assessment and recommendation has not been  
3499 completed at least 365 days before his or her release from total  
3500 confinement, the department shall prioritize the assessment of  
3501 that person based upon the person's release date.

3502 Section 103. Subsection (1) of section 394.9135, Florida  
3503 Statutes, is amended to read:

3504 394.9135 Immediate releases from total confinement;  
3505 transfer of person to department; time limitations on  
3506 assessment, notification, and filing petition to hold in  
3507 custody; filing petition after release.—

3508 (1) If the anticipated release from total confinement of a  
3509 person who has been convicted of a sexually violent offense

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3510 becomes immediate for any reason, the agency with jurisdiction  
3511 shall upon immediate release from total confinement transfer  
3512 that person to the custody of the Department of Children and  
3513 Families ~~Family Services~~ to be held in an appropriate secure  
3514 facility.

3515 Section 104. Section 394.9151, Florida Statutes, is amended  
3516 to read:

3517 394.9151 Contract authority.—The Department of Children and  
3518 Families ~~Family Services~~ may contract with a private entity or  
3519 state agency for use of and operation of facilities to comply  
3520 with the requirements of this act. The Department of Children  
3521 and Families ~~Family Services~~ may also contract with the  
3522 Department of Management Services to issue a request for  
3523 proposals and monitor contract compliance for these services.

3524 Section 105. Subsection (2) of section 394.917, Florida  
3525 Statutes, is amended to read:

3526 394.917 Determination; commitment procedure; mistrials;  
3527 housing; counsel and costs in indigent appellate cases.—

3528 (2) If the court or jury determines that the person is a  
3529 sexually violent predator, upon the expiration of the  
3530 incarcerative portion of all criminal sentences and disposition  
3531 of any detainers, the person shall be committed to the custody  
3532 of the Department of Children and Families ~~Family Services~~ for  
3533 control, care, and treatment until such time as the person's  
3534 mental abnormality or personality disorder has so changed that  
3535 it is safe for the person to be at large. At all times, persons  
3536 who are detained or committed under this part shall be kept in a  
3537 secure facility segregated from patients of the department who  
3538 are not detained or committed under this part.

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3539 Section 106. Paragraph (b) of subsection (1) of section  
3540 394.9215, Florida Statutes, is amended to read:

3541 394.9215 Right to habeas corpus.—

3542 (1)

3543 (b) Upon filing a legally sufficient petition stating a  
3544 prima facie case under paragraph (a), the court may direct the  
3545 Department of Children and Families ~~Family Services~~ to file a  
3546 response. If necessary, the court may conduct an evidentiary  
3547 proceeding and issue an order to correct a violation of state or  
3548 federal rights found to exist by the court. A final order  
3549 entered under this section may be appealed to the district court  
3550 of appeal. A nonfinal order may be appealed to the extent  
3551 provided by the Florida Rules of Appellate Procedure. An appeal  
3552 by the department shall stay the trial court's order until  
3553 disposition of the appeal.

3554 Section 107. Section 394.929, Florida Statutes, is amended  
3555 to read:

3556 394.929 Program costs.—The Department of Children and  
3557 Families ~~Family Services~~ is responsible for all costs relating  
3558 to the evaluation and treatment of persons committed to the  
3559 department's custody as sexually violent predators. A county is  
3560 not obligated to fund costs for psychological examinations,  
3561 expert witnesses, court-appointed counsel, or other costs  
3562 required by this part. Other costs for psychological  
3563 examinations, expert witnesses, and court-appointed counsel  
3564 required by this part shall be paid from state funds  
3565 appropriated by general law.

3566 Section 108. Section 394.930, Florida Statutes, is amended  
3567 to read:

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3568           394.930 Authority to adopt rules.—The Department of  
3569 Children and Families ~~Family Services~~ shall adopt rules for:

3570           (1) Procedures that must be followed by members of the  
3571 multidisciplinary teams when assessing and evaluating persons  
3572 subject to this part;

3573           (2) Education and training requirements for members of the  
3574 multidisciplinary teams and professionals who assess and  
3575 evaluate persons under this part;

3576           (3) The criteria that must exist in order for a  
3577 multidisciplinary team to recommend to a state attorney that a  
3578 petition should be filed to involuntarily commit a person under  
3579 this part. The criteria shall include, but are not limited to,  
3580 whether:

3581           (a) The person has a propensity to engage in future acts of  
3582 sexual violence;

3583           (b) The person should be placed in a secure, residential  
3584 facility; and

3585           (c) The person needs long-term treatment and care.

3586           (4) The designation of secure facilities for sexually  
3587 violent predators who are subject to involuntary commitment  
3588 under this part;

3589           (5) The components of the basic treatment plan for all  
3590 committed persons under this part;

3591           (6) The protocol to inform a person that he or she is being  
3592 examined to determine whether he or she is a sexually violent  
3593 predator under this part.

3594           Section 109. Section 394.931, Florida Statutes, is amended  
3595 to read:

3596           394.931 Quarterly reports.—Beginning July 1, 1999, the

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3597 Department of Corrections shall collect information and compile  
3598 quarterly reports with statistics profiling inmates released the  
3599 previous quarter who fit the criteria and were referred to the  
3600 Department of Children and Families ~~Family Services~~ pursuant to  
3601 this act. The quarterly reports must be produced beginning  
3602 October 1, 1999. At a minimum, the information that must be  
3603 collected and compiled for inclusion in the reports includes:  
3604 whether the qualifying offense was the current offense or the  
3605 prior offense; the most serious sexual offense; the total number  
3606 of distinct victims of the sexual offense; whether the victim  
3607 was known to the offender; whether the sexual act was  
3608 consensual; whether the sexual act involved multiple victims;  
3609 whether direct violence was involved in the sexual offense; the  
3610 age of each victim at the time of the offense; the age of the  
3611 offender at the time of the first sexual offense; whether a  
3612 weapon was used; length of time since the most recent sexual  
3613 offense; and the total number of prior and current sexual-  
3614 offense convictions. In addition, the Department of Children and  
3615 Families ~~Family Services~~ shall implement a long-term study to  
3616 determine the overall efficacy of the provisions of this part.

3617 Section 110. Subsection (2) of section 395.1023, Florida  
3618 Statutes, is amended to read:

3619 395.1023 Child abuse and neglect cases; duties.—Each  
3620 licensed facility shall adopt a protocol that, at a minimum,  
3621 requires the facility to:

3622 (2) In any case involving suspected child abuse,  
3623 abandonment, or neglect, designate, at the request of the  
3624 department, a staff physician to act as a liaison between the  
3625 hospital and the Department of Children and Families ~~Family~~

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3626 ~~Services~~ office which is investigating the suspected abuse,  
3627 abandonment, or neglect, and the child protection team, as  
3628 defined in s. 39.01, when the case is referred to such a team.  
3629

3630 Each general hospital and appropriate specialty hospital shall  
3631 comply with the provisions of this section and shall notify the  
3632 agency and the department of its compliance by sending a copy of  
3633 its policy to the agency and the department as required by rule.  
3634 The failure by a general hospital or appropriate specialty  
3635 hospital to comply shall be punished by a fine not exceeding  
3636 \$1,000, to be fixed, imposed, and collected by the agency. Each  
3637 day in violation is considered a separate offense.

3638 Section 111. Paragraph (g) of subsection (4) of section  
3639 395.3025, Florida Statutes, is amended to read:

3640 395.3025 Patient and personnel records; copies;  
3641 examination.—

3642 (4) Patient records are confidential and must not be  
3643 disclosed without the consent of the patient or his or her legal  
3644 representative, but appropriate disclosure may be made without  
3645 such consent to:

3646 (g) The Department of Children and Families ~~Family Services~~  
3647 or its agent, for the purpose of investigations of cases of  
3648 abuse, neglect, or exploitation of children or vulnerable  
3649 adults.

3650 Section 112. Subsection (6) of section 397.311, Florida  
3651 Statutes, is amended to read:

3652 397.311 Definitions.—As used in this chapter, except part  
3653 VIII, the term:

3654 (6) "Department" means the Department of Children and

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3655 Families ~~Family Services~~.

3656 Section 113. Paragraph (b) of subsection (1) of section  
3657 397.333, Florida Statutes, is amended to read:

3658 397.333 Statewide Drug Policy Advisory Council.—

3659 (1)

3660 (b) The following state officials shall be appointed to  
3661 serve on the advisory council:

3662 1. The Attorney General, or his or her designee.

3663 2. The executive director of the Department of Law  
3664 Enforcement, or his or her designee.

3665 3. The Secretary of Children and Families ~~Family Services~~,  
3666 or his or her designee.

3667 4. The director of the Office of Planning and Budgeting in  
3668 the Executive Office of the Governor, or his or her designee.

3669 5. The Secretary of Corrections, or his or her designee.

3670 6. The Secretary of Juvenile Justice, or his or her  
3671 designee.

3672 7. The Commissioner of Education, or his or her designee.

3673 8. The executive director of the Department of Highway  
3674 Safety and Motor Vehicles, or his or her designee.

3675 9. The Adjutant General of the state as the Chief of the  
3676 Department of Military Affairs, or his or her designee.

3677 Section 114. Subsection (1) of section 397.334, Florida  
3678 Statutes, is amended to read:

3679 397.334 Treatment-based drug court programs.—

3680 (1) Each county may fund a treatment-based drug court  
3681 program under which persons in the justice system assessed with  
3682 a substance abuse problem will be processed in such a manner as  
3683 to appropriately address the severity of the identified

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3684 substance abuse problem through treatment services tailored to  
3685 the individual needs of the participant. It is the intent of the  
3686 Legislature to encourage the Department of Corrections, the  
3687 Department of Children and Families ~~Family Services~~, the  
3688 Department of Juvenile Justice, the Department of Health, the  
3689 Department of Law Enforcement, the Department of Education, and  
3690 such agencies, local governments, law enforcement agencies,  
3691 other interested public or private sources, and individuals to  
3692 support the creation and establishment of these problem-solving  
3693 court programs. Participation in the treatment-based drug court  
3694 programs does not divest any public or private agency of its  
3695 responsibility for a child or adult, but enables these agencies  
3696 to better meet their needs through shared responsibility and  
3697 resources.

3698 Section 115. Subsection (2) of section 397.6758, Florida  
3699 Statutes, is amended to read:

3700 397.6758 Release of individual from protective custody,  
3701 emergency admission, involuntary assessment, involuntary  
3702 treatment, and alternative involuntary assessment of a minor.—An  
3703 individual involuntarily admitted to a licensed service provider  
3704 may be released without further order of the court only by a  
3705 qualified professional in a hospital, a detoxification facility,  
3706 an addictions receiving facility, or any less restrictive  
3707 treatment component. Notice of the release must be provided to  
3708 the applicant in the case of an emergency admission or an  
3709 alternative involuntary assessment for a minor, or to the  
3710 petitioner and the court if the involuntary assessment or  
3711 treatment was court ordered. In the case of a minor, the release  
3712 must be:



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3713 (2) To the Department of Children and Families ~~Family~~  
3714 ~~Services~~ pursuant to s. 39.401; or

3715 Section 116. Subsection (3) of section 397.753, Florida  
3716 Statutes, is amended to read:

3717 397.753 Definitions.—As used in this part:

3718 (3) "Inmate substance abuse services" means any service  
3719 component as defined in s. 397.311 provided directly by the  
3720 Department of Corrections and licensed and regulated by the  
3721 Department of Children and Families ~~Family Services~~ pursuant to  
3722 s. 397.406, or provided through contractual arrangements with a  
3723 service provider licensed pursuant to part II; or any self-help  
3724 program or volunteer support group operating for inmates.

3725 Section 117. Subsection (6) of section 397.754, Florida  
3726 Statutes, is amended to read:

3727 397.754 Duties and responsibilities of the Department of  
3728 Corrections.—The Department of Corrections shall:

3729 (6) In cooperation with other agencies, actively seek to  
3730 enhance resources for the provision of treatment services for  
3731 inmates and to develop partnerships with other state agencies,  
3732 including but not limited to the Departments of Children and  
3733 Families ~~Family Services~~, Education, Community Affairs, and Law  
3734 Enforcement.

3735 Section 118. Subsection (1) of section 397.801, Florida  
3736 Statutes, is amended to read:

3737 397.801 Substance abuse impairment coordination.—

3738 (1) The Department of Children and Families ~~Family~~  
3739 ~~Services~~, the Department of Education, the Department of  
3740 Corrections, and the Department of Law Enforcement each shall  
3741 appoint a policy level staff person to serve as the agency

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3742 substance abuse impairment coordinator. The responsibilities of  
3743 the agency coordinator include interagency and intraagency  
3744 coordination, collection and dissemination of agency-specific  
3745 data relating to substance abuse impairment, and participation  
3746 in the development of the state comprehensive plan for substance  
3747 abuse impairment.

3748 Section 119. Paragraph (b) of subsection (3) of section  
3749 397.998, Florida Statutes, is amended to read:

3750 397.998 Drug-free communities support match grants.—

3751 (3) ELIGIBLE APPLICANTS.—

3752 (b) The coalition must represent the targeted community and  
3753 include at least one representative of each of the following  
3754 groups: local Department of Children and Families ~~Family~~  
3755 ~~Services~~ official; youth; parents; business community; media;  
3756 schools; organizations serving youth; law enforcement agencies;  
3757 religious or fraternal organizations; civic and volunteer  
3758 groups; health care professionals; other local or tribal  
3759 governmental agencies with an expertise in the field of  
3760 substance abuse, including, if applicable, the state authority  
3761 with primary authority for substance abuse; and other  
3762 organizations involved in reducing substance abuse.

3763 Section 120. Paragraph (i) of subsection (2) of section  
3764 400.0065, Florida Statutes, is amended to read:

3765 400.0065 State Long-Term Care Ombudsman; duties and  
3766 responsibilities.—

3767 (2) The State Long-Term Care Ombudsman shall have the duty  
3768 and authority to:

3769 (i) Prepare an annual report describing the activities  
3770 carried out by the office, the state council, and the local

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3771 councils in the year for which the report is prepared. The  
3772 ombudsman shall submit the report to the secretary at least 30  
3773 days before the convening of the regular session of the  
3774 Legislature. The secretary shall in turn submit the report to  
3775 the United States Assistant Secretary for Aging, the Governor,  
3776 the President of the Senate, the Speaker of the House of  
3777 Representatives, the Secretary of Children and Families ~~Family~~  
3778 ~~Services~~, and the Secretary of Health Care Administration. The  
3779 report shall, at a minimum:

3780       1. Contain and analyze data collected concerning complaints  
3781 about and conditions in long-term care facilities and the  
3782 disposition of such complaints.

3783       2. Evaluate the problems experienced by residents.

3784       3. Analyze the successes of the ombudsman program during  
3785 the preceding year, including an assessment of how successfully  
3786 the program has carried out its responsibilities under the Older  
3787 Americans Act.

3788       4. Provide recommendations for policy, regulatory, and  
3789 statutory changes designed to solve identified problems; resolve  
3790 residents' complaints; improve residents' lives and quality of  
3791 care; protect residents' rights, health, safety, and welfare;  
3792 and remove any barriers to the optimal operation of the State  
3793 Long-Term Care Ombudsman Program.

3794       5. Contain recommendations from the State Long-Term Care  
3795 Ombudsman Council regarding program functions and activities and  
3796 recommendations for policy, regulatory, and statutory changes  
3797 designed to protect residents' rights, health, safety, and  
3798 welfare.

3799       6. Contain any relevant recommendations from the local

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3800 councils regarding program functions and activities.

3801 Section 121. Paragraph (b) of subsection (4) of section  
3802 400.0069, Florida Statutes, is amended to read:

3803 400.0069 Local long-term care ombudsman councils; duties;  
3804 membership.—

3805 (4) Each local council shall be composed of members whose  
3806 primary residence is located within the boundaries of the local  
3807 council's jurisdiction.

3808 (b) In no case shall the medical director of a long-term  
3809 care facility or an employee of the agency, the department, the  
3810 Department of Children and Families ~~Family Services~~, or the  
3811 Agency for Persons with Disabilities serve as a member or as an  
3812 ex officio member of a council.

3813 Section 122. Subsection (6) of section 400.021, Florida  
3814 Statutes, is amended to read:

3815 400.021 Definitions.—When used in this part, unless the  
3816 context otherwise requires, the term:

3817 (6) "Department" means the Department of Children and  
3818 Families ~~Family Services~~.

3819 Section 123. Paragraph (c) of subsection (1) of section  
3820 400.022, Florida Statutes, is amended to read:

3821 400.022 Residents' rights.—

3822 (1) All licensees of nursing home facilities shall adopt  
3823 and make public a statement of the rights and responsibilities  
3824 of the residents of such facilities and shall treat such  
3825 residents in accordance with the provisions of that statement.  
3826 The statement shall assure each resident the following:

3827 (c) Any entity or individual that provides health, social,  
3828 legal, or other services to a resident has the right to have

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3829 reasonable access to the resident. The resident has the right to  
3830 deny or withdraw consent to access at any time by any entity or  
3831 individual. Notwithstanding the visiting policy of the facility,  
3832 the following individuals must be permitted immediate access to  
3833 the resident:

3834 1. Any representative of the federal or state government,  
3835 including, but not limited to, representatives of the Department  
3836 of Children and Families ~~Family Services~~, the Department of  
3837 Health, the Agency for Health Care Administration, the Office of  
3838 the Attorney General, and the Department of Elderly Affairs; any  
3839 law enforcement officer; members of the state or local ombudsman  
3840 council; and the resident's individual physician.

3841 2. Subject to the resident's right to deny or withdraw  
3842 consent, immediate family or other relatives of the resident.

3843  
3844 The facility must allow representatives of the State Long-Term  
3845 Care Ombudsman Council to examine a resident's clinical records  
3846 with the permission of the resident or the resident's legal  
3847 representative and consistent with state law.

3848 Section 124. Subsection (8) of section 400.462, Florida  
3849 Statutes, is amended to read:

3850 400.462 Definitions.—As used in this part, the term:

3851 (8) "Department" means the Department of Children and  
3852 Families ~~Family Services~~.

3853 Section 125. Paragraph (b) of subsection (5) of section  
3854 400.464, Florida Statutes, is amended to read:

3855 400.464 Home health agencies to be licensed; expiration of  
3856 license; exemptions; unlawful acts; penalties.—

3857 (5) The following are exempt from the licensure

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3858 requirements of this part:

3859 (b) Home health services provided by a state agency, either  
3860 directly or through a contractor with:

3861 1. The Department of Elderly Affairs.

3862 2. The Department of Health, a community health center, or  
3863 a rural health network that furnishes home visits for the  
3864 purpose of providing environmental assessments, case management,  
3865 health education, personal care services, family planning, or  
3866 followup treatment, or for the purpose of monitoring and  
3867 tracking disease.

3868 3. Services provided to persons with developmental  
3869 disabilities, as defined in s. 393.063.

3870 4. Companion and sitter organizations that were registered  
3871 under s. 400.509(1) on January 1, 1999, and were authorized to  
3872 provide personal services under a developmental services  
3873 provider certificate on January 1, 1999, may continue to provide  
3874 such services to past, present, and future clients of the  
3875 organization who need such services, notwithstanding the  
3876 provisions of this act.

3877 5. The Department of Children and Families ~~Family Services~~.

3878 Section 126. Subsection (4) of section 400.925, Florida  
3879 Statutes, is amended to read:

3880 400.925 Definitions.—As used in this part, the term:

3881 (4) "Department" means the Department of Children and  
3882 Families ~~Family Services~~.

3883 Section 127. Section 402.04, Florida Statutes, is amended  
3884 to read:

3885 402.04 Award of scholarships and stipends; disbursement of  
3886 funds; administration.—The award of scholarships or stipends

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3887 provided for herein shall be made by the Department of Children  
3888 and Families ~~Family Services~~, hereinafter referred to as the  
3889 department. The department shall handle the administration of  
3890 the scholarship or stipend and the Department of Education  
3891 shall, for and on behalf of the department, handle the notes  
3892 issued for the payment of the scholarships or stipends provided  
3893 for herein and the collection of same. The department shall  
3894 prescribe regulations governing the payment of scholarships or  
3895 stipends to the school, college, or university for the benefit  
3896 of the scholarship or stipend holders. All scholarship awards,  
3897 expenses and costs of administration shall be paid from moneys  
3898 appropriated by the Legislature and shall be paid upon vouchers  
3899 approved by the department and properly certified by the Chief  
3900 Financial Officer.

3901 Section 128. Section 402.06, Florida Statutes, is amended  
3902 to read:

3903 402.06 Notes required of scholarship holders.—Each person  
3904 who receives a scholarship or stipend as provided for in this  
3905 chapter shall execute a promissory note under seal, on forms to  
3906 be prescribed by the Department of Education, which shall be  
3907 endorsed by his or her parent or guardian or, if the person is  
3908 18 years of age or older, by some responsible citizen and shall  
3909 deliver said note to the Department of Children and Families  
3910 ~~Family Services~~. Each note shall be payable to the state and  
3911 shall bear interest at the rate of 5 percent per annum beginning  
3912 90 days after completion or termination of the training program.  
3913 Said note shall provide for all costs of collection to be paid  
3914 by the maker of the note. Said note shall be delivered by the  
3915 Department of Children and Families ~~Family Services~~ to said

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3916 Department of Education for collection and final disposition.

3917 Section 129. Subsection (7) of section 402.07, Florida  
3918 Statutes, is amended to read:

3919 402.07 Payment of notes.—Prior to the award of a  
3920 scholarship or stipend provided herein for trainees in  
3921 psychiatric social work, psychiatry, clinical psychology, or  
3922 psychiatric nursing, the recipient thereof must agree in writing  
3923 to practice his or her profession in the employ of any one of  
3924 the following institutions or agencies for 1 month for each  
3925 month of grant immediately after graduation or, in lieu thereof,  
3926 to repay the full amount of the scholarship or stipend together  
3927 with interest at the rate of 5 percent per annum over a period  
3928 not to exceed 10 years:

3929 (7) Such other accredited social agencies or state  
3930 institutions as may be approved by the Department of Children  
3931 and Families ~~Family Services~~.

3932 Section 130. Section 402.115, Florida Statutes, is amended  
3933 to read:

3934 402.115 Sharing confidential or exempt information.—  
3935 Notwithstanding any other provision of law to the contrary, the  
3936 Department of Health, the Department of Children and Families  
3937 ~~Family Services~~, and the Agency for Persons with Disabilities  
3938 may share confidential information or information exempt from  
3939 disclosure under chapter 119 on any individual who is or has  
3940 been the subject of a program within the jurisdiction of each  
3941 agency. Information so exchanged remains confidential or exempt  
3942 as provided by law.

3943 Section 131. Section 402.12, Florida Statutes, is amended  
3944 to read:



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3945           402.12 National Community Mental Health Centers Act.—Any  
3946 federal funds accruing to the state for the purposes of carrying  
3947 out the national Community Mental Health Centers Act of 1963  
3948 shall be paid to the Department of Children and Families ~~Family~~  
3949 ~~Services~~ for expenditure as directed by said department.

3950           Section 132. Section 402.16, Florida Statutes, is amended  
3951 to read:

3952           402.16 Proceedings by department.—

3953           (1) Whenever it becomes necessary for the welfare and  
3954 convenience of any of the institutions now under the supervision  
3955 and control of the Department of Children and Families ~~Family~~  
3956 ~~Services~~, or which may hereafter be placed under the supervision  
3957 and control of said department, to acquire private property for  
3958 the use of any of said institutions, and the same cannot be  
3959 acquired by agreement satisfactory to the said department and  
3960 the parties interested in, or the owners of said private  
3961 property, the department is hereby empowered and authorized to  
3962 exercise the right of eminent domain, and to proceed to condemn  
3963 the said property in the same manner as provided by law for the  
3964 condemnation of property.

3965           (2) Any suit or actions brought by the said department to  
3966 condemn property as provided in this section shall be brought in  
3967 the name of the Department of Children and Families ~~Family~~  
3968 ~~Services~~, and it shall be the duty of the Department of Legal  
3969 Affairs to conduct the proceedings for, and to act as counsel  
3970 for the said Department of Children and Families ~~Family~~  
3971 ~~Services~~.

3972           Section 133. Section 402.161, Florida Statutes, is amended  
3973 to read:

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3974 402.161 Authorization for sale of property.—

3975 (1) The Department of Children and Families ~~Family Services~~  
3976 is authorized to sell any real or personal property that it  
3977 acquired by way of donation, gift, contribution, bequest, or  
3978 devise from any person, persons, or organizations when such real  
3979 or personal property is determined by the department not to be  
3980 necessary for use in connection with the work of the department.  
3981 All proceeds derived from the sale of such property shall be  
3982 transmitted to the State Treasury to be credited to the  
3983 department.

3984 (2) The Department of Children and Families ~~Family Services~~  
3985 is authorized to use for its purposes any moneys realized from  
3986 the sale of any such real or personal property. It is expressly  
3987 declared to be the intention of the Legislature that such moneys  
3988 are appropriated to the department and may be used by it for its  
3989 purposes. However, such moneys shall be withdrawn in accordance  
3990 with law. Such moneys are appropriated to the use of the  
3991 department in addition to other funds which have been or may  
3992 otherwise be appropriated for its purposes.

3993 Section 134. Paragraph (b) of subsection (2) of section  
3994 402.164, Florida Statutes, is amended to read:

3995 402.164 Legislative intent; definitions.—

3996 (2) As used in this section through s. 402.167, the term:

3997 (b) "Client" means a client of the Agency for Persons with  
3998 Disabilities, the Agency for Health Care Administration, the  
3999 Department of Children and Families ~~Family Services~~, or the  
4000 Department of Elderly Affairs, as defined in s. 393.063, s.  
4001 394.67, s. 397.311, or s. 400.960, a forensic client or client  
4002 as defined in s. 916.106, a child or youth as defined in s.

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4003 39.01, a child as defined in s. 827.01, a family as defined in  
4004 s. 414.0252, a participant as defined in s. 429.901, a resident  
4005 as defined in s. 429.02, a Medicaid recipient or recipient as  
4006 defined in s. 409.901, a child receiving child care as defined  
4007 in s. 402.302, a disabled adult as defined in s. 410.032 or s.  
4008 410.603, or a victim as defined in s. 39.01 or s. 415.102 as  
4009 each definition applies within its respective chapter.

4010 Section 135. Section 402.17, Florida Statutes, is amended  
4011 to read:

4012 402.17 Claims for care and maintenance; trust property.—The  
4013 Department of Children and Families ~~Family Services~~ and the  
4014 Agency for Persons with Disabilities shall protect the financial  
4015 interest of the state with respect to claims that the state may  
4016 have for the care and maintenance of clients of the department  
4017 or agency. The department or agency shall, as trustee, hold in  
4018 trust and administer money and property designated for the  
4019 personal benefit of clients. The department or agency shall act  
4020 as trustee of clients' money and property entrusted to it in  
4021 accordance with the usual fiduciary standards applicable  
4022 generally to trustees, and shall act to protect both the short-  
4023 term and long-term interests of the clients for whose benefit it  
4024 is holding such money and property.

4025 (1) CLAIMS FOR CARE AND MAINTENANCE.—

4026 (a) The department or agency shall perform the following  
4027 acts:

4028 1. Receive and supervise the collection of sums due the  
4029 state.

4030 2. Bring any court action necessary to collect any claim  
4031 the state may have against any client, former client, guardian

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4032 of any client or former client, executor or administrator of the  
4033 client's estate, or any person against whom any client or former  
4034 client may have a claim.

4035 3. Obtain a copy of any inventory or appraisal of the  
4036 client's property filed with any court.

4037 4. Obtain from the department's Economic Self-Sufficiency  
4038 Services Program Office a financial status report on any client  
4039 or former client, including the ability of third parties  
4040 responsible for such client to pay all or part of the cost of  
4041 the client's care and maintenance.

4042 5. Petition the court for appointment of a guardian or  
4043 administrator for an otherwise unrepresented client or former  
4044 client should the financial status report or other information  
4045 indicate the need for such action. The cost of any such action  
4046 shall be charged against the assets or estate of the client.

4047 6. Represent the interest of the state in any litigation in  
4048 which a client or former client is a party.

4049 7. File claims with any person, firm, or corporation or  
4050 with any federal, state, county, district, or municipal agency  
4051 on behalf of an unrepresented client.

4052 8. Represent the state in the settlement of the estates of  
4053 deceased clients or in the settlement of estates in which a  
4054 client or a former client against whom the state may have a  
4055 claim has a financial interest.

4056 9. Establish procedures by rule for the use of amounts held  
4057 in trust for the client to pay for the cost of care and  
4058 maintenance, if such amounts would otherwise cause the client to  
4059 become ineligible for services which are in the client's best  
4060 interests.

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4061 (b) The department or agency may charge off accounts if it  
4062 certifies that the accounts are uncollectible after diligent  
4063 efforts have been made to collect them. If the department  
4064 certifies an account to the Department of Financial Services,  
4065 setting forth the circumstances upon which it predicates the  
4066 uncollectibility, and if, pursuant to s. 17.04, the Department  
4067 of Financial Services concurs, the account shall be charged off.

4068 (2) MONEY OR OTHER PROPERTY RECEIVED FOR PERSONAL USE OR  
4069 BENEFIT OF ANY CLIENT.—The department or agency shall perform  
4070 the following acts:

4071 (a) Accept and administer in trust, as a trustee having a  
4072 fiduciary responsibility to a client, any money or other  
4073 property received for personal use or benefit of that client. In  
4074 the case of children in the legal custody of the department,  
4075 following the termination of the parental rights, until the  
4076 child leaves the legal custody of the department due to adoption  
4077 or attaining the age of 18 or, in the case of children who are  
4078 otherwise in the custody of the department, the court having  
4079 jurisdiction over such child shall have jurisdiction, upon  
4080 application of the department or other interested party, to  
4081 review or approve any extraordinary action of the department  
4082 acting as trustee as to the child's money or other property.  
4083 When directed by a court of competent jurisdiction, the  
4084 department may further hold money or property of a child who has  
4085 been in the care, custody, or control of the department and who  
4086 is the subject of a court proceeding during the pendency of that  
4087 proceeding.

4088 (b) Deposit the money in banks qualified as state  
4089 depositories, or in any bank, credit union, or savings and loan

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4090 association authorized to do business in this state, provided  
4091 moneys so deposited or held by such institutions are fully  
4092 insured by a federal depository or share insurance program, or  
4093 an approved state depository or share insurance program, and are  
4094 available on demand.

4095 (c) Withdraw the money and use it to meet current needs of  
4096 clients. For purposes of this paragraph, "current needs"  
4097 includes payment of fees assessed under s. 402.33. The amount of  
4098 money withdrawn shall take into account the need of the  
4099 department or agency, as the trustee of a client's money and  
4100 property, to provide for the long-term needs of a client,  
4101 including, but not limited to, ensuring that a client under the  
4102 age of 18 will have sufficient financial resources available to  
4103 be able to function as an adult upon reaching the age of 18,  
4104 meeting the special needs of a client who has a disability and  
4105 whose special needs cannot otherwise be met by any form of  
4106 public assistance or family resources, or maintaining the  
4107 client's eligibility for public assistance, including medical  
4108 assistance, under state or federal law.

4109 (d) As trustee, invest in the manner authorized by law for  
4110 fiduciaries money not used for current needs of clients. Such  
4111 investments may include, but shall not be limited to,  
4112 investments in savings share accounts of any credit union  
4113 chartered under the laws of the United States and doing business  
4114 in this state, and savings share accounts of any credit union  
4115 chartered under the laws of this state, provided the credit  
4116 union is insured under the federal share insurance program or an  
4117 approved state share insurance program.

4118 (3) DEPOSIT OF FUNDS RECEIVED.—Funds received by the

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4119 Department of Children and Families ~~Family Services~~ in  
4120 accordance with s. 402.33 shall be deposited into a trust fund  
4121 for the operation of the department.

4122 (4) DISPOSITION OF UNCLAIMED TRUST FUNDS.—Upon the death of  
4123 any client affected by the provisions of this section, any  
4124 unclaimed money held in trust by the department, the agency, or  
4125 by the Chief Financial Officer for the child shall be applied  
4126 first to the payment of any unpaid claim of the state against  
4127 the client, and any balance remaining unclaimed for a period of  
4128 1 year shall escheat to the state as unclaimed funds held by  
4129 fiduciaries.

4130 (5) LEGAL REPRESENTATION.—To the extent that the budget  
4131 will permit, the Department of Legal Affairs shall furnish the  
4132 legal services to carry out the provisions of this section. Upon  
4133 the request of the department or agency, the various state and  
4134 county attorneys shall assist in litigation within their  
4135 jurisdiction. The department or agency may retain legal counsel  
4136 for necessary legal services which cannot be furnished by the  
4137 Department of Legal Affairs and the various state and county  
4138 attorneys.

4139 (6) DEPOSIT OR INVESTMENT OF FUNDS OF CLIENTS.—

4140 (a) The department or agency may deposit any funds of  
4141 clients in its possession in any bank in the state or may invest  
4142 or reinvest such funds in bonds or obligations of the United  
4143 States for the payment of which the full faith and credit of the  
4144 United States is pledged. For purposes of deposit only, the  
4145 funds of any client may be mingled with the funds of any other  
4146 clients.

4147 (b) The interest or increment accruing on such funds shall

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4148 be the property of the clients and shall be used or conserved  
4149 for the personal use or benefit of the client, in accordance  
4150 with the department's or agency's fiduciary responsibility as a  
4151 trustee for the money and property of the client. Such interest  
4152 shall not accrue to the general welfare of all clients. Whenever  
4153 any proposed action of the department or agency, acting in its  
4154 own interest, may conflict with the department's or agency's  
4155 fiduciary responsibility to the client, the department or agency  
4156 shall promptly present the matter to a court of competent  
4157 jurisdiction for the court's determination as to what action the  
4158 department or agency may take. The department or agency shall  
4159 establish reasonable fees by rule for the cost of administering  
4160 such accounts and for establishing the minimum balance eligible  
4161 to earn interest.

4162 (7) DISPOSITION OF MONEY AND PROPERTY OF CLIENTS UPON  
4163 ATTAINING AGE 18 OR DISCHARGE FROM CARE, CUSTODY, CONTROL, OR  
4164 SERVICES OF THE DEPARTMENT.—

4165 (a) Whenever a client of the department for whom the  
4166 department is holding money or property as a trustee attains the  
4167 age of 18, and thereby will no longer be in the legal custody of  
4168 the department, the department shall promptly disburse such  
4169 money and property to that client, or as that client directs, as  
4170 soon as practicable.

4171 (b) Whenever a client of the department over the age of 18  
4172 for whom the department is holding money or property as a  
4173 trustee no longer requires the care, custody, control, or  
4174 services of the department, the department shall promptly  
4175 disburse such money and property to that client, or as that  
4176 client or a court directs, as soon as practicable.



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4177 (c) When a client under the age of 18 who has been in the  
4178 legal custody, care, or control of the department and for whom  
4179 the department is holding money or property as a trustee attains  
4180 the age of 18 and has a physical or mental disability, or is  
4181 otherwise incapacitated or incompetent to handle that client's  
4182 own financial affairs, the department shall apply for a court  
4183 order from a court of competent jurisdiction to establish a  
4184 trust on behalf of that client. Where there is no willing  
4185 relative of the client acceptable to the court available to  
4186 serve as trustee of such proposed trust, the court may enter an  
4187 order authorizing the department to serve as trustee of a  
4188 separate trust under such terms and conditions as the court  
4189 determines appropriate to the circumstances.

4190 (d) When a client under the age of 18 who has been in the  
4191 legal custody, care, or control of the department and for whom  
4192 the department is holding money or property as a trustee leaves  
4193 the care, custody, and control of the department due to adoption  
4194 or placement of the client with a relative, or as otherwise  
4195 directed by a court of competent jurisdiction, the department  
4196 shall notify that court of the existence of the money and  
4197 property either prior to, or promptly after, receiving knowledge  
4198 of the change of custody, care, or control. The department shall  
4199 apply for an order from the court exercising jurisdiction over  
4200 the client to direct the disposition of the money and property  
4201 belonging to that client. The court order may establish a trust  
4202 in which the money and property of the client will be deposited,  
4203 appoint a guardian of a property as to the money or property of  
4204 the client, or direct the creation of a Uniform Transfers to  
4205 Minors Act account on behalf of that client, under the terms and

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4206 conditions the court determines appropriate to the  
4207 circumstances.

4208 Section 136. Subsection (1) of section 402.18, Florida  
4209 Statutes, is amended to read:

4210 402.18 Welfare trust funds created; use of.—

4211 (1) All moneys now held in any auxiliary, canteen, welfare,  
4212 donated, or similar fund in any state institution under the  
4213 jurisdiction of the Department of Children and Families ~~Family~~  
4214 ~~Services~~ shall be deposited in a welfare trust fund, which fund  
4215 is hereby created in the State Treasury, or in a place which the  
4216 department shall designate. The money in the fund of each  
4217 institution of the department, or which may accrue thereto, is  
4218 hereby appropriated for the benefit, education, and general  
4219 welfare of clients in that institution. The general welfare of  
4220 clients includes, but is not limited to, the establishment of,  
4221 maintenance of, employment of personnel for, and the purchase of  
4222 items for resale at canteens or vending machines maintained at  
4223 the state institutions and for the establishment of, maintenance  
4224 of, employment of personnel for, and the operation of canteens,  
4225 hobby shops, recreational or entertainment facilities, sheltered  
4226 workshops, activity centers, farming projects, or other like  
4227 facilities or programs at the institutions.

4228 Section 137. Subsection (1) and paragraph (b) of subsection  
4229 (3) of section 402.181, Florida Statutes, are amended to read:

4230 402.181 State Institutions Claims Program.—

4231 (1) There is created a State Institutions Claims Program,  
4232 for the purpose of making restitution for property damages and  
4233 direct medical expenses for injuries caused by shelter children  
4234 or foster children, or escapees, inmates, or patients of state

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4235 institutions or developmental disabilities centers under the  
4236 Department of Children and Families ~~Family Services~~, the  
4237 Department of Health, the Department of Juvenile Justice, the  
4238 Department of Corrections, or the Agency for Persons with  
4239 Disabilities.

4240 (3)

4241 (b) The Department of Legal Affairs shall work with the  
4242 Department of Children and Families ~~Family Services~~, the  
4243 Department of Health, the Department of Juvenile Justice, the  
4244 Department of Corrections, and the Agency for Persons with  
4245 Disabilities to streamline the process of investigations,  
4246 hearings, and determinations with respect to claims under this  
4247 section, to ensure that eligible claimants receive restitution  
4248 within a reasonable time.

4249 Section 138. Section 402.185, Florida Statutes, is amended  
4250 to read:

4251 402.185 Productivity enhancing technology.—In accordance  
4252 with the provisions of chapter 216, 20 percent of any  
4253 unobligated General Revenue Fund or any trust fund appropriation  
4254 for salaries and benefits, expenses, other personal services,  
4255 operating capital outlay, and special categories remaining at  
4256 the end of a fiscal year shall be available to the Department of  
4257 Children and Families ~~Family Services~~ for purchases of  
4258 productivity-enhancing technology, to improve existing services,  
4259 and for community services initiatives. Funds used for such  
4260 purposes may be certified forward.

4261 Section 139. Section 402.19, Florida Statutes, is amended  
4262 to read:

4263 402.19 Photographing records; destruction of records;

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4264 effect as evidence.—The Department of Children and Families  
4265 ~~Family Services~~ may authorize each of the agencies under its  
4266 supervision and control to photograph, microphotograph, or  
4267 reproduce on film or prints, such correspondence, documents,  
4268 records, data, and other information as the department shall  
4269 determine, and which is not otherwise authorized to be  
4270 reproduced under chapter 119, whether the same shall be of a  
4271 temporary or permanent character and whether public, private, or  
4272 confidential, including that pertaining to patients or inmates  
4273 of the agencies, and to destroy any of said documents after they  
4274 have been reproduced. Photographs or microphotographs in the  
4275 form of film or prints made in compliance with the provisions of  
4276 this section shall have the same force and effect as the  
4277 originals thereof would have, and shall be treated as originals  
4278 for the purpose of their admissibility in evidence. Duly  
4279 certified or authenticated reproductions of such photographs or  
4280 microphotographs shall be admitted in evidence equally with the  
4281 original photographs or microphotographs.

4282 Section 140. Section 402.20, Florida Statutes, is amended  
4283 to read:

4284 402.20 County contracts authorized for services and  
4285 facilities for mental health and developmental disabilities.—The  
4286 boards of county commissioners are authorized to provide  
4287 monetary grants and facilities, and to enter into renewable  
4288 contracts, for services and facilities, for a period not to  
4289 exceed 2 years, with public and private hospitals, clinics, and  
4290 laboratories; other state agencies, departments, or divisions;  
4291 the state colleges and universities; the community colleges;  
4292 private colleges and universities; counties; municipalities;

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4293 towns; townships; and any other governmental unit or nonprofit  
4294 organization which provides needed facilities for persons with  
4295 mental illness or developmental disabilities. These services are  
4296 hereby declared to be for a public and county purpose. The  
4297 county commissioners may make periodic inspections to assure  
4298 that the services or facilities provided under this chapter meet  
4299 the standards of the Department of Children and Families ~~Family~~  
4300 ~~Services~~ and the Agency for Persons with Disabilities.

4301 Section 141. Paragraph (a) of subsection (1) and  
4302 subsections (2), (3), and (4) of section 402.22, Florida  
4303 Statutes, are amended to read:

4304 402.22 Education program for students who reside in  
4305 residential care facilities operated by the Department of  
4306 Children and Families ~~Family Services~~ or the Agency for Persons  
4307 with Disabilities.-

4308 (1) (a) The Legislature recognizes that the Department of  
4309 Children and Families ~~Family Services~~ and the Agency for Persons  
4310 with Disabilities have under their residential care students  
4311 with critical problems of physical impairment, emotional  
4312 disturbance, mental impairment, and learning impairment.

4313 (2) District school boards shall establish educational  
4314 programs for all students ages 5 through 18 under the  
4315 residential care of the Department of Children and Families  
4316 ~~Family Services~~ and the Agency for Persons with Disabilities,  
4317 and may provide for students below age 3 as provided for in s.  
4318 1003.21(1)(e). Funding of such programs shall be pursuant to s.  
4319 1011.62.

4320 (3) Notwithstanding any provisions of chapters 39, 393,  
4321 394, and 397 to the contrary, the services of the Department of

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4322 Children and Families ~~Family Services~~ and the Agency for Persons  
4323 with Disabilities and those of the Department of Education and  
4324 district school boards shall be mutually supportive and  
4325 complementary of each other. The education programs provided by  
4326 the district school board shall meet the standards prescribed by  
4327 the State Board of Education and the district school board.  
4328 Decisions regarding the design and delivery of department or  
4329 agency treatment or habilitative services shall be made by  
4330 interdisciplinary teams of professional and paraprofessional  
4331 staff of which appropriate district school system administrative  
4332 and instructional personnel shall be invited to be participating  
4333 members. The requirements for maintenance of confidentiality as  
4334 prescribed in chapters 39, 393, 394, and 397 shall be applied to  
4335 information used by such interdisciplinary teams, and such  
4336 information shall be exempt from the provisions of ss. 119.07(1)  
4337 and 286.011.

4338 (4) Students age 18 and under who are under the residential  
4339 care of the Department of Children and Families ~~Family Services~~  
4340 or the Agency for Persons with Disabilities and who receive an  
4341 education program shall be calculated as full-time equivalent  
4342 student membership in the appropriate cost factor as provided  
4343 for in s. 1011.62(1)(c). Residential care facilities shall  
4344 include, but not be limited to, developmental disabilities  
4345 centers and state mental health facilities. All students shall  
4346 receive their education program from the district school system,  
4347 and funding shall be allocated through the Florida Education  
4348 Finance Program for the district school system.

4349 Section 142. Subsection (5) of section 402.281, Florida  
4350 Statutes, is amended to read:

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4351 402.281 Gold Seal Quality Care program.—

4352 (5) The Department of Children and Families ~~Family Services~~  
4353 shall adopt rules under ss. 120.536(1) and 120.54 which provide  
4354 criteria and procedures for reviewing and approving accrediting  
4355 associations for participation in the Gold Seal Quality Care  
4356 program, conferring and revoking designations of Gold Seal  
4357 Quality Care providers, and classifying violations.

4358 Section 143. Subsections (5) and (16) of section 402.302,  
4359 Florida Statutes, are amended to read:

4360 402.302 Definitions.—As used in this chapter, the term:

4361 (5) "Department" means the Department of Children and  
4362 Families ~~Family Services~~.

4363 (16) "Secretary" means the Secretary of Children and  
4364 Families ~~Family Services~~.

4365 Section 144. Section 402.30501, Florida Statutes, is  
4366 amended to read:

4367 402.30501 Modification of introductory child care course  
4368 for community college credit authorized.—The Department of  
4369 Children and Families ~~Family Services~~ may modify the 40-clock-  
4370 hour introductory course in child care under s. 402.305 or s.  
4371 402.3131 to meet the requirements of articulating the course to  
4372 community college credit. Any modification must continue to  
4373 provide that the course satisfies the requirements of s.  
4374 402.305(2)(d).

4375 Section 145. Section 402.3115, Florida Statutes, is amended  
4376 to read:

4377 402.3115 Elimination of duplicative and unnecessary  
4378 inspections; abbreviated inspections.—The Department of Children  
4379 and Families ~~Family Services~~ and local governmental agencies

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4380 that license child care facilities shall develop and implement a  
4381 plan to eliminate duplicative and unnecessary inspections of  
4382 child care facilities. In addition, the department and the local  
4383 governmental agencies shall develop and implement an abbreviated  
4384 inspection plan for child care facilities that have had no Class  
4385 1 or Class 2 deficiencies, as defined by rule, for at least 2  
4386 consecutive years. The abbreviated inspection must include those  
4387 elements identified by the department and the local governmental  
4388 agencies as being key indicators of whether the child care  
4389 facility continues to provide quality care and programming.

4390 Section 146. Paragraph (c) of subsection (1) of section  
4391 402.33, Florida Statutes, is amended to read:

4392 402.33 Department authority to charge fees for services  
4393 provided.—

4394 (1) As used in this section, the term:

4395 (c) "Department" means the Department of Children and  
4396 Families ~~Family Services~~, the Department of Health, and the  
4397 Agency for Persons with Disabilities.

4398 Section 147. Section 402.35, Florida Statutes, is amended  
4399 to read:

4400 402.35 Employees.—All personnel of the Department of  
4401 Children and Families ~~Family Services~~ shall be governed by rules  
4402 and regulations adopted and promulgated by the Department of  
4403 Management Services relative thereto except the director and  
4404 persons paid on a fee basis. The Department of Children and  
4405 Families ~~Family Services~~ may participate with other state  
4406 departments and agencies in a joint merit system.

4407 Section 148. Subsection (1), paragraph (a) of subsection  
4408 (4), paragraph (a) of subsection (5), and subsection (6) of



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4409 section 402.40, Florida Statutes, are amended to read:

4410 402.40 Child welfare training and certification.—

4411 (1) LEGISLATIVE INTENT.—In order to enable the state to  
4412 provide a systematic approach to staff development and training  
4413 for persons providing child welfare services that will meet the  
4414 needs of such staff in their discharge of duties, it is the  
4415 intent of the Legislature that the Department of Children and  
4416 Families ~~Family Services~~ work in collaboration with the child  
4417 welfare stakeholder community, including department-approved  
4418 third-party credentialing entities, to ensure that staff have  
4419 the knowledge, skills, and abilities necessary to competently  
4420 provide child welfare services. It is the intent of the  
4421 Legislature that each person providing child welfare services in  
4422 this state earns and maintains a professional certification from  
4423 a professional credentialing entity that is approved by the  
4424 Department of Children and Families ~~Family Services~~. The  
4425 Legislature further intends that certification and training  
4426 programs will aid in the reduction of poor staff morale and of  
4427 staff turnover, will positively impact on the quality of  
4428 decisions made regarding children and families who require  
4429 assistance from programs providing child welfare services, and  
4430 will afford better quality care of children who must be removed  
4431 from their families.

4432 (4) CHILD WELFARE TRAINING TRUST FUND.—

4433 (a) There is created within the State Treasury a Child  
4434 Welfare Training Trust Fund to be used by the Department of  
4435 Children and Families ~~Family Services~~ for the purpose of funding  
4436 the professional development of persons providing child welfare  
4437 services.

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4438 (5) CORE COMPETENCIES.—

4439 (a) The Department of Children and Families ~~Family Services~~  
4440 shall approve the core competencies and related preservice  
4441 curricula that ensures that each person delivering child welfare  
4442 services obtains the knowledge, skills, and abilities to  
4443 competently carry out his or her work responsibilities.

4444 (6) ADOPTION OF RULES.—The Department of Children and  
4445 Families ~~Family Services~~ shall adopt rules necessary to carry  
4446 out the provisions of this section.

4447 Section 149. Section 402.401, Florida Statutes, is amended  
4448 to read:

4449 402.401 Florida Child Welfare Student Loan Forgiveness  
4450 Program.—There is created the Florida Child Welfare Student Loan  
4451 Forgiveness Program to be administered by the Department of  
4452 Children and Families ~~Family Services~~. The program shall provide  
4453 loan reimbursement to eligible employees in child welfare  
4454 positions that are critical to the department's mission, as  
4455 determined by the department, and that are within the  
4456 department, sheriff's offices, or contracted community-based  
4457 care agencies. To be eligible for a program loan, the employee's  
4458 outstanding student loans may not be in a default status. This  
4459 section shall be implemented only as specifically funded.

4460 Section 150. Subsection (2) of section 402.47, Florida  
4461 Statutes, is amended to read:

4462 402.47 Foster grandparent and retired senior volunteer  
4463 services to high-risk and handicapped children.—

4464 (2) The Department of Children and Families ~~Family Services~~  
4465 shall:

4466 (a) Establish a program to provide foster grandparent and

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4467 retired senior volunteer services to high-risk and handicapped  
4468 children. Foster grandparent services and retired senior  
4469 volunteer services to high-risk and handicapped children shall  
4470 be under the supervision of the department, in coordination with  
4471 intraagency and interagency programs and agreements as provided  
4472 for in s. 411.203.

4473 (b) In authorized districts, contract with foster  
4474 grandparent programs and retired senior volunteer programs for  
4475 services to high-risk and handicapped children, utilizing funds  
4476 appropriated for handicap prevention.

4477 (c) Develop guidelines for the provision of foster  
4478 grandparent services and retired senior volunteer services to  
4479 high-risk and handicapped children, and monitor and evaluate the  
4480 implementation of the program.

4481 (d) Coordinate with the Federal Action State Office  
4482 regarding the development of criteria for program elements and  
4483 funding.

4484 Section 151. Subsection (1) of section 402.49, Florida  
4485 Statutes, is amended to read:

4486 402.49 Mediation process established.—

4487 (1) The Department of Children and Families ~~Family Services~~  
4488 shall establish a mediation process for the purpose of resolving  
4489 disputes that arise between the department and agencies that are  
4490 operating under contracts with the department.

4491 Section 152. Paragraph (a) of subsection (4) of section  
4492 402.56, Florida Statutes, is amended to read:

4493 402.56 Children's cabinet; organization; responsibilities;  
4494 annual report.—

4495 (4) MEMBERS.—The cabinet shall consist of 14 members

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4496 including the Governor and the following persons:

4497 (a)1. The Secretary of Children and Families ~~Family~~  
4498 ~~Services~~;

4499 2. The Secretary of Juvenile Justice;

4500 3. The director of the Agency for Persons with  
4501 Disabilities;

4502 4. The director of the Office of Early Learning;

4503 5. The State Surgeon General;

4504 6. The Secretary of Health Care Administration;

4505 7. The Commissioner of Education;

4506 8. The director of the Statewide Guardian Ad Litem Office;

4507 9. The director of the Office of Child Abuse Prevention;

4508 and

4509 10. Five members representing children and youth advocacy  
4510 organizations, who are not service providers and who are  
4511 appointed by the Governor.

4512 Section 153. Section 402.70, Florida Statutes, is amended  
4513 to read:

4514 402.70 Interagency agreement between Department of Health  
4515 and Department of Children and Families ~~Family Services~~.—The  
4516 Department of Health and the Department of Children and Families  
4517 ~~Family Services~~ shall enter into an interagency agreement to  
4518 ensure coordination and cooperation in identifying client  
4519 populations, developing service delivery systems, and meeting  
4520 the needs of the state's residents. The interagency agreement  
4521 must address cooperative programmatic issues, rules-development  
4522 issues, and any other issues that must be resolved to ensure the  
4523 continued working relationship among the health and family  
4524 services programs of the two departments.

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4525 Section 154. Subsection (1) of section 402.73, Florida  
4526 Statutes, is amended to read:

4527 402.73 Contracting and performance standards.—

4528 (1) The Department of Children and Families ~~Family Services~~  
4529 shall adopt, by rule, provisions for including in its contracts  
4530 incremental penalties to be imposed by its contract managers on  
4531 a service provider due to the provider's failure to comply with  
4532 a requirement for corrective action. Any financial penalty that  
4533 is imposed upon a provider may not be paid from funds being used  
4534 to provide services to clients, and the provider may not reduce  
4535 the amount of services being delivered to clients as a method  
4536 for offsetting the impact of the penalty. If a financial penalty  
4537 is imposed upon a provider that is a corporation, the department  
4538 shall notify, at a minimum, the board of directors of the  
4539 corporation. The department may notify, at its discretion, any  
4540 additional parties that the department believes may be helpful  
4541 in obtaining the corrective action that is being sought.  
4542 Further, the rules adopted by the department must include  
4543 provisions that permit the department to deduct the financial  
4544 penalties from funds that would otherwise be due to the  
4545 provider, not to exceed 10 percent of the amount that otherwise  
4546 would be due to the provider for the period of noncompliance. If  
4547 the department imposes a financial penalty, it shall advise the  
4548 provider in writing of the cause for the penalty. A failure to  
4549 include such deductions in a request for payment constitutes a  
4550 ground for the department to reject that request for payment.  
4551 The remedies identified in this subsection do not limit or  
4552 restrict the department's application of any other remedy  
4553 available to it in the contract or under law. The remedies

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4554 described in this subsection may be cumulative and may be  
4555 assessed upon each separate failure to comply with instructions  
4556 from the department to complete corrective action.

4557 Section 155. Paragraph (c) of subsection (1) and subsection  
4558 (3) of section 402.7305, Florida Statutes, are amended to read:

4559 402.7305 Department of Children and Families ~~Family~~  
4560 ~~Services~~; procurement of contractual services; contract  
4561 management.—

4562 (1) DEFINITIONS.—As used in this section, the term:

4563 (c) "Department" means the Department of Children and  
4564 Families ~~Family Services~~.

4565 (3) CONTRACT MANAGEMENT REQUIREMENTS AND PROCESS.—The  
4566 Department of Children and Families ~~Family Services~~ shall review  
4567 the time period for which the department executes contracts and  
4568 shall execute multiyear contracts to make the most efficient use  
4569 of the resources devoted to contract processing and execution.  
4570 Whenever the department chooses not to use a multiyear contract,  
4571 a justification for that decision must be contained in the  
4572 contract. Notwithstanding s. 287.057(14), the department is  
4573 responsible for establishing a contract management process that  
4574 requires a member of the department's Senior Management or  
4575 Selected Exempt Service to assign in writing the responsibility  
4576 of a contract to a contract manager. The department shall  
4577 maintain a set of procedures describing its contract management  
4578 process which must minimally include the following requirements:

4579 (a) The contract manager shall maintain the official  
4580 contract file throughout the duration of the contract and for a  
4581 period not less than 6 years after the termination of the  
4582 contract.

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4583           (b) The contract manager shall review all invoices for  
4584 compliance with the criteria and payment schedule provided for  
4585 in the contract and shall approve payment of all invoices before  
4586 their transmission to the Department of Financial Services for  
4587 payment.

4588           (c) The contract manager shall maintain a schedule of  
4589 payments and total amounts disbursed and shall periodically  
4590 reconcile the records with the state's official accounting  
4591 records.

4592           (d) For contracts involving the provision of direct client  
4593 services, the contract manager shall periodically visit the  
4594 physical location where the services are delivered and speak  
4595 directly to clients receiving the services and the staff  
4596 responsible for delivering the services.

4597           (e) The contract manager shall meet at least once a month  
4598 directly with the contractor's representative and maintain  
4599 records of such meetings.

4600           (f) The contract manager shall periodically document any  
4601 differences between the required performance measures and the  
4602 actual performance measures. If a contractor fails to meet and  
4603 comply with the performance measures established in the  
4604 contract, the department may allow a reasonable period for the  
4605 contractor to correct performance deficiencies. If performance  
4606 deficiencies are not resolved to the satisfaction of the  
4607 department within the prescribed time, and if no extenuating  
4608 circumstances can be documented by the contractor to the  
4609 department's satisfaction, the department must terminate the  
4610 contract. The department may not enter into a new contract with  
4611 that same contractor for the services for which the contract was

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4612 previously terminated for a period of at least 24 months after  
4613 the date of termination. The contract manager shall obtain and  
4614 enforce corrective action plans, if appropriate, and maintain  
4615 records regarding the completion or failure to complete  
4616 corrective action items.

4617 (g) The contract manager shall document any contract  
4618 modifications, which shall include recording any contract  
4619 amendments as provided for in this section.

4620 (h) The contract manager shall be properly trained before  
4621 being assigned responsibility for any contract.

4622 Section 156. Section 402.7306, Florida Statutes, is amended  
4623 to read:

4624 402.7306 Administrative monitoring of child welfare  
4625 providers, and administrative, licensure, and programmatic  
4626 monitoring of mental health and substance abuse service  
4627 providers.—The Department of Children and Families ~~Family~~  
4628 ~~Services~~, the Department of Health, the Agency for Persons with  
4629 Disabilities, the Agency for Health Care Administration,  
4630 community-based care lead agencies, managing entities as defined  
4631 in s. 394.9082, and agencies who have contracted with monitoring  
4632 agents shall identify and implement changes that improve the  
4633 efficiency of administrative monitoring of child welfare  
4634 services, and the administrative, licensure, and programmatic  
4635 monitoring of mental health and substance abuse service  
4636 providers. For the purpose of this section, the term “mental  
4637 health and substance abuse service provider” means a provider  
4638 who provides services to this state’s priority population as  
4639 defined in s. 394.674. To assist with that goal, each such  
4640 agency shall adopt the following policies:



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4641 (1) Limit administrative monitoring to once every 3 years  
4642 if the child welfare provider is accredited by an accrediting  
4643 organization whose standards incorporate comparable licensure  
4644 regulations required by this state. If the accrediting body does  
4645 not require documentation that the state agency requires, that  
4646 documentation shall be requested by the state agency and may be  
4647 posted by the service provider on the data warehouse for the  
4648 agency's review. Notwithstanding the survey or inspection of an  
4649 accrediting organization specified in this subsection, an agency  
4650 specified in and subject to this section may continue to monitor  
4651 the service provider as necessary with respect to:

4652 (a) Ensuring that services for which the agency is paying  
4653 are being provided.

4654 (b) Investigating complaints or suspected problems and  
4655 monitoring the service provider's compliance with resulting  
4656 negotiated terms and conditions, including provisions relating  
4657 to consent decrees that are unique to a specific service and are  
4658 not statements of general applicability.

4659 (c) Ensuring compliance with federal and state laws,  
4660 federal regulations, or state rules if such monitoring does not  
4661 duplicate the accrediting organization's review pursuant to  
4662 accreditation standards.

4663  
4664 Medicaid certification and precertification reviews are exempt  
4665 from this subsection to ensure Medicaid compliance.

4666 (2) Limit administrative, licensure, and programmatic  
4667 monitoring to once every 3 years if the mental health or  
4668 substance abuse service provider is accredited by an accrediting  
4669 organization whose standards incorporate comparable licensure

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4670 regulations required by this state. If the services being  
4671 monitored are not the services for which the provider is  
4672 accredited, the limitations of this subsection do not apply. If  
4673 the accrediting body does not require documentation that the  
4674 state agency requires, that documentation, except documentation  
4675 relating to licensure applications and fees, must be requested  
4676 by the state agency and may be posted by the service provider on  
4677 the data warehouse for the agency's review. Notwithstanding the  
4678 survey or inspection of an accrediting organization specified in  
4679 this subsection, an agency specified in and subject to this  
4680 section may continue to monitor the service provider as  
4681 necessary with respect to:

4682 (a) Ensuring that services for which the agency is paying  
4683 are being provided.

4684 (b) Investigating complaints, identifying problems that  
4685 would affect the safety or viability of the service provider,  
4686 and monitoring the service provider's compliance with resulting  
4687 negotiated terms and conditions, including provisions relating  
4688 to consent decrees that are unique to a specific service and are  
4689 not statements of general applicability.

4690 (c) Ensuring compliance with federal and state laws,  
4691 federal regulations, or state rules if such monitoring does not  
4692 duplicate the accrediting organization's review pursuant to  
4693 accreditation standards.

4694  
4695 Federal certification and precertification reviews are exempt  
4696 from this subsection to ensure Medicaid compliance.

4697 (3) Allow private sector development and implementation of  
4698 an Internet-based, secure, and consolidated data warehouse and

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4699 archive for maintaining corporate, fiscal, and administrative  
4700 records of child welfare, mental health, or substance abuse  
4701 service providers. A service provider shall ensure that the data  
4702 is up to date and accessible to the applicable agency under this  
4703 section and the appropriate agency subcontractor. A service  
4704 provider shall submit any revised, updated information to the  
4705 data warehouse within 10 business days after receiving the  
4706 request. An agency that conducts administrative monitoring of  
4707 child welfare, mental health, or substance abuse service  
4708 providers under this section must use the data warehouse for  
4709 document requests. If the information provided to the agency by  
4710 the provider's data warehouse is not current or is unavailable  
4711 from the data warehouse and archive, the agency may contact the  
4712 service provider directly. A service provider that fails to  
4713 comply with an agency's requested documents may be subject to a  
4714 site visit to ensure compliance. Access to the data warehouse  
4715 must be provided without charge to an applicable agency under  
4716 this section. At a minimum, the records must include the service  
4717 provider's:

- 4718 (a) Articles of incorporation.
- 4719 (b) Bylaws.
- 4720 (c) Governing board and committee minutes.
- 4721 (d) Financial audits.
- 4722 (e) Expenditure reports.
- 4723 (f) Compliance audits.
- 4724 (g) Organizational charts.
- 4725 (h) Governing board membership information.
- 4726 (i) Human resource policies and procedures.
- 4727 (j) Staff credentials.

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- 4728 (k) Monitoring procedures, including tools and schedules.  
4729 (l) Procurement and contracting policies and procedures.  
4730 (m) Monitoring reports.

4731 Section 157. Subsection (1) of section 402.731, Florida  
4732 Statutes, is amended to read:

4733 402.731 Department of Children and Families ~~Family Services~~  
4734 certification programs for employees and service providers;  
4735 employment provisions for transition to community-based care.—

4736 (1) The Department of Children and Families ~~Family Services~~  
4737 is authorized to approve third-party credentialing entities, as  
4738 defined in s. 402.40, for its employees and service providers to  
4739 ensure that only qualified employees and service providers  
4740 provide client services.

4741 Section 158. Section 402.80, Florida Statutes, is amended  
4742 to read:

4743 402.80 Office of Community Partners.—There is established  
4744 the Office of Community Partners within the Department of Health  
4745 for the purpose of receiving, coordinating, and dispensing  
4746 federal funds set aside to expand the delivery of social  
4747 services through eligible private community organizations and  
4748 programs. The office shall provide policy direction and promote  
4749 civic initiatives which seek to preserve and strengthen families  
4750 and communities. The Department of Health, the Department of  
4751 Children and Families ~~Family Services~~, the Department of  
4752 Juvenile Justice, and the Department of Corrections may request  
4753 transfer of general revenue funds between agencies, as approved  
4754 by the Legislative Budget Commission, as necessary to match  
4755 federal funds received by the Office of Community Partners for  
4756 these initiatives.

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4757 Section 159. Subsection (4) of section 402.81, Florida  
4758 Statutes, is amended to read:

4759 402.81 Pharmaceutical expense assistance.—

4760 (4) ADMINISTRATION.—The pharmaceutical expense assistance  
4761 program shall be administered by the agency, in collaboration  
4762 with the Department of Elderly Affairs and the Department of  
4763 Children and Families ~~Family Services~~. By January 1 of each  
4764 year, the agency shall report to the Legislature on the  
4765 operation of the program. The report shall include information  
4766 on the number of individuals served, use rates, and expenditures  
4767 under the program.

4768 Section 160. Section 402.86, Florida Statutes, is amended  
4769 to read:

4770 402.86 Rulemaking authority for refugee assistance  
4771 program.—

4772 (1) The Department of Children and Families ~~Family Services~~  
4773 has the authority to administer the refugee assistance program  
4774 in accordance with 45 C.F.R. parts 400 and 401. The Department  
4775 of Children and Families ~~Family Services~~ or a child-placing or  
4776 child-caring agency designated by the department may petition in  
4777 circuit court to establish custody. Upon making a finding that a  
4778 child is an Unaccompanied Refugee Minor as defined in 45 C.F.R.  
4779 s. 400.111, the court may establish custody and placement of the  
4780 child in the Unaccompanied Refugee Minor Program.

4781 (2) The Department of Children and Families ~~Family Services~~  
4782 shall adopt any rules necessary for the implementation and  
4783 administration of this section.

4784 Section 161. Section 402.87, Florida Statutes, is amended  
4785 to read:

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4786           402.87 Services to immigrant survivors of human  
4787 trafficking, domestic violence, and other serious crimes.—The  
4788 Department of Children and Families ~~Family Services~~ shall  
4789 establish a structure by which the department shall:

4790           (1) Provide services to immigrant survivors of human  
4791 trafficking, domestic violence, and other serious crimes, during  
4792 the interim period between the time the survivor applies for a  
4793 visa and receives such visa from the United States Department of  
4794 Homeland Security or receives certification from the United  
4795 States Department of Health and Human Services.

4796           (2) Ensure that immigrant survivors of serious crimes are  
4797 eligible to receive existing state and local benefits and  
4798 services to the same extent that refugees receive those benefits  
4799 and services.

4800           (3) Ensure that immigrant survivors of serious crimes have  
4801 access to state-funded services that are equivalent to the  
4802 federal programs that provide cash, medical services, and social  
4803 service for refugees.

4804           (4) Provide survivors of serious crimes with medical care,  
4805 mental health care, and basic assistance in order to help them  
4806 secure housing, food, and supportive services.

4807           (5) Create a state-funded component of the cash, medical,  
4808 and social services programs for refugees for the purpose of  
4809 serving immigrant survivors during the temporary period while  
4810 they wait for federal processing to be completed.

4811           (6) Provide that a sworn statement by a survivor is  
4812 sufficient evidence for the purposes of determining eligibility  
4813 if that statement is supported by at least one item of  
4814 additional evidence, including, but not limited to:

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4815 (a) Police and court records;  
4816 (b) News articles;  
4817 (c) Documentation from a professional agency;  
4818 (d) Physical evidence; or  
4819 (e) A statement from an individual having knowledge of the  
4820 circumstances providing the basis for the claim.  
4821 (7) Develop a public awareness program for employers and  
4822 other organizations that may come into contact with immigrant  
4823 survivors of human trafficking in order to provide education and  
4824 raise awareness of the problem.  
4825 Section 162. Paragraph (b) of subsection (2) of section  
4826 408.033, Florida Statutes, is amended to read:  
4827 408.033 Local and state health planning.—  
4828 (2) FUNDING.—  
4829 (b)1. A hospital licensed under chapter 395, a nursing home  
4830 licensed under chapter 400, and an assisted living facility  
4831 licensed under chapter 429 shall be assessed an annual fee based  
4832 on number of beds.  
4833 2. All other facilities and organizations listed in  
4834 paragraph (a) shall each be assessed an annual fee of \$150.  
4835 3. Facilities operated by the Department of Children and  
4836 Families ~~Family Services~~, the Department of Health, or the  
4837 Department of Corrections and any hospital which meets the  
4838 definition of rural hospital pursuant to s. 395.602 are exempt  
4839 from the assessment required in this subsection.  
4840 Section 163. Subsection (4) of section 408.20, Florida  
4841 Statutes, is amended to read:  
4842 408.20 Assessments; Health Care Trust Fund.—  
4843 (4) Hospitals operated by the Department of Children and

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4844 Families ~~Family Services~~, the Department of Health, or the  
4845 Department of Corrections are exempt from the assessments  
4846 required under this section.

4847 Section 164. Section 408.301, Florida Statutes, is amended  
4848 to read:

4849 408.301 Legislative findings.—The Legislature has found  
4850 that access to quality, affordable, health care for all  
4851 Floridians is an important goal for the state. The Legislature  
4852 recognizes that there are Floridians with special health care  
4853 and social needs which require particular attention. The people  
4854 served by the Department of Children and Families ~~Family~~  
4855 ~~Services~~, the Agency for Persons with Disabilities, the  
4856 Department of Health, and the Department of Elderly Affairs are  
4857 examples of citizens with special needs. The Legislature further  
4858 recognizes that the Medicaid program is an intricate part of the  
4859 service delivery system for the special needs citizens. However,  
4860 the Agency for Health Care Administration is not a service  
4861 provider and does not develop or direct programs for the special  
4862 needs citizens. Therefore, it is the intent of the Legislature  
4863 that the Agency for Health Care Administration work closely with  
4864 the Department of Children and Families ~~Family Services~~, the  
4865 Agency for Persons with Disabilities, the Department of Health,  
4866 and the Department of Elderly Affairs in developing plans for  
4867 assuring access to all Floridians in order to assure that the  
4868 needs of special citizens are met.

4869 Section 165. Section 408.302, Florida Statutes, is amended  
4870 to read:

4871 408.302 Interagency agreement.—

4872 (1) The Agency for Health Care Administration shall enter



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4873 into an interagency agreement with the Department of Children  
4874 and Families ~~Family Services~~, the Agency for Persons with  
4875 Disabilities, the Department of Health, and the Department of  
4876 Elderly Affairs to assure coordination and cooperation in  
4877 serving special needs citizens. The agreement shall include the  
4878 requirement that the secretaries or directors of the Department  
4879 of Children and Families ~~Family Services~~, the Agency for Persons  
4880 with Disabilities, the Department of Health, and the Department  
4881 of Elderly Affairs approve, prior to adoption, any rule  
4882 developed by the Agency for Health Care Administration where  
4883 such rule has a direct impact on the mission of the respective  
4884 state agencies, their programs, or their budgets.

4885 (2) For rules which indirectly impact on the mission of the  
4886 Department of Children and Families ~~Family Services~~, the Agency  
4887 for Persons with Disabilities, the Department of Health, and the  
4888 Department of Elderly Affairs, their programs, or their budgets,  
4889 the concurrence of the respective secretaries or directors on  
4890 the rule is required.

4891 (3) For all other rules developed by the Agency for Health  
4892 Care Administration, coordination with the Department of  
4893 Children and Families ~~Family Services~~, the Agency for Persons  
4894 with Disabilities, the Department of Health, and the Department  
4895 of Elderly Affairs is encouraged.

4896 (4) The interagency agreement shall also include any other  
4897 provisions necessary to ensure a continued cooperative working  
4898 relationship between the Agency for Health Care Administration  
4899 and the Department of Children and Families ~~Family Services~~, the  
4900 Agency for Persons with Disabilities, the Department of Health,  
4901 and the Department of Elderly Affairs as each strives to meet

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4902 the needs of the citizens of Florida.

4903 Section 166. Subsection (2) of section 408.809, Florida  
4904 Statutes, is amended to read:

4905 408.809 Background screening; prohibited offenses.—

4906 (2) Every 5 years following his or her licensure,  
4907 employment, or entry into a contract in a capacity that under  
4908 subsection (1) would require level 2 background screening under  
4909 chapter 435, each such person must submit to level 2 background  
4910 rescreening as a condition of retaining such license or  
4911 continuing in such employment or contractual status. For any  
4912 such rescreening, the agency shall request the Department of Law  
4913 Enforcement to forward the person's fingerprints to the Federal  
4914 Bureau of Investigation for a national criminal history record  
4915 check. If the fingerprints of such a person are not retained by  
4916 the Department of Law Enforcement under s. 943.05(2)(g), the  
4917 person must file a complete set of fingerprints with the agency  
4918 and the agency shall forward the fingerprints to the Department  
4919 of Law Enforcement for state processing, and the Department of  
4920 Law Enforcement shall forward the fingerprints to the Federal  
4921 Bureau of Investigation for a national criminal history record  
4922 check. The fingerprints may be retained by the Department of Law  
4923 Enforcement under s. 943.05(2)(g). The cost of the state and  
4924 national criminal history records checks required by level 2  
4925 screening may be borne by the licensee or the person  
4926 fingerprinted. Until the person's background screening results  
4927 are retained in the clearinghouse created under s. 435.12, the  
4928 agency may accept as satisfying the requirements of this section  
4929 proof of compliance with level 2 screening standards submitted  
4930 within the previous 5 years to meet any provider or professional

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4931 licensure requirements of the agency, the Department of Health,  
4932 the Department of Elderly Affairs, the Agency for Persons with  
4933 Disabilities, the Department of Children and Families ~~Family~~  
4934 ~~Services~~, or the Department of Financial Services for an  
4935 applicant for a certificate of authority or provisional  
4936 certificate of authority to operate a continuing care retirement  
4937 community under chapter 651, provided that:

4938 (a) The screening standards and disqualifying offenses for  
4939 the prior screening are equivalent to those specified in s.  
4940 435.04 and this section;

4941 (b) The person subject to screening has not had a break in  
4942 service from a position that requires level 2 screening for more  
4943 than 90 days; and

4944 (c) Such proof is accompanied, under penalty of perjury, by  
4945 an affidavit of compliance with the provisions of chapter 435  
4946 and this section using forms provided by the agency.

4947 Section 167. Paragraph (b) of subsection (1) of section  
4948 408.916, Florida Statutes, is amended to read:

4949 408.916 Steering committee.—In order to guide the  
4950 implementation of the pilot project, there is created a Health  
4951 Care Access Steering Committee.

4952 (1) The steering committee shall be composed of the  
4953 following members:

4954 (b) The Secretary of Children and Families ~~Family Services~~.

4955 Section 168. Subsections (1) and (2) of section 409.016,  
4956 Florida Statutes, are amended to read:

4957 409.016 Definitions.—As used in this chapter:

4958 (1) "Department," unless otherwise specified, means the  
4959 Department of Children and Families ~~Family Services~~.

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4960 (2) "Secretary" means the secretary of the Department of  
4961 Children and Families ~~Family Services~~.

4962 Section 169. Paragraph (a) of subsection (3) of section  
4963 409.017, Florida Statutes, is amended to read:

4964 409.017 Revenue Maximization Act; legislative intent;  
4965 revenue maximization program.—

4966 (3) REVENUE MAXIMIZATION PROGRAM.—

4967 (a) For purposes of this section, the term "agency" means  
4968 any state agency or department that is involved in providing  
4969 health, social, or human services, including, but not limited  
4970 to, the Agency for Health Care Administration, the Department of  
4971 Children and Families ~~Family Services~~, the Department of Elderly  
4972 Affairs, the Department of Juvenile Justice, the Department of  
4973 Education, and the State Board of Education.

4974 Section 170. Subsections (1) and (4) of section 409.141,  
4975 Florida Statutes, are amended to read:

4976 409.141 Equitable reimbursement methodology.—

4977 (1) To assure high standards of care and essential  
4978 residential services as a component of the services continuum  
4979 for at-risk youth and families, the Department of Children and  
4980 Families ~~Family Services~~ shall adopt an equitable reimbursement  
4981 methodology. This methodology, which addresses only those  
4982 children placed in nonprofit residential group care by the  
4983 department and funded through public appropriations, shall  
4984 consist of a standardized base of allowable costs of a  
4985 provider's actual per diem rate costs. The actual percentage of  
4986 base costs met through this methodology shall be determined by  
4987 the availability of state funding. The full utilization of the  
4988 department's Children, Youth and Families Purchase of

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4989 Residential Group Care Appropriation Category shall be used to  
4990 fund this methodology. Definitions of care and allowable costs  
4991 shall be based upon those mandated services standards as set out  
4992 in chapter 10M-9, Florida Administrative Code (Licensing  
4993 Standards Residential Child Care Agencies), plus any special  
4994 enhancements required by the specific treatment component.  
4995 Actual costs shall be verified through the agency's annual  
4996 fiscal audit for the 2 prior calendar years.

4997 (4) The Department of Children and Families ~~Family Services~~  
4998 shall develop administrative rules in full cooperation with the  
4999 Florida Group Child Care Association to carry out the intent and  
5000 provisions of this section.

5001 Section 171. Subsections (1), (5), (6), and (9) of section  
5002 409.146, Florida Statutes, are amended to read:

5003 409.146 Children and families client and management  
5004 information system.—

5005 (1) The Department of Children and Families ~~Family Services~~  
5006 shall establish a children and families client and management  
5007 information system which shall provide information concerning  
5008 children served by the children and families programs.

5009 (5) The Department of Children and Families ~~Family Services~~  
5010 shall employ accepted current system development methodology to  
5011 determine the appropriate design and contents of the system, as  
5012 well as the most rapid feasible implementation schedule as  
5013 outlined in the information resources management operational  
5014 plan of the Department of Children and Families ~~Family Services~~.

5015 (6) The Department of Children and Families ~~Family Services~~  
5016 shall aggregate, on a quarterly and an annual basis, the  
5017 information and statistical data of the children and families

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5018 client and management information system into a descriptive  
5019 report and shall disseminate the quarterly and annual reports to  
5020 interested parties, including substantive committees of the  
5021 House of Representatives and the Senate.

5022 (9) The Department of Children and Families ~~Family Services~~  
5023 shall provide an annual report to the President of the Senate  
5024 and the Speaker of the House of Representatives. In developing  
5025 the system, the Department of Children and Families ~~Family~~  
5026 ~~Services~~ shall consider and report on the availability of, and  
5027 the costs associated with using, existing software and systems,  
5028 including, but not limited to, those that are operational in  
5029 other states, to meet the requirements of this section. The  
5030 department shall also consider and report on the compatibility  
5031 of such existing software and systems with an integrated  
5032 management information system. The report shall be submitted no  
5033 later than December 1 of each year.

5034 Section 172. Paragraph (a) of subsection (8) of section  
5035 409.147, Florida Statutes, is amended to read:

5036 409.147 Children's initiatives.—

5037 (8) CREATION OF MIAMI CHILDREN'S INITIATIVE, INC.—

5038 (a) There is created within the Liberty City neighborhood  
5039 in Miami-Dade County a 10-year project that shall be managed by  
5040 an entity organized as a corporation not for profit which shall  
5041 be registered, incorporated, organized, and operated in  
5042 compliance with chapter 617. An entity may not be incorporated  
5043 until the governing body has adopted the resolution described in  
5044 subsection (4), has established the planning team as provided in  
5045 subsection (5), and has developed and adopted the strategic  
5046 community plan as provided in subsection (6). The corporation

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5047 shall be known as the Miami Children's Initiative, Inc., and  
5048 shall be administratively housed within the Department of  
5049 Children and Families ~~Family Services~~. However, Miami Children's  
5050 Initiative, Inc., is not subject to control, supervision, or  
5051 direction by the Department of Children and Families ~~Family~~  
5052 ~~Services~~ in any manner. The Legislature determines, however,  
5053 that public policy dictates that the corporation operate in the  
5054 most open and accessible manner consistent with its public  
5055 purpose. Therefore, the Legislature specifically declares that  
5056 the corporation is subject to chapter 119, relating to public  
5057 records, chapter 286, relating to public meetings and records,  
5058 and chapter 287, relating to procurement of commodities or  
5059 contractual services.

5060 Section 173. Section 409.153, Florida Statutes, is amended  
5061 to read:

5062 409.153 Implementation of Healthy Families Florida  
5063 program.—The Department of Children and Families ~~Family Services~~  
5064 shall contract with a private nonprofit corporation to implement  
5065 the Healthy Families Florida program. The private nonprofit  
5066 corporation shall be incorporated for the purpose of  
5067 identifying, funding, supporting, and evaluating programs and  
5068 community initiatives to improve the development and life  
5069 outcomes of children and to preserve and strengthen families  
5070 with a primary emphasis on prevention. The private nonprofit  
5071 corporation shall implement the program. The program shall work  
5072 in partnership with existing community-based home visitation and  
5073 family support resources to provide assistance to families in an  
5074 effort to prevent child abuse. The program shall be voluntary  
5075 for participants and shall require the informed consent of the

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5076 participants at the initial contact. The Kempe Family Stress  
5077 Checklist shall not be used.

5078 Section 174. Paragraph (d) of subsection (2) of section  
5079 409.166, Florida Statutes, is amended to read:

5080 409.166 Children within the child welfare system; adoption  
5081 assistance program.—

5082 (2) DEFINITIONS.—As used in this section, the term:

5083 (d) "Department" means the Department of Children and  
5084 Families ~~Family Services~~.

5085 Section 175. Subsection (1) of section 409.167, Florida  
5086 Statutes, is amended to read:

5087 409.167 Statewide adoption exchange; establishment;  
5088 responsibilities; registration requirements; rules.—

5089 (1) The Department of Children and Families ~~Family Services~~  
5090 shall establish, either directly or through purchase, a  
5091 statewide adoption exchange, with a photo listing component,  
5092 which shall serve all authorized licensed child-placing agencies  
5093 in the state as a means of recruiting adoptive families for  
5094 children who have been legally freed for adoption and who have  
5095 been permanently placed with the department or a licensed child-  
5096 placing agency. The exchange shall provide descriptions and  
5097 photographs of such children, as well as any other information  
5098 deemed useful in the recruitment of adoptive families for each  
5099 child. The photo listing component of the adoption exchange must  
5100 be updated monthly.

5101 Section 176. Paragraphs (a) and (e) of subsection (1),  
5102 paragraph (a) of subsection (5), and subsections (6) and (16) of  
5103 section 409.1671, Florida Statutes, are amended to read:

5104 409.1671 Foster care and related services; outsourcing.—



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5105           (1) (a) It is the intent of the Legislature that the  
5106 Department of Children and Families ~~Family Services~~ shall  
5107 outsource the provision of foster care and related services  
5108 statewide. It is further the Legislature's intent to encourage  
5109 communities and other stakeholders in the well-being of children  
5110 to participate in assuring that children are safe and well-  
5111 nurtured. However, while recognizing that some local governments  
5112 are presently funding portions of certain foster care and  
5113 related services programs and may choose to expand such funding  
5114 in the future, the Legislature does not intend by its  
5115 outsourcing of foster care and related services that any county,  
5116 municipality, or special district be required to assist in  
5117 funding programs that previously have been funded by the state.  
5118 Counties that provide children and family services with at least  
5119 40 licensed residential group care beds by July 1, 2003, and  
5120 provide at least \$2 million annually in county general revenue  
5121 funds to supplement foster and family care services shall  
5122 continue to contract directly with the state and shall be exempt  
5123 from the provisions of this section. Nothing in this paragraph  
5124 prohibits any county, municipality, or special district from  
5125 future voluntary funding participation in foster care and  
5126 related services. As used in this section, the term "outsource"  
5127 means to contract with competent, community-based agencies. The  
5128 department shall submit a plan to accomplish outsourcing  
5129 statewide, through a competitive process, phased in over a 3-  
5130 year period beginning January 1, 2000. This plan must be  
5131 developed with local community participation, including, but not  
5132 limited to, input from community-based providers that are  
5133 currently under contract with the department to furnish

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5134 community-based foster care and related services, and must  
5135 include a methodology for determining and transferring all  
5136 available funds, including federal funds that the provider is  
5137 eligible for and agrees to earn and that portion of general  
5138 revenue funds which is currently associated with the services  
5139 that are being furnished under contract. The methodology must  
5140 provide for the transfer of funds appropriated and budgeted for  
5141 all services and programs that have been incorporated into the  
5142 project, including all management, capital (including current  
5143 furniture and equipment), and administrative funds to accomplish  
5144 the transfer of these programs. This methodology must address  
5145 expected workload and at least the 3 previous years' experience  
5146 in expenses and workload. With respect to any district or  
5147 portion of a district in which outsourcing cannot be  
5148 accomplished within the 3-year timeframe, the department must  
5149 clearly state in its plan the reasons the timeframe cannot be  
5150 met and the efforts that should be made to remediate the  
5151 obstacles, which may include alternatives to total outsourcing,  
5152 such as public-private partnerships. As used in this section,  
5153 the term "related services" includes, but is not limited to,  
5154 family preservation, independent living, emergency shelter,  
5155 residential group care, foster care, therapeutic foster care,  
5156 intensive residential treatment, foster care supervision, case  
5157 management, postplacement supervision, permanent foster care,  
5158 and family reunification. Unless otherwise provided for, the  
5159 state attorney shall provide child welfare legal services,  
5160 pursuant to chapter 39 and other relevant provisions, in  
5161 Pinellas and Pasco Counties. When a private nonprofit agency has  
5162 received case management responsibilities, transferred from the

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5163 state under this section, for a child who is sheltered or found  
5164 to be dependent and who is assigned to the care of the  
5165 outsourcing project, the agency may act as the child's guardian  
5166 for the purpose of registering the child in school if a parent  
5167 or guardian of the child is unavailable and his or her  
5168 whereabouts cannot reasonably be ascertained. The private  
5169 nonprofit agency may also seek emergency medical attention for  
5170 such a child, but only if a parent or guardian of the child is  
5171 unavailable, his or her whereabouts cannot reasonably be  
5172 ascertained, and a court order for such emergency medical  
5173 services cannot be obtained because of the severity of the  
5174 emergency or because it is after normal working hours. However,  
5175 the provider may not consent to sterilization, abortion, or  
5176 termination of life support. If a child's parents' rights have  
5177 been terminated, the nonprofit agency shall act as guardian of  
5178 the child in all circumstances.

5179 (e) As used in this section, the term "eligible lead  
5180 community-based provider" means a single agency with which the  
5181 department shall contract for the provision of child protective  
5182 services in a community that is no smaller than a county. The  
5183 secretary of the department may authorize more than one eligible  
5184 lead community-based provider within a single county when to do  
5185 so will result in more effective delivery of foster care and  
5186 related services. To compete for an outsourcing project, such  
5187 agency must have:

5188 1. The ability to coordinate, integrate, and manage all  
5189 child protective services in the designated community in  
5190 cooperation with child protective investigations.

5191 2. The ability to ensure continuity of care from entry to

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5192 exit for all children referred from the protective investigation  
5193 and court systems.

5194 3. The ability to provide directly, or contract for through  
5195 a local network of providers, all necessary child protective  
5196 services. Such agencies should directly provide no more than 35  
5197 percent of all child protective services provided.

5198 4. The willingness to accept accountability for meeting the  
5199 outcomes and performance standards related to child protective  
5200 services established by the Legislature and the Federal  
5201 Government.

5202 5. The capability and the willingness to serve all children  
5203 referred to it from the protective investigation and court  
5204 systems, regardless of the level of funding allocated to the  
5205 community by the state, provided all related funding is  
5206 transferred.

5207 6. The willingness to ensure that each individual who  
5208 provides child protective services completes the training  
5209 required of child protective service workers by the Department  
5210 of Children and Families ~~Family Services~~.

5211 7. The ability to maintain eligibility to receive all  
5212 federal child welfare funds, including Title IV-E and IV-A  
5213 funds, currently being used by the Department of Children and  
5214 Families ~~Family Services~~.

5215 8. Written agreements with Healthy Families Florida lead  
5216 entities in their community, pursuant to s. 409.153, to promote  
5217 cooperative planning for the provision of prevention and  
5218 intervention services.

5219 9. A board of directors, of which at least 51 percent of  
5220 the membership is comprised of persons residing in this state.

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5221 Of the state residents, at least 51 percent must also reside  
5222 within the service area of the lead community-based provider.

5223 (5) (a) The community-based agency must comply with  
5224 statutory requirements and agency rules in the provision of  
5225 contractual services. Each foster home, therapeutic foster home,  
5226 emergency shelter, or other placement facility operated by the  
5227 community-based agency or agencies must be licensed by the  
5228 Department of Children and Families ~~Family Services~~ under  
5229 chapter 402 or this chapter. Each community-based agency must be  
5230 licensed as a child-caring or child-placing agency by the  
5231 department under this chapter. The department, in order to  
5232 eliminate or reduce the number of duplicate inspections by  
5233 various program offices, shall coordinate inspections required  
5234 pursuant to licensure of agencies under this section.

5235 (6) Beginning January 1, 1999, and continuing at least  
5236 through June 30, 2000, the Department of Children and Families  
5237 ~~Family Services~~ shall outsource all foster care and related  
5238 services in district 5 while continuing to contract with the  
5239 current model programs in districts 1, 4, and 13, and in  
5240 subdistrict 8A, and shall expand the subdistrict 8A pilot  
5241 program to incorporate Manatee County. Planning for the district  
5242 5 outsourcing shall be done by providers that are currently  
5243 under contract with the department for foster care and related  
5244 services and shall be done in consultation with the department.  
5245 A lead provider of the district 5 program shall be competitively  
5246 selected, must demonstrate the ability to provide necessary  
5247 comprehensive services through a local network of providers, and  
5248 must meet criteria established in this section. Contracts with  
5249 organizations responsible for the model programs must include

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5250 the management and administration of all outsourced services  
5251 specified in subsection (1). However, the department may use  
5252 funds for contract management only after obtaining written  
5253 approval from the Executive Office of the Governor. The request  
5254 for such approval must include, but is not limited to, a  
5255 statement of the proposed amount of such funds and a description  
5256 of the manner in which such funds will be used. If the  
5257 community-based organization selected for a model program under  
5258 this subsection is not a Medicaid provider, the organization  
5259 shall be issued a Medicaid provider number pursuant to s.  
5260 409.907 for the provision of services currently authorized under  
5261 the state Medicaid plan to those children encompassed in this  
5262 model and in a manner not to exceed the current level of state  
5263 expenditure.

5264 (16) A lead community-based provider and its subcontractors  
5265 are exempt from including in written contracts and other written  
5266 documents the statement "sponsored by the State of Florida" or  
5267 the logo of the Department of Children and Families ~~Family~~  
5268 ~~Services~~, otherwise required in s. 286.25, unless the lead  
5269 community-based provider or its subcontractors receive more than  
5270 35 percent of their total funding from the state.

5271 Section 177. Section 409.16715, Florida Statutes, is  
5272 amended to read:

5273 409.16715 Therapy treatments designed to mitigate out-of-  
5274 home placement for dependent children.—The Department of  
5275 Children and Families ~~Family Services~~ may serve dependent  
5276 children deemed to be in need of family-centered, cognitive-  
5277 behavioral interventions designed to mitigate out-of-home  
5278 placements. Treatment services may be evidenced-based with

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5279 family therapy and group therapy components for youth for whom  
5280 these services are appropriate. Dependent youth at risk of out-  
5281 of-home placement or currently within the foster care system are  
5282 eligible for these family therapy and group therapy services.  
5283 The services shall be provided as an alternative to specialized  
5284 therapeutic foster or group care. A child who has been  
5285 adjudicated delinquent, had adjudication withheld, or committed  
5286 any violent crime, except for females adjudicated delinquent for  
5287 domestic violence, any first-degree felony, or any felony  
5288 direct-filed in adult court, may not be served by the program.  
5289 The department and each participating dependency court may  
5290 jointly develop eligibility criteria to identify youth  
5291 appropriate for services in this program.

5292 Section 178. Section 409.16745, Florida Statutes, is  
5293 amended to read:

5294 409.16745 Community partnership matching grant program.—It  
5295 is the intent of the Legislature to improve services and local  
5296 participation in community-based care initiatives by fostering  
5297 community support and providing enhanced prevention and in-home  
5298 services, thereby reducing the risk otherwise faced by lead  
5299 agencies. There is established a community partnership matching  
5300 grant program to be operated by the Department of Children and  
5301 Families ~~Family Services~~ for the purpose of encouraging local  
5302 participation in community-based care for child welfare. Any  
5303 children's services council or other local government entity  
5304 that makes a financial commitment to a community-based care lead  
5305 agency is eligible for a grant upon proof that the children's  
5306 services council or local government entity has provided the  
5307 selected lead agency at least \$250,000 from any local resources

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5308 otherwise available to it. The total amount of local  
5309 contribution may be matched on a two-for-one basis up to a  
5310 maximum amount of \$2 million per council or local government  
5311 entity. Awarded matching grant funds may be used for any  
5312 prevention or in-home services provided by the children's  
5313 services council or other local government entity that meets  
5314 temporary-assistance-for-needy-families' eligibility  
5315 requirements and can be reasonably expected to reduce the number  
5316 of children entering the child welfare system. Funding available  
5317 for the matching grant program is subject to legislative  
5318 appropriation of nonrecurring funds provided for the purpose.

5319 Section 179. Subsection (1) of section 409.1675, Florida  
5320 Statutes, is amended to read:

5321 409.1675 Lead community-based providers; receivership.—

5322 (1) The Department of Children and Families ~~Family Services~~  
5323 may petition a court of competent jurisdiction for the  
5324 appointment of a receiver for a lead community-based provider  
5325 established pursuant to s. 409.1671 when any of the following  
5326 conditions exist:

5327 (a) The lead community-based provider is operating without  
5328 a license as a child-placing agency.

5329 (b) The lead community-based provider has given less than  
5330 120 days' notice of its intent to cease operations, and  
5331 arrangements have not been made for another lead community-based  
5332 provider or for the department to continue the uninterrupted  
5333 provision of services.

5334 (c) The department determines that conditions exist in the  
5335 lead community-based provider which present an imminent danger  
5336 to the health, safety, or welfare of the dependent children



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5337 under that provider's care or supervision. Whenever possible,  
5338 the department shall make a reasonable effort to facilitate the  
5339 continued operation of the program.

5340 (d) The lead community-based provider cannot meet its  
5341 current financial obligations to its employees, contractors, or  
5342 foster parents. Issuance of bad checks or the existence of  
5343 delinquent obligations for payment of salaries, utilities, or  
5344 invoices for essential services or commodities shall constitute  
5345 prima facie evidence that the lead community-based provider  
5346 lacks the financial ability to meet its financial obligations.

5347 Section 180. Subsection (1) of section 409.1676, Florida  
5348 Statutes, is amended to read:

5349 409.1676 Comprehensive residential group care services to  
5350 children who have extraordinary needs.—

5351 (1) It is the intent of the Legislature to provide  
5352 comprehensive residential group care services, including  
5353 residential care, case management, and other services, to  
5354 children in the child protection system who have extraordinary  
5355 needs. These services are to be provided in a residential group  
5356 care setting by a not-for-profit corporation or a local  
5357 government entity under a contract with the Department of  
5358 Children and Families ~~Family Services~~ or by a lead agency as  
5359 described in s. 409.1671. These contracts should be designed to  
5360 provide an identified number of children with access to a full  
5361 array of services for a fixed price. Further, it is the intent  
5362 of the Legislature that the Department of Children and Families  
5363 ~~Family Services~~ and the Department of Juvenile Justice establish  
5364 an interagency agreement by December 1, 2002, which describes  
5365 respective agency responsibilities for referral, placement,

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5366 service provision, and service coordination for dependent and  
5367 delinquent youth who are referred to these residential group  
5368 care facilities. The agreement must require interagency  
5369 collaboration in the development of terms, conditions, and  
5370 performance outcomes for residential group care contracts  
5371 serving the youth referred who have been adjudicated both  
5372 dependent and delinquent.

5373 Section 181. Subsection (2) of section 409.1679, Florida  
5374 Statutes, is amended to read:

5375 409.1679 Additional requirements; reimbursement  
5376 methodology.—

5377 (2) Notwithstanding the provisions of s. 409.141, the  
5378 Department of Children and Families ~~Family Services~~ shall fairly  
5379 and reasonably reimburse the programs established under ss.  
5380 409.1676 and 409.1677 based on a prospective per diem rate,  
5381 which must be specified annually in the General Appropriations  
5382 Act. Funding for these programs shall be made available from  
5383 resources appropriated and identified in the General  
5384 Appropriations Act.

5385 Section 182. Paragraph (a) of subsection (15) and  
5386 subsection (16) of section 409.175, Florida Statutes, are  
5387 amended to read:

5388 409.175 Licensure of family foster homes, residential  
5389 child-caring agencies, and child-placing agencies; public  
5390 records exemption.—

5391 (15) (a) The Division of Risk Management of the Department  
5392 of Financial Services shall provide coverage through the  
5393 Department of Children and Families ~~Family Services~~ to any  
5394 person who owns or operates a family foster home solely for the

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5395 Department of Children and Families ~~Family Services~~ and who is  
5396 licensed to provide family foster home care in her or his place  
5397 of residence. The coverage shall be provided from the general  
5398 liability account of the State Risk Management Trust Fund, and  
5399 the coverage shall be primary. The coverage is limited to  
5400 general liability claims arising from the provision of family  
5401 foster home care pursuant to an agreement with the department  
5402 and pursuant to guidelines established through policy, rule, or  
5403 statute. Coverage shall be limited as provided in ss. 284.38 and  
5404 284.385, and the exclusions set forth therein, together with  
5405 other exclusions as may be set forth in the certificate of  
5406 coverage issued by the trust fund, shall apply. A person covered  
5407 under the general liability account pursuant to this subsection  
5408 shall immediately notify the Division of Risk Management of the  
5409 Department of Financial Services of any potential or actual  
5410 claim.

5411 (16) (a)1. The following information held by the Department  
5412 of Children and Families ~~Family Services~~ regarding a foster  
5413 parent applicant and such applicant's spouse, minor child, and  
5414 other adult household member is exempt from s. 119.07(1) and s.  
5415 24(a), Art. I of the State Constitution:

5416 a. The home, business, work, child care, or school  
5417 addresses and telephone numbers;

5418 b. Birth dates;

5419 c. Medical records;

5420 d. The floor plan of the home; and

5421 e. Photographs of such persons.

5422 2. If a foster parent applicant does not receive a foster  
5423 parent license, the information made exempt pursuant to this

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5424 paragraph shall become public 5 years after the date of  
5425 application, except that medical records shall remain exempt  
5426 from s. 119.07(1) and s. 24(a), Art. I of the State  
5427 Constitution.

5428 3. This exemption applies to information made exempt by  
5429 this paragraph before, on, or after the effective date of the  
5430 exemption.

5431 (b)1. The following information held by the Department of  
5432 Children and Families ~~Family Services~~ regarding a licensed  
5433 foster parent and the foster parent's spouse, minor child, and  
5434 other adult household member is exempt from s. 119.07(1) and s.  
5435 24(a), Art. I of the State Constitution:

5436 a. The home, business, work, child care, or school  
5437 addresses and telephone numbers;

5438 b. Birth dates;

5439 c. Medical records;

5440 d. The floor plan of the home; and

5441 e. Photographs of such persons.

5442 2. If a foster parent's license is no longer active, the  
5443 information made exempt pursuant to this paragraph shall become  
5444 public 5 years after the expiration date of such foster parent's  
5445 foster care license except that:

5446 a. Medical records shall remain exempt from s. 119.07(1)  
5447 and s. 24(a), Art. I of the State Constitution.

5448 b. Exempt information regarding a licensed foster parent  
5449 who has become an adoptive parent and exempt information  
5450 regarding such foster parent's spouse, minor child, or other  
5451 adult household member shall remain exempt from s. 119.07(1) and  
5452 s. 24(a), Art. I of the State Constitution.

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5453           3. This exemption applies to information made exempt by  
5454 this paragraph before, on, or after the effective date of the  
5455 exemption.

5456           (c) The name, address, and telephone number of persons  
5457 providing character or neighbor references regarding foster  
5458 parent applicants or licensed foster parents held by the  
5459 Department of Children and Families ~~Family Services~~ are exempt  
5460 from s. 119.07(1) and s. 24(a), Art. I of the State  
5461 Constitution.

5462           Section 183. Paragraphs (a) and (b) of subsection (3) and  
5463 paragraph (a) of subsection (4) of section 409.1755, Florida  
5464 Statutes, are amended to read:

5465           409.1755 One Church, One Child of Florida Corporation Act;  
5466 creation; duties.—

5467           (3) CORPORATION AUTHORIZATION; DUTIES; POWERS.—

5468           (a) There is hereby authorized the "One Church, One Child  
5469 of Florida Corporation," which shall operate as a not-for-profit  
5470 corporation and shall be located within the Department of  
5471 Children and Families ~~Family Services~~ for administrative  
5472 purposes. The department shall provide administrative support  
5473 and services to the corporation to the extent requested by the  
5474 executive director and to the extent that resources are  
5475 available.

5476           (b) The corporation shall:

5477           1. Provide for community awareness and involvement by  
5478 utilizing the resources of black churches to help find permanent  
5479 homes for black children available for adoption.

5480           2. Develop, monitor, and evaluate projects designed to  
5481 address problems associated with the child welfare system,

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5482 especially those issues affecting black children.

5483         3. Develop beneficial programs that shall include, but not  
5484 be limited to, community education, cultural relations training,  
5485 family support, transition support groups, counseling, parenting  
5486 skills and education, legal and other adoption-related costs,  
5487 and any other activities that will enhance and support the  
5488 adopted child's transition into permanency.

5489         4. Provide training and technical assistance to community  
5490 organizations such as black churches, social service agencies,  
5491 and other organizations that assist in identifying prospective  
5492 parents willing to adopt.

5493         5. Provide, in conjunction with the Department of Children  
5494 and Families ~~Family Services~~, a summary to the Legislature by  
5495 September 1 of each year on the status of the corporation.

5496         6. Secure staff necessary to properly administer the  
5497 corporation. Staff costs shall be funded from general revenue,  
5498 grant funds, and state and private donations. The board of  
5499 directors is authorized to determine the number of staff  
5500 necessary to administer the corporation, but the staff shall  
5501 include, at a minimum, an executive director and a staff  
5502 assistant.

5503         (4) BOARD OF DIRECTORS.—

5504         (a) The One Church, One Child of Florida Corporation shall  
5505 operate subject to the supervision and approval of a board of  
5506 directors consisting of 23 members, with two directors  
5507 representing each service district of the Department of Children  
5508 and Families ~~Family Services~~ and one director who shall be an  
5509 at-large member.

5510         Section 184. Paragraphs (a) and (j) of subsection (4) of

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5511 section 409.221, Florida Statutes, are amended to read:

5512 409.221 Consumer-directed care program.—

5513 (4) CONSUMER-DIRECTED CARE.—

5514 (a) *Program established.*—The Agency for Health Care  
5515 Administration shall establish the consumer-directed care  
5516 program which shall be based on the principles of consumer  
5517 choice and control. The agency shall implement the program upon  
5518 federal approval. The agency shall establish interagency  
5519 cooperative agreements with and shall work with the Departments  
5520 of Elderly Affairs, Health, and Children and Families ~~Family~~  
5521 ~~Services~~ and the Agency for Persons with Disabilities to  
5522 implement and administer the program. The program shall allow  
5523 enrolled persons to choose the providers of services and to  
5524 direct the delivery of services, to best meet their long-term  
5525 care needs. The program must operate within the funds  
5526 appropriated by the Legislature.

5527 (j) *Rules; federal waivers.*—In order to implement this  
5528 section:

5529 1. The agency and the Departments of Elderly Affairs,  
5530 Health, and Children and Families ~~Family Services~~ and the Agency  
5531 for Persons with Disabilities are authorized to adopt and  
5532 enforce rules.

5533 2. The agency shall take all necessary action to ensure  
5534 state compliance with federal regulations. The agency shall  
5535 apply for any necessary federal waivers or waiver amendments  
5536 needed to implement the program.

5537 Section 185. Section 409.2355, Florida Statutes, is amended  
5538 to read:

5539 409.2355 Programs for prosecution of males over age 21 who

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5540 commit certain offenses involving girls under age 16.—Subject to  
5541 specific appropriated funds, the Department of Children and  
5542 Families ~~Family Services~~ is directed to establish a program by  
5543 which local communities, through the state attorney's office of  
5544 each judicial circuit, may apply for grants to fund innovative  
5545 programs for the prosecution of males over the age of 21 who  
5546 victimize girls under the age of 16 in violation of s. 794.011,  
5547 s. 794.05, s. 800.04, s. 827.04(3), or s. 847.0135(5).

5548 Section 186. Subsection (3) of section 409.2572, Florida  
5549 Statutes, is amended to read:

5550 409.2572 Cooperation.—

5551 (3) The Title IV-D staff of the department shall be  
5552 responsible for determining and reporting to the staff of the  
5553 Department of Children and Families ~~Family Services~~ acts of  
5554 noncooperation by applicants or recipients of public assistance.  
5555 Any person who applies for or is receiving public assistance  
5556 for, or who has the care, custody, or control of, a dependent  
5557 child and who without good cause fails or refuses to cooperate  
5558 with the department, a program attorney, or a prosecuting  
5559 attorney in the course of administering this chapter shall be  
5560 sanctioned by the Department of Children and Families ~~Family~~  
5561 ~~Services~~ pursuant to chapter 414 and is ineligible to receive  
5562 public assistance until such time as the department determines  
5563 cooperation has been satisfactory.

5564 Section 187. Section 409.2577, Florida Statutes, is amended  
5565 to read:

5566 409.2577 Parent locator service.—The department shall  
5567 establish a parent locator service to assist in locating parents  
5568 who have deserted their children and other persons liable for



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5569 support of dependent children. The department shall use all  
5570 sources of information available, including the Federal Parent  
5571 Locator Service, and may request and shall receive information  
5572 from the records of any person or the state or any of its  
5573 political subdivisions or any officer thereof. Any agency as  
5574 defined in s. 120.52, any political subdivision, and any other  
5575 person shall, upon request, provide the department any  
5576 information relating to location, salary, insurance, social  
5577 security, income tax, and employment history necessary to locate  
5578 parents who owe or potentially owe a duty of support pursuant to  
5579 Title IV-D of the Social Security Act. This provision shall  
5580 expressly take precedence over any other statutory nondisclosure  
5581 provision which limits the ability of an agency to disclose such  
5582 information, except that law enforcement information as provided  
5583 in s. 119.071(4)(d) is not required to be disclosed, and except  
5584 that confidential taxpayer information possessed by the  
5585 Department of Revenue shall be disclosed only to the extent  
5586 authorized in s. 213.053(16). Nothing in this section requires  
5587 the disclosure of information if such disclosure is prohibited  
5588 by federal law. Information gathered or used by the parent  
5589 locator service is confidential and exempt from the provisions  
5590 of s. 119.07(1). Additionally, the department is authorized to  
5591 collect any additional information directly bearing on the  
5592 identity and whereabouts of a person owing or asserted to be  
5593 owing an obligation of support for a dependent child. The  
5594 department shall, upon request, make information available only  
5595 to public officials and agencies of this state; political  
5596 subdivisions of this state, including any agency thereof  
5597 providing child support enforcement services to non-Title IV-D

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5598 clients; the parent owed support, legal guardian, attorney, or  
5599 agent of the child; and other states seeking to locate parents  
5600 who have deserted their children and other persons liable for  
5601 support of dependents, for the sole purpose of establishing,  
5602 modifying, or enforcing their liability for support, and shall  
5603 make such information available to the Department of Children  
5604 and Families ~~Family Services~~ for the purpose of diligent search  
5605 activities pursuant to chapter 39. If the department has  
5606 reasonable evidence of domestic violence or child abuse and the  
5607 disclosure of information could be harmful to the parent owed  
5608 support or the child of such parent, the child support program  
5609 director or designee shall notify the Department of Children and  
5610 Families ~~Family Services~~ and the Secretary of the United States  
5611 Department of Health and Human Services of this evidence. Such  
5612 evidence is sufficient grounds for the department to disapprove  
5613 an application for location services.

5614 Section 188. Section 409.2599, Florida Statutes, is amended  
5615 to read:

5616 409.2599 Data processing services; interagency agreement.—  
5617 The Department of Children and Families ~~Family Services~~ shall  
5618 provide to the child support enforcement program in the  
5619 Department of Revenue data processing services that meet the  
5620 standards for federal certification pursuant to an interagency  
5621 agreement.

5622 Section 189. Subsections (1) and (2) of section 409.285,  
5623 Florida Statutes, are amended to read:

5624 409.285 Opportunity for hearing and appeal.—

5625 (1) If an application for public assistance is not acted  
5626 upon within a reasonable time after the filing of the

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5627 application, or is denied in whole or in part, or if an  
5628 assistance payment is modified or canceled, the applicant or  
5629 recipient may appeal the decision to the Department of Children  
5630 and Families ~~Family Services~~ in the manner and form prescribed  
5631 by the department.

5632 (2) The hearing authority may be the Secretary of Children  
5633 and Families ~~Family Services~~, a panel of department officials,  
5634 or a hearing officer appointed for that purpose. The hearing  
5635 authority is responsible for a final administrative decision in  
5636 the name of the department on all issues that have been the  
5637 subject of a hearing. With regard to the department, the  
5638 decision of the hearing authority is final and binding. The  
5639 department is responsible for seeing that the decision is  
5640 carried out promptly.

5641 Section 190. Subsections (1) and (2) of section 409.403,  
5642 Florida Statutes, are amended to read:

5643 409.403 Definitions; Interstate Compact on the Placement of  
5644 Children.—

5645 (1) The "appropriate public authorities" as used in Article  
5646 III of the Interstate Compact on the Placement of Children  
5647 shall, with reference to this state, mean the Department of  
5648 Children and Families ~~Family Services~~, and said department shall  
5649 receive and act with reference to notices required by said  
5650 Article III.

5651 (2) As used in paragraph (a) of Article V of the Interstate  
5652 Compact on the Placement of Children, the phrase "appropriate  
5653 authority in the receiving state" with reference to this state  
5654 shall mean the Department of Children and Families ~~Family~~  
5655 ~~Services~~.

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5656 Section 191. Subsection (1) of section 409.404, Florida  
5657 Statutes, is amended to read:

5658 409.404 Agreements between party state officers and  
5659 agencies.—

5660 (1) The officers and agencies of this state and its  
5661 subdivisions having authority to place children are hereby  
5662 empowered to enter into agreements with appropriate officers or  
5663 agencies of or in other party states pursuant to paragraph (b)  
5664 of Article V of the Interstate Compact on the Placement of  
5665 Children, s. 409.401. Any such agreement which contains a  
5666 financial commitment or imposes a financial obligation on this  
5667 state or subdivision or agency thereof shall not be binding  
5668 unless it has the approval in writing of the Secretary of  
5669 Children and Families ~~Family Services~~ in the case of the state.

5670 Section 192. Section 409.406, Florida Statutes, is amended  
5671 to read:

5672 409.406 Interstate Compact on Adoption and Medical  
5673 Assistance.—The Interstate Compact on Adoption and Medical  
5674 Assistance is enacted into law and entered into with all other  
5675 jurisdictions legally joining therein in form substantially as  
5676 follows:

5677  
5678 INTERSTATE COMPACT ON  
5679 ADOPTION AND MEDICAL ASSISTANCE

5680  
5681 ARTICLE I. Findings

5682  
5683 The Legislature finds that:

5684 (a) Special measures are required to find adoptive families

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5685 for children for whom state assistance is desirable pursuant to  
5686 s. 409.166 and to assure the protection of the interest of the  
5687 children affected during the entire assistance period when the  
5688 adoptive parents move to another state or are residents of  
5689 another state.

5690 (b) The providers of medical and other necessary services  
5691 for children who benefit from state assistance encounter special  
5692 difficulties when the provision of services takes place in other  
5693 states.

5694

5695 ARTICLE II. Purposes

5696

5697 The purposes of the act are to:

5698 (a) Authorize the Department of Children and Families  
5699 ~~Family Services~~ to enter into interstate agreements with  
5700 agencies of other states to protect children for whom it  
5701 provides adoption assistance.

5702 (b) Provide procedures for interstate children's adoption-  
5703 assistance payments, including medical payments.

5704

5705 ARTICLE III. Definitions

5706

5707 As used in this compact, the term:

5708 (a) "Agency" means the Agency for Health Care  
5709 Administration.

5710 (b) "Department" means the Florida Department of Children  
5711 and Families ~~Family Services~~.

5712 (c) "State" means a state of the United States, the  
5713 District of Columbia, the Commonwealth of Puerto Rico, the

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5714 United States Virgin Islands, Guam, the Commonwealth of the  
5715 Northern Mariana Islands, or a territory or possession of or  
5716 administered by the United States.

5717 (d) "Adoption-assistance state" means the state that is  
5718 signatory to an adoption-assistance agreement in a particular  
5719 case.

5720 (e) "Residence state" means the state where the child  
5721 resides.

5722 (f) "Medical assistance" means the medical-assistance  
5723 program authorized by Title XIX of the Social Security Act.

5724

5725 ARTICLE IV. Compacts Authorized

5726

5727 The Department of Children and Families ~~Family Services~~, by  
5728 and through its secretary, may participate in the development of  
5729 and negotiate and enter into interstate compacts on behalf of  
5730 this state with other states to implement the purposes of this  
5731 act. Such a compact has the force and effect of law.

5732

5733 ARTICLE V. Contents of Compacts

5734

5735 A compact entered into under this act must have the  
5736 following content:

5737 (a) A provision making it available for joinder by all  
5738 states;

5739 (b) A provision for withdrawal from the compact upon  
5740 written notice to the parties, but with a period of 1 year  
5741 between the date of the notice and the effective date of the  
5742 withdrawal;

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5743 (c) A requirement that the protections afforded under the  
5744 compact continue in force for the duration of the adoption  
5745 assistance and are applicable to all children and their adoptive  
5746 parents who, on the effective date of the withdrawal, are  
5747 receiving adoption assistance from a party state other than the  
5748 one in which they are residents and have their principal place  
5749 of abode;

5750 (d) A requirement that each instance of adoption assistance  
5751 to which the compact applies be covered by an adoption-  
5752 assistance agreement in writing between the adoptive parents and  
5753 the state child welfare agency of the state which undertakes to  
5754 provide the adoption assistance and, further, that any such  
5755 agreement be expressly for the benefit of the adopted child and  
5756 enforceable by the adoptive parents and the state agency  
5757 providing the adoption assistance; and

5758 (e) Such other provisions as are appropriate to the proper  
5759 administration of the compact.

5760  
5761 ARTICLE VI. Optional Contents  
5762 of Compacts  
5763

5764 A compact entered into under this section may contain  
5765 provisions in addition to those required by Article V, as  
5766 follows:

5767 (a) Provisions establishing procedures and entitlement to  
5768 medical and other necessary social services for the child in  
5769 accordance with applicable laws, even though the child and the  
5770 adoptive parents are in a state other than the one responsible  
5771 for or providing the services, or the funds to defray part or

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5772 all of the costs thereof; and

5773 (b) Such other provisions as are appropriate or incidental  
5774 to the proper administration of the compact.

5775

5776 ARTICLE VII. Medical Assistance

5777

5778 (a) A child with special needs who is a resident of this  
5779 state and who is the subject of an adoption-assistance agreement  
5780 with another state is entitled to receive a medical-assistance  
5781 identification from this state upon the filing with the agency  
5782 of a certified copy of the adoption-assistance agreement  
5783 obtained from the adoption-assistance state. Pursuant to rules  
5784 of the agency, the adoptive parents shall at least annually show  
5785 that the agreement is still in force or has been renewed.

5786 (b) The terms of the compact entered into by the department  
5787 apply to children who are the subject of federal adoption-  
5788 assistance agreements. The state will provide the benefits under  
5789 this section to children who are the subject of a state  
5790 adoption-assistance agreement, upon the determination by the  
5791 department and the agency that the adoption-assistance state is  
5792 a party to the compact and has reciprocity in provision of  
5793 medical assistance to state adoption-assistance children.

5794 (c) The agency shall consider the holder of a medical-  
5795 assistance identification pursuant to this section as any other  
5796 holder of a medical-assistance identification under the laws of  
5797 this state and shall process and make payment on claims on  
5798 behalf of such holder in the same manner and under the same  
5799 conditions and procedures established for other recipients of  
5800 medical assistance.



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5801 (d) The provisions of this article apply only to medical  
5802 assistance for children under adoption-assistance agreements  
5803 from a state that has entered into a compact with this state  
5804 under which the other state provided medical assistance to  
5805 children with special needs under adoption-assistance agreements  
5806 made by this state. All other children entitled to medical  
5807 assistance pursuant to an adoption-assistance agreement entered  
5808 into by this state are eligible to receive such assistance under  
5809 the laws and procedures applicable thereto.

5810 (e) The department shall adopt rules necessary for  
5811 administering this section.

5812

5813 ARTICLE VIII. Federal Participation

5814

5815 Consistent with federal law, the department and the agency,  
5816 in administering this act and any compact pursuant to this act,  
5817 must include in any state plan made pursuant to the Adoption  
5818 Assistance and Child Welfare Act of 1980 (Pub. L. No. 96-272),  
5819 Titles IV(E) and XIX of the Social Security Act, and any other  
5820 applicable federal laws, the provision of adoption assistance  
5821 and medical assistance for which the Federal Government pays  
5822 some or all of the cost. The department and the agency shall  
5823 apply for and administer all relevant federal aid in accordance  
5824 with law.

5825 Section 193. Section 409.407, Florida Statutes, is amended  
5826 to read:

5827 409.407 Interstate agreements between the Department of  
5828 Children and Families ~~Family Services~~ and agencies of other  
5829 states.—The Department of Children and Families ~~Family Services~~,

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5830 which is authorized to enter into interstate agreements with  
5831 agencies of other states for the implementation of the purposes  
5832 of the Interstate Compact on Adoption and Medical Assistance  
5833 pursuant to s. 409.406, may not expand the financial commitment  
5834 of the state beyond the financial obligation of the adoption-  
5835 assistance agreements and Medicaid.

5836 Section 194. Section 409.4101, Florida Statutes, is amended  
5837 to read:

5838 409.4101 Rulemaking authority.—Following entry into the new  
5839 Interstate Compact for the Placement of Children by this state  
5840 pursuant to ss. 409.408 and 409.409, any rules adopted by the  
5841 Interstate Commission shall not be binding unless also adopted  
5842 by this state through the rulemaking process. The Department of  
5843 Children and Families ~~Family Services~~ shall have rulemaking  
5844 authority pursuant to ss. 120.536(1) and 120.54 to implement the  
5845 provisions of the Interstate Compact for the Placement of  
5846 Children created under s. 409.408.

5847 Section 195. Paragraph (a) of subsection (2) of section  
5848 409.441, Florida Statutes, is amended to read:

5849 409.441 Runaway youth programs and centers.—

5850 (2) DEFINITIONS.—

5851 (a) "Department" means the Department of Children and  
5852 Families ~~Family Services~~.

5853 Section 196. Subsection (2) of section 409.813, Florida  
5854 Statutes, is amended to read:

5855 409.813 Health benefits coverage; program components;  
5856 entitlement and nonentitlement.—

5857 (2) Except for Title XIX-funded Florida Kidcare program  
5858 coverage under the Medicaid program, coverage under the Florida

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5859 Kidcare program is not an entitlement. No cause of action shall  
5860 arise against the state, the department, the Department of  
5861 Children and Families ~~Family Services~~, or the agency for failure  
5862 to make health services available to any person under ss.  
5863 409.810-409.821.

5864 Section 197. Section 409.8135, Florida Statutes, is amended  
5865 to read:

5866 409.8135 Behavioral health services.—In order to ensure a  
5867 high level of integration of physical and behavioral health care  
5868 and to meet the more intensive treatment needs of enrollees with  
5869 the most serious emotional disturbances or substance abuse  
5870 problems, the Department of Health shall contract with the  
5871 Department of Children and Families ~~Family Services~~ to provide  
5872 behavioral health services to non-Medicaid-eligible children  
5873 with special health care needs. The Department of Children and  
5874 Families ~~Family Services~~, in consultation with the Department of  
5875 Health and the agency, is authorized to establish the following:

5876 (1) The scope of behavioral health services, including  
5877 duration and frequency.

5878 (2) Clinical guidelines for referral to behavioral health  
5879 services.

5880 (3) Behavioral health services standards.

5881 (4) Performance-based measures and outcomes for behavioral  
5882 health services.

5883 (5) Practice guidelines for behavioral health services to  
5884 ensure cost-effective treatment and to prevent unnecessary  
5885 expenditures.

5886 (6) Rules to implement this section.

5887 Section 198. Subsection (1) of section 409.8177, Florida

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5888 Statutes, is amended to read:

5889 409.8177 Program evaluation.—

5890 (1) The agency, in consultation with the Department of  
5891 Health, the Department of Children and Families ~~Family Services~~,  
5892 and the Florida Healthy Kids Corporation, shall contract for an  
5893 evaluation of the Florida Kidcare program and shall by January 1  
5894 of each year submit to the Governor, the President of the  
5895 Senate, and the Speaker of the House of Representatives a report  
5896 of the program. In addition to the items specified under s. 2108  
5897 of Title XXI of the Social Security Act, the report shall  
5898 include an assessment of crowd-out and access to health care, as  
5899 well as the following:

5900 (a) An assessment of the operation of the program,  
5901 including the progress made in reducing the number of uncovered  
5902 low-income children.

5903 (b) An assessment of the effectiveness in increasing the  
5904 number of children with creditable health coverage, including an  
5905 assessment of the impact of outreach.

5906 (c) The characteristics of the children and families  
5907 assisted under the program, including ages of the children,  
5908 family income, and access to or coverage by other health  
5909 insurance prior to the program and after disenrollment from the  
5910 program.

5911 (d) The quality of health coverage provided, including the  
5912 types of benefits provided.

5913 (e) The amount and level, including payment of part or all  
5914 of any premium, of assistance provided.

5915 (f) The average length of coverage of a child under the  
5916 program.

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5917 (g) The program's choice of health benefits coverage and  
5918 other methods used for providing child health assistance.

5919 (h) The sources of nonfederal funding used in the program.

5920 (i) An assessment of the effectiveness of the Florida  
5921 Kidcare program, including Medicaid, the Florida Healthy Kids  
5922 program, Medikids, and the Children's Medical Services network,  
5923 and other public and private programs in the state in increasing  
5924 the availability of affordable quality health insurance and  
5925 health care for children.

5926 (j) A review and assessment of state activities to  
5927 coordinate the program with other public and private programs.

5928 (k) An analysis of changes and trends in the state that  
5929 affect the provision of health insurance and health care to  
5930 children.

5931 (l) A description of any plans the state has for improving  
5932 the availability of health insurance and health care for  
5933 children.

5934 (m) Recommendations for improving the program.

5935 (n) Other studies as necessary.

5936 Section 199. Subsection (1), paragraphs (a), (b), and (c)  
5937 of subsection (2), and subsection (6) of section 409.818,  
5938 Florida Statutes, are amended to read:

5939 409.818 Administration.—In order to implement ss. 409.810-  
5940 409.821, the following agencies shall have the following duties:

5941 (1) The Department of Children and Families ~~Family Services~~  
5942 shall:

5943 (a) Develop a simplified eligibility application mail-in  
5944 form to be used for determining the eligibility of children for  
5945 coverage under the Florida Kidcare program, in consultation with

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5946 the agency, the Department of Health, and the Florida Healthy  
5947 Kids Corporation. The simplified eligibility application form  
5948 must include an item that provides an opportunity for the  
5949 applicant to indicate whether coverage is being sought for a  
5950 child with special health care needs. Families applying for  
5951 children's Medicaid coverage must also be able to use the  
5952 simplified application form without having to pay a premium.

5953 (b) Establish and maintain the eligibility determination  
5954 process under the program except as specified in subsection (5).  
5955 The department shall directly, or through the services of a  
5956 contracted third-party administrator, establish and maintain a  
5957 process for determining eligibility of children for coverage  
5958 under the program. The eligibility determination process must be  
5959 used solely for determining eligibility of applicants for health  
5960 benefits coverage under the program. The eligibility  
5961 determination process must include an initial determination of  
5962 eligibility for any coverage offered under the program, as well  
5963 as a redetermination or reverification of eligibility each  
5964 subsequent 6 months. Effective January 1, 1999, a child who has  
5965 not attained the age of 5 and who has been determined eligible  
5966 for the Medicaid program is eligible for coverage for 12 months  
5967 without a redetermination or reverification of eligibility. In  
5968 conducting an eligibility determination, the department shall  
5969 determine if the child has special health care needs. The  
5970 department, in consultation with the Agency for Health Care  
5971 Administration and the Florida Healthy Kids Corporation, shall  
5972 develop procedures for redetermining eligibility which enable a  
5973 family to easily update any change in circumstances which could  
5974 affect eligibility. The department may accept changes in a

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5975 family's status as reported to the department by the Florida  
5976 Healthy Kids Corporation without requiring a new application  
5977 from the family. Redetermination of a child's eligibility for  
5978 Medicaid may not be linked to a child's eligibility  
5979 determination for other programs.

5980 (c) Inform program applicants about eligibility  
5981 determinations and provide information about eligibility of  
5982 applicants to the Florida Kidcare program and to insurers and  
5983 their agents, through a centralized coordinating office.

5984 (d) Adopt rules necessary for conducting program  
5985 eligibility functions.

5986 (2) The Department of Health shall:

5987 (a) Design an eligibility intake process for the program,  
5988 in coordination with the Department of Children and Families  
5989 ~~Family Services~~, the agency, and the Florida Healthy Kids  
5990 Corporation. The eligibility intake process may include local  
5991 intake points that are determined by the Department of Health in  
5992 coordination with the Department of Children and Families ~~Family~~  
5993 ~~Services~~.

5994 (b) Chair a state-level Florida Kidcare coordinating  
5995 council to review and make recommendations concerning the  
5996 implementation and operation of the program. The coordinating  
5997 council shall include representatives from the department, the  
5998 Department of Children and Families ~~Family Services~~, the agency,  
5999 the Florida Healthy Kids Corporation, the Office of Insurance  
6000 Regulation of the Financial Services Commission, local  
6001 government, health insurers, health maintenance organizations,  
6002 health care providers, families participating in the program,  
6003 and organizations representing low-income families.

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6004 (c) In consultation with the Florida Healthy Kids  
6005 Corporation and the Department of Children and Families ~~Family~~  
6006 ~~Services~~, establish a toll-free telephone line to assist  
6007 families with questions about the program.

6008 (6) The agency, the Department of Health, the Department of  
6009 Children and Families ~~Family Services~~, the Florida Healthy Kids  
6010 Corporation, and the Office of Insurance Regulation, after  
6011 consultation with and approval of the Speaker of the House of  
6012 Representatives and the President of the Senate, are authorized  
6013 to make program modifications that are necessary to overcome any  
6014 objections of the United States Department of Health and Human  
6015 Services to obtain approval of the state's child health  
6016 insurance plan under Title XXI of the Social Security Act.

6017 Section 200. Subsections (1) and (3) of section 409.821,  
6018 Florida Statutes, are amended to read:

6019 409.821 Florida Kidcare program public records exemption.—

6020 (1) Personal identifying information of a Florida Kidcare  
6021 program applicant or enrollee, as defined in s. 409.811, held by  
6022 the Agency for Health Care Administration, the Department of  
6023 Children and Families ~~Family Services~~, the Department of Health,  
6024 or the Florida Healthy Kids Corporation is confidential and  
6025 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
6026 Constitution.

6027 (3) This exemption applies to any information identifying a  
6028 Florida Kidcare program applicant or enrollee held by the Agency  
6029 for Health Care Administration, the Department of Children and  
6030 Families ~~Family Services~~, the Department of Health, or the  
6031 Florida Healthy Kids Corporation before, on, or after the  
6032 effective date of this exemption.



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6033 Section 201. Subsections (3), (16), and (19) of section  
6034 409.901, Florida Statutes, are amended to read:

6035 409.901 Definitions; ss. 409.901-409.920.—As used in ss.  
6036 409.901-409.920, except as otherwise specifically provided, the  
6037 term:

6038 (3) "Applicant" means an individual whose written  
6039 application for medical assistance provided by Medicaid under  
6040 ss. 409.903-409.906 has been submitted to the Department of  
6041 Children and Families ~~Family Services~~, or to the Social Security  
6042 Administration if the application is for Supplemental Security  
6043 Income, but has not received final action. This term includes an  
6044 individual, who need not be alive at the time of application,  
6045 whose application is submitted through a representative or a  
6046 person acting for the individual.

6047 (16) "Medicaid program" means the program authorized under  
6048 Title XIX of the federal Social Security Act which provides for  
6049 payments for medical items or services, or both, on behalf of  
6050 any person who is determined by the Department of Children and  
6051 Families ~~Family Services~~, or, for Supplemental Security Income,  
6052 by the Social Security Administration, to be eligible on the  
6053 date of service for Medicaid assistance.

6054 (19) "Medicaid recipient" or "recipient" means an  
6055 individual whom the Department of Children and Families ~~Family~~  
6056 ~~Services~~, or, for Supplemental Security Income, by the Social  
6057 Security Administration, determines is eligible, pursuant to  
6058 federal and state law, to receive medical assistance and related  
6059 services for which the agency may make payments under the  
6060 Medicaid program. For the purposes of determining third-party  
6061 liability, the term includes an individual formerly determined

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6062 to be eligible for Medicaid, an individual who has received  
6063 medical assistance under the Medicaid program, or an individual  
6064 on whose behalf Medicaid has become obligated.

6065 Section 202. Subsection (1) and paragraphs (a) and (b) of  
6066 subsection (8) of section 409.902, Florida Statutes, are amended  
6067 to read:

6068 409.902 Designated single state agency; payment  
6069 requirements; program title; release of medical records.—

6070 (1) The Agency for Health Care Administration is designated  
6071 as the single state agency authorized to make payments for  
6072 medical assistance and related services under Title XIX of the  
6073 Social Security Act. These payments shall be made, subject to  
6074 any limitations or directions provided for in the General  
6075 Appropriations Act, only for services included in the program,  
6076 shall be made only on behalf of eligible individuals, and shall  
6077 be made only to qualified providers in accordance with federal  
6078 requirements for Title XIX of the Social Security Act and the  
6079 provisions of state law. This program of medical assistance is  
6080 designated the "Medicaid program." The Department of Children  
6081 and Families ~~Family Services~~ is responsible for Medicaid  
6082 eligibility determinations, including, but not limited to,  
6083 policy, rules, and the agreement with the Social Security  
6084 Administration for Medicaid eligibility determinations for  
6085 Supplemental Security Income recipients, as well as the actual  
6086 determination of eligibility. As a condition of Medicaid  
6087 eligibility, subject to federal approval, the Agency for Health  
6088 Care Administration and the Department of Children and Families  
6089 ~~Family Services~~ shall ensure that each recipient of Medicaid  
6090 consents to the release of her or his medical records to the

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6091 Agency for Health Care Administration and the Medicaid Fraud  
6092 Control Unit of the Department of Legal Affairs.

6093 (8) The department shall implement the following project  
6094 governance structure until the system is implemented:

6095 (a) The Secretary of Children and Families ~~Family Services~~  
6096 shall have overall responsibility for the project.

6097 (b) The project shall be governed by an executive steering  
6098 committee composed of three department staff members appointed  
6099 by the Secretary of Children and Families ~~Family Services~~; three  
6100 agency staff members, including at least two state Medicaid  
6101 program staff members, appointed by the Secretary of the Agency  
6102 for Health Care Administration; one staff member from Children's  
6103 Medical Services within the Department of Health appointed by  
6104 the Surgeon General; and a representative from the Florida  
6105 Healthy Kids Corporation.

6106 Section 203. Section 409.90201, Florida Statutes, is  
6107 amended to read:

6108 409.90201 Recipient address update process.—The Agency for  
6109 Health Care Administration and the Department of Children and  
6110 Families ~~Family Services~~, in consultation with hospitals and  
6111 nursing homes that serve Medicaid recipients, shall develop a  
6112 process to update a recipient's address in the Medicaid  
6113 eligibility system at the time a recipient is admitted to a  
6114 hospital or nursing home. If a recipient's address information  
6115 in the Medicaid eligibility system needs to be updated, the  
6116 update shall be completed within 10 days after the recipient's  
6117 admission to a hospital or nursing home.

6118 Section 204. Section 409.903, Florida Statutes, is amended  
6119 to read:

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6120           409.903 Mandatory payments for eligible persons.—The agency  
6121 shall make payments for medical assistance and related services  
6122 on behalf of the following persons who the department, or the  
6123 Social Security Administration by contract with the Department  
6124 of Children and Families ~~Family Services~~, determines to be  
6125 eligible, subject to the income, assets, and categorical  
6126 eligibility tests set forth in federal and state law. Payment on  
6127 behalf of these Medicaid eligible persons is subject to the  
6128 availability of moneys and any limitations established by the  
6129 General Appropriations Act or chapter 216.

6130           (1) Low-income families with children are eligible for  
6131 Medicaid provided they meet the following requirements:

6132           (a) The family includes a dependent child who is living  
6133 with a caretaker relative.

6134           (b) The family's income does not exceed the gross income  
6135 test limit.

6136           (c) The family's countable income and resources do not  
6137 exceed the applicable Aid to Families with Dependent Children  
6138 (AFDC) income and resource standards under the AFDC state plan  
6139 in effect in July 1996, except as amended in the Medicaid state  
6140 plan to conform as closely as possible to the requirements of  
6141 the welfare transition program, to the extent permitted by  
6142 federal law.

6143           (2) A person who receives payments from, who is determined  
6144 eligible for, or who was eligible for but lost cash benefits  
6145 from the federal program known as the Supplemental Security  
6146 Income program (SSI). This category includes a low-income person  
6147 age 65 or over and a low-income person under age 65 considered  
6148 to be permanently and totally disabled.

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6149 (3) A child under age 21 living in a low-income, two-parent  
6150 family, and a child under age 7 living with a nonrelative, if  
6151 the income and assets of the family or child, as applicable, do  
6152 not exceed the resource limits under the Temporary Cash  
6153 Assistance Program.

6154 (4) A child who is eligible under Title IV-E of the Social  
6155 Security Act for subsidized board payments, foster care, or  
6156 adoption subsidies, and a child for whom the state has assumed  
6157 temporary or permanent responsibility and who does not qualify  
6158 for Title IV-E assistance but is in foster care, shelter or  
6159 emergency shelter care, or subsidized adoption. This category  
6160 includes a young adult who is eligible to receive services under  
6161 s. 409.1451, until the young adult reaches 21 years of age,  
6162 without regard to any income, resource, or categorical  
6163 eligibility test that is otherwise required. This category also  
6164 includes a person who as a child was eligible under Title IV-E  
6165 of the Social Security Act for foster care or the state-provided  
6166 foster care and who is a participant in the Road-to-Independence  
6167 Program.

6168 (5) A pregnant woman for the duration of her pregnancy and  
6169 for the postpartum period as defined in federal law and rule, or  
6170 a child under age 1, if either is living in a family that has an  
6171 income which is at or below 150 percent of the most current  
6172 federal poverty level, or, effective January 1, 1992, that has  
6173 an income which is at or below 185 percent of the most current  
6174 federal poverty level. Such a person is not subject to an assets  
6175 test. Further, a pregnant woman who applies for eligibility for  
6176 the Medicaid program through a qualified Medicaid provider must  
6177 be offered the opportunity, subject to federal rules, to be made

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6178 presumptively eligible for the Medicaid program.

6179 (6) A child born after September 30, 1983, living in a  
6180 family that has an income which is at or below 100 percent of  
6181 the current federal poverty level, who has attained the age of  
6182 6, but has not attained the age of 19. In determining the  
6183 eligibility of such a child, an assets test is not required. A  
6184 child who is eligible for Medicaid under this subsection must be  
6185 offered the opportunity, subject to federal rules, to be made  
6186 presumptively eligible. A child who has been deemed  
6187 presumptively eligible for Medicaid shall not be enrolled in a  
6188 managed care plan until the child's full eligibility  
6189 determination for Medicaid has been completed.

6190 (7) A child living in a family that has an income which is  
6191 at or below 133 percent of the current federal poverty level,  
6192 who has attained the age of 1, but has not attained the age of  
6193 6. In determining the eligibility of such a child, an assets  
6194 test is not required. A child who is eligible for Medicaid under  
6195 this subsection must be offered the opportunity, subject to  
6196 federal rules, to be made presumptively eligible. A child who  
6197 has been deemed presumptively eligible for Medicaid shall not be  
6198 enrolled in a managed care plan until the child's full  
6199 eligibility determination for Medicaid has been completed.

6200 (8) A person who is age 65 or over or is determined by the  
6201 agency to be disabled, whose income is at or below 100 percent  
6202 of the most current federal poverty level and whose assets do  
6203 not exceed limitations established by the agency. However, the  
6204 agency may only pay for premiums, coinsurance, and deductibles,  
6205 as required by federal law, unless additional coverage is  
6206 provided for any or all members of this group by s. 409.904(1).

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6207 Section 205. Paragraph (a) of subsection (8), paragraph (d)  
6208 of subsection (13), and subsection (24) of section 409.906,  
6209 Florida Statutes, are amended to read:

6210 409.906 Optional Medicaid services.—Subject to specific  
6211 appropriations, the agency may make payments for services which  
6212 are optional to the state under Title XIX of the Social Security  
6213 Act and are furnished by Medicaid providers to recipients who  
6214 are determined to be eligible on the dates on which the services  
6215 were provided. Any optional service that is provided shall be  
6216 provided only when medically necessary and in accordance with  
6217 state and federal law. Optional services rendered by providers  
6218 in mobile units to Medicaid recipients may be restricted or  
6219 prohibited by the agency. Nothing in this section shall be  
6220 construed to prevent or limit the agency from adjusting fees,  
6221 reimbursement rates, lengths of stay, number of visits, or  
6222 number of services, or making any other adjustments necessary to  
6223 comply with the availability of moneys and any limitations or  
6224 directions provided for in the General Appropriations Act or  
6225 chapter 216. If necessary to safeguard the state's systems of  
6226 providing services to elderly and disabled persons and subject  
6227 to the notice and review provisions of s. 216.177, the Governor  
6228 may direct the Agency for Health Care Administration to amend  
6229 the Medicaid state plan to delete the optional Medicaid service  
6230 known as "Intermediate Care Facilities for the Developmentally  
6231 Disabled." Optional services may include:

6232 (8) COMMUNITY MENTAL HEALTH SERVICES.—

6233 (a) The agency may pay for rehabilitative services provided  
6234 to a recipient by a mental health or substance abuse provider  
6235 under contract with the agency or the Department of Children and

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6236 Families ~~Family Services~~ to provide such services. Those  
6237 services which are psychiatric in nature shall be rendered or  
6238 recommended by a psychiatrist, and those services which are  
6239 medical in nature shall be rendered or recommended by a  
6240 physician or psychiatrist. The agency must develop a provider  
6241 enrollment process for community mental health providers which  
6242 bases provider enrollment on an assessment of service need. The  
6243 provider enrollment process shall be designed to control costs,  
6244 prevent fraud and abuse, consider provider expertise and  
6245 capacity, and assess provider success in managing utilization of  
6246 care and measuring treatment outcomes. Providers will be  
6247 selected through a competitive procurement or selective  
6248 contracting process. In addition to other community mental  
6249 health providers, the agency shall consider for enrollment  
6250 mental health programs licensed under chapter 395 and group  
6251 practices licensed under chapter 458, chapter 459, chapter 490,  
6252 or chapter 491. The agency is also authorized to continue  
6253 operation of its behavioral health utilization management  
6254 program and may develop new services if these actions are  
6255 necessary to ensure savings from the implementation of the  
6256 utilization management system. The agency shall coordinate the  
6257 implementation of this enrollment process with the Department of  
6258 Children and Families ~~Family Services~~ and the Department of  
6259 Juvenile Justice. The agency is authorized to utilize diagnostic  
6260 criteria in setting reimbursement rates, to preauthorize certain  
6261 high-cost or highly utilized services, to limit or eliminate  
6262 coverage for certain services, or to make any other adjustments  
6263 necessary to comply with any limitations or directions provided  
6264 for in the General Appropriations Act.



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6265 (13) HOME AND COMMUNITY-BASED SERVICES.—

6266 (d) The agency shall request federal approval to develop a  
6267 system to require payment of premiums or other cost sharing by  
6268 the parents of a child who is being served by a waiver under  
6269 this subsection if the adjusted household income is greater than  
6270 100 percent of the federal poverty level. The amount of the  
6271 premium or cost sharing shall be calculated using a sliding  
6272 scale based on the size of the family, the amount of the  
6273 parent's adjusted gross income, and the federal poverty  
6274 guidelines. The premium and cost-sharing system developed by the  
6275 agency shall not adversely affect federal funding to the state.  
6276 After the agency receives federal approval, the Department of  
6277 Children and Families ~~Family Services~~ may collect income  
6278 information from parents of children who will be affected by  
6279 this paragraph. The agency shall prepare a report to include the  
6280 estimated operational cost of implementing the premium and cost-  
6281 sharing system and the estimated revenues to be collected from  
6282 parents of children in the waiver program. The report shall be  
6283 delivered to the President of the Senate and the Speaker of the  
6284 House of Representatives by June 30, 2012.

6285 (24) CHILD-WELFARE-TARGETED CASE MANAGEMENT.—The Agency for  
6286 Health Care Administration, in consultation with the Department  
6287 of Children and Families ~~Family Services~~, may establish a  
6288 targeted case-management project in those counties identified by  
6289 the Department of Children and Families ~~Family Services~~ and for  
6290 all counties with a community-based child welfare project, as  
6291 authorized under s. 409.1671, which have been specifically  
6292 approved by the department. The covered group of individuals who  
6293 are eligible to receive targeted case management include

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6294 children who are eligible for Medicaid; who are between the ages  
6295 of birth through 21; and who are under protective supervision or  
6296 postplacement supervision, under foster-care supervision, or in  
6297 shelter care or foster care. The number of individuals who are  
6298 eligible to receive targeted case management is limited to the  
6299 number for whom the Department of Children and Families ~~Family~~  
6300 ~~Services~~ has matching funds to cover the costs. The general  
6301 revenue funds required to match the funds for services provided  
6302 by the community-based child welfare projects are limited to  
6303 funds available for services described under s. 409.1671. The  
6304 Department of Children and Families ~~Family Services~~ may transfer  
6305 the general revenue matching funds as billed by the Agency for  
6306 Health Care Administration.

6307 Section 206. Section 409.9102, Florida Statutes, is amended  
6308 to read:

6309 409.9102 A qualified state Long-Term Care Insurance  
6310 Partnership Program in Florida.—The Agency for Health Care  
6311 Administration, in consultation with the Office of Insurance  
6312 Regulation and the Department of Children and Families ~~Family~~  
6313 ~~Services~~, is directed to establish a qualified state Long-Term  
6314 Care Insurance Partnership Program in Florida, in compliance  
6315 with the requirements of s. 1917(b) of the Social Security Act,  
6316 as amended.

6317 (1) The program shall:

6318 (a) Provide incentives for an individual to obtain or  
6319 maintain insurance to cover the cost of long-term care.

6320 (b) Provide a mechanism to qualify for coverage of the  
6321 costs of long-term care needs under Medicaid without first being  
6322 required to substantially exhaust his or her assets, including a

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6323 provision for the disregard of any assets in an amount equal to  
6324 the insurance benefit payments that are made to or on behalf of  
6325 an individual who is a beneficiary under the program.

6326 (c) Alleviate the financial burden on the state's medical  
6327 assistance program by encouraging the pursuit of private  
6328 initiatives.

6329 (2) The Agency for Health Care Administration, in  
6330 consultation with the Office of Insurance Regulation and the  
6331 Department of Children and Families ~~Family Services~~, and in  
6332 accordance with federal guidelines, shall create standards for  
6333 long-term care partnership program information distributed to  
6334 individuals through insurance companies offering approved long-  
6335 term care partnership program policies.

6336 (3) The Agency for Health Care Administration is authorized  
6337 to amend the Medicaid state plan and adopt rules pursuant to ss.  
6338 120.536(1) and 120.54 to implement this section.

6339 (4) The Department of Children and Families ~~Family~~  
6340 ~~Services~~, when determining eligibility for Medicaid long-term  
6341 care services for an individual who is the beneficiary of an  
6342 approved long-term care partnership program policy, shall reduce  
6343 the total countable assets of the individual by an amount equal  
6344 to the insurance benefit payments that are made to or on behalf  
6345 of the individual. The department is authorized to adopt rules  
6346 pursuant to ss. 120.536(1) and 120.54 to implement this  
6347 subsection.

6348 Section 207. Subsection (11) of section 409.91195, Florida  
6349 Statutes, is amended to read:

6350 409.91195 Medicaid Pharmaceutical and Therapeutics  
6351 Committee.—There is created a Medicaid Pharmaceutical and

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6352 Therapeutics Committee within the agency for the purpose of  
6353 developing a Medicaid preferred drug list.

6354 (11) Medicaid recipients may appeal agency preferred drug  
6355 formulary decisions using the Medicaid fair hearing process  
6356 administered by the Department of Children and Families ~~Family~~  
6357 ~~Services~~.

6358 Section 208. Subsection (1), paragraph (b) of subsection  
6359 (4), subsection (28), paragraph (a) of subsection (37), and  
6360 subsection (51) of section 409.912, Florida Statutes, are  
6361 amended to read:

6362 409.912 Cost-effective purchasing of health care.—The  
6363 agency shall purchase goods and services for Medicaid recipients  
6364 in the most cost-effective manner consistent with the delivery  
6365 of quality medical care. To ensure that medical services are  
6366 effectively utilized, the agency may, in any case, require a  
6367 confirmation or second physician's opinion of the correct  
6368 diagnosis for purposes of authorizing future services under the  
6369 Medicaid program. This section does not restrict access to  
6370 emergency services or poststabilization care services as defined  
6371 in 42 C.F.R. part 438.114. Such confirmation or second opinion  
6372 shall be rendered in a manner approved by the agency. The agency  
6373 shall maximize the use of prepaid per capita and prepaid  
6374 aggregate fixed-sum basis services when appropriate and other  
6375 alternative service delivery and reimbursement methodologies,  
6376 including competitive bidding pursuant to s. 287.057, designed  
6377 to facilitate the cost-effective purchase of a case-managed  
6378 continuum of care. The agency shall also require providers to  
6379 minimize the exposure of recipients to the need for acute  
6380 inpatient, custodial, and other institutional care and the

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6381 inappropriate or unnecessary use of high-cost services. The  
6382 agency shall contract with a vendor to monitor and evaluate the  
6383 clinical practice patterns of providers in order to identify  
6384 trends that are outside the normal practice patterns of a  
6385 provider's professional peers or the national guidelines of a  
6386 provider's professional association. The vendor must be able to  
6387 provide information and counseling to a provider whose practice  
6388 patterns are outside the norms, in consultation with the agency,  
6389 to improve patient care and reduce inappropriate utilization.  
6390 The agency may mandate prior authorization, drug therapy  
6391 management, or disease management participation for certain  
6392 populations of Medicaid beneficiaries, certain drug classes, or  
6393 particular drugs to prevent fraud, abuse, overuse, and possible  
6394 dangerous drug interactions. The Pharmaceutical and Therapeutics  
6395 Committee shall make recommendations to the agency on drugs for  
6396 which prior authorization is required. The agency shall inform  
6397 the Pharmaceutical and Therapeutics Committee of its decisions  
6398 regarding drugs subject to prior authorization. The agency is  
6399 authorized to limit the entities it contracts with or enrolls as  
6400 Medicaid providers by developing a provider network through  
6401 provider credentialing. The agency may competitively bid single-  
6402 source-provider contracts if procurement of goods or services  
6403 results in demonstrated cost savings to the state without  
6404 limiting access to care. The agency may limit its network based  
6405 on the assessment of beneficiary access to care, provider  
6406 availability, provider quality standards, time and distance  
6407 standards for access to care, the cultural competence of the  
6408 provider network, demographic characteristics of Medicaid  
6409 beneficiaries, practice and provider-to-beneficiary standards,

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6410 appointment wait times, beneficiary use of services, provider  
6411 turnover, provider profiling, provider licensure history,  
6412 previous program integrity investigations and findings, peer  
6413 review, provider Medicaid policy and billing compliance records,  
6414 clinical and medical record audits, and other factors. Providers  
6415 are not entitled to enrollment in the Medicaid provider network.  
6416 The agency shall determine instances in which allowing Medicaid  
6417 beneficiaries to purchase durable medical equipment and other  
6418 goods is less expensive to the Medicaid program than long-term  
6419 rental of the equipment or goods. The agency may establish rules  
6420 to facilitate purchases in lieu of long-term rentals in order to  
6421 protect against fraud and abuse in the Medicaid program as  
6422 defined in s. 409.913. The agency may seek federal waivers  
6423 necessary to administer these policies.

6424 (1) The agency shall work with the Department of Children  
6425 and Families ~~Family Services~~ to ensure access of children and  
6426 families in the child protection system to needed and  
6427 appropriate mental health and substance abuse services. This  
6428 subsection expires October 1, 2014.

6429 (4) The agency may contract with:

6430 (b) An entity that is providing comprehensive behavioral  
6431 health care services to certain Medicaid recipients through a  
6432 capitated, prepaid arrangement pursuant to the federal waiver  
6433 provided for by s. 409.905(5). Such entity must be licensed  
6434 under chapter 624, chapter 636, or chapter 641, or authorized  
6435 under paragraph (c) or paragraph (d), and must possess the  
6436 clinical systems and operational competence to manage risk and  
6437 provide comprehensive behavioral health care to Medicaid  
6438 recipients. As used in this paragraph, the term "comprehensive

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6439 behavioral health care services" means covered mental health and  
6440 substance abuse treatment services that are available to  
6441 Medicaid recipients. The secretary of the Department of Children  
6442 and Families ~~Family Services~~ shall approve provisions of  
6443 procurements related to children in the department's care or  
6444 custody before enrolling such children in a prepaid behavioral  
6445 health plan. Any contract awarded under this paragraph must be  
6446 competitively procured. In developing the behavioral health care  
6447 prepaid plan procurement document, the agency shall ensure that  
6448 the procurement document requires the contractor to develop and  
6449 implement a plan to ensure compliance with s. 394.4574 related  
6450 to services provided to residents of licensed assisted living  
6451 facilities that hold a limited mental health license. Except as  
6452 provided in subparagraph 5., and except in counties where the  
6453 Medicaid managed care pilot program is authorized pursuant to s.  
6454 409.91211, the agency shall seek federal approval to contract  
6455 with a single entity meeting these requirements to provide  
6456 comprehensive behavioral health care services to all Medicaid  
6457 recipients not enrolled in a Medicaid managed care plan  
6458 authorized under s. 409.91211, a provider service network  
6459 authorized under paragraph (d), or a Medicaid health maintenance  
6460 organization in an AHCA area. In an AHCA area where the Medicaid  
6461 managed care pilot program is authorized pursuant to s.  
6462 409.91211 in one or more counties, the agency may procure a  
6463 contract with a single entity to serve the remaining counties as  
6464 an AHCA area or the remaining counties may be included with an  
6465 adjacent AHCA area and are subject to this paragraph. Each  
6466 entity must offer a sufficient choice of providers in its  
6467 network to ensure recipient access to care and the opportunity

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6468 to select a provider with whom they are satisfied. The network  
6469 shall include all public mental health hospitals. To ensure  
6470 unimpaired access to behavioral health care services by Medicaid  
6471 recipients, all contracts issued pursuant to this paragraph must  
6472 require 80 percent of the capitation paid to the managed care  
6473 plan, including health maintenance organizations and capitated  
6474 provider service networks, to be expended for the provision of  
6475 behavioral health care services. If the managed care plan  
6476 expends less than 80 percent of the capitation paid for the  
6477 provision of behavioral health care services, the difference  
6478 shall be returned to the agency. The agency shall provide the  
6479 plan with a certification letter indicating the amount of  
6480 capitation paid during each calendar year for behavioral health  
6481 care services pursuant to this section. The agency may reimburse  
6482 for substance abuse treatment services on a fee-for-service  
6483 basis until the agency finds that adequate funds are available  
6484 for capitated, prepaid arrangements.

6485 1. The agency shall modify the contracts with the entities  
6486 providing comprehensive inpatient and outpatient mental health  
6487 care services to Medicaid recipients in Hillsborough, Highlands,  
6488 Hardee, Manatee, and Polk Counties, to include substance abuse  
6489 treatment services.

6490 2. Except as provided in subparagraph 5., the agency and  
6491 the Department of Children and Families ~~Family Services~~ shall  
6492 contract with managed care entities in each AHCA area except  
6493 area 6 or arrange to provide comprehensive inpatient and  
6494 outpatient mental health and substance abuse services through  
6495 capitated prepaid arrangements to all Medicaid recipients who  
6496 are eligible to participate in such plans under federal law and



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6497 regulation. In AHCA areas where eligible individuals number less  
6498 than 150,000, the agency shall contract with a single managed  
6499 care plan to provide comprehensive behavioral health services to  
6500 all recipients who are not enrolled in a Medicaid health  
6501 maintenance organization, a provider service network authorized  
6502 under paragraph (d), or a Medicaid capitated managed care plan  
6503 authorized under s. 409.91211. The agency may contract with more  
6504 than one comprehensive behavioral health provider to provide  
6505 care to recipients who are not enrolled in a Medicaid capitated  
6506 managed care plan authorized under s. 409.91211, a provider  
6507 service network authorized under paragraph (d), or a Medicaid  
6508 health maintenance organization in AHCA areas where the eligible  
6509 population exceeds 150,000. In an AHCA area where the Medicaid  
6510 managed care pilot program is authorized pursuant to s.  
6511 409.91211 in one or more counties, the agency may procure a  
6512 contract with a single entity to serve the remaining counties as  
6513 an AHCA area or the remaining counties may be included with an  
6514 adjacent AHCA area and shall be subject to this paragraph.  
6515 Contracts for comprehensive behavioral health providers awarded  
6516 pursuant to this section shall be competitively procured. Both  
6517 for-profit and not-for-profit corporations are eligible to  
6518 compete. Managed care plans contracting with the agency under  
6519 subsection (3) or paragraph (d) shall provide and receive  
6520 payment for the same comprehensive behavioral health benefits as  
6521 provided in AHCA rules, including handbooks incorporated by  
6522 reference. In AHCA area 11, the agency shall contract with at  
6523 least two comprehensive behavioral health care providers to  
6524 provide behavioral health care to recipients in that area who  
6525 are enrolled in, or assigned to, the MediPass program. One of

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6526 the behavioral health care contracts must be with the existing  
6527 provider service network pilot project, as described in  
6528 paragraph (d), for the purpose of demonstrating the cost-  
6529 effectiveness of the provision of quality mental health services  
6530 through a public hospital-operated managed care model. Payment  
6531 shall be at an agreed-upon capitated rate to ensure cost  
6532 savings. Of the recipients in area 11 who are assigned to  
6533 MediPass under s. 409.9122(2)(k), a minimum of 50,000 of those  
6534 MediPass-enrolled recipients shall be assigned to the existing  
6535 provider service network in area 11 for their behavioral care.

6536 3. Children residing in a statewide inpatient psychiatric  
6537 program, or in a Department of Juvenile Justice or a Department  
6538 of Children and Families ~~Family Services~~ residential program  
6539 approved as a Medicaid behavioral health overlay services  
6540 provider may not be included in a behavioral health care prepaid  
6541 health plan or any other Medicaid managed care plan pursuant to  
6542 this paragraph.

6543 4. Traditional community mental health providers under  
6544 contract with the Department of Children and Families ~~Family~~  
6545 ~~Services~~ pursuant to part IV of chapter 394, child welfare  
6546 providers under contract with the Department of Children and  
6547 Families ~~Family Services~~ in areas 1 and 6, and inpatient mental  
6548 health providers licensed pursuant to chapter 395 must be  
6549 offered an opportunity to accept or decline a contract to  
6550 participate in any provider network for prepaid behavioral  
6551 health services.

6552 5. All Medicaid-eligible children, except children in area  
6553 1 and children in Highlands County, Hardee County, Polk County,  
6554 or Manatee County of area 6, that are open for child welfare

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6555 services in the statewide automated child welfare information  
6556 system, shall receive their behavioral health care services  
6557 through a specialty prepaid plan operated by community-based  
6558 lead agencies through a single agency or formal agreements among  
6559 several agencies. The agency shall work with the specialty plan  
6560 to develop clinically effective, evidence-based alternatives as  
6561 a downward substitution for the statewide inpatient psychiatric  
6562 program and similar residential care and institutional services.  
6563 The specialty prepaid plan must result in savings to the state  
6564 comparable to savings achieved in other Medicaid managed care  
6565 and prepaid programs. Such plan must provide mechanisms to  
6566 maximize state and local revenues. The specialty prepaid plan  
6567 shall be developed by the agency and the Department of Children  
6568 and Families ~~Family Services~~. The agency may seek federal  
6569 waivers to implement this initiative. Medicaid-eligible children  
6570 whose cases are open for child welfare services in the statewide  
6571 automated child welfare information system and who reside in  
6572 AHCA area 10 shall be enrolled in a capitated provider service  
6573 network or other capitated managed care plan, which, in  
6574 coordination with available community-based care providers  
6575 specified in s. 409.1671, shall provide sufficient medical,  
6576 developmental, and behavioral health services to meet the needs  
6577 of these children.

6578  
6579 Effective July 1, 2012, in order to ensure continuity of care,  
6580 the agency is authorized to extend or modify current contracts  
6581 based on current service areas or on a regional basis, as  
6582 determined appropriate by the agency, with comprehensive  
6583 behavioral health care providers as described in this paragraph

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6584 during the period prior to its expiration. This paragraph  
6585 expires October 1, 2014.

6586 (28) The agency shall perform enrollments and  
6587 disenrollments for Medicaid recipients who are eligible for  
6588 MediPass or managed care plans. Notwithstanding the prohibition  
6589 contained in paragraph (20) (f), managed care plans may perform  
6590 preenrollments of Medicaid recipients under the supervision of  
6591 the agency or its agents. For the purposes of this section, the  
6592 term "preenrollment" means the provision of marketing and  
6593 educational materials to a Medicaid recipient and assistance in  
6594 completing the application forms, but does not include actual  
6595 enrollment into a managed care plan. An application for  
6596 enrollment may not be deemed complete until the agency or its  
6597 agent verifies that the recipient made an informed, voluntary  
6598 choice. The agency, in cooperation with the Department of  
6599 Children and Families ~~Family Services~~, may test new marketing  
6600 initiatives to inform Medicaid recipients about their managed  
6601 care options at selected sites. The agency may contract with a  
6602 third party to perform managed care plan and MediPass enrollment  
6603 and disenrollment services for Medicaid recipients and may adopt  
6604 rules to administer such services. The agency may adjust the  
6605 capitation rate only to cover the costs of a third-party  
6606 enrollment and disenrollment contract, and for agency  
6607 supervision and management of the managed care plan enrollment  
6608 and disenrollment contract. This subsection expires October 1,  
6609 2014.

6610 (37) (a) The agency shall implement a Medicaid prescribed-  
6611 drug spending-control program that includes the following  
6612 components:

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6613           1. A Medicaid preferred drug list, which shall be a listing  
6614 of cost-effective therapeutic options recommended by the  
6615 Medicaid Pharmacy and Therapeutics Committee established  
6616 pursuant to s. 409.91195 and adopted by the agency for each  
6617 therapeutic class on the preferred drug list. At the discretion  
6618 of the committee, and when feasible, the preferred drug list  
6619 should include at least two products in a therapeutic class. The  
6620 agency may post the preferred drug list and updates to the list  
6621 on an Internet website without following the rulemaking  
6622 procedures of chapter 120. Antiretroviral agents are excluded  
6623 from the preferred drug list. The agency shall also limit the  
6624 amount of a prescribed drug dispensed to no more than a 34-day  
6625 supply unless the drug products' smallest marketed package is  
6626 greater than a 34-day supply, or the drug is determined by the  
6627 agency to be a maintenance drug in which case a 100-day maximum  
6628 supply may be authorized. The agency may seek any federal  
6629 waivers necessary to implement these cost-control programs and  
6630 to continue participation in the federal Medicaid rebate  
6631 program, or alternatively to negotiate state-only manufacturer  
6632 rebates. The agency may adopt rules to administer this  
6633 subparagraph. The agency shall continue to provide unlimited  
6634 contraceptive drugs and items. The agency must establish  
6635 procedures to ensure that:

6636           a. There is a response to a request for prior consultation  
6637 by telephone or other telecommunication device within 24 hours  
6638 after receipt of a request for prior consultation; and

6639           b. A 72-hour supply of the drug prescribed is provided in  
6640 an emergency or when the agency does not provide a response  
6641 within 24 hours as required by sub-subparagraph a.

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6642           2. Reimbursement to pharmacies for Medicaid prescribed  
6643 drugs shall be set at the lowest of: the average wholesale price  
6644 (AWP) minus 16.4 percent, the wholesaler acquisition cost (WAC)  
6645 plus 1.5 percent, the federal upper limit (FUL), the state  
6646 maximum allowable cost (SMAC), or the usual and customary (UAC)  
6647 charge billed by the provider.

6648           3. The agency shall develop and implement a process for  
6649 managing the drug therapies of Medicaid recipients who are using  
6650 significant numbers of prescribed drugs each month. The  
6651 management process may include, but is not limited to,  
6652 comprehensive, physician-directed medical-record reviews, claims  
6653 analyses, and case evaluations to determine the medical  
6654 necessity and appropriateness of a patient's treatment plan and  
6655 drug therapies. The agency may contract with a private  
6656 organization to provide drug-program-management services. The  
6657 Medicaid drug benefit management program shall include  
6658 initiatives to manage drug therapies for HIV/AIDS patients,  
6659 patients using 20 or more unique prescriptions in a 180-day  
6660 period, and the top 1,000 patients in annual spending. The  
6661 agency shall enroll any Medicaid recipient in the drug benefit  
6662 management program if he or she meets the specifications of this  
6663 provision and is not enrolled in a Medicaid health maintenance  
6664 organization.

6665           4. The agency may limit the size of its pharmacy network  
6666 based on need, competitive bidding, price negotiations,  
6667 credentialing, or similar criteria. The agency shall give  
6668 special consideration to rural areas in determining the size and  
6669 location of pharmacies included in the Medicaid pharmacy  
6670 network. A pharmacy credentialing process may include criteria

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6671 such as a pharmacy's full-service status, location, size,  
6672 patient educational programs, patient consultation, disease  
6673 management services, and other characteristics. The agency may  
6674 impose a moratorium on Medicaid pharmacy enrollment if it is  
6675 determined that it has a sufficient number of Medicaid-  
6676 participating providers. The agency must allow dispensing  
6677 practitioners to participate as a part of the Medicaid pharmacy  
6678 network regardless of the practitioner's proximity to any other  
6679 entity that is dispensing prescription drugs under the Medicaid  
6680 program. A dispensing practitioner must meet all credentialing  
6681 requirements applicable to his or her practice, as determined by  
6682 the agency.

6683         5. The agency shall develop and implement a program that  
6684 requires Medicaid practitioners who prescribe drugs to use a  
6685 counterfeit-proof prescription pad for Medicaid prescriptions.  
6686 The agency shall require the use of standardized counterfeit-  
6687 proof prescription pads by Medicaid-participating prescribers or  
6688 prescribers who write prescriptions for Medicaid recipients. The  
6689 agency may implement the program in targeted geographic areas or  
6690 statewide.

6691         6. The agency may enter into arrangements that require  
6692 manufacturers of generic drugs prescribed to Medicaid recipients  
6693 to provide rebates of at least 15.1 percent of the average  
6694 manufacturer price for the manufacturer's generic products.  
6695 These arrangements shall require that if a generic-drug  
6696 manufacturer pays federal rebates for Medicaid-reimbursed drugs  
6697 at a level below 15.1 percent, the manufacturer must provide a  
6698 supplemental rebate to the state in an amount necessary to  
6699 achieve a 15.1-percent rebate level.

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6700           7. The agency may establish a preferred drug list as  
6701 described in this subsection, and, pursuant to the establishment  
6702 of such preferred drug list, negotiate supplemental rebates from  
6703 manufacturers that are in addition to those required by Title  
6704 XIX of the Social Security Act and at no less than 14 percent of  
6705 the average manufacturer price as defined in 42 U.S.C. s. 1936  
6706 on the last day of a quarter unless the federal or supplemental  
6707 rebate, or both, equals or exceeds 29 percent. There is no upper  
6708 limit on the supplemental rebates the agency may negotiate. The  
6709 agency may determine that specific products, brand-name or  
6710 generic, are competitive at lower rebate percentages. Agreement  
6711 to pay the minimum supplemental rebate percentage guarantees a  
6712 manufacturer that the Medicaid Pharmaceutical and Therapeutics  
6713 Committee will consider a product for inclusion on the preferred  
6714 drug list. However, a pharmaceutical manufacturer is not  
6715 guaranteed placement on the preferred drug list by simply paying  
6716 the minimum supplemental rebate. Agency decisions will be made  
6717 on the clinical efficacy of a drug and recommendations of the  
6718 Medicaid Pharmaceutical and Therapeutics Committee, as well as  
6719 the price of competing products minus federal and state rebates.  
6720 The agency may contract with an outside agency or contractor to  
6721 conduct negotiations for supplemental rebates. For the purposes  
6722 of this section, the term "supplemental rebates" means cash  
6723 rebates. Value-added programs as a substitution for supplemental  
6724 rebates are prohibited. The agency may seek any federal waivers  
6725 to implement this initiative.

6726           8. The agency shall expand home delivery of pharmacy  
6727 products. The agency may amend the state plan and issue a  
6728 procurement, as necessary, in order to implement this program.



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6729 The procurements must include agreements with a pharmacy or  
6730 pharmacies located in the state to provide mail order delivery  
6731 services at no cost to the recipients who elect to receive home  
6732 delivery of pharmacy products. The procurement must focus on  
6733 serving recipients with chronic diseases for which pharmacy  
6734 expenditures represent a significant portion of Medicaid  
6735 pharmacy expenditures or which impact a significant portion of  
6736 the Medicaid population. The agency may seek and implement any  
6737 federal waivers necessary to implement this subparagraph.

6738 9. The agency shall limit to one dose per month any drug  
6739 prescribed to treat erectile dysfunction.

6740 10.a. The agency may implement a Medicaid behavioral drug  
6741 management system. The agency may contract with a vendor that  
6742 has experience in operating behavioral drug management systems  
6743 to implement this program. The agency may seek federal waivers  
6744 to implement this program.

6745 b. The agency, in conjunction with the Department of  
6746 Children and Families ~~Family Services~~, may implement the  
6747 Medicaid behavioral drug management system that is designed to  
6748 improve the quality of care and behavioral health prescribing  
6749 practices based on best practice guidelines, improve patient  
6750 adherence to medication plans, reduce clinical risk, and lower  
6751 prescribed drug costs and the rate of inappropriate spending on  
6752 Medicaid behavioral drugs. The program may include the following  
6753 elements:

6754 (I) Provide for the development and adoption of best  
6755 practice guidelines for behavioral health-related drugs such as  
6756 antipsychotics, antidepressants, and medications for treating  
6757 bipolar disorders and other behavioral conditions; translate

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6758 them into practice; review behavioral health prescribers and  
6759 compare their prescribing patterns to a number of indicators  
6760 that are based on national standards; and determine deviations  
6761 from best practice guidelines.

6762 (II) Implement processes for providing feedback to and  
6763 educating prescribers using best practice educational materials  
6764 and peer-to-peer consultation.

6765 (III) Assess Medicaid beneficiaries who are outliers in  
6766 their use of behavioral health drugs with regard to the numbers  
6767 and types of drugs taken, drug dosages, combination drug  
6768 therapies, and other indicators of improper use of behavioral  
6769 health drugs.

6770 (IV) Alert prescribers to patients who fail to refill  
6771 prescriptions in a timely fashion, are prescribed multiple same-  
6772 class behavioral health drugs, and may have other potential  
6773 medication problems.

6774 (V) Track spending trends for behavioral health drugs and  
6775 deviation from best practice guidelines.

6776 (VI) Use educational and technological approaches to  
6777 promote best practices, educate consumers, and train prescribers  
6778 in the use of practice guidelines.

6779 (VII) Disseminate electronic and published materials.

6780 (VIII) Hold statewide and regional conferences.

6781 (IX) Implement a disease management program with a model  
6782 quality-based medication component for severely mentally ill  
6783 individuals and emotionally disturbed children who are high  
6784 users of care.

6785 11. The agency shall implement a Medicaid prescription drug  
6786 management system.

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6787 a. The agency may contract with a vendor that has  
6788 experience in operating prescription drug management systems in  
6789 order to implement this system. Any management system that is  
6790 implemented in accordance with this subparagraph must rely on  
6791 cooperation between physicians and pharmacists to determine  
6792 appropriate practice patterns and clinical guidelines to improve  
6793 the prescribing, dispensing, and use of drugs in the Medicaid  
6794 program. The agency may seek federal waivers to implement this  
6795 program.

6796 b. The drug management system must be designed to improve  
6797 the quality of care and prescribing practices based on best  
6798 practice guidelines, improve patient adherence to medication  
6799 plans, reduce clinical risk, and lower prescribed drug costs and  
6800 the rate of inappropriate spending on Medicaid prescription  
6801 drugs. The program must:

6802 (I) Provide for the adoption of best practice guidelines  
6803 for the prescribing and use of drugs in the Medicaid program,  
6804 including translating best practice guidelines into practice;  
6805 reviewing prescriber patterns and comparing them to indicators  
6806 that are based on national standards and practice patterns of  
6807 clinical peers in their community, statewide, and nationally;  
6808 and determine deviations from best practice guidelines.

6809 (II) Implement processes for providing feedback to and  
6810 educating prescribers using best practice educational materials  
6811 and peer-to-peer consultation.

6812 (III) Assess Medicaid recipients who are outliers in their  
6813 use of a single or multiple prescription drugs with regard to  
6814 the numbers and types of drugs taken, drug dosages, combination  
6815 drug therapies, and other indicators of improper use of

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6816 prescription drugs.

6817 (IV) Alert prescribers to recipients who fail to refill  
6818 prescriptions in a timely fashion, are prescribed multiple drugs  
6819 that may be redundant or contraindicated, or may have other  
6820 potential medication problems.

6821 12. The agency may contract for drug rebate administration,  
6822 including, but not limited to, calculating rebate amounts,  
6823 invoicing manufacturers, negotiating disputes with  
6824 manufacturers, and maintaining a database of rebate collections.

6825 13. The agency may specify the preferred daily dosing form  
6826 or strength for the purpose of promoting best practices with  
6827 regard to the prescribing of certain drugs as specified in the  
6828 General Appropriations Act and ensuring cost-effective  
6829 prescribing practices.

6830 14. The agency may require prior authorization for  
6831 Medicaid-covered prescribed drugs. The agency may prior-  
6832 authorize the use of a product:

- 6833 a. For an indication not approved in labeling;  
6834 b. To comply with certain clinical guidelines; or  
6835 c. If the product has the potential for overuse, misuse, or  
6836 abuse.

6837  
6838 The agency may require the prescribing professional to provide  
6839 information about the rationale and supporting medical evidence  
6840 for the use of a drug. The agency shall post prior  
6841 authorization, step-edit criteria and protocol, and updates to  
6842 the list of drugs that are subject to prior authorization on the  
6843 agency's Internet website within 21 days after the prior  
6844 authorization and step-edit criteria and protocol and updates

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6845 are approved by the agency. For purposes of this subparagraph,  
6846 the term "step-edit" means an automatic electronic review of  
6847 certain medications subject to prior authorization.

6848 15. The agency, in conjunction with the Pharmaceutical and  
6849 Therapeutics Committee, may require age-related prior  
6850 authorizations for certain prescribed drugs. The agency may  
6851 preauthorize the use of a drug for a recipient who may not meet  
6852 the age requirement or may exceed the length of therapy for use  
6853 of this product as recommended by the manufacturer and approved  
6854 by the Food and Drug Administration. Prior authorization may  
6855 require the prescribing professional to provide information  
6856 about the rationale and supporting medical evidence for the use  
6857 of a drug.

6858 16. The agency shall implement a step-therapy prior  
6859 authorization approval process for medications excluded from the  
6860 preferred drug list. Medications listed on the preferred drug  
6861 list must be used within the previous 12 months before the  
6862 alternative medications that are not listed. The step-therapy  
6863 prior authorization may require the prescriber to use the  
6864 medications of a similar drug class or for a similar medical  
6865 indication unless contraindicated in the Food and Drug  
6866 Administration labeling. The trial period between the specified  
6867 steps may vary according to the medical indication. The step-  
6868 therapy approval process shall be developed in accordance with  
6869 the committee as stated in s. 409.91195(7) and (8). A drug  
6870 product may be approved without meeting the step-therapy prior  
6871 authorization criteria if the prescribing physician provides the  
6872 agency with additional written medical or clinical documentation  
6873 that the product is medically necessary because:

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6874           a. There is not a drug on the preferred drug list to treat  
6875 the disease or medical condition which is an acceptable clinical  
6876 alternative;

6877           b. The alternatives have been ineffective in the treatment  
6878 of the beneficiary's disease; or

6879           c. Based on historic evidence and known characteristics of  
6880 the patient and the drug, the drug is likely to be ineffective,  
6881 or the number of doses have been ineffective.

6882  
6883 The agency shall work with the physician to determine the best  
6884 alternative for the patient. The agency may adopt rules waiving  
6885 the requirements for written clinical documentation for specific  
6886 drugs in limited clinical situations.

6887           17. The agency shall implement a return and reuse program  
6888 for drugs dispensed by pharmacies to institutional recipients,  
6889 which includes payment of a \$5 restocking fee for the  
6890 implementation and operation of the program. The return and  
6891 reuse program shall be implemented electronically and in a  
6892 manner that promotes efficiency. The program must permit a  
6893 pharmacy to exclude drugs from the program if it is not  
6894 practical or cost-effective for the drug to be included and must  
6895 provide for the return to inventory of drugs that cannot be  
6896 credited or returned in a cost-effective manner. The agency  
6897 shall determine if the program has reduced the amount of  
6898 Medicaid prescription drugs which are destroyed on an annual  
6899 basis and if there are additional ways to ensure more  
6900 prescription drugs are not destroyed which could safely be  
6901 reused.

6902           (51) The agency may not pay for psychotropic medication

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6903 prescribed for a child in the Medicaid program without the  
6904 express and informed consent of the child's parent or legal  
6905 guardian. The physician shall document the consent in the  
6906 child's medical record and provide the pharmacy with a signed  
6907 attestation of this documentation with the prescription. The  
6908 express and informed consent or court authorization for a  
6909 prescription of psychotropic medication for a child in the  
6910 custody of the Department of Children and Families ~~Family~~  
6911 ~~Services~~ shall be obtained pursuant to s. 39.407.

6912 Section 209. Paragraph (c) of subsection (2) and subsection  
6913 (21) of section 409.9122, Florida Statutes, are amended to read:

6914 409.9122 Mandatory Medicaid managed care enrollment;  
6915 programs and procedures.—

6916 (2)

6917 (c) Medicaid recipients shall have a choice of managed care  
6918 plans or MediPass. The Agency for Health Care Administration,  
6919 the Department of Health, the Department of Children and  
6920 Families ~~Family Services~~, and the Department of Elderly Affairs  
6921 shall cooperate to ensure that each Medicaid recipient receives  
6922 clear and easily understandable information that meets the  
6923 following requirements:

6924 1. Explains the concept of managed care, including  
6925 MediPass.

6926 2. Provides information on the comparative performance of  
6927 managed care plans and MediPass in the areas of quality,  
6928 credentialing, preventive health programs, network size and  
6929 availability, and patient satisfaction.

6930 3. Explains where additional information on each managed  
6931 care plan and MediPass in the recipient's area can be obtained.

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6932           4. Explains that recipients have the right to choose their  
6933 managed care coverage at the time they first enroll in Medicaid  
6934 and again at regular intervals set by the agency. However, if a  
6935 recipient does not choose a managed care plan or MediPass, the  
6936 agency will assign the recipient to a managed care plan or  
6937 MediPass according to the criteria specified in this section.

6938           5. Explains the recipient's right to complain, file a  
6939 grievance, or change managed care plans or MediPass providers if  
6940 the recipient is not satisfied with the managed care plan or  
6941 MediPass.

6942  
6943 This subsection expires October 1, 2014.

6944           (21) Subject to federal approval, the agency shall contract  
6945 with a single provider service network to function as a third-  
6946 party administrator and managing entity for the Medically Needy  
6947 program in all counties. The contractor shall provide care  
6948 coordination and utilization management in order to achieve more  
6949 cost-effective services for Medically Needy enrollees. To  
6950 facilitate the care management functions of the provider service  
6951 network, enrollment in the network shall be for a continuous 6-  
6952 month period or until the end of the contract between the  
6953 provider service network and the agency, whichever is sooner.  
6954 Beginning the second month after the determination of  
6955 eligibility, the contractor may collect a monthly premium from  
6956 each Medically Needy recipient provided the premium does not  
6957 exceed the enrollee's share of cost as determined by the  
6958 Department of Children and Families ~~Family Services~~. The  
6959 contractor must provide a 90-day grace period before  
6960 disenrolling a Medically Needy recipient for failure to pay



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6961 premiums. The contractor may earn an administrative fee, if the  
6962 fee is less than any savings determined by the reconciliation  
6963 process pursuant to s. 409.912(4)(d)1. Premium revenue collected  
6964 from the recipients shall be deducted from the contractor's  
6965 earned savings. This subsection expires October 1, 2014, or upon  
6966 full implementation of the managed medical assistance program,  
6967 whichever is sooner.

6968 Section 210. Subsection (36) of section 409.913, Florida  
6969 Statutes, is amended to read:

6970 409.913 Oversight of the integrity of the Medicaid  
6971 program.—The agency shall operate a program to oversee the  
6972 activities of Florida Medicaid recipients, and providers and  
6973 their representatives, to ensure that fraudulent and abusive  
6974 behavior and neglect of recipients occur to the minimum extent  
6975 possible, and to recover overpayments and impose sanctions as  
6976 appropriate. Beginning January 1, 2003, and each year  
6977 thereafter, the agency and the Medicaid Fraud Control Unit of  
6978 the Department of Legal Affairs shall submit a joint report to  
6979 the Legislature documenting the effectiveness of the state's  
6980 efforts to control Medicaid fraud and abuse and to recover  
6981 Medicaid overpayments during the previous fiscal year. The  
6982 report must describe the number of cases opened and investigated  
6983 each year; the sources of the cases opened; the disposition of  
6984 the cases closed each year; the amount of overpayments alleged  
6985 in preliminary and final audit letters; the number and amount of  
6986 fines or penalties imposed; any reductions in overpayment  
6987 amounts negotiated in settlement agreements or by other means;  
6988 the amount of final agency determinations of overpayments; the  
6989 amount deducted from federal claiming as a result of

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6990 overpayments; the amount of overpayments recovered each year;  
6991 the amount of cost of investigation recovered each year; the  
6992 average length of time to collect from the time the case was  
6993 opened until the overpayment is paid in full; the amount  
6994 determined as uncollectible and the portion of the uncollectible  
6995 amount subsequently reclaimed from the Federal Government; the  
6996 number of providers, by type, that are terminated from  
6997 participation in the Medicaid program as a result of fraud and  
6998 abuse; and all costs associated with discovering and prosecuting  
6999 cases of Medicaid overpayments and making recoveries in such  
7000 cases. The report must also document actions taken to prevent  
7001 overpayments and the number of providers prevented from  
7002 enrolling in or reenrolling in the Medicaid program as a result  
7003 of documented Medicaid fraud and abuse and must include policy  
7004 recommendations necessary to prevent or recover overpayments and  
7005 changes necessary to prevent and detect Medicaid fraud. All  
7006 policy recommendations in the report must include a detailed  
7007 fiscal analysis, including, but not limited to, implementation  
7008 costs, estimated savings to the Medicaid program, and the return  
7009 on investment. The agency must submit the policy recommendations  
7010 and fiscal analyses in the report to the appropriate estimating  
7011 conference, pursuant to s. 216.137, by February 15 of each year.  
7012 The agency and the Medicaid Fraud Control Unit of the Department  
7013 of Legal Affairs each must include detailed unit-specific  
7014 performance standards, benchmarks, and metrics in the report,  
7015 including projected cost savings to the state Medicaid program  
7016 during the following fiscal year.

7017 (36) At least three times a year, the agency shall provide  
7018 to each Medicaid recipient or his or her representative an

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7019 explanation of benefits in the form of a letter that is mailed  
7020 to the most recent address of the recipient on the record with  
7021 the Department of Children and Families ~~Family Services~~. The  
7022 explanation of benefits must include the patient's name, the  
7023 name of the health care provider and the address of the location  
7024 where the service was provided, a description of all services  
7025 billed to Medicaid in terminology that should be understood by a  
7026 reasonable person, and information on how to report  
7027 inappropriate or incorrect billing to the agency or other law  
7028 enforcement entities for review or investigation. At least once  
7029 a year, the letter also must include information on how to  
7030 report criminal Medicaid fraud, the Medicaid Fraud Control  
7031 Unit's toll-free hotline number, and information about the  
7032 rewards available under s. 409.9203. The explanation of benefits  
7033 may not be mailed for Medicaid independent laboratory services  
7034 as described in s. 409.905(7) or for Medicaid certified match  
7035 services as described in ss. 409.9071 and 1011.70.

7036 Section 211. Section 409.919, Florida Statutes, is amended  
7037 to read:

7038 409.919 Rules.—The agency shall adopt any rules necessary  
7039 to comply with or administer ss. 409.901-409.920 and all rules  
7040 necessary to comply with federal requirements. In addition, the  
7041 Department of Children and Families ~~Family Services~~ shall adopt  
7042 and accept transfer of any rules necessary to carry out its  
7043 responsibilities for receiving and processing Medicaid  
7044 applications and determining Medicaid eligibility, and for  
7045 assuring compliance with and administering ss. 409.901-409.906,  
7046 as they relate to these responsibilities, and any other  
7047 provisions related to responsibility for the determination of

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7048 Medicaid eligibility.

7049 Section 212. Subsection (5) of section 409.962, Florida  
7050 Statutes, is amended to read:

7051 409.962 Definitions.—As used in this part, except as  
7052 otherwise specifically provided, the term:

7053 (5) "Department" means the Department of Children and  
7054 Families ~~Family Services~~.

7055 Section 213. Subsection (1) of section 410.032, Florida  
7056 Statutes, is amended to read:

7057 410.032 Definitions; ss. 410.031-410.036.—As used in ss.  
7058 410.031-410.036:

7059 (1) "Department" means the Department of Children and  
7060 Families ~~Family Services~~.

7061 Section 214. Section 410.602, Florida Statutes, is amended  
7062 to read:

7063 410.602 Legislative intent.—The purpose of ss. 410.601-  
7064 410.606 is to assist disabled adults to live dignified and  
7065 reasonably independent lives in their own homes or in the homes  
7066 of relatives or friends. The Legislature intends through ss.  
7067 410.601-410.606 to provide for the development, expansion, and  
7068 coordination of community-based services for disabled adults,  
7069 but not to supplant existing programs. The Legislature further  
7070 intends to establish a continuum of services so that disabled  
7071 adults may be assured the least restrictive environment suitable  
7072 to their needs. In addition, the Legislature intends that the  
7073 Department of Children and Families ~~Family Services~~ encourage  
7074 innovative and efficient approaches to program management, staff  
7075 training, and service delivery.

7076 Section 215. Subsection (1) of section 410.603, Florida

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7077 Statutes, is amended to read:

7078 410.603 Definitions relating to Community Care for Disabled  
7079 Adults Act.—As used in ss. 410.601-410.606:

7080 (1) "Department" means the Department of Children and  
7081 Families ~~Family Services~~.

7082 Section 216. Section 411.223, Florida Statutes, is amended  
7083 to read:

7084 411.223 Uniform standards.—

7085 (1) The Department of Children and Families ~~Family~~  
7086 ~~Services~~, in consultation with the Department of Education,  
7087 shall establish a minimum set of procedures for each preschool  
7088 child who receives preventive health care with state funds.  
7089 Preventive health care services shall meet the minimum standards  
7090 established by federal law for the Early Periodic Screening,  
7091 Diagnosis, and Treatment Program and shall provide guidance on  
7092 screening instruments which are appropriate for identifying  
7093 health risks and handicapping conditions in preschool children.

7094 (2) Duplicative diagnostic and planning practices shall be  
7095 eliminated to the extent possible. Diagnostic and other  
7096 information necessary to provide quality services to high-risk  
7097 or handicapped children shall be shared among the program  
7098 offices of the Department of Children and Families ~~Family~~  
7099 ~~Services~~, pursuant to the provisions of s. 1002.22.

7100 Section 217. Section 411.224, Florida Statutes, is amended  
7101 to read:

7102 411.224 Family support planning process.—The Legislature  
7103 establishes a family support planning process to be used by the  
7104 Department of Children and Families ~~Family Services~~ as the  
7105 service planning process for targeted individuals, children, and

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7106 families under its purview.

7107 (1) The Department of Education shall take all appropriate  
7108 and necessary steps to encourage and facilitate the  
7109 implementation of the family support planning process for  
7110 individuals, children, and families within its purview.

7111 (2) To the extent possible within existing resources, the  
7112 following populations must be included in the family support  
7113 planning process:

7114 (a) Children from birth to age 5 who are served by the  
7115 clinic and programs of the Division of Children's Medical  
7116 Services of the Department of Health.

7117 (b) Children participating in the developmental evaluation  
7118 and intervention program of the Division of Children's Medical  
7119 Services of the Department of Health.

7120 (c) Children from age 3 through age 5 who are served by the  
7121 Agency for Persons with Disabilities.

7122 (d) Children from birth through age 5 who are served by the  
7123 Mental Health Program Office of the Department of Children and  
7124 Families ~~Family Services~~.

7125 (e) Healthy Start participants in need of ongoing service  
7126 coordination.

7127 (f) Children from birth through age 5 who are served by the  
7128 voluntary family services, protective supervision, foster care,  
7129 or adoption and related services programs of the Child Care  
7130 Services Program Office of the Department of Children and  
7131 Families ~~Family Services~~, and who are eligible for ongoing  
7132 services from one or more other programs or agencies that  
7133 participate in family support planning; however, children served  
7134 by the voluntary family services program, where the planned

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7135 length of intervention is 30 days or less, are excluded from  
7136 this population.

7137 (3) When individuals included in the target population are  
7138 served by Head Start, local education agencies, or other  
7139 prevention and early intervention programs, providers must be  
7140 notified and efforts made to facilitate the concerned agency's  
7141 participation in family support planning.

7142 (4) Local education agencies are encouraged to use a family  
7143 support planning process for children from birth through 5 years  
7144 of age who are served by the prekindergarten program for  
7145 children with disabilities, in lieu of the Individual Education  
7146 Plan.

7147 (5) There must be only a single-family support plan to  
7148 address the problems of the various family members unless the  
7149 family requests that an individual family support plan be  
7150 developed for different members of that family. The family  
7151 support plan must replace individual habilitation plans for  
7152 children from 3 through 5 years old who are served by the Agency  
7153 for Persons with Disabilities.

7154 (6) The family support plan at a minimum must include the  
7155 following information:

7156 (a) The family's statement of family concerns, priorities,  
7157 and resources.

7158 (b) Information related to the health, educational,  
7159 economic and social needs, and overall development of the  
7160 individual and the family.

7161 (c) The outcomes that the plan is intended to achieve.

7162 (d) Identification of the resources and services to achieve  
7163 each outcome projected in the plan. These resources and services

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7164 are to be provided based on availability and funding.

7165 (7) A family support plan meeting must be held with the  
7166 family to initially develop the family support plan and annually  
7167 thereafter to update the plan as necessary. The family includes  
7168 anyone who has an integral role in the life of the individual or  
7169 child as identified by the individual or family. The family  
7170 support plan must be reviewed periodically during the year, at  
7171 least at 6-month intervals, to modify and update the plan as  
7172 needed. Such periodic reviews do not require a family support  
7173 plan team meeting but may be accomplished through other means  
7174 such as a case file review and telephone conference with the  
7175 family.

7176 (8) The initial family support plan must be developed  
7177 within a 90-day period. If exceptional circumstances make it  
7178 impossible to complete the evaluation activities and to hold the  
7179 initial family support plan team meeting within a reasonable  
7180 time period, these circumstances must be documented, and the  
7181 individual or family must be notified of the reason for the  
7182 delay. With the agreement of the family and the provider,  
7183 services for which either the individual or the family is  
7184 eligible may be initiated before the completion of the  
7185 evaluation activities and the family support plan.

7186 (9) The Department of Children and Families ~~Family~~  
7187 ~~Services~~, the Department of Health, and the Department of  
7188 Education, to the extent that funds are available, must offer  
7189 technical assistance to communities to facilitate the  
7190 implementation of the family support plan.

7191 Section 218. Paragraph (e) of subsection (2) and paragraph  
7192 (e) of subsection (3) of section 411.226, Florida Statutes, are



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7193 amended to read:

7194 411.226 Learning Gateway.—

7195 (2) LEARNING GATEWAY STEERING COMMITTEE.—

7196 (e) To support and facilitate system improvements, the  
7197 steering committee must consult with representatives from the  
7198 Department of Education, the Department of Health, the Office of  
7199 Early Learning, the Department of Children and Families ~~Family~~  
7200 ~~Services~~, the Agency for Health Care Administration, the  
7201 Department of Juvenile Justice, and the Department of  
7202 Corrections and with the director of the Learning Development  
7203 and Evaluation Center of Florida Agricultural and Mechanical  
7204 University.

7205 (3) LEARNING GATEWAY DEMONSTRATION PROJECTS.—

7206 (e) The demonstration projects shall recommend to the  
7207 steering committee the linking or combining of some or all of  
7208 the local planning bodies, including school readiness  
7209 coalitions, Healthy Start coalitions, Part C advisory councils,  
7210 Department of Children and Families ~~Family Services~~ community  
7211 alliances, and other boards or councils that have a primary  
7212 focus on services for children from birth to age 9, to the  
7213 extent allowed by federal regulations, if such changes would  
7214 improve coordination and reduce unnecessary duplication of  
7215 effort.

7216 Section 219. Paragraph (g) of subsection (2) and paragraph  
7217 (c) of subsection (3) of section 411.227, Florida Statutes, are  
7218 amended to read:

7219 411.227 Components of the Learning Gateway.—The Learning  
7220 Gateway system consists of the following components:

7221 (2) SCREENING AND DEVELOPMENTAL MONITORING.—

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7222 (g) In conjunction with the technical assistance of the  
7223 steering committee, demonstration projects shall develop a  
7224 system for targeted screening. The projects should conduct a  
7225 needs assessment of existing services and programs where  
7226 targeted screening programs should be offered. Based on the  
7227 results of the needs assessment, the project shall develop  
7228 procedures within the demonstration community whereby periodic  
7229 developmental screening could be offered to parents of children  
7230 from birth through age 9 who are served by state intervention  
7231 programs or whose parents or caregivers are in state  
7232 intervention programs. Intervention programs for children,  
7233 parents, and caregivers include those administered or funded by  
7234 the:

- 7235 1. Agency for Health Care Administration;
- 7236 2. Department of Children and Families ~~Family Services~~;
- 7237 3. Department of Corrections and other criminal justice  
7238 programs;
- 7239 4. Department of Education;
- 7240 5. Department of Health; and
- 7241 6. Department of Juvenile Justice.

7242 (3) EARLY EDUCATION, SERVICES AND SUPPORTS.—

7243 (c) The steering committee, in cooperation with the  
7244 Department of Children and Families ~~Family Services~~, the  
7245 Department of Education, and the Office of Early Learning, shall  
7246 identify the elements of an effective research-based curriculum  
7247 for early care and education programs.

7248 Section 220. Paragraph (a) of subsection (1) and subsection  
7249 (3) of section 413.031, Florida Statutes, are amended to read:

7250 413.031 Products, purchase by state agencies and

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7251 institutions.—

7252 (1) DEFINITIONS.—When used in this section:

7253 (a) "Accredited nonprofit workshop" means a Florida  
7254 workshop which has been certified by either the Division of  
7255 Blind Services, for workshops concerned with blind persons, or  
7256 the Department of Children and Families ~~Family Services~~, when  
7257 other handicapped persons are concerned, and such "workshop"  
7258 means a place where any article is manufactured or handwork is  
7259 carried on and which is operated for the primary purpose of  
7260 providing employment to severely handicapped individuals,  
7261 including the blind, who cannot be readily absorbed in the  
7262 competitive labor market.

7263 (3) When convenience or emergency requires it, the  
7264 Department of Children and Families ~~Family Services~~ may upon  
7265 request of the purchasing officer of any institution or agency  
7266 relieve her or him from the obligation of this section.

7267 Section 221. Paragraph (d) of subsection (2) of section  
7268 413.208, Florida Statutes, is amended to read:

7269 413.208 Service providers; quality assurance; fitness for  
7270 responsibilities; background screening.—

7271 (2)

7272 (d)1. Every 5 years following the initial screening, each  
7273 person subject to background screening under this section must  
7274 submit to level 2 background rescreening as a condition of the  
7275 service provider retaining such registration.

7276 2. Until the person's background screening results are  
7277 retained in the clearinghouse created under s. 435.12, the  
7278 division may accept as satisfying the requirements of this  
7279 section proof of compliance with level 2 screening standards

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7280 submitted within the previous 5 years to meet any provider or  
7281 professional licensure requirements of the Agency for Health  
7282 Care Administration, the Department of Health, the Department of  
7283 Elderly Affairs, the Agency for Persons with Disabilities, or  
7284 the Department of Children and Families ~~Family Services~~,  
7285 provided:

7286 a. The screening standards and disqualifying offenses for  
7287 the prior screening are equivalent to those specified in s.  
7288 435.04 and this section;

7289 b. The person subject to screening has not had a break in  
7290 service from a position that requires level 2 screening for more  
7291 than 90 days; and

7292 c. Such proof is accompanied, under penalty of perjury, by  
7293 an affidavit of compliance with the provisions of chapter 435  
7294 and this section.

7295 Section 222. Paragraph (b) of subsection (2) of section  
7296 413.271, Florida Statutes, is amended to read:

7297 413.271 Florida Coordinating Council for the Deaf and Hard  
7298 of Hearing.—

7299 (2)

7300 (b) The coordinating council shall be composed of 17  
7301 members. The appointment of members not representing agencies  
7302 shall be made by the Governor. The appointment of members  
7303 representing organizations shall be made by the Governor in  
7304 consultation with those organizations. The membership shall be  
7305 as follows:

7306 1. Two members representing the Florida Association of the  
7307 Deaf.

7308 2. Two members representing the Florida Association of Self

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7309 Help for Hard of Hearing People.  
7310       3. A member representing the Association of Late-Deafened  
7311 Adults.  
7312       4. An individual who is deaf and blind.  
7313       5. A parent of an individual who is deaf.  
7314       6. A member representing the Deaf Service Center  
7315 Association.  
7316       7. A member representing the Florida Registry of  
7317 Interpreters for the Deaf.  
7318       8. A member representing the Florida Alexander Graham Bell  
7319 Association for the Deaf and Hard of Hearing.  
7320       9. A communication access realtime translator.  
7321       10. An audiologist licensed under part I of chapter 468.  
7322       11. A hearing aid specialist licensed under part II of  
7323 chapter 484.  
7324       12. The Secretary of Children and Families ~~Family Services~~  
7325 or his or her designee.  
7326       13. The State Surgeon General or his or her designee.  
7327       14. The Commissioner of Education or his or her designee.  
7328       15. The Secretary of Elderly Affairs or his or her  
7329 designee.  
7330  
7331 If any organization from which a representative is to be drawn  
7332 ceases to exist, a representative of a similar organization  
7333 shall be named to the coordinating council. The Governor shall  
7334 make appointments to the coordinating council no later than  
7335 August 1, 2004, and may remove any member for cause. Each member  
7336 shall be appointed to a term of 4 years. However, for the  
7337 purpose of providing staggered terms, of the initial

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7338 appointments not representing state agencies, seven members,  
7339 including the audiologist and the hearing aid specialist, shall  
7340 be appointed to 2-year terms and six members shall be appointed  
7341 to 4-year terms. Any vacancy on the coordinating council shall  
7342 be filled in the same manner as the original appointment, and  
7343 any member appointed to fill a vacancy occurring because of  
7344 death, resignation, or ineligibility for membership shall serve  
7345 only for the unexpired term of the member's predecessor. Prior  
7346 to serving on the coordinating council, all appointees must  
7347 attend orientation training that shall address, at a minimum,  
7348 the provisions of this section; the programs operated by the  
7349 coordinating council; the role and functions of the coordinating  
7350 council; the current budget for the coordinating council; the  
7351 results of the most recent formal audit of the coordinating  
7352 council; and the requirements of the state's public records law,  
7353 the code of ethics, the Administrative Procedure Act, and other  
7354 laws relating to public officials, including conflict-of-  
7355 interest laws.

7356 Section 223. Paragraph (b) of subsection (2) of section  
7357 413.402, Florida Statutes, is amended to read:

7358 413.402 Personal care attendant program.—The Florida  
7359 Endowment Foundation for Vocational Rehabilitation shall enter  
7360 into an agreement, no later than October 1, 2008, with the  
7361 Florida Association of Centers for Independent Living to  
7362 administer the James Patrick Memorial Work Incentive Personal  
7363 Attendant Services Program to provide personal care attendants  
7364 to persons who have severe and chronic disabilities of all kinds  
7365 and who are eligible under subsection (1). Effective July 1,  
7366 2008, the Florida Association of Centers for Independent Living

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7367 shall receive 12 percent of the funds paid to or on behalf of  
7368 participants from funds to be deposited with the Florida  
7369 Endowment Foundation for Vocational Rehabilitation pursuant to  
7370 ss. 320.08068(4)(d) and 413.4021(1) to administer the program.  
7371 For the purpose of ensuring continuity of services, a memorandum  
7372 of understanding shall be executed between the parties to cover  
7373 the period between July 1, 2008, and the execution of the final  
7374 agreement.

7375 (2)

7376 (b) The oversight group shall include, but need not be  
7377 limited to, a member of the Florida Association of Centers for  
7378 Independent Living, a person who is participating in the  
7379 program, and one representative each from the Department of  
7380 Revenue, the Department of Children and Families ~~Family~~  
7381 ~~Services~~, the Division of Vocational Rehabilitation in the  
7382 Department of Education, the Medicaid program in the Agency for  
7383 Health Care Administration, the Florida Endowment Foundation for  
7384 Vocational Rehabilitation, and the Brain and Spinal Cord Injury  
7385 Program in the Department of Health.

7386 Section 224. Subsection (3) of section 414.0252, Florida  
7387 Statutes, is amended to read:

7388 414.0252 Definitions.—As used in ss. 414.025-414.55, the  
7389 term:

7390 (3) "Department" means the Department of Children and  
7391 Families ~~Family Services~~.

7392 Section 225. Subsection (1) of section 414.175, Florida  
7393 Statutes, is amended to read:

7394 414.175 Review of existing waivers.—

7395 (1) The Department of Children and Families ~~Family Services~~

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7396 shall review existing waivers granted to the department by the  
7397 Federal Government and determine if such waivers continue to be  
7398 necessary based on the flexibility granted to states by federal  
7399 law. If it is determined that termination of the waivers would  
7400 reduce or eliminate potential federal cost neutrality liability,  
7401 the department may take action in accordance with federal  
7402 requirements. In taking such action, the department may continue  
7403 research initiated in conjunction with such waivers if the  
7404 department determines that continuation will provide program  
7405 findings that will be useful in assessing future welfare reform  
7406 alternatives.

7407 Section 226. Subsection (1) of section 414.27, Florida  
7408 Statutes, is amended to read:

7409 414.27 Temporary cash assistance; payment on death.—

7410 (1) Upon the death of any person receiving temporary cash  
7411 assistance through the Department of Children and Families  
7412 ~~Family Services~~, all temporary cash accrued to such person from  
7413 the date of last payment to the date of death shall be paid to  
7414 the person who shall have been designated by her or him on a  
7415 form prescribed by the department and filed with the department  
7416 during the lifetime of the person making such designation. If no  
7417 designation is made, or the person so designated is no longer  
7418 living or cannot be found, then payment shall be made to such  
7419 person as may be designated by the circuit judge of the county  
7420 where the recipient of temporary cash assistance resided.

7421 Designation by the circuit judge may be made on a form provided  
7422 by the department or by letter or memorandum to the Chief  
7423 Financial Officer. No filing or recording of the designation  
7424 shall be required, and the circuit judge shall receive no



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7425 compensation for such service. If a warrant has not been issued  
7426 and forwarded prior to notice by the department of the  
7427 recipient's death, upon notice thereof, the department shall  
7428 promptly requisition the Chief Financial Officer to issue a  
7429 warrant in the amount of the accrued temporary cash assistance  
7430 payable to the person designated to receive it and shall attach  
7431 to the requisition the original designation of the deceased  
7432 recipient, or if none, the designation made by the circuit  
7433 judge, as well as a notice of death. The Chief Financial Officer  
7434 shall issue a warrant in the amount payable.

7435 Section 227. Paragraph (a) of subsection (1) of section  
7436 414.32, Florida Statutes, is amended to read:

7437 414.32 Prohibitions and restrictions with respect to food  
7438 assistance program.—

7439 (1) COOPERATION WITH CHILD SUPPORT ENFORCEMENT AGENCY.—

7440 (a) A parent or caretaker relative who receives temporary  
7441 cash assistance or food assistance on behalf of a child under 18  
7442 years of age who has an absent parent is ineligible for food  
7443 assistance unless the parent or caretaker relative cooperates  
7444 with the state agency that administers the child support  
7445 enforcement program in establishing the paternity of the child,  
7446 if the child is born out of wedlock, and in obtaining support  
7447 for the child or for the parent or caretaker relative and the  
7448 child. This paragraph does not apply if the state agency that  
7449 administers the food assistance program determines that the  
7450 parent or caretaker relative has good cause for failing to  
7451 cooperate. The Department of Revenue shall determine good cause  
7452 for failure to cooperate if the Department of Children and  
7453 Families ~~Family Services~~ obtains written authorization from the

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7454 United States Department of Agriculture approving such  
7455 arrangements.

7456 Section 228. Section 414.37, Florida Statutes, is amended  
7457 to read:

7458 414.37 Public assistance overpayment recovery  
7459 privatization; reemployment of laid-off career service  
7460 employees.—Should career service employees of the Department of  
7461 Children and Families ~~Family Services~~ be subject to layoff after  
7462 July 1, 1995, due to the privatization of public assistance  
7463 overpayment recovery functions, the privatization contract shall  
7464 require the contracting firm to give priority consideration to  
7465 employment of such employees. In addition, a task force composed  
7466 of representatives from the Department of Children and Families  
7467 ~~Family Services~~ and the Department of Management Services shall  
7468 be established to provide reemployment assistance to such  
7469 employees.

7470 Section 229. Subsection (6) of section 414.39, Florida  
7471 Statutes, is amended to read:

7472 414.39 Fraud.—

7473 (6) Any person providing service for which compensation is  
7474 paid under any state or federally funded public assistance  
7475 program who solicits, requests, or receives, either actually or  
7476 constructively, any payment or contribution through a payment,  
7477 assessment, gift, devise, bequest or other means, whether  
7478 directly or indirectly, from a recipient of public assistance  
7479 from such public assistance program, or from the family of such  
7480 a recipient, shall notify the Department of Children and  
7481 Families ~~Family Services~~, on a form provided by the department,  
7482 of the amount of such payment or contribution and of such other

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7483 information as specified by the department, within 10 days after  
7484 the receipt of such payment or contribution or, if said payment  
7485 or contribution is to become effective at some time in the  
7486 future, within 10 days of the consummation of the agreement to  
7487 make such payment or contribution. Failure to notify the  
7488 department within the time prescribed is a misdemeanor of the  
7489 first degree, punishable as provided in s. 775.082 or s.  
7490 775.083.

7491 Section 230. Subsection (1) of section 414.391, Florida  
7492 Statutes, is amended to read:

7493 414.391 Automated fingerprint imaging.—

7494 (1) The Department of Children and Families ~~Family Services~~  
7495 shall develop and implement, as part of the electronic benefits  
7496 transfer program, a statewide program to prevent public  
7497 assistance fraud by using a type of automated fingerprint  
7498 imaging of adult and teen parent applicants for, and adult and  
7499 teen parent recipients of, public assistance under this chapter.

7500 Section 231. Paragraph (d) of subsection (2) of section  
7501 414.40, Florida Statutes, is amended to read:

7502 414.40 Stop Inmate Fraud Program established; guidelines.—

7503 (2) The Department of Financial Services is directed to  
7504 implement the Stop Inmate Fraud Program in accordance with the  
7505 following guidelines:

7506 (d) Data obtained from correctional institutions or other  
7507 detention facilities shall be compared with the client files of  
7508 the Department of Children and Families ~~Family Services~~, the  
7509 Department of Economic Opportunity, and other state or local  
7510 agencies as needed to identify persons wrongfully obtaining  
7511 benefits. Data comparisons shall be accomplished during periods

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7512 of low information demand by agency personnel to minimize  
7513 inconvenience to the agency.

7514 Section 232. Subsections (1), (3), and (4) of section  
7515 414.411, Florida Statutes, are amended to read:

7516 414.411 Public assistance fraud.—

7517 (1) The Department of Financial Services shall investigate  
7518 all public assistance provided to residents of the state or  
7519 provided to others by the state. In the course of such  
7520 investigation the department shall examine all records,  
7521 including electronic benefits transfer records and make inquiry  
7522 of all persons who may have knowledge as to any irregularity  
7523 incidental to the disbursement of public moneys, food  
7524 assistance, or other items or benefits authorizations to  
7525 recipients. All public assistance recipients, as a condition  
7526 precedent to qualification for public assistance under chapter  
7527 409, chapter 411, or this chapter, must first give in writing,  
7528 to the Agency for Health Care Administration, the Department of  
7529 Health, the Department of Economic Opportunity, and the  
7530 Department of Children and Families ~~Family Services~~, as  
7531 appropriate, and to the Department of Financial Services,  
7532 consent to make inquiry of past or present employers and  
7533 records, financial or otherwise.

7534 (3) The results of such investigation shall be reported by  
7535 the Department of Financial Services to the appropriate  
7536 legislative committees, the Agency for Health Care  
7537 Administration, the Department of Health, the Department of  
7538 Economic Opportunity, and the Department of Children and  
7539 Families ~~Family Services~~, and to such others as the department  
7540 may determine.

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7541 (4) The Department of Health and the Department of Children  
7542 and Families ~~Family Services~~ shall report to the Department of  
7543 Financial Services the final disposition of all cases wherein  
7544 action has been taken pursuant to s. 414.39, based upon  
7545 information furnished by the Department of Financial Services.

7546 Section 233. Section 414.42, Florida Statutes, is amended  
7547 to read:

7548 414.42 Cause for employee dismissal.—It is cause for  
7549 dismissal of an employee of the Department of Children and  
7550 Families ~~Family Services~~ if the employee knowingly and willfully  
7551 allows an ineligible person to obtain public assistance.

7552 Section 234. Subsection (7) of section 415.102, Florida  
7553 Statutes, is amended to read:

7554 415.102 Definitions of terms used in ss. 415.101-415.113.—  
7555 As used in ss. 415.101-415.113, the term:

7556 (7) "Department" means the Department of Children and  
7557 Families ~~Family Services~~.

7558 Section 235. Subsection (2) of section 415.107, Florida  
7559 Statutes, is amended to read:

7560 415.107 Confidentiality of reports and records.—

7561 (2) Upon the request of the committee chairperson, access  
7562 to all records shall be granted to staff of the legislative  
7563 committees with jurisdiction over issues and services related to  
7564 vulnerable adults, or over the department. All confidentiality  
7565 provisions that apply to the Department of Children and Families  
7566 ~~Family Services~~ continue to apply to the records made available  
7567 to legislative staff under this subsection.

7568 Section 236. Subsections (1) and (2) of section 415.1071,  
7569 Florida Statutes, are amended to read:

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7570 415.1071 Release of confidential information.—  
7571 (1) Any person or organization, including the Department of  
7572 Children and Families ~~Family Services~~, may petition the court  
7573 for an order making public the records of the Department of  
7574 Children and Families ~~Family Services~~ which pertain to  
7575 investigations of alleged abuse, neglect, or exploitation of a  
7576 vulnerable adult. The court shall determine whether good cause  
7577 exists for public access to the records sought or a portion  
7578 thereof. In making this determination, the court shall balance  
7579 the best interests of the vulnerable adult who is the focus of  
7580 the investigation together with the privacy right of other  
7581 persons identified in the reports against the public interest.  
7582 The public interest in access to such records is reflected in s.  
7583 119.01(1), and includes the need for citizens to know of and  
7584 adequately evaluate the actions of the Department of Children  
7585 and Families ~~Family Services~~ and the court system in providing  
7586 vulnerable adults of this state with the protections enumerated  
7587 in s. 415.101. However, this subsection does not contravene s.  
7588 415.107, which protects the name of any person reporting the  
7589 abuse, neglect, or exploitation of a vulnerable adult.  
7590 (2) In cases involving serious bodily injury to a  
7591 vulnerable adult, the Department of Children and Families ~~Family~~  
7592 ~~Services~~ may petition the court for an order for the immediate  
7593 public release of records of the department which pertain to the  
7594 protective investigation. The petition must be personally served  
7595 upon the vulnerable adult, the vulnerable adult's legal  
7596 guardian, if any, and any person named as an alleged perpetrator  
7597 in the report of abuse, neglect, or exploitation. The court must  
7598 determine whether good cause exists for the public release of

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7599 the records sought no later than 24 hours, excluding Saturdays,  
7600 Sundays, and legal holidays, after the date the department filed  
7601 the petition with the court. If the court does not grant or deny  
7602 the petition within the 24-hour time period, the department may  
7603 release to the public summary information including:

7604 (a) A confirmation that an investigation has been conducted  
7605 concerning the alleged victim.

7606 (b) The dates and brief description of procedural  
7607 activities undertaken during the department's investigation.

7608 (c) The date of each judicial proceeding, a summary of each  
7609 participant's recommendations made at the judicial proceeding,  
7610 and the ruling of the court.

7611  
7612 The summary information shall not include the name of, or other  
7613 identifying information with respect to, any person identified  
7614 in any investigation. In making a determination to release  
7615 confidential information, the court shall balance the best  
7616 interests of the vulnerable adult who is the focus of the  
7617 investigation together with the privacy rights of other persons  
7618 identified in the reports against the public interest for access  
7619 to public records. However, this subsection does not contravene  
7620 s. 415.107, which protects the name of any person reporting  
7621 abuse, neglect, or exploitation of a vulnerable adult.

7622 Section 237. Paragraphs (a) and (b) of subsection (1) of  
7623 section 419.001, Florida Statutes, are amended to read:

7624 419.001 Site selection of community residential homes.—

7625 (1) For the purposes of this section, the term:

7626 (a) "Community residential home" means a dwelling unit  
7627 licensed to serve residents who are clients of the Department of

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7628 Elderly Affairs, the Agency for Persons with Disabilities, the  
7629 Department of Juvenile Justice, or the Department of Children  
7630 and Families ~~Family Services~~ or licensed by the Agency for  
7631 Health Care Administration which provides a living environment  
7632 for 7 to 14 unrelated residents who operate as the functional  
7633 equivalent of a family, including such supervision and care by  
7634 supportive staff as may be necessary to meet the physical,  
7635 emotional, and social needs of the residents.

7636 (b) "Licensing entity" or "licensing entities" means the  
7637 Department of Elderly Affairs, the Agency for Persons with  
7638 Disabilities, the Department of Juvenile Justice, the Department  
7639 of Children and Families ~~Family Services~~, or the Agency for  
7640 Health Care Administration, all of which are authorized to  
7641 license a community residential home to serve residents.

7642 Section 238. Subsection (3) of section 420.621, Florida  
7643 Statutes, is amended to read:

7644 420.621 Definitions.—As used in ss. 420.621-420.628, the  
7645 term:

7646 (3) "Department" means the Department of Children and  
7647 Families ~~Family Services~~.

7648 Section 239. Subsections (2), (8), and (9) of section  
7649 420.622, Florida Statutes, are amended to read:

7650 420.622 State Office on Homelessness; Council on  
7651 Homelessness.—

7652 (2) The Council on Homelessness is created to consist of a  
7653 17-member council of public and private agency representatives  
7654 who shall develop policy and advise the State Office on  
7655 Homelessness. The council members shall be: the Secretary of  
7656 Children and Families ~~Family Services~~, or his or her designee;



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7657 the executive director of the Department of Economic  
7658 Opportunity, or his or her designee, to advise the council on  
7659 issues related to rural development; the State Surgeon General,  
7660 or his or her designee; the Executive Director of Veterans'  
7661 Affairs, or his or her designee; the Secretary of Corrections,  
7662 or his or her designee; the Secretary of Health Care  
7663 Administration, or his or her designee; the Commissioner of  
7664 Education, or his or her designee; the Director of Workforce  
7665 Florida, Inc., or his or her designee; one representative of the  
7666 Florida Association of Counties; one representative from the  
7667 Florida League of Cities; one representative of the Florida  
7668 Supportive Housing Coalition; the Executive Director of the  
7669 Florida Housing Finance Corporation, or his or her designee; one  
7670 representative of the Florida Coalition for the Homeless; and  
7671 four members appointed by the Governor. The council members  
7672 shall be volunteer, nonpaid persons and shall be reimbursed for  
7673 travel expenses only. The appointed members of the council shall  
7674 be appointed to staggered 2-year terms, and the council shall  
7675 meet at least four times per year. The importance of minority,  
7676 gender, and geographic representation must be considered when  
7677 appointing members to the council.

7678 (8) The Department of Children and Families ~~Family~~  
7679 ~~Services~~, with input from the Council on Homelessness, must  
7680 adopt rules relating to the challenge grants and the homeless  
7681 housing assistance grants and related issues consistent with the  
7682 purposes of this section.

7683 (9) The council shall, by June 30 of each year, beginning  
7684 in 2010, provide to the Governor, the Legislature, and the  
7685 Secretary of Children and Families ~~Family Services~~ a report

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7686 summarizing the extent of homelessness in the state and the  
7687 council's recommendations for reducing homelessness in this  
7688 state.

7689 Section 240. Paragraph (d) of subsection (1) of section  
7690 420.628, Florida Statutes, is amended to read:

7691 420.628 Affordable housing for children and young adults  
7692 leaving foster care; legislative findings and intent.—

7693 (1)

7694 (d) The Legislature intends that the Florida Housing  
7695 Finance Corporation, agencies within the State Housing  
7696 Initiative Partnership Program, local housing finance agencies,  
7697 public housing authorities, and their agents, and other  
7698 providers of affordable housing coordinate with the Department  
7699 of Children and Families ~~Family Services~~, their agents, and  
7700 community-based care providers who provide services under s.  
7701 409.1671 to develop and implement strategies and procedures  
7702 designed to make affordable housing available whenever and  
7703 wherever possible to young adults who leave the child welfare  
7704 system.

7705 Section 241. Paragraph (d) of subsection (1) of section  
7706 421.10, Florida Statutes, is amended to read:

7707 421.10 Rentals and tenant selection.—

7708 (1) In the operation or management of housing projects an  
7709 authority shall at all times observe the following duties with  
7710 respect to rentals and tenant selection:

7711 (d) The Department of Children and Families ~~Family~~  
7712 ~~Services~~, pursuant to 45 C.F.R. s. 233.20(a)(3)(vii)(c), may not  
7713 consider as income for recipients of temporary cash assistance  
7714 any assistance received by recipients from other agencies or

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7715 organizations such as public housing authorities.

7716 Section 242. Paragraph (g) of subsection (1) of section  
7717 427.012, Florida Statutes, is amended to read:

7718 427.012 The Commission for the Transportation  
7719 Disadvantaged.—There is created the Commission for the  
7720 Transportation Disadvantaged in the Department of  
7721 Transportation.

7722 (1) The commission shall consist of seven members, all of  
7723 whom shall be appointed by the Governor, in accordance with the  
7724 requirements of s. 20.052.

7725 (g) The Secretary of Transportation, the Secretary of  
7726 Children and Families ~~Family Services~~, the executive director of  
7727 the Department of Economic Opportunity, the executive director  
7728 of the Department of Veterans' Affairs, the Secretary of Elderly  
7729 Affairs, the Secretary of Health Care Administration, the  
7730 director of the Agency for Persons with Disabilities, and a  
7731 county manager or administrator who is appointed by the  
7732 Governor, or a senior management level representative of each,  
7733 shall serve as ex officio, nonvoting advisors to the commission.

7734 Section 243. Subsection (2) of section 429.01, Florida  
7735 Statutes, is amended to read:

7736 429.01 Short title; purpose.—

7737 (2) The purpose of this act is to promote the availability  
7738 of appropriate services for elderly persons and adults with  
7739 disabilities in the least restrictive and most homelike  
7740 environment, to encourage the development of facilities that  
7741 promote the dignity, individuality, privacy, and decisionmaking  
7742 ability of such persons, to provide for the health, safety, and  
7743 welfare of residents of assisted living facilities in the state,

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7744 to promote continued improvement of such facilities, to  
7745 encourage the development of innovative and affordable  
7746 facilities particularly for persons with low to moderate  
7747 incomes, to ensure that all agencies of the state cooperate in  
7748 the protection of such residents, and to ensure that needed  
7749 economic, social, mental health, health, and leisure services  
7750 are made available to residents of such facilities through the  
7751 efforts of the Agency for Health Care Administration, the  
7752 Department of Elderly Affairs, the Department of Children and  
7753 Families ~~Family Services~~, the Department of Health, assisted  
7754 living facilities, and other community agencies. To the maximum  
7755 extent possible, appropriate community-based programs must be  
7756 available to state-supported residents to augment the services  
7757 provided in assisted living facilities. The Legislature  
7758 recognizes that assisted living facilities are an important part  
7759 of the continuum of long-term care in the state. In support of  
7760 the goal of aging in place, the Legislature further recognizes  
7761 that assisted living facilities should be operated and regulated  
7762 as residential environments with supportive services and not as  
7763 medical or nursing facilities. The services available in these  
7764 facilities, either directly or through contract or agreement,  
7765 are intended to help residents remain as independent as  
7766 possible. Regulations governing these facilities must be  
7767 sufficiently flexible to allow facilities to adopt policies that  
7768 enable residents to age in place when resources are available to  
7769 meet their needs and accommodate their preferences.

7770 Section 244. Subsection (1) and paragraph (b) of subsection  
7771 (3) of section 429.075, Florida Statutes, are amended to read:

7772 429.075 Limited mental health license.—An assisted living

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7773 facility that serves three or more mental health residents must  
7774 obtain a limited mental health license.

7775 (1) To obtain a limited mental health license, a facility  
7776 must hold a standard license as an assisted living facility,  
7777 must not have any current uncorrected deficiencies or  
7778 violations, and must ensure that, within 6 months after  
7779 receiving a limited mental health license, the facility  
7780 administrator and the staff of the facility who are in direct  
7781 contact with mental health residents must complete training of  
7782 no less than 6 hours related to their duties. Such designation  
7783 may be made at the time of initial licensure or relicensure or  
7784 upon request in writing by a licensee under this part and part  
7785 II of chapter 408. Notification of approval or denial of such  
7786 request shall be made in accordance with this part, part II of  
7787 chapter 408, and applicable rules. This training will be  
7788 provided by or approved by the Department of Children and  
7789 Families ~~Family Services~~.

7790 (3) A facility that has a limited mental health license  
7791 must:

7792 (b) Have documentation that is provided by the Department  
7793 of Children and Families ~~Family Services~~ that each mental health  
7794 resident has been assessed and determined to be able to live in  
7795 the community in an assisted living facility with a limited  
7796 mental health license.

7797 Section 245. Paragraphs (c) and (d) of subsection (2) of  
7798 section 429.08, Florida Statutes, are amended to read:

7799 429.08 Unlicensed facilities; referral of person for  
7800 residency to unlicensed facility; penalties.—

7801 (2) It is unlawful to knowingly refer a person for

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7802 residency to an unlicensed assisted living facility; to an  
7803 assisted living facility the license of which is under denial or  
7804 has been suspended or revoked; or to an assisted living facility  
7805 that has a moratorium pursuant to part II of chapter 408.

7806 (c) Any employee of the agency or department, or the  
7807 Department of Children and Families ~~Family Services~~, who  
7808 knowingly refers a person for residency to an unlicensed  
7809 facility; to a facility the license of which is under denial or  
7810 has been suspended or revoked; or to a facility that has a  
7811 moratorium pursuant to part II of chapter 408 is subject to  
7812 disciplinary action by the agency or department, or the  
7813 Department of Children and Families ~~Family Services~~.

7814 (d) The employer of any person who is under contract with  
7815 the agency or department, or the Department of Children and  
7816 Families ~~Family Services~~, and who knowingly refers a person for  
7817 residency to an unlicensed facility; to a facility the license  
7818 of which is under denial or has been suspended or revoked; or to  
7819 a facility that has a moratorium pursuant to part II of chapter  
7820 408 shall be fined and required to prepare a corrective action  
7821 plan designed to prevent such referrals.

7822 Section 246. Subsection (9) of section 429.19, Florida  
7823 Statutes, is amended to read:

7824 429.19 Violations; imposition of administrative fines;  
7825 grounds.—

7826 (9) The agency shall develop and disseminate an annual list  
7827 of all facilities sanctioned or fined for violations of state  
7828 standards, the number and class of violations involved, the  
7829 penalties imposed, and the current status of cases. The list  
7830 shall be disseminated, at no charge, to the Department of

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7831 Elderly Affairs, the Department of Health, the Department of  
7832 Children and Families ~~Family Services~~, the Agency for Persons  
7833 with Disabilities, the area agencies on aging, the Florida  
7834 Statewide Advocacy Council, and the state and local ombudsman  
7835 councils. The Department of Children and Families ~~Family~~  
7836 ~~Services~~ shall disseminate the list to service providers under  
7837 contract to the department who are responsible for referring  
7838 persons to a facility for residency. The agency may charge a fee  
7839 commensurate with the cost of printing and postage to other  
7840 interested parties requesting a copy of this list. This  
7841 information may be provided electronically or through the  
7842 agency's Internet site.

7843 Section 247. Subsection (6) of section 429.23, Florida  
7844 Statutes, is amended to read:

7845 429.23 Internal risk management and quality assurance  
7846 program; adverse incidents and reporting requirements.—

7847 (6) Abuse, neglect, or exploitation must be reported to the  
7848 Department of Children and Families ~~Family Services~~ as required  
7849 under chapter 415.

7850 Section 248. Subsections (1), (6), and (8) of section  
7851 429.26, Florida Statutes, are amended to read:

7852 429.26 Appropriateness of placements; examinations of  
7853 residents.—

7854 (1) The owner or administrator of a facility is responsible  
7855 for determining the appropriateness of admission of an  
7856 individual to the facility and for determining the continued  
7857 appropriateness of residence of an individual in the facility. A  
7858 determination shall be based upon an assessment of the  
7859 strengths, needs, and preferences of the resident, the care and

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7860 services offered or arranged for by the facility in accordance  
7861 with facility policy, and any limitations in law or rule related  
7862 to admission criteria or continued residency for the type of  
7863 license held by the facility under this part. A resident may not  
7864 be moved from one facility to another without consultation with  
7865 and agreement from the resident or, if applicable, the  
7866 resident's representative or designee or the resident's family,  
7867 guardian, surrogate, or attorney in fact. In the case of a  
7868 resident who has been placed by the department or the Department  
7869 of Children and Families ~~Family Services~~, the administrator must  
7870 notify the appropriate contact person in the applicable  
7871 department.

7872 (6) Any resident accepted in a facility and placed by the  
7873 department or the Department of Children and Families ~~Family~~  
7874 ~~Services~~ shall have been examined by medical personnel within 30  
7875 days before placement in the facility. The examination shall  
7876 include an assessment of the appropriateness of placement in a  
7877 facility. The findings of this examination shall be recorded on  
7878 the examination form provided by the agency. The completed form  
7879 shall accompany the resident and shall be submitted to the  
7880 facility owner or administrator. Additionally, in the case of a  
7881 mental health resident, the Department of Children and Families  
7882 ~~Family Services~~ must provide documentation that the individual  
7883 has been assessed by a psychiatrist, clinical psychologist,  
7884 clinical social worker, or psychiatric nurse, or an individual  
7885 who is supervised by one of these professionals, and determined  
7886 to be appropriate to reside in an assisted living facility. The  
7887 documentation must be in the facility within 30 days after the  
7888 mental health resident has been admitted to the facility. An



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7889 evaluation completed upon discharge from a state mental hospital  
7890 meets the requirements of this subsection related to  
7891 appropriateness for placement as a mental health resident  
7892 providing it was completed within 90 days prior to admission to  
7893 the facility. The applicable department shall provide to the  
7894 facility administrator any information about the resident that  
7895 would help the administrator meet his or her responsibilities  
7896 under subsection (1). Further, department personnel shall  
7897 explain to the facility operator any special needs of the  
7898 resident and advise the operator whom to call should problems  
7899 arise. The applicable department shall advise and assist the  
7900 facility administrator where the special needs of residents who  
7901 are recipients of optional state supplementation require such  
7902 assistance.

7903 (8) The Department of Children and Families ~~Family Services~~  
7904 may require an examination for supplemental security income and  
7905 optional state supplementation recipients residing in facilities  
7906 at any time and shall provide the examination whenever a  
7907 resident's condition requires it. Any facility administrator;  
7908 personnel of the agency, the department, or the Department of  
7909 Children and Families ~~Family Services~~; or long-term care  
7910 ombudsman council member who believes a resident needs to be  
7911 evaluated shall notify the resident's case manager, who shall  
7912 take appropriate action. A report of the examination findings  
7913 shall be provided to the resident's case manager and the  
7914 facility administrator to help the administrator meet his or her  
7915 responsibilities under subsection (1).

7916 Section 249. Subsection (2) of section 429.31, Florida  
7917 Statutes, is amended to read:

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7918 429.31 Closing of facility; notice; penalty.—

7919 (2) Immediately upon the notice by the agency of the  
7920 voluntary or involuntary termination of such operation, the  
7921 agency shall monitor the transfer of residents to other  
7922 facilities and ensure that residents' rights are being  
7923 protected. The department, in consultation with the Department  
7924 of Children and Families ~~Family Services~~, shall specify  
7925 procedures for ensuring that all residents who receive services  
7926 are appropriately relocated.

7927 Section 250. Section 429.34, Florida Statutes, is amended  
7928 to read:

7929 429.34 Right of entry and inspection.—In addition to the  
7930 requirements of s. 408.811, any duly designated officer or  
7931 employee of the department, the Department of Children and  
7932 Families ~~Family Services~~, the Medicaid Fraud Control Unit of the  
7933 Office of the Attorney General, the state or local fire marshal,  
7934 or a member of the state or local long-term care ombudsman  
7935 council shall have the right to enter unannounced upon and into  
7936 the premises of any facility licensed pursuant to this part in  
7937 order to determine the state of compliance with the provisions  
7938 of this part, part II of chapter 408, and applicable rules. Data  
7939 collected by the state or local long-term care ombudsman  
7940 councils or the state or local advocacy councils may be used by  
7941 the agency in investigations involving violations of regulatory  
7942 standards.

7943 Section 251. Subsection (1) of section 429.41, Florida  
7944 Statutes, is amended to read:

7945 429.41 Rules establishing standards.—

7946 (1) It is the intent of the Legislature that rules

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7947 published and enforced pursuant to this section shall include  
7948 criteria by which a reasonable and consistent quality of  
7949 resident care and quality of life may be ensured and the results  
7950 of such resident care may be demonstrated. Such rules shall also  
7951 ensure a safe and sanitary environment that is residential and  
7952 noninstitutional in design or nature. It is further intended  
7953 that reasonable efforts be made to accommodate the needs and  
7954 preferences of residents to enhance the quality of life in a  
7955 facility. The agency, in consultation with the department, may  
7956 adopt rules to administer the requirements of part II of chapter  
7957 408. In order to provide safe and sanitary facilities and the  
7958 highest quality of resident care accommodating the needs and  
7959 preferences of residents, the department, in consultation with  
7960 the agency, the Department of Children and Families ~~Family~~  
7961 ~~Services~~, and the Department of Health, shall adopt rules,  
7962 policies, and procedures to administer this part, which must  
7963 include reasonable and fair minimum standards in relation to:

7964 (a) The requirements for and maintenance of facilities, not  
7965 in conflict with chapter 553, relating to plumbing, heating,  
7966 cooling, lighting, ventilation, living space, and other housing  
7967 conditions, which will ensure the health, safety, and comfort of  
7968 residents and protection from fire hazard, including adequate  
7969 provisions for fire alarm and other fire protection suitable to  
7970 the size of the structure. Uniform firesafety standards shall be  
7971 established and enforced by the State Fire Marshal in  
7972 cooperation with the agency, the department, and the Department  
7973 of Health.

7974 1. Evacuation capability determination.—

7975 a. The National Fire Protection Association, NFPA 101A,

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7976 Chapter 5, 1995 edition, shall be used for determining the  
7977 ability of the residents, with or without staff assistance, to  
7978 relocate from or within a licensed facility to a point of safety  
7979 as provided in the fire codes adopted herein. An evacuation  
7980 capability evaluation for initial licensure shall be conducted  
7981 within 6 months after the date of licensure. For existing  
7982 licensed facilities that are not equipped with an automatic fire  
7983 sprinkler system, the administrator shall evaluate the  
7984 evacuation capability of residents at least annually. The  
7985 evacuation capability evaluation for each facility not equipped  
7986 with an automatic fire sprinkler system shall be validated,  
7987 without liability, by the State Fire Marshal, by the local fire  
7988 marshal, or by the local authority having jurisdiction over  
7989 firesafety, before the license renewal date. If the State Fire  
7990 Marshal, local fire marshal, or local authority having  
7991 jurisdiction over firesafety has reason to believe that the  
7992 evacuation capability of a facility as reported by the  
7993 administrator may have changed, it may, with assistance from the  
7994 facility administrator, reevaluate the evacuation capability  
7995 through timed exiting drills. Translation of timed fire exiting  
7996 drills to evacuation capability may be determined:

7997 (I) Three minutes or less: prompt.

7998 (II) More than 3 minutes, but not more than 13 minutes:  
7999 slow.

8000 (III) More than 13 minutes: impractical.

8001 b. The Office of the State Fire Marshal shall provide or  
8002 cause the provision of training and education on the proper  
8003 application of Chapter 5, NFPA 101A, 1995 edition, to its  
8004 employees, to staff of the Agency for Health Care Administration

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8005 who are responsible for regulating facilities under this part,  
8006 and to local governmental inspectors. The Office of the State  
8007 Fire Marshal shall provide or cause the provision of this  
8008 training within its existing budget, but may charge a fee for  
8009 this training to offset its costs. The initial training must be  
8010 delivered within 6 months after July 1, 1995, and as needed  
8011 thereafter.

8012 c. The Office of the State Fire Marshal, in cooperation  
8013 with provider associations, shall provide or cause the provision  
8014 of a training program designed to inform facility operators on  
8015 how to properly review bid documents relating to the  
8016 installation of automatic fire sprinklers. The Office of the  
8017 State Fire Marshal shall provide or cause the provision of this  
8018 training within its existing budget, but may charge a fee for  
8019 this training to offset its costs. The initial training must be  
8020 delivered within 6 months after July 1, 1995, and as needed  
8021 thereafter.

8022 d. The administrator of a licensed facility shall sign an  
8023 affidavit verifying the number of residents occupying the  
8024 facility at the time of the evacuation capability evaluation.

8025 2. Firesafety requirements.-

8026 a. Except for the special applications provided herein,  
8027 effective January 1, 1996, the National Fire Protection  
8028 Association, Life Safety Code, NFPA 101, 1994 edition, Chapter  
8029 22 for new facilities and Chapter 23 for existing facilities  
8030 shall be the uniform fire code applied by the State Fire Marshal  
8031 for assisted living facilities, pursuant to s. 633.206.

8032 b. Any new facility, regardless of size, that applies for a  
8033 license on or after January 1, 1996, must be equipped with an

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8034 automatic fire sprinkler system. The exceptions as provided in  
8035 s. 22-2.3.5.1, NFPA 101, 1994 edition, as adopted herein, apply  
8036 to any new facility housing eight or fewer residents. On July 1,  
8037 1995, local governmental entities responsible for the issuance  
8038 of permits for construction shall inform, without liability, any  
8039 facility whose permit for construction is obtained before  
8040 January 1, 1996, of this automatic fire sprinkler requirement.  
8041 As used in this part, the term "a new facility" does not mean an  
8042 existing facility that has undergone change of ownership.

8043 c. Notwithstanding any provision of s. 633.206 or of the  
8044 National Fire Protection Association, NFPA 101A, Chapter 5, 1995  
8045 edition, to the contrary, any existing facility housing eight or  
8046 fewer residents is not required to install an automatic fire  
8047 sprinkler system, nor to comply with any other requirement in  
8048 Chapter 23, NFPA 101, 1994 edition, that exceeds the firesafety  
8049 requirements of NFPA 101, 1988 edition, that applies to this  
8050 size facility, unless the facility has been classified as  
8051 impractical to evacuate. Any existing facility housing eight or  
8052 fewer residents that is classified as impractical to evacuate  
8053 must install an automatic fire sprinkler system within the  
8054 timeframes granted in this section.

8055 d. Any existing facility that is required to install an  
8056 automatic fire sprinkler system under this paragraph need not  
8057 meet other firesafety requirements of Chapter 23, NFPA 101, 1994  
8058 edition, which exceed the provisions of NFPA 101, 1988 edition.  
8059 The mandate contained in this paragraph which requires certain  
8060 facilities to install an automatic fire sprinkler system  
8061 supersedes any other requirement.

8062 e. This paragraph does not supersede the exceptions granted

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8063 in NFPA 101, 1988 edition or 1994 edition.

8064 f. This paragraph does not exempt facilities from other  
8065 firesafety provisions adopted under s. 633.206 and local  
8066 building code requirements in effect before July 1, 1995.

8067 g. A local government may charge fees only in an amount not  
8068 to exceed the actual expenses incurred by local government  
8069 relating to the installation and maintenance of an automatic  
8070 fire sprinkler system in an existing and properly licensed  
8071 assisted living facility structure as of January 1, 1996.

8072 h. If a licensed facility undergoes major reconstruction or  
8073 addition to an existing building on or after January 1, 1996,  
8074 the entire building must be equipped with an automatic fire  
8075 sprinkler system. Major reconstruction of a building means  
8076 repair or restoration that costs in excess of 50 percent of the  
8077 value of the building as reported on the tax rolls, excluding  
8078 land, before reconstruction. Multiple reconstruction projects  
8079 within a 5-year period the total costs of which exceed 50  
8080 percent of the initial value of the building when the first  
8081 reconstruction project was permitted are to be considered as  
8082 major reconstruction. Application for a permit for an automatic  
8083 fire sprinkler system is required upon application for a permit  
8084 for a reconstruction project that creates costs that go over the  
8085 50-percent threshold.

8086 i. Any facility licensed before January 1, 1996, that is  
8087 required to install an automatic fire sprinkler system shall  
8088 ensure that the installation is completed within the following  
8089 timeframes based upon evacuation capability of the facility as  
8090 determined under subparagraph 1.:

8091 (I) Impractical evacuation capability, 24 months.

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8092 (II) Slow evacuation capability, 48 months.

8093 (III) Prompt evacuation capability, 60 months.

8094  
8095 The beginning date from which the deadline for the automatic  
8096 fire sprinkler installation requirement must be calculated is  
8097 upon receipt of written notice from the local fire official that  
8098 an automatic fire sprinkler system must be installed. The local  
8099 fire official shall send a copy of the document indicating the  
8100 requirement of a fire sprinkler system to the Agency for Health  
8101 Care Administration.

8102 j. It is recognized that the installation of an automatic  
8103 fire sprinkler system may create financial hardship for some  
8104 facilities. The appropriate local fire official shall, without  
8105 liability, grant two 1-year extensions to the timeframes for  
8106 installation established herein, if an automatic fire sprinkler  
8107 installation cost estimate and proof of denial from two  
8108 financial institutions for a construction loan to install the  
8109 automatic fire sprinkler system are submitted. However, for any  
8110 facility with a class I or class II, or a history of uncorrected  
8111 class III, firesafety deficiencies, an extension must not be  
8112 granted. The local fire official shall send a copy of the  
8113 document granting the time extension to the Agency for Health  
8114 Care Administration.

8115 k. A facility owner whose facility is required to be  
8116 equipped with an automatic fire sprinkler system under Chapter  
8117 23, NFPA 101, 1994 edition, as adopted herein, must disclose to  
8118 any potential buyer of the facility that an installation of an  
8119 automatic fire sprinkler requirement exists. The sale of the  
8120 facility does not alter the timeframe for the installation of



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8121 the automatic fire sprinkler system.

8122       1. Existing facilities required to install an automatic  
8123 fire sprinkler system as a result of construction-type  
8124 restrictions in Chapter 23, NFPA 101, 1994 edition, as adopted  
8125 herein, or evacuation capability requirements shall be notified  
8126 by the local fire official in writing of the automatic fire  
8127 sprinkler requirement, as well as the appropriate date for final  
8128 compliance as provided in this subparagraph. The local fire  
8129 official shall send a copy of the document to the Agency for  
8130 Health Care Administration.

8131       m. Except in cases of life-threatening fire hazards, if an  
8132 existing facility experiences a change in the evacuation  
8133 capability, or if the local authority having jurisdiction  
8134 identifies a construction-type restriction, such that an  
8135 automatic fire sprinkler system is required, it shall be given  
8136 time for installation as provided in this subparagraph.

8137  
8138 Facilities that are fully sprinkled and in compliance with other  
8139 firesafety standards are not required to conduct more than one  
8140 of the required fire drills between the hours of 11 p.m. and 7  
8141 a.m., per year. In lieu of the remaining drills, staff  
8142 responsible for residents during such hours may be required to  
8143 participate in a mock drill that includes a review of evacuation  
8144 procedures. Such standards must be included or referenced in the  
8145 rules adopted by the State Fire Marshal. Pursuant to s.

8146 633.206(1)(b), the State Fire Marshal is the final  
8147 administrative authority for firesafety standards established  
8148 and enforced pursuant to this section. All licensed facilities  
8149 must have an annual fire inspection conducted by the local fire

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8150 marshal or authority having jurisdiction.

8151         3. Resident elopement requirements.—Facilities are required  
8152 to conduct a minimum of two resident elopement prevention and  
8153 response drills per year. All administrators and direct care  
8154 staff must participate in the drills which shall include a  
8155 review of procedures to address resident elopement. Facilities  
8156 must document the implementation of the drills and ensure that  
8157 the drills are conducted in a manner consistent with the  
8158 facility's resident elopement policies and procedures.

8159         (b) The preparation and annual update of a comprehensive  
8160 emergency management plan. Such standards must be included in  
8161 the rules adopted by the department after consultation with the  
8162 Division of Emergency Management. At a minimum, the rules must  
8163 provide for plan components that address emergency evacuation  
8164 transportation; adequate sheltering arrangements; postdisaster  
8165 activities, including provision of emergency power, food, and  
8166 water; postdisaster transportation; supplies; staffing;  
8167 emergency equipment; individual identification of residents and  
8168 transfer of records; communication with families; and responses  
8169 to family inquiries. The comprehensive emergency management plan  
8170 is subject to review and approval by the local emergency  
8171 management agency. During its review, the local emergency  
8172 management agency shall ensure that the following agencies, at a  
8173 minimum, are given the opportunity to review the plan: the  
8174 Department of Elderly Affairs, the Department of Health, the  
8175 Agency for Health Care Administration, and the Division of  
8176 Emergency Management. Also, appropriate volunteer organizations  
8177 must be given the opportunity to review the plan. The local  
8178 emergency management agency shall complete its review within 60

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8179 days and either approve the plan or advise the facility of  
8180 necessary revisions.

8181 (c) The number, training, and qualifications of all  
8182 personnel having responsibility for the care of residents. The  
8183 rules must require adequate staff to provide for the safety of  
8184 all residents. Facilities licensed for 17 or more residents are  
8185 required to maintain an alert staff for 24 hours per day.

8186 (d) All sanitary conditions within the facility and its  
8187 surroundings which will ensure the health and comfort of  
8188 residents. The rules must clearly delineate the responsibilities  
8189 of the agency's licensure and survey staff, the county health  
8190 departments, and the local authority having jurisdiction over  
8191 firesafety and ensure that inspections are not duplicative. The  
8192 agency may collect fees for food service inspections conducted  
8193 by the county health departments and transfer such fees to the  
8194 Department of Health.

8195 (e) License application and license renewal, transfer of  
8196 ownership, proper management of resident funds and personal  
8197 property, surety bonds, resident contracts, refund policies,  
8198 financial ability to operate, and facility and staff records.

8199 (f) Inspections, complaint investigations, moratoriums,  
8200 classification of deficiencies, levying and enforcement of  
8201 penalties, and use of income from fees and fines.

8202 (g) The enforcement of the resident bill of rights  
8203 specified in s. 429.28.

8204 (h) The care and maintenance of residents, which must  
8205 include, but is not limited to:

- 8206 1. The supervision of residents;  
8207 2. The provision of personal services;

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8208           3. The provision of, or arrangement for, social and leisure  
8209 activities;

8210           4. The arrangement for appointments and transportation to  
8211 appropriate medical, dental, nursing, or mental health services,  
8212 as needed by residents;

8213           5. The management of medication;

8214           6. The nutritional needs of residents;

8215           7. Resident records; and

8216           8. Internal risk management and quality assurance.

8217           (i) Facilities holding a limited nursing, extended  
8218 congregate care, or limited mental health license.

8219           (j) The establishment of specific criteria to define  
8220 appropriateness of resident admission and continued residency in  
8221 a facility holding a standard, limited nursing, extended  
8222 congregate care, and limited mental health license.

8223           (k) The use of physical or chemical restraints. The use of  
8224 physical restraints is limited to half-bed rails as prescribed  
8225 and documented by the resident's physician with the consent of  
8226 the resident or, if applicable, the resident's representative or  
8227 designee or the resident's surrogate, guardian, or attorney in  
8228 fact. The use of chemical restraints is limited to prescribed  
8229 dosages of medications authorized by the resident's physician  
8230 and must be consistent with the resident's diagnosis. Residents  
8231 who are receiving medications that can serve as chemical  
8232 restraints must be evaluated by their physician at least  
8233 annually to assess:

8234           1. The continued need for the medication.

8235           2. The level of the medication in the resident's blood.

8236           3. The need for adjustments in the prescription.

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8237 (1) The establishment of specific policies and procedures  
8238 on resident elopement. Facilities shall conduct a minimum of two  
8239 resident elopement drills each year. All administrators and  
8240 direct care staff shall participate in the drills. Facilities  
8241 shall document the drills.

8242 Section 252. Subsections (6) and (8) of section 429.67,  
8243 Florida Statutes, are amended to read:

8244 429.67 Licensure.—

8245 (6) In addition to the requirements of s. 408.811, access  
8246 to a licensed adult family-care home must be provided at  
8247 reasonable times for the appropriate officials of the  
8248 department, the Department of Health, the Department of Children  
8249 and Families ~~Family Services~~, the agency, and the State Fire  
8250 Marshal, who are responsible for the development and maintenance  
8251 of fire, health, sanitary, and safety standards, to inspect the  
8252 facility to assure compliance with these standards. In addition,  
8253 access to a licensed adult family-care home must be provided at  
8254 reasonable times for the local long-term care ombudsman council.

8255 (8) Each adult family-care home must designate at least one  
8256 licensed space for a resident receiving optional state  
8257 supplementation. The Department of Children and Families ~~Family~~  
8258 ~~Services~~ shall specify by rule the procedures to be followed for  
8259 referring residents who receive optional state supplementation  
8260 to adult family-care homes. Those homes licensed as adult foster  
8261 homes or assisted living facilities prior to January 1, 1994,  
8262 that convert to adult family-care homes, are exempt from this  
8263 requirement.

8264 Section 253. Subsection (1) of section 429.73, Florida  
8265 Statutes, is amended to read:

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8266 429.73 Rules and standards relating to adult family-care  
8267 homes.—

8268 (1) The agency, in consultation with the department, may  
8269 adopt rules to administer the requirements of part II of chapter  
8270 408. The department, in consultation with the Department of  
8271 Health, the Department of Children and Families ~~Family Services~~,  
8272 and the agency shall, by rule, establish minimum standards to  
8273 ensure the health, safety, and well-being of each resident in  
8274 the adult family-care home pursuant to this part. The rules must  
8275 address:

8276 (a) Requirements for the physical site of the facility and  
8277 facility maintenance.

8278 (b) Services that must be provided to all residents of an  
8279 adult family-care home and standards for such services, which  
8280 must include, but need not be limited to:

- 8281 1. Room and board.
- 8282 2. Assistance necessary to perform the activities of daily  
8283 living.
- 8284 3. Assistance necessary to administer medication.
- 8285 4. Supervision of residents.
- 8286 5. Health monitoring.
- 8287 6. Social and leisure activities.

8288 (c) Standards and procedures for license application and  
8289 annual license renewal, advertising, proper management of each  
8290 resident's funds and personal property and personal affairs,  
8291 financial ability to operate, medication management,  
8292 inspections, complaint investigations, and facility, staff, and  
8293 resident records.

8294 (d) Qualifications, training, standards, and

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8295 responsibilities for providers and staff.

8296 (e) Compliance with chapter 419, relating to community  
8297 residential homes.

8298 (f) Criteria and procedures for determining the  
8299 appropriateness of a resident's placement and continued  
8300 residency in an adult family-care home. A resident who requires  
8301 24-hour nursing supervision may not be retained in an adult  
8302 family-care home unless such resident is an enrolled hospice  
8303 patient and the resident's continued residency is mutually  
8304 agreeable to the resident and the provider.

8305 (g) Procedures for providing notice and assuring the least  
8306 possible disruption of residents' lives when residents are  
8307 relocated, an adult family-care home is closed, or the ownership  
8308 of an adult family-care home is transferred.

8309 (h) Procedures to protect the residents' rights as provided  
8310 in s. 429.85.

8311 (i) Procedures to promote the growth of adult family-care  
8312 homes as a component of a long-term care system.

8313 (j) Procedures to promote the goal of aging in place for  
8314 residents of adult family-care homes.

8315 Section 254. Subsection (4) of section 429.75, Florida  
8316 Statutes, is amended to read:

8317 429.75 Training and education programs.—

8318 (4) If the Department of Children and Families ~~Family~~  
8319 ~~Services~~, the agency, or the department determines that there  
8320 are problems in an adult family-care home which could be reduced  
8321 through specific training or education beyond that required  
8322 under this section, the agency may require the provider or staff  
8323 to complete such training or education.

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8324 Section 255. Subsection (1), paragraph (g) of subsection  
8325 (3), and subsection (13) of section 430.2053, Florida Statutes,  
8326 are amended to read:

8327 430.2053 Aging resource centers.—

8328 (1) The department, in consultation with the Agency for  
8329 Health Care Administration and the Department of Children and  
8330 Families ~~Family Services~~, shall develop pilot projects for aging  
8331 resource centers.

8332 (3) The duties of an aging resource center are to:

8333 (g) Enhance the existing area agency on aging in each  
8334 planning and service area by integrating, either physically or  
8335 virtually, the staff and services of the area agency on aging  
8336 with the staff of the department's local CARES Medicaid  
8337 preadmission screening unit and a sufficient number of staff  
8338 from the Department of Children and Families' ~~Family Services~~'  
8339 Economic Self-Sufficiency Unit necessary to determine the  
8340 financial eligibility for all persons age 60 and older residing  
8341 within the area served by the aging resource center that are  
8342 seeking Medicaid services, Supplemental Security Income, and  
8343 food assistance.

8344 (13) Each aging resource center shall enter into a  
8345 memorandum of understanding with the Department of Children and  
8346 Families ~~Family Services~~ for collaboration with the Economic  
8347 Self-Sufficiency Unit staff. The memorandum of understanding  
8348 shall outline which staff persons are responsible for which  
8349 functions and shall provide the staffing levels necessary to  
8350 carry out the functions of the aging resource center.

8351 Section 256. Subsection (5) of section 430.705, Florida  
8352 Statutes, is amended to read:



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8353 430.705 Implementation of the long-term care community  
8354 diversion pilot projects.—

8355 (5) A prospective participant who applies for the long-term  
8356 care community diversion pilot project and is determined by the  
8357 Comprehensive Assessment Review and Evaluation for Long-Term  
8358 Care Services (CARES) Program within the Department of Elderly  
8359 Affairs to be medically eligible, but has not been determined  
8360 financially eligible by the Department of Children and Families  
8361 ~~Family Services~~, shall be designated "Medicaid Pending." CARES  
8362 shall determine each applicant's eligibility within 22 days  
8363 after receiving the application. Contractors may elect to  
8364 provide services to Medicaid Pending individuals until their  
8365 financial eligibility is determined. If the individual is  
8366 determined financially eligible, the agency shall pay the  
8367 contractor that provided the services a capitated rate  
8368 retroactive to the first of the month following the CARES  
8369 eligibility determination. If the individual is not financially  
8370 eligible for Medicaid, the contractor may terminate services and  
8371 seek reimbursement from the individual.

8372 Section 257. Subsections (1) and (5) of section 435.02,  
8373 Florida Statutes, are amended to read:

8374 435.02 Definitions.—For the purposes of this chapter, the  
8375 term:

8376 (1) "Agency" means any state, county, or municipal agency  
8377 that grants licenses or registration permitting the operation of  
8378 an employer or is itself an employer or that otherwise  
8379 facilitates the screening of employees pursuant to this chapter.  
8380 If there is no state agency or the municipal or county agency  
8381 chooses not to conduct employment screening, "agency" means the

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8382 Department of Children and Families ~~Family Services~~.

8383 (5) "Specified agency" means the Department of Health, the  
8384 Department of Children and Families ~~Family Services~~, the  
8385 Division of Vocational Rehabilitation within the Department of  
8386 Education, the Agency for Health Care Administration, the  
8387 Department of Elderly Affairs, the Department of Juvenile  
8388 Justice, and the Agency for Persons with Disabilities when these  
8389 agencies are conducting state and national criminal history  
8390 background screening on persons who work with children or  
8391 persons who are elderly or disabled.

8392 Section 258. Subsection (5) of section 445.016, Florida  
8393 Statutes, is amended to read:

8394 445.016 Untried Worker Placement and Employment Incentive  
8395 Act.—

8396 (5) Incentives must be paid according to the incentive  
8397 schedule developed by Workforce Florida, Inc., the Department of  
8398 Economic Opportunity, and the Department of Children and  
8399 Families ~~Family Services~~ which costs the state less per  
8400 placement than the state's 12-month expenditure on a welfare  
8401 recipient.

8402 Section 259. Subsection (2) of section 445.021, Florida  
8403 Statutes, is amended to read:

8404 445.021 Relocation assistance program.—

8405 (2) The relocation assistance program shall involve five  
8406 steps by the regional workforce board, in cooperation with the  
8407 Department of Children and Families ~~Family Services~~:

8408 (a) A determination that the family is receiving temporary  
8409 cash assistance or that all requirements of eligibility for  
8410 diversion services would likely be met.

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8411 (b) A determination that there is a basis for believing  
8412 that relocation will contribute to the ability of the applicant  
8413 to achieve self-sufficiency. For example, the applicant:

8414 1. Is unlikely to achieve economic self-sufficiency at the  
8415 current community of residence;

8416 2. Has secured a job that provides an increased salary or  
8417 improved benefits and that requires relocation to another  
8418 community;

8419 3. Has a family support network that will contribute to job  
8420 retention in another community;

8421 4. Is determined, pursuant to criteria or procedures  
8422 established by the board of directors of Workforce Florida,  
8423 Inc., to be a victim of domestic violence who would experience  
8424 reduced probability of further incidents through relocation; or

8425 5. Must relocate in order to receive education or training  
8426 that is directly related to the applicant's employment or career  
8427 advancement.

8428 (c) Establishment of a relocation plan that includes such  
8429 requirements as are necessary to prevent abuse of the benefit  
8430 and provisions to protect the safety of victims of domestic  
8431 violence and avoid provisions that place them in anticipated  
8432 danger. The payment to defray relocation expenses shall be  
8433 determined based on criteria approved by the board of directors  
8434 of Workforce Florida, Inc. Participants in the relocation  
8435 program shall be eligible for diversion or transitional  
8436 benefits.

8437 (d) A determination, pursuant to criteria adopted by the  
8438 board of directors of Workforce Florida, Inc., that a community  
8439 receiving a relocated family has the capacity to provide needed

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8440 services and employment opportunities.

8441 (e) Monitoring the relocation.

8442 Section 260. Section 445.028, Florida Statutes, is amended  
8443 to read:

8444 445.028 Transitional benefits and services.—In cooperation  
8445 with Workforce Florida, Inc., the Department of Children and  
8446 Families ~~Family Services~~ shall develop procedures to ensure that  
8447 families leaving the temporary cash assistance program receive  
8448 transitional benefits and services that will assist the family  
8449 in moving toward self-sufficiency. At a minimum, such procedures  
8450 must include, but are not limited to, the following:

8451 (1) Each recipient of cash assistance who is determined  
8452 ineligible for cash assistance for a reason other than a work  
8453 activity sanction shall be contacted by the workforce system  
8454 case manager and provided information about the availability of  
8455 transitional benefits and services. Such contact shall be  
8456 attempted prior to closure of the case management file.

8457 (2) Each recipient of temporary cash assistance who is  
8458 determined ineligible for cash assistance due to noncompliance  
8459 with the work activity requirements shall be contacted and  
8460 provided information in accordance with s. 414.065(1).

8461 (3) The department, in consultation with the board of  
8462 directors of Workforce Florida, Inc., shall develop  
8463 informational material, including posters and brochures, to  
8464 better inform families about the availability of transitional  
8465 benefits and services.

8466 (4) Workforce Florida, Inc., in cooperation with the  
8467 Department of Children and Families ~~Family Services~~ shall, to  
8468 the extent permitted by federal law, develop procedures to

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8469 maximize the utilization of transitional Medicaid by families  
8470 who leave the temporary cash assistance program.

8471 Section 261. Subsection (2) of section 445.029, Florida  
8472 Statutes, is amended to read:

8473 445.029 Transitional medical benefits.—

8474 (2) The family shall be informed of transitional Medicaid  
8475 when the family is notified by the Department of Children and  
8476 Families ~~Family Services~~ of the termination of temporary cash  
8477 assistance. The notice must include a description of the  
8478 circumstances in which the transitional Medicaid may be  
8479 terminated.

8480 Section 262. Section 445.033, Florida Statutes, is amended  
8481 to read:

8482 445.033 Evaluation.—The board of directors of Workforce  
8483 Florida, Inc., and the Department of Children and Families  
8484 ~~Family Services~~ shall arrange for evaluation of TANF-funded  
8485 programs operated under this chapter, as follows:

8486 (1) If required by federal waivers or other federal  
8487 requirements, the board of directors of Workforce Florida, Inc.,  
8488 and the department may provide for evaluation according to these  
8489 requirements.

8490 (2) The board of directors of Workforce Florida, Inc., and  
8491 the department shall participate in the evaluation of this  
8492 program in conjunction with evaluation of the state's workforce  
8493 development programs or similar activities aimed at evaluating  
8494 program outcomes, cost-effectiveness, or return on investment,  
8495 and the impact of time limits, sanctions, and other welfare  
8496 reform measures set out in this chapter. Evaluation shall also  
8497 contain information on the number of participants in work

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8498 experience assignments who obtain unsubsidized employment,  
8499 including, but not limited to, the length of time the  
8500 unsubsidized job is retained, wages, and the public benefits, if  
8501 any, received by such families while in unsubsidized employment.  
8502 The evaluation shall solicit the input of consumers, community-  
8503 based organizations, service providers, employers, and the  
8504 general public, and shall publicize, especially in low-income  
8505 communities, the process for submitting comments.

8506 (3) The board of directors of Workforce Florida, Inc., and  
8507 the department may share information with and develop protocols  
8508 for information exchange with the Florida Education and Training  
8509 Placement Information Program.

8510 (4) The board of directors of Workforce Florida, Inc., and  
8511 the department may initiate or participate in additional  
8512 evaluation or assessment activities that will further the  
8513 systematic study of issues related to program goals and  
8514 outcomes.

8515 (5) In providing for evaluation activities, the board of  
8516 directors of Workforce Florida, Inc., and the department shall  
8517 safeguard the use or disclosure of information obtained from  
8518 program participants consistent with federal or state  
8519 requirements. Evaluation methodologies may be used which are  
8520 appropriate for evaluation of program activities, including  
8521 random assignment of recipients or participants into program  
8522 groups or control groups. To the extent necessary or  
8523 appropriate, evaluation data shall provide information with  
8524 respect to the state, district, or county, or other substate  
8525 area.

8526 (6) The board of directors of Workforce Florida, Inc., and

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8527 the department may contract with a qualified organization for  
8528 evaluations conducted under this section.

8529 Section 263. Section 445.034, Florida Statutes, is amended  
8530 to read:

8531 445.034 Authorized expenditures.—Any expenditures from the  
8532 Temporary Assistance for Needy Families block grant shall be  
8533 made in accordance with the requirements and limitations of part  
8534 A of Title IV of the Social Security Act, as amended, or any  
8535 other applicable federal requirement or limitation. Prior to any  
8536 expenditure of such funds, the Secretary of Children and  
8537 Families ~~Family Services~~, or his or her designee, shall certify  
8538 that controls are in place to ensure such funds are expended in  
8539 accordance with the requirements and limitations of federal law  
8540 and that any reporting requirements of federal law are met. It  
8541 shall be the responsibility of any entity to which such funds  
8542 are appropriated to obtain the required certification prior to  
8543 any expenditure of funds.

8544 Section 264. Section 445.035, Florida Statutes, is amended  
8545 to read:

8546 445.035 Data collection and reporting.—The Department of  
8547 Children and Families ~~Family Services~~ and the board of directors  
8548 of Workforce Florida, Inc., shall collect data necessary to  
8549 administer this chapter and make the reports required under  
8550 federal law to the United States Department of Health and Human  
8551 Services and the United States Department of Agriculture.

8552 Section 265. Subsections (1) and (2), paragraph (b) of  
8553 subsection (4), and subsection (5) of section 445.048, Florida  
8554 Statutes, are amended to read:

8555 445.048 Passport to Economic Progress program.—

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8556 (1) AUTHORIZATION.—Notwithstanding any law to the contrary,  
8557 Workforce Florida, Inc., in conjunction with the Department of  
8558 Children and Families ~~Family Services~~ and the Department of  
8559 Economic Opportunity, shall implement a Passport to Economic  
8560 Progress program consistent with the provisions of this section.  
8561 Workforce Florida, Inc., may designate regional workforce boards  
8562 to participate in the program. Expenses for the program may come  
8563 from appropriated revenues or from funds otherwise available to  
8564 a regional workforce board which may be legally used for such  
8565 purposes. Workforce Florida, Inc., must consult with the  
8566 applicable regional workforce boards and the applicable local  
8567 offices of the Department of Children and Families ~~Family~~  
8568 ~~Services~~ which serve the program areas and must encourage  
8569 community input into the implementation process.

8570 (2) WAIVERS.—If Workforce Florida, Inc., in consultation  
8571 with the Department of Children and Families ~~Family Services~~,  
8572 finds that federal waivers would facilitate implementation of  
8573 the program, the department shall immediately request such  
8574 waivers, and Workforce Florida, Inc., shall report to the  
8575 Governor, the President of the Senate, and the Speaker of the  
8576 House of Representatives if any refusal of the federal  
8577 government to grant such waivers prevents the implementation of  
8578 the program. If Workforce Florida, Inc., finds that federal  
8579 waivers to provisions of the Food Assistance Program would  
8580 facilitate implementation of the program, the Department of  
8581 Children and Families ~~Family Services~~ shall immediately request  
8582 such waivers in accordance with s. 414.175.

8583 (4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.—

8584 (b) Workforce Florida, Inc., in cooperation with the



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8585 Department of Children and Families ~~Family Services~~ and the  
8586 Department of Economic Opportunity, shall offer performance-  
8587 based incentive bonuses as a component of the Passport to  
8588 Economic Progress program. The bonuses do not represent a  
8589 program entitlement and shall be contingent on achieving  
8590 specific benchmarks prescribed in the self-sufficiency plan. If  
8591 the funds appropriated for this purpose are insufficient to  
8592 provide this financial incentive, the board of directors of  
8593 Workforce Florida, Inc., may reduce or suspend the bonuses in  
8594 order not to exceed the appropriation or may direct the regional  
8595 boards to use resources otherwise given to the regional  
8596 workforce to pay such bonuses if such payments comply with  
8597 applicable state and federal laws.

8598 (5) EVALUATIONS AND RECOMMENDATIONS.—Workforce Florida,  
8599 Inc., in conjunction with the Department of Children and  
8600 Families ~~Family Services~~, the Department of Economic  
8601 Opportunity, and the regional workforce boards, shall conduct a  
8602 comprehensive evaluation of the effectiveness of the program  
8603 operated under this section. Evaluations and recommendations for  
8604 the program shall be submitted by Workforce Florida, Inc., as  
8605 part of its annual report to the Legislature.

8606 Section 266. Subsection (3) of section 445.051, Florida  
8607 Statutes, is amended to read:

8608 445.051 Individual development accounts.—

8609 (3) The Department of Children and Families ~~Family Services~~  
8610 shall amend the Temporary Assistance for Needy Families State  
8611 Plan which was submitted in accordance with s. 402 of the Social  
8612 Security Act, as amended, 42 U.S.C. s. 602, to provide for the  
8613 use of funds for individual development accounts in accordance

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8614 with this section.

8615 Section 267. Paragraph (h) of subsection (1) of section  
8616 450.191, Florida Statutes, is amended to read:

8617 450.191 Executive Office of the Governor; powers and  
8618 duties.—

8619 (1) The Executive Office of the Governor is authorized and  
8620 directed to:

8621 (h) Cooperate with the Department of Children and Families  
8622 ~~Family Services~~ in coordinating all public assistance programs  
8623 as they may apply to migrant laborers.

8624 Section 268. Paragraph (d) of subsection (4) of section  
8625 456.0391, Florida Statutes, is amended to read:

8626 456.0391 Advanced registered nurse practitioners;  
8627 information required for certification.—

8628 (4)

8629 (d) Any applicant for initial certification or renewal of  
8630 certification as an advanced registered nurse practitioner who  
8631 submits to the Department of Health a set of fingerprints and  
8632 information required for the criminal history check required  
8633 under this section shall not be required to provide a subsequent  
8634 set of fingerprints or other duplicate information required for  
8635 a criminal history check to the Agency for Health Care  
8636 Administration, the Department of Juvenile Justice, or the  
8637 Department of Children and Families ~~Family Services~~ for  
8638 employment or licensure with such agency or department, if the  
8639 applicant has undergone a criminal history check as a condition  
8640 of initial certification or renewal of certification as an  
8641 advanced registered nurse practitioner with the Department of  
8642 Health, notwithstanding any other provision of law to the

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8643 contrary. In lieu of such duplicate submission, the Agency for  
8644 Health Care Administration, the Department of Juvenile Justice,  
8645 and the Department of Children and Families ~~Family Services~~  
8646 shall obtain criminal history information for employment or  
8647 licensure of persons certified under s. 464.012 by such agency  
8648 or department from the Department of Health's health care  
8649 practitioner credentialing system.

8650 Section 269. Subsection (6) of section 464.0205, Florida  
8651 Statutes, is amended to read:

8652 464.0205 Retired volunteer nurse certificate.—

8653 (6) A retired volunteer nurse certified under this section  
8654 may practice only in board-approved settings in public agencies  
8655 or institutions or in nonprofit agencies or institutions meeting  
8656 the requirements of s. 501(c)(3) of the Internal Revenue Code,  
8657 which agencies or institutions are located in areas of critical  
8658 nursing need as determined by the board. Determination of  
8659 underserved areas shall be made by the board after consultation  
8660 with the Department of Health, the Department of Children and  
8661 Families ~~Family Services~~, the Agency for Health Care  
8662 Administration, and the Department of Elderly Affairs; however,  
8663 such determination shall include, but not be limited to, health  
8664 manpower shortage areas designated by the United States  
8665 Department of Health and Human Services. The sponsoring agencies  
8666 desiring to use certified retired volunteer nurses shall submit  
8667 to the board verification of their status under s. 501(c)(3) of  
8668 the Internal Revenue Code, the sites at which such volunteer  
8669 nurses would work, the duties and scope of practice intended for  
8670 such volunteer nurses, and the training or skills validation for  
8671 such volunteer nurses.

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8672 Section 270. Subsection (14) of section 466.003, Florida  
8673 Statutes, is amended to read:

8674 466.003 Definitions.—As used in this chapter:

8675 (14) "Health access setting" means a program or an  
8676 institution of the Department of Children and Families ~~Family~~  
8677 ~~Services~~, the Department of Health, the Department of Juvenile  
8678 Justice, a nonprofit community health center, a Head Start  
8679 center, a federally qualified health center or look-alike as  
8680 defined by federal law, a school-based prevention program, a  
8681 clinic operated by an accredited college of dentistry, or an  
8682 accredited dental hygiene program in this state if such  
8683 community service program or institution immediately reports to  
8684 the Board of Dentistry all violations of s. 466.027, s. 466.028,  
8685 or other practice act or standard of care violations related to  
8686 the actions or inactions of a dentist, dental hygienist, or  
8687 dental assistant engaged in the delivery of dental care in such  
8688 setting.

8689 Section 271. Paragraph (b) of subsection (2) and subsection  
8690 (4) of section 466.023, Florida Statutes, are amended to read:

8691 466.023 Dental hygienists; scope and area of practice.—

8692 (2) Dental hygienists may perform their duties:

8693 (b) In public health programs and institutions of the  
8694 Department of Children and Families ~~Family Services~~, Department  
8695 of Health, and Department of Juvenile Justice under the general  
8696 supervision of a licensed dentist;

8697 (4) The board by rule may limit the number of dental  
8698 hygienists or dental assistants to be supervised by a dentist if  
8699 they perform expanded duties requiring direct or indirect  
8700 supervision pursuant to the provisions of this chapter. The

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8701 purpose of the limitation shall be to protect the health and  
8702 safety of patients and to ensure that procedures which require  
8703 more than general supervision be adequately supervised. However,  
8704 the Department of Children and Families ~~Family Services~~,  
8705 Department of Health, Department of Juvenile Justice, and public  
8706 institutions approved by the board shall not be so limited as to  
8707 the number of dental hygienists or dental assistants working  
8708 under the supervision of a licensed dentist.

8709 Section 272. Paragraph (c) of subsection (15) and  
8710 subsection (16) of section 489.503, Florida Statutes, are  
8711 amended to read:

8712 489.503 Exemptions.—This part does not apply to:

8713 (15) The provision, installation, testing, routine  
8714 maintenance, factory-servicing, or monitoring of a personal  
8715 emergency response system, as defined in s. 489.505, by an  
8716 authorized person who:

8717 (c) Performs services for the Department of Children and  
8718 Families ~~Family Services~~ under chapter 410; or

8719 (16) The monitoring of a personal emergency response  
8720 system, as defined in s. 489.505, by a charitable, not-for-  
8721 profit corporation acting in accordance with a contractual  
8722 agreement with the Agency for Health Care Administration or one  
8723 of its licensed health care facilities, the Department of  
8724 Elderly Affairs, or the Department of Children and Families  
8725 ~~Family Services~~, providing that the organization does not  
8726 perform any other service requiring certification or  
8727 registration under this part. Nothing in this subsection shall  
8728 be construed to provide any of the agencies mentioned in this  
8729 subsection the authority to develop rules, criteria, or policy

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8730 pursuant to this subsection.

8731 Section 273. Subsection (8) of section 490.012, Florida  
8732 Statutes, is amended to read:

8733 490.012 Violations; penalties; injunction.-

8734 (8) Effective October 1, 2000, a person may not practice  
8735 juvenile sexual offender therapy in this state, as the practice  
8736 is defined in s. 490.0145, for compensation, unless the person  
8737 holds an active license issued under this chapter and meets the  
8738 requirements to practice juvenile sexual offender therapy. An  
8739 unlicensed person may be employed by a program operated by or  
8740 under contract with the Department of Juvenile Justice or the  
8741 Department of Children and Families ~~Family Services~~ if the  
8742 program employs a professional who is licensed under chapter  
8743 458, chapter 459, s. 490.0145, or s. 491.0144 who manages or  
8744 supervises the treatment services.

8745 Section 274. Paragraph (n) of subsection (1) of section  
8746 491.012, Florida Statutes, is amended to read:

8747 491.012 Violations; penalty; injunction.-

8748 (1) It is unlawful and a violation of this chapter for any  
8749 person to:

8750 (n) Effective October 1, 2000, practice juvenile sexual  
8751 offender therapy in this state, as the practice is defined in s.  
8752 491.0144, for compensation, unless the person holds an active  
8753 license issued under this chapter and meets the requirements to  
8754 practice juvenile sexual offender therapy. An unlicensed person  
8755 may be employed by a program operated by or under contract with  
8756 the Department of Juvenile Justice or the Department of Children  
8757 and Families ~~Family Services~~ if the program employs a  
8758 professional who is licensed under chapter 458, chapter 459, s.

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8759 490.0145, or s. 491.0144 who manages or supervises the treatment  
8760 services.

8761 Section 275. Paragraph (b) of subsection (4) and paragraph  
8762 (b) of subsection (5) of section 509.013, Florida Statutes, are  
8763 amended to read:

8764 509.013 Definitions.—As used in this chapter, the term:

8765 (4)

8766 (b) The following are excluded from the definitions in  
8767 paragraph (a):

8768 1. Any dormitory or other living or sleeping facility  
8769 maintained by a public or private school, college, or university  
8770 for the use of students, faculty, or visitors.

8771 2. Any facility certified or licensed and regulated by the  
8772 Agency for Health Care Administration or the Department of  
8773 Children and Families ~~Family Services~~ or other similar place  
8774 regulated under s. 381.0072.

8775 3. Any place renting four rental units or less, unless the  
8776 rental units are advertised or held out to the public to be  
8777 places that are regularly rented to transients.

8778 4. Any unit or group of units in a condominium,  
8779 cooperative, or timeshare plan and any individually or  
8780 collectively owned one-family, two-family, three-family, or  
8781 four-family dwelling house or dwelling unit that is rented for  
8782 periods of at least 30 days or 1 calendar month, whichever is  
8783 less, and that is not advertised or held out to the public as a  
8784 place regularly rented for periods of less than 1 calendar  
8785 month, provided that no more than four rental units within a  
8786 single complex of buildings are available for rent.

8787 5. Any migrant labor camp or residential migrant housing

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8788 permitted by the Department of Health under ss. 381.008-  
8789 381.00895.

8790 6. Any establishment inspected by the Department of Health  
8791 and regulated by chapter 513.

8792 7. Any nonprofit organization that operates a facility  
8793 providing housing only to patients, patients' families, and  
8794 patients' caregivers and not to the general public.

8795 8. Any apartment building inspected by the United States  
8796 Department of Housing and Urban Development or other entity  
8797 acting on the department's behalf that is designated primarily  
8798 as housing for persons at least 62 years of age. The division  
8799 may require the operator of the apartment building to attest in  
8800 writing that such building meets the criteria provided in this  
8801 subparagraph. The division may adopt rules to implement this  
8802 requirement.

8803 9. Any roominghouse, boardinghouse, or other living or  
8804 sleeping facility that may not be classified as a hotel, motel,  
8805 vacation rental, nontransient apartment, bed and breakfast inn,  
8806 or transient apartment under s. 509.242.

8807 (5)

8808 (b) The following are excluded from the definition in  
8809 paragraph (a):

8810 1. Any place maintained and operated by a public or private  
8811 school, college, or university:

8812 a. For the use of students and faculty; or

8813 b. Temporarily to serve such events as fairs, carnivals,  
8814 and athletic contests.

8815 2. Any eating place maintained and operated by a church or  
8816 a religious, nonprofit fraternal, or nonprofit civic



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- 8817 organization:
- 8818       a. For the use of members and associates; or
- 8819       b. Temporarily to serve such events as fairs, carnivals, or
- 8820 athletic contests.
- 8821       3. Any eating place located on an airplane, train, bus, or
- 8822 watercraft which is a common carrier.
- 8823       4. Any eating place maintained by a facility certified or
- 8824 licensed and regulated by the Agency for Health Care
- 8825 Administration or the Department of Children and Families ~~Family~~
- 8826 ~~Services~~ or other similar place that is regulated under s.
- 8827 381.0072.
- 8828       5. Any place of business issued a permit or inspected by
- 8829 the Department of Agriculture and Consumer Services under s.
- 8830 500.12.
- 8831       6. Any place of business where the food available for
- 8832 consumption is limited to ice, beverages with or without
- 8833 garnishment, popcorn, or prepackaged items sold without
- 8834 additions or preparation.
- 8835       7. Any theater, if the primary use is as a theater and if
- 8836 patron service is limited to food items customarily served to
- 8837 the admittees of theaters.
- 8838       8. Any vending machine that dispenses any food or beverages
- 8839 other than potentially hazardous foods, as defined by division
- 8840 rule.
- 8841       9. Any vending machine that dispenses potentially hazardous
- 8842 food and which is located in a facility regulated under s.
- 8843 381.0072.
- 8844       10. Any research and development test kitchen limited to
- 8845 the use of employees and which is not open to the general

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8846 public.

8847 Section 276. Paragraph (g) of subsection (1) of section  
8848 553.80, Florida Statutes, is amended to read:

8849 553.80 Enforcement.—

8850 (1) Except as provided in paragraphs (a)-(g), each local  
8851 government and each legally constituted enforcement district  
8852 with statutory authority shall regulate building construction  
8853 and, where authorized in the state agency's enabling  
8854 legislation, each state agency shall enforce the Florida  
8855 Building Code required by this part on all public or private  
8856 buildings, structures, and facilities, unless such  
8857 responsibility has been delegated to another unit of government  
8858 pursuant to s. 553.79(9).

8859 (g) Construction regulations relating to secure mental  
8860 health treatment facilities under the jurisdiction of the  
8861 Department of Children and Families ~~Family Services~~ shall be  
8862 enforced exclusively by the department in conjunction with the  
8863 Agency for Health Care Administration's review authority under  
8864 paragraph (c).

8865  
8866 The governing bodies of local governments may provide a schedule  
8867 of fees, as authorized by s. 125.56(2) or s. 166.222 and this  
8868 section, for the enforcement of the provisions of this part.

8869 Such fees shall be used solely for carrying out the local  
8870 government's responsibilities in enforcing the Florida Building  
8871 Code. The authority of state enforcing agencies to set fees for  
8872 enforcement shall be derived from authority existing on July 1,  
8873 1998. However, nothing contained in this subsection shall  
8874 operate to limit such agencies from adjusting their fee schedule

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8875 in conformance with existing authority.

8876 Section 277. Subsection (5) of section 561.19, Florida  
8877 Statutes, is amended to read:

8878 561.19 License issuance upon approval of division.—

8879 (5) A fee of \$10,750 shall be collected from each person,  
8880 firm, or corporation that is issued a new liquor license subject  
8881 to the limitation imposed in s. 561.20(1) as provided in this  
8882 section. This initial license fee shall not be imposed on any  
8883 license renewal and shall be in addition to the license fees  
8884 imposed by s. 565.02. The revenues collected from the initial  
8885 license fee imposed by this subsection shall be deposited in the  
8886 Department of Children and Families' ~~Family Services'~~ Operations  
8887 and Maintenance Trust Fund to be used only for alcohol and drug  
8888 abuse education, treatment, and prevention programs.

8889 Section 278. Paragraph (a) of subsection (2) of section  
8890 561.20, Florida Statutes, is amended to read:

8891 561.20 Limitation upon number of licenses issued.—

8892 (2) (a) No such limitation of the number of licenses as  
8893 herein provided shall henceforth prohibit the issuance of a  
8894 special license to:

8895 1. Any bona fide hotel, motel, or motor court of not fewer  
8896 than 80 guest rooms in any county having a population of less  
8897 than 50,000 residents, and of not fewer than 100 guest rooms in  
8898 any county having a population of 50,000 residents or greater;  
8899 or any bona fide hotel or motel located in a historic structure,  
8900 as defined in s. 561.01(21), with fewer than 100 guest rooms  
8901 which derives at least 51 percent of its gross revenue from the  
8902 rental of hotel or motel rooms, which is licensed as a public  
8903 lodging establishment by the Division of Hotels and Restaurants;

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8904 provided, however, that a bona fide hotel or motel with no fewer  
8905 than 10 and no more than 25 guest rooms which is a historic  
8906 structure, as defined in s. 561.01(21), in a municipality that  
8907 on the effective date of this act has a population, according to  
8908 the University of Florida's Bureau of Economic and Business  
8909 Research Estimates of Population for 1998, of no fewer than  
8910 25,000 and no more than 35,000 residents and that is within a  
8911 constitutionally chartered county may be issued a special  
8912 license. This special license shall allow the sale and  
8913 consumption of alcoholic beverages only on the licensed premises  
8914 of the hotel or motel. In addition, the hotel or motel must  
8915 derive at least 60 percent of its gross revenue from the rental  
8916 of hotel or motel rooms and the sale of food and nonalcoholic  
8917 beverages; provided that the provisions of this subparagraph  
8918 shall supersede local laws requiring a greater number of hotel  
8919 rooms;

8920         2. Any condominium accommodation of which no fewer than 100  
8921 condominium units are wholly rentable to transients and which is  
8922 licensed under the provisions of chapter 509, except that the  
8923 license shall be issued only to the person or corporation which  
8924 operates the hotel or motel operation and not to the association  
8925 of condominium owners;

8926         3. Any condominium accommodation of which no fewer than 50  
8927 condominium units are wholly rentable to transients, which is  
8928 licensed under the provisions of chapter 509, and which is  
8929 located in any county having home rule under s. 10 or s. 11,  
8930 Art. VIII of the State Constitution of 1885, as amended, and  
8931 incorporated by reference in s. 6(e), Art. VIII of the State  
8932 Constitution, except that the license shall be issued only to

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8933 the person or corporation which operates the hotel or motel  
8934 operation and not to the association of condominium owners;

8935 4. Any restaurant having 2,500 square feet of service area  
8936 and equipped to serve 150 persons full course meals at tables at  
8937 one time, and deriving at least 51 percent of its gross revenue  
8938 from the sale of food and nonalcoholic beverages; however, no  
8939 restaurant granted a special license on or after January 1,  
8940 1958, pursuant to general or special law shall operate as a  
8941 package store, nor shall intoxicating beverages be sold under  
8942 such license after the hours of serving food have elapsed; or

8943 5. Any caterer, deriving at least 51 percent of its gross  
8944 revenue from the sale of food and nonalcoholic beverages,  
8945 licensed by the Division of Hotels and Restaurants under chapter  
8946 509. Notwithstanding any other provision of law to the contrary,  
8947 a licensee under this subparagraph shall sell or serve alcoholic  
8948 beverages only for consumption on the premises of a catered  
8949 event at which the licensee is also providing prepared food, and  
8950 shall prominently display its license at any catered event at  
8951 which the caterer is selling or serving alcoholic beverages. A  
8952 licensee under this subparagraph shall purchase all alcoholic  
8953 beverages it sells or serves at a catered event from a vendor  
8954 licensed under s. 563.02(1), s. 564.02(1), or licensed under s.  
8955 565.02(1) subject to the limitation imposed in subsection (1),  
8956 as appropriate. A licensee under this subparagraph may not store  
8957 any alcoholic beverages to be sold or served at a catered event.  
8958 Any alcoholic beverages purchased by a licensee under this  
8959 subparagraph for a catered event that are not used at that event  
8960 must remain with the customer; provided that if the vendor  
8961 accepts unopened alcoholic beverages, the licensee may return

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8962 such alcoholic beverages to the vendor for a credit or  
8963 reimbursement. Regardless of the county or counties in which the  
8964 licensee operates, a licensee under this subparagraph shall pay  
8965 the annual state license tax set forth in s. 565.02(1)(b). A  
8966 licensee under this subparagraph must maintain for a period of 3  
8967 years all records required by the department by rule to  
8968 demonstrate compliance with the requirements of this  
8969 subparagraph, including licensed vendor receipts for the  
8970 purchase of alcoholic beverages and records identifying each  
8971 customer and the location and date of each catered event.  
8972 Notwithstanding any provision of law to the contrary, any vendor  
8973 licensed under s. 565.02(1) subject to the limitation imposed in  
8974 subsection (1), may, without any additional licensure under this  
8975 subparagraph, serve or sell alcoholic beverages for consumption  
8976 on the premises of a catered event at which prepared food is  
8977 provided by a caterer licensed under chapter 509. If a licensee  
8978 under this subparagraph also possesses any other license under  
8979 the Beverage Law, the license issued under this subparagraph  
8980 shall not authorize the holder to conduct activities on the  
8981 premises to which the other license or licenses apply that would  
8982 otherwise be prohibited by the terms of that license or the  
8983 Beverage Law. Nothing in this section shall permit the licensee  
8984 to conduct activities that are otherwise prohibited by the  
8985 Beverage Law or local law. The Division of Alcoholic Beverages  
8986 and Tobacco is hereby authorized to adopt rules to administer  
8987 the license created in this subparagraph, to include rules  
8988 governing licensure, recordkeeping, and enforcement. The first  
8989 \$300,000 in fees collected by the division each fiscal year  
8990 pursuant to this subparagraph shall be deposited in the

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8991 Department of Children and Families' ~~Family Services'~~ Operations  
8992 and Maintenance Trust Fund to be used only for alcohol and drug  
8993 abuse education, treatment, and prevention programs. The  
8994 remainder of the fees collected shall be deposited into the  
8995 Hotel and Restaurant Trust Fund created pursuant to s. 509.072.

8996  
8997 However, any license heretofore issued to any such hotel, motel,  
8998 motor court, or restaurant or hereafter issued to any such  
8999 hotel, motel, or motor court, including a condominium  
9000 accommodation, under the general law shall not be moved to a new  
9001 location, such license being valid only on the premises of such  
9002 hotel, motel, motor court, or restaurant. Licenses issued to  
9003 hotels, motels, motor courts, or restaurants under the general  
9004 law and held by such hotels, motels, motor courts, or  
9005 restaurants on May 24, 1947, shall be counted in the quota  
9006 limitation contained in subsection (1). Any license issued for  
9007 any hotel, motel, or motor court under the provisions of this  
9008 law shall be issued only to the owner of the hotel, motel, or  
9009 motor court or, in the event the hotel, motel, or motor court is  
9010 leased, to the lessee of the hotel, motel, or motor court; and  
9011 the license shall remain in the name of the owner or lessee so  
9012 long as the license is in existence. Any special license now in  
9013 existence heretofore issued under the provisions of this law  
9014 cannot be renewed except in the name of the owner of the hotel,  
9015 motel, motor court, or restaurant or, in the event the hotel,  
9016 motel, motor court, or restaurant is leased, in the name of the  
9017 lessee of the hotel, motel, motor court, or restaurant in which  
9018 the license is located and must remain in the name of the owner  
9019 or lessee so long as the license is in existence. Any license

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9020 issued under this section shall be marked "Special," and nothing  
9021 herein provided shall limit, restrict, or prevent the issuance  
9022 of a special license for any restaurant or motel which shall  
9023 hereafter meet the requirements of the law existing immediately  
9024 prior to the effective date of this act, if construction of such  
9025 restaurant has commenced prior to the effective date of this act  
9026 and is completed within 30 days thereafter, or if an application  
9027 is on file for such special license at the time this act takes  
9028 effect; and any such licenses issued under this proviso may be  
9029 annually renewed as now provided by law. Nothing herein prevents  
9030 an application for transfer of a license to a bona fide  
9031 purchaser of any hotel, motel, motor court, or restaurant by the  
9032 purchaser of such facility or the transfer of such license  
9033 pursuant to law.

9034 Section 279. Paragraph (e) of subsection (3) of section  
9035 624.351, Florida Statutes, is amended to read:

9036 624.351 Medicaid and Public Assistance Fraud Strike Force.—

9037 (3) MEMBERSHIP.—The strike force shall consist of the  
9038 following 11 members or their designees. A designee shall serve  
9039 in the same capacity as the designating member:

9040 (e) The Secretary of Children and Families ~~Family Services~~.

9041 Section 280. Paragraph (a) of subsection (6) of section  
9042 624.91, Florida Statutes, is amended to read:

9043 624.91 The Florida Healthy Kids Corporation Act.—

9044 (6) BOARD OF DIRECTORS.—

9045 (a) The Florida Healthy Kids Corporation shall operate  
9046 subject to the supervision and approval of a board of directors  
9047 chaired by the Chief Financial Officer or her or his designee,  
9048 and composed of 12 other members selected for 3-year terms of



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9049 office as follows:

9050 1. The Secretary of Health Care Administration, or his or  
9051 her designee.

9052 2. One member appointed by the Commissioner of Education  
9053 from the Office of School Health Programs of the Florida  
9054 Department of Education.

9055 3. One member appointed by the Chief Financial Officer from  
9056 among three members nominated by the Florida Pediatric Society.

9057 4. One member, appointed by the Governor, who represents  
9058 the Children's Medical Services Program.

9059 5. One member appointed by the Chief Financial Officer from  
9060 among three members nominated by the Florida Hospital  
9061 Association.

9062 6. One member, appointed by the Governor, who is an expert  
9063 on child health policy.

9064 7. One member, appointed by the Chief Financial Officer,  
9065 from among three members nominated by the Florida Academy of  
9066 Family Physicians.

9067 8. One member, appointed by the Governor, who represents  
9068 the state Medicaid program.

9069 9. One member, appointed by the Chief Financial Officer,  
9070 from among three members nominated by the Florida Association of  
9071 Counties.

9072 10. The State Health Officer or her or his designee.

9073 11. The Secretary of Children and Families ~~Family Services~~,  
9074 or his or her designee.

9075 12. One member, appointed by the Governor, from among three  
9076 members nominated by the Florida Dental Association.

9077 Section 281. Section 651.117, Florida Statutes, is amended

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9078 to read:

9079           651.117 Order of liquidation; duties of the Department of  
9080 Children and Families ~~Family Services~~ and the Agency for Health  
9081 Care Administration.—Whenever an order of liquidation has been  
9082 entered against a provider, the receiver shall notify the  
9083 Department of Children and Families ~~Family Services~~ and the  
9084 Agency for Health Care Administration by sending to the  
9085 Department of Children and Families ~~Family Services~~ and the  
9086 Agency for Health Care Administration by certified mail a copy  
9087 of the order of liquidation. Upon receipt of any such order or  
9088 when requested by the receiver as being in the best interest of  
9089 the residents of a facility, in addition to any other duty of  
9090 the Department of Children and Families ~~Family Services~~ and the  
9091 Agency for Health Care Administration with respect to residents  
9092 of a facility, the Department of Children and Families ~~Family~~  
9093 ~~Services~~ and the Agency for Health Care Administration shall  
9094 evaluate the status of the residents of the facility to  
9095 determine whether they are eligible for assistance or for  
9096 programs administered by the Department of Children and Families  
9097 ~~Family Services~~ and the Agency for Health Care Administration,  
9098 shall develop a plan of relocation with respect to residents  
9099 requesting assistance regarding relocation, and shall counsel  
9100 the residents regarding such eligibility and such relocation.

9101           Section 282. Section 683.331, Florida Statutes, is amended  
9102 to read:

9103           683.331 Child Welfare Professionals Recognition Day.—  
9104 Beginning in May 2008, the Legislature designates the second  
9105 Monday in May as “Child Welfare Professionals Recognition Day”  
9106 to recognize the efforts of all professionals who work with

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9107 abused children and dysfunctional families. The Department of  
9108 Children and Families ~~Family Services~~, local governments, and  
9109 other agencies are encouraged to sponsor events to promote  
9110 awareness of the child welfare system and the personnel who work  
9111 in the system.

9112 Section 283. Paragraph (d) of subsection (1) of section  
9113 718.115, Florida Statutes, is amended to read:

9114 718.115 Common expenses and common surplus.—

9115 (1)

9116 (d) If provided in the declaration, the cost of  
9117 communications services as defined in chapter 202, information  
9118 services, or Internet services obtained pursuant to a bulk  
9119 contract is a common expense. If the declaration does not  
9120 provide for the cost of such services as a common expense, the  
9121 board may enter into such a contract, and the cost of the  
9122 service will be a common expense. The cost for the services  
9123 under a bulk rate contract may be allocated on a per-unit basis  
9124 rather than a percentage basis if the declaration provides for  
9125 other than an equal sharing of common expenses, and any contract  
9126 entered into before July 1, 1998, in which the cost of the  
9127 service is not equally divided among all unit owners, may be  
9128 changed by vote of a majority of the voting interests present at  
9129 a regular or special meeting of the association, to allocate the  
9130 cost equally among all units. The contract must be for at least  
9131 2 years.

9132 1. Any contract made by the board on or after July 1, 1998,  
9133 may be canceled by a majority of the voting interests present at  
9134 the next regular or special meeting of the association. Any  
9135 member may make a motion to cancel the contract, but if no

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9136 motion is made or if such motion fails to obtain the required  
9137 majority at the next regular or special meeting, whichever  
9138 occurs first, following the making of the contract, such  
9139 contract shall be deemed ratified for the term therein  
9140 expressed.

9141 2. Such contract must provide, and is deemed to provide if  
9142 not expressly set forth, that any hearing-impaired or legally  
9143 blind unit owner who does not occupy the unit with a non-  
9144 hearing-impaired or sighted person, or any unit owner receiving  
9145 supplemental security income under Title XVI of the Social  
9146 Security Act or food assistance as administered by the  
9147 Department of Children and Families ~~Family Services~~ pursuant to  
9148 s. 414.31, may discontinue the cable or video service without  
9149 incurring disconnect fees, penalties, or subsequent service  
9150 charges, and, as to such units, the owners are not required to  
9151 pay any common expenses charge related to such service. If fewer  
9152 than all members of an association share the expenses of cable  
9153 or video service, the expense shall be shared equally by all  
9154 participating unit owners. The association may use the  
9155 provisions of s. 718.116 to enforce payment of the shares of  
9156 such costs by the unit owners receiving cable or video service.

9157 Section 284. Paragraph (b) of subsection (2) of section  
9158 720.309, Florida Statutes, is amended to read:

9159 720.309 Agreements entered into by the association.—

9160 (2) If the governing documents provide for the cost of  
9161 communications services as defined in s. 202.11, information  
9162 services or Internet services obtained pursuant to a bulk  
9163 contract shall be deemed an operating expense of the  
9164 association. If the governing documents do not provide for such

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9165 services, the board may contract for the services, and the cost  
9166 shall be deemed an operating expense of the association but must  
9167 be allocated on a per-parcel basis rather than a percentage  
9168 basis, notwithstanding that the governing documents provide for  
9169 other than an equal sharing of operating expenses. Any contract  
9170 entered into before July 1, 2011, in which the cost of the  
9171 service is not equally divided among all parcel owners may be  
9172 changed by a majority of the voting interests present at a  
9173 regular or special meeting of the association in order to  
9174 allocate the cost equally among all parcels.

9175 (b) Any contract entered into by the board must provide,  
9176 and shall be deemed to provide if not expressly set forth  
9177 therein, that a hearing-impaired or legally blind parcel owner  
9178 who does not occupy the parcel with a non-hearing-impaired or  
9179 sighted person, or a parcel owner who receives supplemental  
9180 security income under Title XVI of the Social Security Act or  
9181 food assistance as administered by the Department of Children  
9182 and Families ~~Family Services~~ pursuant to s. 414.31, may  
9183 discontinue the service without incurring disconnect fees,  
9184 penalties, or subsequent service charges, and may not be  
9185 required to pay any operating expenses charge related to such  
9186 service for those parcels. If fewer than all parcel owners share  
9187 the expenses of the communications services, information  
9188 services, or Internet services, the expense must be shared by  
9189 all participating parcel owners. The association may use the  
9190 provisions of s. 720.3085 to enforce payment by the parcel  
9191 owners receiving such services.

9192 Section 285. Subsection (2) of section 741.01, Florida  
9193 Statutes, is amended to read:

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9194           741.01 County court judge or clerk of the circuit court to  
9195 issue marriage license; fee.—

9196           (2) The fee charged for each marriage license issued in the  
9197 state shall be increased by the sum of \$25. This fee shall be  
9198 collected upon receipt of the application for the issuance of a  
9199 marriage license and remitted by the clerk to the Department of  
9200 Revenue for deposit in the Domestic Violence Trust Fund. The  
9201 Executive Office of the Governor shall establish a Domestic  
9202 Violence Trust Fund for the purpose of collecting and disbursing  
9203 funds generated from the increase in the marriage license fee.  
9204 Such funds which are generated shall be directed to the  
9205 Department of Children and Families ~~Family Services~~ for the  
9206 specific purpose of funding domestic violence centers, and the  
9207 funds shall be appropriated in a "grants-in-aid" category to the  
9208 Department of Children and Families ~~Family Services~~ for the  
9209 purpose of funding domestic violence centers. From the proceeds  
9210 of the surcharge deposited into the Domestic Violence Trust Fund  
9211 as required under s. 938.08, the Executive Office of the  
9212 Governor may spend up to \$500,000 each year for the purpose of  
9213 administering a statewide public-awareness campaign regarding  
9214 domestic violence.

9215           Section 286. Paragraph (a) of subsection (1) of section  
9216 741.29, Florida Statutes, is amended to read:

9217           741.29 Domestic violence; investigation of incidents;  
9218 notice to victims of legal rights and remedies; reporting.—

9219           (1) Any law enforcement officer who investigates an alleged  
9220 incident of domestic violence shall assist the victim to obtain  
9221 medical treatment if such is required as a result of the alleged  
9222 incident to which the officer responds. Any law enforcement

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9223 officer who investigates an alleged incident of domestic  
9224 violence shall advise the victim of such violence that there is  
9225 a domestic violence center from which the victim may receive  
9226 services. The law enforcement officer shall give the victim  
9227 immediate notice of the legal rights and remedies available on a  
9228 standard form developed and distributed by the department. As  
9229 necessary, the department shall revise the Legal Rights and  
9230 Remedies Notice to Victims to include a general summary of s.  
9231 741.30 using simple English as well as Spanish, and shall  
9232 distribute the notice as a model form to be used by all law  
9233 enforcement agencies throughout the state. The notice shall  
9234 include:

9235 (a) The resource listing, including telephone number, for  
9236 the area domestic violence center designated by the Department  
9237 of Children and Families ~~Family Services~~; and

9238 Section 287. Subsections (3) and (4) of section 742.107,  
9239 Florida Statutes, are amended to read:

9240 742.107 Determining paternity of child with mother under 16  
9241 years of age when impregnated.—

9242 (3) Whenever the information provided by a mother who was  
9243 impregnated while under 16 years of age indicates that the  
9244 alleged father of the child was 21 years of age or older at the  
9245 time of conception of the child, the Department of Revenue or  
9246 the Department of Children and Families ~~Family Services~~ shall  
9247 advise the applicant or recipient of public assistance that she  
9248 is required to cooperate with law enforcement officials in the  
9249 prosecution of the alleged father.

9250 (4) When the information provided by the applicant or  
9251 recipient who was impregnated while under age 16 indicates that

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9252 such person is the victim of child abuse as provided in s.  
9253 827.04(3), the Department of Revenue or the Department of  
9254 Children and Families ~~Family Services~~ shall notify the county  
9255 sheriff's office or other appropriate agency or official and  
9256 provide information needed to protect the child's health or  
9257 welfare.

9258 Section 288. Section 743.045, Florida Statutes, is amended  
9259 to read:

9260 743.045 Removal of disabilities of minors; executing  
9261 contracts for a residential lease.—For the sole purpose of  
9262 ensuring that a youth in foster care will be able to execute a  
9263 contract for the lease of residential property upon the youth's  
9264 18th birthday, the disability of nonage of minors is removed for  
9265 all youth who have reached 17 years of age, have been  
9266 adjudicated dependent, and are in the legal custody of the  
9267 Department of Children and Families ~~Family Services~~ through  
9268 foster care or subsidized independent living. These youth are  
9269 authorized to make and execute contracts, releases, and all  
9270 other instruments necessary for the purpose of entering into a  
9271 contract for the lease of residential property upon the youth's  
9272 18th birthday. The contracts or other instruments made by the  
9273 youth shall have the same effect as though they were the  
9274 obligations of persons who were not minors. A youth seeking to  
9275 enter into such lease contracts or execute other necessary  
9276 instruments that are incidental to entering into a lease must  
9277 present an order from a court of competent jurisdiction removing  
9278 the disabilities of nonage of the minor under this section.

9279 Section 289. Section 743.046, Florida Statutes, is amended  
9280 to read:



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9281           743.046 Removal of disabilities of minors; executing  
9282 agreements for utility services.—For the sole purpose of  
9283 ensuring that a youth in foster care will be able to secure  
9284 utility services at a residential property upon the youth's 18th  
9285 birthday, the disability of nonage of minors is removed for all  
9286 youth who have reached 17 years of age, have been adjudicated  
9287 dependent, and are in the legal custody of the Department of  
9288 Children and Families ~~Family Services~~ through foster care or  
9289 subsidized independent living. These youth are authorized to  
9290 make and execute contracts, agreements, releases, and all other  
9291 instruments necessary for the purpose of securing utility  
9292 services at a residential property upon the youth's 18th  
9293 birthday. The contracts or other agreements made by the youth  
9294 shall have the same effect as though they were the obligations  
9295 of persons who were not minors. A youth seeking to enter into  
9296 such contracts or agreements or execute other necessary  
9297 instruments that are incidental to securing utility services  
9298 must present an order from a court of competent jurisdiction  
9299 removing the disabilities of nonage of the minor under this  
9300 section.

9301           Section 290. Subsections (2), (3), and (6) of section  
9302 743.0645, Florida Statutes, are amended to read:

9303           743.0645 Other persons who may consent to medical care or  
9304 treatment of a minor.—

9305           (2) Any of the following persons, in order of priority  
9306 listed, may consent to the medical care or treatment of a minor  
9307 who is not committed to the Department of Children and Families  
9308 ~~Family Services~~ or the Department of Juvenile Justice or in  
9309 their custody under chapter 39, chapter 984, or chapter 985

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9310 when, after a reasonable attempt, a person who has the power to  
9311 consent as otherwise provided by law cannot be contacted by the  
9312 treatment provider and actual notice to the contrary has not  
9313 been given to the provider by that person:

9314 (a) A person who possesses a power of attorney to provide  
9315 medical consent for the minor. A power of attorney executed  
9316 after July 1, 2001, to provide medical consent for a minor  
9317 includes the power to consent to medically necessary surgical  
9318 and general anesthesia services for the minor unless such  
9319 services are excluded by the individual executing the power of  
9320 attorney.

9321 (b) The stepparent.

9322 (c) The grandparent of the minor.

9323 (d) An adult brother or sister of the minor.

9324 (e) An adult aunt or uncle of the minor.

9325

9326 There shall be maintained in the treatment provider's records of  
9327 the minor documentation that a reasonable attempt was made to  
9328 contact the person who has the power to consent.

9329 (3) The Department of Children and Families ~~Family Services~~  
9330 or the Department of Juvenile Justice caseworker, juvenile  
9331 probation officer, or person primarily responsible for the case  
9332 management of the child, the administrator of any facility  
9333 licensed by the department under s. 393.067, s. 394.875, or s.  
9334 409.175, or the administrator of any state-operated or state-  
9335 contracted delinquency residential treatment facility may  
9336 consent to the medical care or treatment of any minor committed  
9337 to it or in its custody under chapter 39, chapter 984, or  
9338 chapter 985, when the person who has the power to consent as

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9339 otherwise provided by law cannot be contacted and such person  
9340 has not expressly objected to such consent. There shall be  
9341 maintained in the records of the minor documentation that a  
9342 reasonable attempt was made to contact the person who has the  
9343 power to consent as otherwise provided by law.

9344 (6) The Department of Children and Families ~~Family Services~~  
9345 and the Department of Juvenile Justice may adopt rules to  
9346 implement this section.

9347 Section 291. Paragraph (c) of subsection (4) of section  
9348 744.1075, Florida Statutes, is amended to read:

9349 744.1075 Emergency court monitor.—

9350 (4)

9351 (c) Following a hearing on the order to show cause, the  
9352 court may impose sanctions on the guardian or his or her  
9353 attorney or other respondent or take any other action authorized  
9354 by law, including entering a judgment of contempt; ordering an  
9355 accounting; freezing assets; referring the case to local law  
9356 enforcement agencies or the state attorney; filing an abuse,  
9357 neglect, or exploitation complaint with the Department of  
9358 Children and Families ~~Family Services~~; or initiating proceedings  
9359 to remove the guardian.

9360  
9361 Nothing in this subsection shall be construed to preclude the  
9362 mandatory reporting requirements of chapter 39.

9363 Section 292. Subsection (2) of section 753.01, Florida  
9364 Statutes, is amended to read:

9365 753.01 Definitions.—As used in this chapter, the term:

9366 (2) "Department" means the Department of Children and  
9367 Families ~~Family Services~~.

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9368 Section 293. Subsection (4) of section 765.110, Florida  
9369 Statutes, is amended to read:

9370 765.110 Health care facilities and providers; discipline.—

9371 (4) The Department of Elderly Affairs for hospices and, in  
9372 consultation with the Department of Elderly Affairs, the  
9373 Department of Health for health care providers; the Agency for  
9374 Health Care Administration for hospitals, nursing homes, home  
9375 health agencies, and health maintenance organizations; and the  
9376 Department of Children and Families ~~Family Services~~ for  
9377 facilities subject to part I of chapter 394 shall adopt rules to  
9378 implement the provisions of the section.

9379 Section 294. Paragraph (a) of subsection (1) of section  
9380 766.101, Florida Statutes, is amended to read:

9381 766.101 Medical review committee, immunity from liability.—

9382 (1) As used in this section:

9383 (a) The term "medical review committee" or "committee"  
9384 means:

9385 1.a. A committee of a hospital or ambulatory surgical  
9386 center licensed under chapter 395 or a health maintenance  
9387 organization certificated under part I of chapter 641,

9388 b. A committee of a physician-hospital organization, a  
9389 provider-sponsored organization, or an integrated delivery  
9390 system,

9391 c. A committee of a state or local professional society of  
9392 health care providers,

9393 d. A committee of a medical staff of a licensed hospital or  
9394 nursing home, provided the medical staff operates pursuant to  
9395 written bylaws that have been approved by the governing board of  
9396 the hospital or nursing home,

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9397 e. A committee of the Department of Corrections or the  
9398 Correctional Medical Authority as created under s. 945.602, or  
9399 employees, agents, or consultants of either the department or  
9400 the authority or both,

9401 f. A committee of a professional service corporation formed  
9402 under chapter 621 or a corporation organized under chapter 607  
9403 or chapter 617, which is formed and operated for the practice of  
9404 medicine as defined in s. 458.305(3), and which has at least 25  
9405 health care providers who routinely provide health care services  
9406 directly to patients,

9407 g. A committee of the Department of Children and Families  
9408 ~~Family Services~~ which includes employees, agents, or consultants  
9409 to the department as deemed necessary to provide peer review,  
9410 utilization review, and mortality review of treatment services  
9411 provided pursuant to chapters 394, 397, and 916,

9412 h. A committee of a mental health treatment facility  
9413 licensed under chapter 394 or a community mental health center  
9414 as defined in s. 394.907, provided the quality assurance program  
9415 operates pursuant to the guidelines which have been approved by  
9416 the governing board of the agency,

9417 i. A committee of a substance abuse treatment and education  
9418 prevention program licensed under chapter 397 provided the  
9419 quality assurance program operates pursuant to the guidelines  
9420 which have been approved by the governing board of the agency,

9421 j. A peer review or utilization review committee organized  
9422 under chapter 440,

9423 k. A committee of the Department of Health, a county health  
9424 department, healthy start coalition, or certified rural health  
9425 network, when reviewing quality of care, or employees of these

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9426 entities when reviewing mortality records, or

9427       1. A continuous quality improvement committee of a pharmacy  
9428 licensed pursuant to chapter 465,

9429  
9430 which committee is formed to evaluate and improve the quality of  
9431 health care rendered by providers of health service, to  
9432 determine that health services rendered were professionally  
9433 indicated or were performed in compliance with the applicable  
9434 standard of care, or that the cost of health care rendered was  
9435 considered reasonable by the providers of professional health  
9436 services in the area; or

9437       2. A committee of an insurer, self-insurer, or joint  
9438 underwriting association of medical malpractice insurance, or  
9439 other persons conducting review under s. 766.106.

9440       Section 295. Paragraph (b) of subsection (2) of section  
9441 775.0837, Florida Statutes, is amended to read:

9442       775.0837 Habitual misdemeanor offenders.—

9443       (2) If the court finds that a defendant before the court  
9444 for sentencing for a misdemeanor is a habitual misdemeanor  
9445 offender, the court shall, unless the court makes a finding that  
9446 an alternative disposition is in the best interests of the  
9447 community and defendant, sentence the defendant as a habitual  
9448 misdemeanor offender and impose one of the following sentences:

9449       (b) Commitment to a residential treatment program for not  
9450 less than 6 months, but not to exceed 364 days, provided that  
9451 the treatment program is operated by the county or a private  
9452 vendor with which the county has contracted to operate such  
9453 program, or by a private vendor under contract with the state or  
9454 licensed by the state to operate such program, and provided that

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9455 any referral to a residential treatment facility is in  
9456 accordance with the assessment criteria for residential  
9457 treatment established by the Department of Children and Families  
9458 ~~Family Services~~, and that residential treatment beds are  
9459 available or other community-based treatment program or a  
9460 combination of residential and community-based program; or

9461  
9462 The court may not sentence a defendant under this subsection if  
9463 the misdemeanor offense before the court for sentencing has been  
9464 reclassified as a felony as a result of any prior qualifying  
9465 misdemeanor.

9466 Section 296. Paragraph (b) of subsection (1) and paragraph  
9467 (b) of subsection (2) of section 775.16, Florida Statutes, are  
9468 amended to read:

9469 775.16 Drug offenses; additional penalties.—In addition to  
9470 any other penalty provided by law, a person who has been  
9471 convicted of sale of or trafficking in, or conspiracy to sell or  
9472 traffic in, a controlled substance under chapter 893, if such  
9473 offense is a felony, or who has been convicted of an offense  
9474 under the laws of any state or country which, if committed in  
9475 this state, would constitute the felony of selling or  
9476 trafficking in, or conspiracy to sell or traffic in, a  
9477 controlled substance under chapter 893, is:

9478 (1) Disqualified from applying for employment by any agency  
9479 of the state, unless:

9480 (b) The person has complied with the conditions of  
9481 subparagraphs 1. and 2. which shall be monitored by the  
9482 Department of Corrections while the person is under any  
9483 supervisory sanctions. The person under supervision may:

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9484           1. Seek evaluation and enrollment in, and once enrolled  
9485 maintain enrollment in until completion, a drug treatment and  
9486 rehabilitation program which is approved by the Department of  
9487 Children and Families ~~Family Services~~, unless it is deemed by  
9488 the program that the person does not have a substance abuse  
9489 problem. The treatment and rehabilitation program may be  
9490 specified by:

9491           a. The court, in the case of court-ordered supervisory  
9492 sanctions;

9493           b. The Parole Commission, in the case of parole, control  
9494 release, or conditional release; or

9495           c. The Department of Corrections, in the case of  
9496 imprisonment or any other supervision required by law.

9497           2. Submit to periodic urine drug testing pursuant to  
9498 procedures prescribed by the Department of Corrections. If the  
9499 person is indigent, the costs shall be paid by the Department of  
9500 Corrections.

9501           (2) Disqualified from applying for a license, permit, or  
9502 certificate required by any agency of the state to practice,  
9503 pursue, or engage in any occupation, trade, vocation,  
9504 profession, or business, unless:

9505           (b) The person has complied with the conditions of  
9506 subparagraphs 1. and 2. which shall be monitored by the  
9507 Department of Corrections while the person is under any  
9508 supervisory sanction. If the person fails to comply with  
9509 provisions of these subparagraphs by either failing to maintain  
9510 treatment or by testing positive for drug use, the department  
9511 shall notify the licensing, permitting, or certifying agency,  
9512 which may refuse to reissue or reinstate such license, permit,



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9513 or certification. The licensee, permittee, or certificateholder  
9514 under supervision may:

9515 1. Seek evaluation and enrollment in, and once enrolled  
9516 maintain enrollment in until completion, a drug treatment and  
9517 rehabilitation program which is approved or regulated by the  
9518 Department of Children and Families ~~Family Services~~, unless it  
9519 is deemed by the program that the person does not have a  
9520 substance abuse problem. The treatment and rehabilitation  
9521 program may be specified by:

9522 a. The court, in the case of court-ordered supervisory  
9523 sanctions;

9524 b. The Parole Commission, in the case of parole, control  
9525 release, or conditional release; or

9526 c. The Department of Corrections, in the case of  
9527 imprisonment or any other supervision required by law.

9528 2. Submit to periodic urine drug testing pursuant to  
9529 procedures prescribed by the Department of Corrections. If the  
9530 person is indigent, the costs shall be paid by the Department of  
9531 Corrections; or

9532  
9533 The provisions of this section do not apply to any of the taxes,  
9534 fees, or permits regulated, controlled, or administered by the  
9535 Department of Revenue in accordance with the provisions of s.  
9536 213.05.

9537 Section 297. Paragraph (a) of subsection (11) of section  
9538 784.046, Florida Statutes, is amended to read:

9539 784.046 Action by victim of repeat violence, sexual  
9540 violence, or dating violence for protective injunction; dating  
9541 violence investigations, notice to victims, and reporting;

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9542 pretrial release violations; public records exemption.—

9543 (11) Any law enforcement officer who investigates an  
9544 alleged incident of dating violence shall assist the victim to  
9545 obtain medical treatment if such is required as a result of the  
9546 alleged incident to which the officer responds. Any law  
9547 enforcement officer who investigates an alleged incident of  
9548 dating violence shall advise the victim of such violence that  
9549 there is a domestic violence center from which the victim may  
9550 receive services. The law enforcement officer shall give the  
9551 victim immediate notice of the legal rights and remedies  
9552 available on a standard form developed and distributed by the  
9553 Department of Law Enforcement. As necessary, the Department of  
9554 Law Enforcement shall revise the Legal Rights and Remedies  
9555 Notice to Victims to include a general summary of this section,  
9556 using simple English as well as Spanish, and shall distribute  
9557 the notice as a model form to be used by all law enforcement  
9558 agencies throughout the state. The notice shall include:

9559 (a) The resource listing, including telephone number, for  
9560 the area domestic violence center designated by the Department  
9561 of Children and Families ~~Family Services~~; and

9562 Section 298. Subsection (2) of section 784.074, Florida  
9563 Statutes, is amended to read:

9564 784.074 Assault or battery on sexually violent predators  
9565 detention or commitment facility staff; reclassification of  
9566 offenses.—

9567 (2) For purposes of this section, a staff member of the  
9568 facilities listed includes persons employed by the Department of  
9569 Children and Families ~~Family Services~~, persons employed at  
9570 facilities licensed by the Department of Children and Families

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9571 ~~Family Services~~, and persons employed at facilities operated  
9572 under a contract with the Department of Children and Families  
9573 ~~Family Services~~.

9574 Section 299. Subsection (2) of section 784.081, Florida  
9575 Statutes, is amended to read:

9576 784.081 Assault or battery on specified officials or  
9577 employees; reclassification of offenses.—

9578 (2) Whenever a person is charged with committing an assault  
9579 or aggravated assault or a battery or aggravated battery upon  
9580 any elected official or employee of: a school district; a  
9581 private school; the Florida School for the Deaf and the Blind; a  
9582 university lab school; a state university or any other entity of  
9583 the state system of public education, as defined in s. 1000.04;  
9584 a sports official; an employee or protective investigator of the  
9585 Department of Children and Families ~~Family Services~~; an employee  
9586 of a lead community-based provider and its direct service  
9587 contract providers; or an employee of the Department of Health  
9588 or its direct service contract providers, when the person  
9589 committing the offense knows or has reason to know the identity  
9590 or position or employment of the victim, the offense for which  
9591 the person is charged shall be reclassified as follows:

9592 (a) In the case of aggravated battery, from a felony of the  
9593 second degree to a felony of the first degree.

9594 (b) In the case of aggravated assault, from a felony of the  
9595 third degree to a felony of the second degree.

9596 (c) In the case of battery, from a misdemeanor of the first  
9597 degree to a felony of the third degree.

9598 (d) In the case of assault, from a misdemeanor of the  
9599 second degree to a misdemeanor of the first degree.

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9600 Section 300. Paragraph (d) of subsection (1) of section  
9601 787.06, Florida Statutes, is amended to read:

9602 787.06 Human trafficking.—

9603 (1)

9604 (d) It is the intent of the Legislature that the  
9605 perpetrators of human trafficking be penalized for their illegal  
9606 conduct and that the victims of trafficking be protected and  
9607 assisted by this state and its agencies. In furtherance of this  
9608 policy, it is the intent of the Legislature that the state  
9609 Supreme Court, The Florida Bar, and relevant state agencies  
9610 prepare and implement training programs in order that judges,  
9611 attorneys, law enforcement personnel, investigators, and others  
9612 are able to identify traffickers and victims of human  
9613 trafficking and direct victims to appropriate agencies for  
9614 assistance. It is the intent of the Legislature that the  
9615 Department of Children and Families ~~Family Services~~ and other  
9616 state agencies cooperate with other state and federal agencies  
9617 to ensure that victims of human trafficking can access social  
9618 services and benefits to alleviate their plight.

9619 Section 301. Subsection (6) of section 796.07, Florida  
9620 Statutes, is amended to read:

9621 796.07 Prohibiting prostitution and related acts.—

9622 (6) A person who violates paragraph (2)(f) shall be  
9623 assessed a civil penalty of \$5,000 if the violation results in  
9624 any judicial disposition other than acquittal or dismissal. Of  
9625 the proceeds from each penalty assessed under this subsection,  
9626 the first \$500 shall be paid to the circuit court administrator  
9627 for the sole purpose of paying the administrative costs of  
9628 treatment-based drug court programs provided under s. 397.334.

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9629 The remainder of the penalty assessed shall be deposited in the  
9630 Operations and Maintenance Trust Fund of the Department of  
9631 Children and Families ~~Family Services~~ for the sole purpose of  
9632 funding safe houses and short-term safe houses as provided in s.  
9633 409.1678.

9634 Section 302. Paragraph (a) of subsection (2) of section  
9635 817.505, Florida Statutes, is amended to read:

9636 817.505 Patient brokering prohibited; exceptions;  
9637 penalties.—

9638 (2) For the purposes of this section, the term:

9639 (a) "Health care provider or health care facility" means  
9640 any person or entity licensed, certified, or registered;  
9641 required to be licensed, certified, or registered; or lawfully  
9642 exempt from being required to be licensed, certified, or  
9643 registered with the Agency for Health Care Administration or the  
9644 Department of Health; any person or entity that has contracted  
9645 with the Agency for Health Care Administration to provide goods  
9646 or services to Medicaid recipients as provided under s. 409.907;  
9647 a county health department established under part I of chapter  
9648 154; any community service provider contracting with the  
9649 Department of Children and Families ~~Family Services~~ to furnish  
9650 alcohol, drug abuse, or mental health services under part IV of  
9651 chapter 394; any substance abuse service provider licensed under  
9652 chapter 397; or any federally supported primary care program  
9653 such as a migrant or community health center authorized under  
9654 ss. 329 and 330 of the United States Public Health Services Act.

9655 Section 303. Paragraph (c) of subsection (2) of section  
9656 839.13, Florida Statutes, is amended to read:

9657 839.13 Falsifying records.—

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9658 (2)  
9659 (c) Any person who knowingly falsifies, alters, destroys,  
9660 defaces, overwrites, removes, or discards records of the  
9661 Department of Children and Families ~~Family Services~~ or its  
9662 contract provider with the intent to conceal a fact material to  
9663 a child abuse protective investigation, protective supervision,  
9664 foster care and related services, or a protective investigation  
9665 or protective supervision of a vulnerable adult, as defined in  
9666 chapter 39, chapter 409, or chapter 415, commits a felony of the  
9667 third degree, punishable as provided in s. 775.082, s. 775.083,  
9668 or s. 775.084. Nothing in this paragraph prohibits prosecution  
9669 for a violation of paragraph (a) or paragraph (b) involving  
9670 records described in this paragraph.

9671 Section 304. Subsection (5) of section 877.111, Florida  
9672 Statutes, is amended to read:

9673 877.111 Inhalation, ingestion, possession, sale, purchase,  
9674 or transfer of harmful chemical substances; penalties.—

9675 (5) Any person who violates any of the provisions of this  
9676 section may, in the discretion of the trial judge, be required  
9677 to participate in a substance abuse services program approved or  
9678 regulated by the Department of Children and Families ~~Family~~  
9679 ~~Services~~ pursuant to the provisions of chapter 397, provided the  
9680 director of the program approves the placement of the defendant  
9681 in the program. Such required participation may be imposed in  
9682 addition to, or in lieu of, any penalty or probation otherwise  
9683 prescribed by law. However, the total time of such penalty,  
9684 probation, and program participation shall not exceed the  
9685 maximum length of sentence possible for the offense.

9686 Section 305. Paragraph (a) of subsection (1) of section

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9687 893.11, Florida Statutes, is amended to read:

9688       893.11 Suspension, revocation, and reinstatement of  
9689 business and professional licenses.—For the purposes of s.  
9690 120.60(6), any conviction in any court reported to the  
9691 Comprehensive Case Information System of the Florida Association  
9692 of Court Clerks and Comptrollers, Inc., for the sale of, or  
9693 trafficking in, a controlled substance or for conspiracy to  
9694 sell, or traffic in, a controlled substance constitutes an  
9695 immediate serious danger to the public health, safety, or  
9696 welfare, and is grounds for disciplinary action by the licensing  
9697 state agency. A state agency shall initiate an immediate  
9698 emergency suspension of an individual professional license  
9699 issued by the agency, in compliance with the procedures for  
9700 summary suspensions in s. 120.60(6), upon the agency's findings  
9701 of the licensee's conviction in any court reported to the  
9702 Comprehensive Case Information System of the Florida Association  
9703 of Court Clerks and Comptrollers, Inc., for the sale of, or  
9704 trafficking in, a controlled substance, or for conspiracy to  
9705 sell, or traffic in, a controlled substance. Before renewing any  
9706 professional license, a state agency that issues a professional  
9707 license must use the Comprehensive Case Information System of  
9708 the Florida Association of Court Clerks and Comptrollers, Inc.,  
9709 to obtain information relating to any conviction for the sale  
9710 of, or trafficking in, a controlled substance or for conspiracy  
9711 to sell, or traffic in, a controlled substance. The clerk of  
9712 court shall provide electronic access to each state agency at no  
9713 cost and also provide certified copies of the judgment upon  
9714 request to the agency. Upon a showing by any such convicted  
9715 defendant whose professional license has been suspended or

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9716 revoked pursuant to this section that his or her civil rights  
9717 have been restored or upon a showing that the convicted  
9718 defendant meets the following criteria, the agency head may  
9719 reinstate or reactivate such license when:

9720 (1) The person has complied with the conditions of  
9721 paragraphs (a) and (b) which shall be monitored by the  
9722 Department of Corrections while the person is under any  
9723 supervisory sanction. If the person fails to comply with  
9724 provisions of these paragraphs by either failing to maintain  
9725 treatment or by testing positive for drug use, the department  
9726 shall notify the licensing agency, which shall revoke the  
9727 license. The person under supervision may:

9728 (a) Seek evaluation and enrollment in, and once enrolled  
9729 maintain enrollment in until completion, a drug treatment and  
9730 rehabilitation program which is approved or regulated by the  
9731 Department of Children and Families ~~Family Services~~. The  
9732 treatment and rehabilitation program shall be specified by:

9733 1. The court, in the case of court-ordered supervisory  
9734 sanctions;

9735 2. The Parole Commission, in the case of parole, control  
9736 release, or conditional release; or

9737 3. The Department of Corrections, in the case of  
9738 imprisonment or any other supervision required by law.

9739 Section 306. Section 893.15, Florida Statutes, is amended  
9740 to read:

9741 893.15 Rehabilitation.—Any person who violates s.  
9742 893.13(6) (a) or (b) relating to possession may, in the  
9743 discretion of the trial judge, be required to participate in a  
9744 substance abuse services program approved or regulated by the



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9745 Department of Children and Families ~~Family Services~~ pursuant to  
9746 the provisions of chapter 397, provided the director of such  
9747 program approves the placement of the defendant in such program.  
9748 Such required participation shall be imposed in addition to any  
9749 penalty or probation otherwise prescribed by law. However, the  
9750 total time of such penalty, probation, and program participation  
9751 shall not exceed the maximum length of sentence possible for the  
9752 offense.

9753 Section 307. Subsection (1) and paragraph (b) of subsection  
9754 (3) of section 893.165, Florida Statutes, are amended to read:

9755 893.165 County alcohol and other drug abuse treatment or  
9756 education trust funds.—

9757 (1) Counties in which there is established or in existence  
9758 a comprehensive alcohol and other drug abuse treatment or  
9759 education program which meets the standards for qualification of  
9760 such programs by the Department of Children and Families ~~Family~~  
9761 ~~Services~~ are authorized to establish a County Alcohol and Other  
9762 Drug Abuse Trust Fund for the purpose of receiving the  
9763 assessments collected pursuant to s. 938.23 and disbursing  
9764 assistance grants on an annual basis to such alcohol and other  
9765 drug abuse treatment or education program.

9766 (3)

9767 (b) Assessments collected by clerks of circuit courts  
9768 having more than one county in the circuit, for any county in  
9769 the circuit which does not have a County Alcohol and Other Drug  
9770 Abuse Trust Fund, shall be remitted to the Department of  
9771 Children and Families ~~Family Services~~, in accordance with  
9772 administrative rules adopted, for deposit into the department's  
9773 Grants and Donations Trust Fund for distribution pursuant to the

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9774 guidelines and priorities developed by the department.

9775 Section 308. Subsection (1) of section 916.105, Florida  
9776 Statutes, is amended to read:

9777 916.105 Legislative intent.—

9778 (1) It is the intent of the Legislature that the Department  
9779 of Children and Families ~~Family Services~~ and the Agency for  
9780 Persons with Disabilities, as appropriate, establish, locate,  
9781 and maintain separate and secure forensic facilities and  
9782 programs for the treatment or training of defendants who have  
9783 been charged with a felony and who have been found to be  
9784 incompetent to proceed due to their mental illness, intellectual  
9785 disability, or autism, or who have been acquitted of a felony by  
9786 reason of insanity, and who, while still under the jurisdiction  
9787 of the committing court, are committed to the department or  
9788 agency under this chapter. Such facilities must be sufficient to  
9789 accommodate the number of defendants committed under the  
9790 conditions noted above. Except for those defendants found by the  
9791 department or agency to be appropriate for treatment or training  
9792 in a civil facility or program pursuant to subsection (3),  
9793 forensic facilities must be designed and administered so that  
9794 ingress and egress, together with other requirements of this  
9795 chapter, may be strictly controlled by staff responsible for  
9796 security in order to protect the defendant, facility personnel,  
9797 other clients, and citizens in adjacent communities.

9798 Section 309. Subsection (7) of section 916.106, Florida  
9799 Statutes, is amended to read:

9800 916.106 Definitions.—For the purposes of this chapter, the  
9801 term:

9802 (7) "Department" means the Department of Children and

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9803 Families ~~Family Services~~. The department is responsible for the  
9804 treatment of forensic clients who have been determined  
9805 incompetent to proceed due to mental illness or who have been  
9806 acquitted of a felony by reason of insanity.

9807 Section 310. Paragraph (d) of subsection (3) of section  
9808 921.0022, Florida Statutes, is amended to read:

9809 921.0022 Criminal Punishment Code; offense severity ranking  
9810 chart.—

9811 (3) OFFENSE SEVERITY RANKING CHART

9812 (d) LEVEL 4

9813

Florida Statute	Felony Degree	Description
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9814

316.1935(3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
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9815

499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
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9816

499.0051(2)	3rd	Failure to authenticate pedigree papers.
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9818	499.0051 (6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
9819	517.07 (1)	3rd	Failure to register securities.
9820	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
9821	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
9822	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
9823	784.075	3rd	Battery on detention or commitment facility staff.
	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling

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9824			certain fluids or materials.
9824	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
9825	784.081 (3)	3rd	Battery on specified official or employee.
9826	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
9827	784.083 (3)	3rd	Battery on code inspector.
9828	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
9829	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
9830	787.04 (2)	3rd	Take, entice, or remove child beyond state

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9831	787.04 (3)	3rd	limits with criminal intent pending custody proceedings.
9832	787.07	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
9833	790.115 (1)	3rd	Human smuggling.
9834	790.115 (2) (b)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
9835	790.115 (2) (c)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
9836	800.04 (7) (c)	3rd	Possessing firearm on school property.
			Lewd or lascivious exhibition; offender

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9837	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
9838	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
9839	810.06	3rd	Burglary; possession of tools.
9840	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
9841	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
9842	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
9843			

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9844	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
9845	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
9846	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
9847	817.625(2)(a)	3rd	Fraudulent use of scanning device or reencoder.
9848	828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
9849	837.02(1)	3rd	Perjury in official proceedings.



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9850	837.021 (1)	3rd	Make contradictory statements in official proceedings.
9851	838.022	3rd	Official misconduct.
9852	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
9853	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and <u>Families</u> <del>Family Services</del> .
9854	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
9855	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond

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9856	847.0135(5)(c)	3rd	estreature or bond jumping).
9857	874.05(1)(a)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
9858	893.13(2)(a)1.	2nd	Encouraging or recruiting another to join a criminal gang.
9859	914.14(2)	3rd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs).
9860	914.22(1)	3rd	Witnesses accepting bribes.
9861	914.23(2)	3rd	Force, threaten, etc., witness, victim, or informant.
			Retaliation against a witness, victim, or informant, no bodily injury.

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9862 918.12 3rd Tampering with jurors.  
9863  
9864 934.215 3rd Use of two-way  
9865 communications device to  
9866 facilitate commission of  
9867 a crime.

9864  
9865  
9866 Section 311. Paragraph (a) of subsection (4) of section  
9867 937.021, Florida Statutes, is amended to read:

9868 937.021 Missing child and missing adult reports.—

9869 (4) (a) Upon the filing of a police report that a child is  
9870 missing by the parent or guardian, the Department of Children  
9871 and Families ~~Family Services~~, a community-based care provider,  
9872 or a sheriff's office providing investigative services for the  
9873 department, the law enforcement agency receiving the report  
9874 shall immediately inform all on-duty law enforcement officers of  
9875 the missing child report, communicate the report to every other  
9876 law enforcement agency having jurisdiction in the county, and  
9877 within 2 hours after receipt of the report, transmit the report  
9878 for inclusion within the Florida Crime Information Center and  
9879 the National Crime Information Center databases. A law  
9880 enforcement agency may not require a reporter to present an  
9881 order that a child be taken into custody or any other such order  
9882 before accepting a report that a child is missing.

9883 Section 312. Paragraph (a) of subsection (1) of section  
9884 938.01, Florida Statutes, is amended to read:

9885 938.01 Additional Court Cost Clearing Trust Fund.—

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9886 (1) All courts created by Art. V of the State Constitution  
9887 shall, in addition to any fine or other penalty, require every  
9888 person convicted for violation of a state penal or criminal  
9889 statute or convicted for violation of a municipal or county  
9890 ordinance to pay \$3 as a court cost. Any person whose  
9891 adjudication is withheld pursuant to the provisions of s.  
9892 318.14(9) or (10) shall also be liable for payment of such cost.  
9893 In addition, \$3 from every bond estreature or forfeited bail  
9894 bond related to such penal statutes or penal ordinances shall be  
9895 remitted to the Department of Revenue as described in this  
9896 subsection. However, no such assessment may be made against any  
9897 person convicted for violation of any state statute, municipal  
9898 ordinance, or county ordinance relating to the parking of  
9899 vehicles.

9900 (a) All costs collected by the courts pursuant to this  
9901 subsection shall be remitted to the Department of Revenue in  
9902 accordance with administrative rules adopted by the executive  
9903 director of the Department of Revenue for deposit in the  
9904 Additional Court Cost Clearing Trust Fund. These funds and the  
9905 funds deposited in the Additional Court Cost Clearing Trust Fund  
9906 pursuant to s. 318.21(2)(c) shall be distributed as follows:

9907 1. Ninety-two percent to the Department of Law Enforcement  
9908 Criminal Justice Standards and Training Trust Fund.

9909 2. Six and three-tenths percent to the Department of Law  
9910 Enforcement Operating Trust Fund for the Criminal Justice Grant  
9911 Program.

9912 3. One and seven-tenths percent to the Department of  
9913 Children and Families ~~Family Services~~ Domestic Violence Trust  
9914 Fund for the domestic violence program pursuant to s. 39.903(1).

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9915 Section 313. Subsection (2) of section 938.10, Florida  
9916 Statutes, is amended to read:

9917 938.10 Additional court cost imposed in cases of certain  
9918 crimes.—

9919 (2) Each month the clerk of the court shall transfer \$50  
9920 from the proceeds of the court cost to the Department of Revenue  
9921 for deposit into the Department of Children and Families' ~~Family~~  
9922 ~~Services'~~ Grants and Donations Trust Fund for disbursement to  
9923 the Office of the Statewide Guardian Ad Litem and \$100 to the  
9924 Department of Revenue for deposit into the Department of  
9925 Children and Families' ~~Family Services'~~ Grants and Donations  
9926 Trust Fund for disbursement to the Florida Network of Children's  
9927 Advocacy Centers, Inc., for the purpose of funding children's  
9928 advocacy centers that are members of the network. The clerk  
9929 shall retain \$1 from each sum collected as a service charge.

9930 Section 314. Subsection (2) of section 938.23, Florida  
9931 Statutes, is amended to read:

9932 938.23 Assistance grants for alcohol and other drug abuse  
9933 programs.—

9934 (2) All assessments authorized by this section shall be  
9935 collected by the clerk of court and remitted to the  
9936 jurisdictional county as described in s. 893.165(2) for deposit  
9937 into the County Alcohol and Other Drug Abuse Trust Fund or  
9938 remitted to the Department of Revenue for deposit into the  
9939 Grants and Donations Trust Fund of the Department of Children  
9940 and Families ~~Family Services~~ pursuant to guidelines and  
9941 priorities developed by the department. If a County Alcohol and  
9942 Other Drug Abuse Trust Fund has not been established for any  
9943 jurisdictional county, assessments collected by the clerk of

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9944 court shall be remitted to the Department of Revenue for deposit  
9945 into the Grants and Donations Trust Fund of the Department of  
9946 Children and Families ~~Family Services~~.

9947 Section 315. Subsection (7) of section 943.0311, Florida  
9948 Statutes, is amended to read:

9949 943.0311 Chief of Domestic Security; duties of the  
9950 department with respect to domestic security.—

9951 (7) As used in this section, the term "state agency"  
9952 includes the Agency for Health Care Administration, the  
9953 Department of Agriculture and Consumer Services, the Department  
9954 of Business and Professional Regulation, the Department of  
9955 Children and Families ~~Family Services~~, the Department of Citrus,  
9956 the Department of Economic Opportunity, the Department of  
9957 Corrections, the Department of Education, the Department of  
9958 Elderly Affairs, the Division of Emergency Management, the  
9959 Department of Environmental Protection, the Department of  
9960 Financial Services, the Department of Health, the Department of  
9961 Highway Safety and Motor Vehicles, the Department of Juvenile  
9962 Justice, the Department of Law Enforcement, the Department of  
9963 Legal Affairs, the Department of Management Services, the  
9964 Department of Military Affairs, the Department of Revenue, the  
9965 Department of State, the Department of the Lottery, the  
9966 Department of Transportation, the Department of Veterans'  
9967 Affairs, the Fish and Wildlife Conservation Commission, the  
9968 Parole Commission, the State Board of Administration, and the  
9969 Executive Office of the Governor.

9970 Section 316. Section 943.04353, Florida Statutes, is  
9971 amended to read:

9972 943.04353 Triennial study of sexual predator and sexual

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9973 offender registration and notification procedures.—The Office of  
9974 Program Policy Analysis and Government Accountability shall,  
9975 every 3 years, perform a study of the effectiveness of Florida’s  
9976 sexual predator and sexual offender registration process and  
9977 community and public notification provisions. As part of  
9978 determining the effectiveness of the registration process,  
9979 OPPAGA shall examine the current practices of: the Department of  
9980 Corrections, county probation offices, clerk of courts, court  
9981 administrators, county jails and booking facilities, Department  
9982 of Children and Families ~~Family Services~~, judges, state  
9983 attorneys’ offices, Department of Highway Safety and Motor  
9984 Vehicles, Department of Law Enforcement, and local law  
9985 enforcement agencies as they relate to: sharing of offender  
9986 information regarding registered sexual predators and sexual  
9987 offenders for purposes of fulfilling the requirements set forth  
9988 in the registration laws; ensuring the most accurate, current,  
9989 and comprehensive information is provided in a timely manner to  
9990 the registry; ensuring the effective supervision and subsequent  
9991 monitoring of sexual predators and offenders; and ensuring  
9992 informed decisions are made at each point of the criminal  
9993 justice and registration process. In addition to determining the  
9994 effectiveness of the registration process, the report shall  
9995 focus on the question of whether the notification provisions in  
9996 statute are sufficient to apprise communities of the presence of  
9997 sexual predators and sexual offenders. The report shall examine  
9998 how local law enforcement agencies collect and disseminate  
9999 information in an effort to notify the public and communities of  
10000 the presence of sexual predators and offenders. If the report  
10001 finds deficiencies in the registration process, the notification

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10002 provisions, or both, the report shall provide options for  
10003 correcting those deficiencies and shall include the projected  
10004 cost of implementing those options. In conducting the study, the  
10005 Office of Program Policy Analysis and Government Accountability  
10006 shall consult with the Florida Council Against Sexual Violence  
10007 and the Florida Association for the Treatment of Sexual Abusers  
10008 in addition to other interested entities that may offer  
10009 experiences and perspectives unique to this area of research.  
10010 The report shall be submitted to the President of the Senate and  
10011 the Speaker of the House of Representatives by January 1, 2006.

10012 Section 317. Paragraph (b) of subsection (3) of section  
10013 943.053, Florida Statutes, is amended to read:

10014 943.053 Dissemination of criminal justice information;  
10015 fees.—

10016 (3)

10017 (b) The fee per record for criminal history information  
10018 provided pursuant to this subsection and s. 943.0542 is \$24 per  
10019 name submitted, except that the fee for the guardian ad litem  
10020 program and vendors of the Department of Children and Families  
10021 ~~Family Services~~, the Department of Juvenile Justice, and the  
10022 Department of Elderly Affairs shall be \$8 for each name  
10023 submitted; the fee for a state criminal history provided for  
10024 application processing as required by law to be performed by the  
10025 Department of Agriculture and Consumer Services shall be \$15 for  
10026 each name submitted; and the fee for requests under s. 943.0542,  
10027 which implements the National Child Protection Act, shall be \$18  
10028 for each volunteer name submitted. The state offices of the  
10029 Public Defender shall not be assessed a fee for Florida criminal  
10030 history information or wanted person information.



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10031 Section 318. Subsection (1) of section 943.06, Florida  
10032 Statutes, is amended to read:

10033 943.06 Criminal and Juvenile Justice Information Systems  
10034 Council.—There is created a Criminal and Juvenile Justice  
10035 Information Systems Council within the department.

10036 (1) The council shall be composed of 15 members, consisting  
10037 of the Attorney General or a designated assistant; the executive  
10038 director of the Department of Law Enforcement or a designated  
10039 assistant; the secretary of the Department of Corrections or a  
10040 designated assistant; the chair of the Parole Commission or a  
10041 designated assistant; the Secretary of Juvenile Justice or a  
10042 designated assistant; the executive director of the Department  
10043 of Highway Safety and Motor Vehicles or a designated assistant;  
10044 the Secretary of Children and Families ~~Family Services~~ or a  
10045 designated assistant; the State Courts Administrator or a  
10046 designated assistant; 1 public defender appointed by the Florida  
10047 Public Defender Association, Inc.; 1 state attorney appointed by  
10048 the Florida Prosecuting Attorneys Association, Inc.; and 5  
10049 members, to be appointed by the Governor, consisting of 2  
10050 sheriffs, 2 police chiefs, and 1 clerk of the circuit court.

10051 Section 319. Section 943.17296, Florida Statutes, is  
10052 amended to read:

10053 943.17296 Training in identifying and investigating elder  
10054 abuse and neglect.—Each certified law enforcement officer must  
10055 successfully complete training on identifying and investigating  
10056 elder abuse and neglect as a part of the basic recruit training  
10057 of the officer required in s. 943.13(9) or continuing education  
10058 under s. 943.135(1) before June 30, 2011. The training shall be  
10059 developed in consultation with the Department of Elderly Affairs

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10060 and the Department of Children and Families ~~Family Services~~ and  
10061 must incorporate instruction on the identification of and  
10062 appropriate responses for persons suffering from dementia and on  
10063 identifying and investigating elder abuse and neglect. If an  
10064 officer fails to complete the required training, his or her  
10065 certification is inactive until the employing agency notifies  
10066 the commission that the officer has completed the training.

10067 Section 320. Subsection (5) of section 944.024, Florida  
10068 Statutes, is amended to read:

10069 944.024 Adult intake and evaluation.—The state system of  
10070 adult intake and evaluation shall include:

10071 (5) The performance of postsentence intake by the  
10072 department. Any physical facility established by the department  
10073 for the intake and evaluation process prior to the offender's  
10074 entry into the correctional system shall provide for specific  
10075 office and work areas for the staff of the commission. The  
10076 purpose of such a physical center shall be to combine in one  
10077 place as many of the rehabilitation-related functions as  
10078 possible, including pretrial and posttrial evaluation, parole  
10079 and probation services, vocational rehabilitation services,  
10080 family assistance services of the Department of Children and  
10081 Families ~~Family Services~~, and all other rehabilitative and  
10082 correctional services dealing with the offender.

10083 Section 321. Subsection (5) of section 944.17, Florida  
10084 Statutes, is amended to read:

10085 944.17 Commitments and classification; transfers.—

10086 (5) The department shall also refuse to accept a person  
10087 into the state correctional system unless the following  
10088 documents are presented in a completed form by the sheriff or

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10089 chief correctional officer, or a designated representative, to  
10090 the officer in charge of the reception process:

10091 (a) The uniform commitment and judgment and sentence forms  
10092 as described in subsection (4).

10093 (b) The sheriff's certificate as described in s. 921.161.

10094 (c) A certified copy of the indictment or information  
10095 relating to the offense for which the person was convicted.

10096 (d) A copy of the probable cause affidavit for each offense  
10097 identified in the current indictment or information.

10098 (e) A copy of the Criminal Punishment Code scoresheet and  
10099 any attachments thereto prepared pursuant to Rule 3.701, Rule  
10100 3.702, or Rule 3.703, Florida Rules of Criminal Procedure, or  
10101 any other rule pertaining to the preparation of felony  
10102 sentencing scoresheets.

10103 (f) A copy of the restitution order or the reasons by the  
10104 court for not requiring restitution pursuant to s. 775.089(1).

10105 (g) The name and address of any victim, if available.

10106 (h) A printout of a current criminal history record as  
10107 provided through an FCIC/NCIC printer.

10108 (i) Any available health assessments including medical,  
10109 mental health, and dental, including laboratory or test  
10110 findings; custody classification; disciplinary and adjustment;  
10111 and substance abuse assessment and treatment information which  
10112 may have been developed during the period of incarceration prior  
10113 to the transfer of the person to the department's custody.  
10114 Available information shall be transmitted on standard forms  
10115 developed by the department.

10116  
10117 In addition, the sheriff or other officer having such person in

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10118 charge shall also deliver with the foregoing documents any  
10119 available presentence investigation reports as described in s.  
10120 921.231 and any attached documents. After a prisoner is admitted  
10121 into the state correctional system, the department may request  
10122 such additional records relating to the prisoner as it considers  
10123 necessary from the clerk of the court, the Department of  
10124 Children and Families ~~Family Services~~, or any other state or  
10125 county agency for the purpose of determining the prisoner's  
10126 proper custody classification, gain-time eligibility, or  
10127 eligibility for early release programs. An agency that receives  
10128 such a request from the department must provide the information  
10129 requested.

10130 Section 322. Subsection (2) of section 944.706, Florida  
10131 Statutes, is amended to read:

10132 944.706 Basic release assistance.—

10133 (2) The department may contract with the Department of  
10134 Children and Families ~~Family Services~~, the Salvation Army, and  
10135 other public or private organizations, including faith-based  
10136 service groups, for the provision of basic support services for  
10137 releasees.

10138 Section 323. Subsection (2) of section 945.025, Florida  
10139 Statutes, is amended to read:

10140 945.025 Jurisdiction of department.—

10141 (2) In establishing, operating, and using these facilities,  
10142 the department shall attempt, whenever possible, to avoid the  
10143 placement of nondangerous offenders who have potential for  
10144 rehabilitation with repeat offenders or dangerous offenders.  
10145 Medical, mental, and psychological problems must be diagnosed  
10146 and treated whenever possible. The Department of Children and

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10147 Families ~~Family Services~~ and the Agency for Persons with  
10148 Disabilities shall cooperate to ensure the delivery of services  
10149 to persons under the custody or supervision of the department.  
10150 If the department intends to transfer a prisoner who has a  
10151 mental illness or intellectual disability to the Department of  
10152 Children and Families ~~Family Services~~ or the Agency for Persons  
10153 with Disabilities, an involuntary commitment hearing shall be  
10154 held in accordance with chapter 393 or chapter 394.

10155 Section 324. Paragraphs (a) and (b) of subsection (2) of  
10156 section 945.10, Florida Statutes, are amended to read:

10157 945.10 Confidential information.—

10158 (2) The records and information specified in paragraphs  
10159 (1)(a)-(h) may be released as follows unless expressly  
10160 prohibited by federal law:

10161 (a) Information specified in paragraphs (1)(b), (d), and  
10162 (f) to the Office of the Governor, the Legislature, the Parole  
10163 Commission, the Department of Children and Families ~~Family~~  
10164 ~~Services~~, a private correctional facility or program that  
10165 operates under a contract, the Department of Legal Affairs, a  
10166 state attorney, the court, or a law enforcement agency. A  
10167 request for records or information pursuant to this paragraph  
10168 need not be in writing.

10169 (b) Information specified in paragraphs (1)(c), (e), and  
10170 (h) to the Office of the Governor, the Legislature, the Parole  
10171 Commission, the Department of Children and Families ~~Family~~  
10172 ~~Services~~, a private correctional facility or program that  
10173 operates under contract, the Department of Legal Affairs, a  
10174 state attorney, the court, or a law enforcement agency. A  
10175 request for records or information pursuant to this paragraph

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10176 must be in writing and a statement provided demonstrating a need  
10177 for the records or information.

10178  
10179 Records and information released under this subsection remain  
10180 confidential and exempt from the provisions of s. 119.07(1) and  
10181 s. 24(a), Art. I of the State Constitution when held by the  
10182 receiving person or entity.

10183 Section 325. Subsection (6) of section 945.12, Florida  
10184 Statutes, is amended to read:

10185 945.12 Transfers for rehabilitative treatment.—

10186 (6) A prisoner who has been determined by the Department of  
10187 Children and Families ~~Family Services~~ and the Department of  
10188 Corrections to be amenable to rehabilitative treatment for  
10189 sexual deviation, and who has voluntarily agreed to participate  
10190 in such rehabilitative treatment, may be transferred to the  
10191 Department of Children and Families ~~Family Services~~ provided  
10192 appropriate bed space is available.

10193 Section 326. Subsection (3) of section 945.46, Florida  
10194 Statutes, is amended to read:

10195 945.46 Initiation of involuntary placement proceedings with  
10196 respect to a mentally ill inmate scheduled for release.—

10197 (3) The department may transport an individual who is being  
10198 released from its custody to a receiving or treatment facility  
10199 for involuntary examination or placement. Such transport shall  
10200 be made to a facility that is specified by the Department of  
10201 Children and Families ~~Family Services~~ as able to meet the  
10202 specific needs of the individual. If the Department of Children  
10203 and Families ~~Family Services~~ does not specify a facility,  
10204 transport may be made to the nearest receiving facility.

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10205           Section 327. Subsection (2) of section 945.47, Florida  
10206 Statutes, is amended to read:

10207           945.47 Discharge of inmate from mental health treatment.—

10208           (2) At any time that an inmate who has received mental  
10209 health treatment while in the custody of the department becomes  
10210 eligible for release under supervision or upon end of sentence,  
10211 a record of the inmate's mental health treatment may be provided  
10212 to the Parole Commission and to the Department of Children and  
10213 Families ~~Family Services~~ upon request. The record shall include,  
10214 at a minimum, a summary of the inmate's diagnosis, length of  
10215 stay in treatment, clinical history, prognosis, prescribed  
10216 medication, treatment plan, and recommendations for aftercare  
10217 services.

10218           Section 328. Subsection (2) of section 945.49, Florida  
10219 Statutes, is amended to read:

10220           945.49 Operation and administration.—

10221           (2) RULES.—The department, in cooperation with the Mental  
10222 Health Program Office of the Department of Children and Families  
10223 ~~Family Services~~, shall adopt rules necessary for administration  
10224 of ss. 945.40-945.49 in accordance with chapter 120.

10225           Section 329. Paragraph (b) of subsection (2) of section  
10226 947.13, Florida Statutes, is amended to read:

10227           947.13 Powers and duties of commission.—

10228           (2)

10229           (b) The Department of Children and Families ~~Family Services~~  
10230 and all other state, county, and city agencies, sheriffs and  
10231 their deputies, and all peace officers shall cooperate with the  
10232 commission and the department and shall aid and assist them in  
10233 the performance of their duties.

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10234 Section 330. Subsection (9) of section 947.146, Florida  
10235 Statutes, is amended to read:

10236 947.146 Control Release Authority.—

10237 (9) The authority shall examine such records as it deems  
10238 necessary of the department, the Department of Children and  
10239 Families ~~Family Services~~, the Department of Law Enforcement, and  
10240 any other such agency for the purpose of either establishing,  
10241 modifying, or revoking a control release date. The victim impact  
10242 statement shall be included in such records for examination.  
10243 Such agencies shall provide the information requested by the  
10244 authority for the purposes of fulfilling the requirements of  
10245 this section.

10246 Section 331. Subsection (6) of section 948.01, Florida  
10247 Statutes, is amended to read:

10248 948.01 When court may place defendant on probation or into  
10249 community control.—

10250 (6) When the court, under any of the foregoing subsections,  
10251 places a defendant on probation or into community control, it  
10252 may specify that the defendant serve all or part of the  
10253 probationary or community control period in a community  
10254 residential or nonresidential facility under the jurisdiction of  
10255 the Department of Corrections or the Department of Children and  
10256 Families ~~Family Services~~ or any public or private entity  
10257 providing such services, and it shall require the payment  
10258 prescribed in s. 948.09.

10259 Section 332. Subsection (2) of section 984.01, Florida  
10260 Statutes, is amended to read:

10261 984.01 Purposes and intent; personnel standards and  
10262 screening.—



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10263           (2) The Department of Juvenile Justice or the Department of  
10264 Children and Families ~~Family Services~~, as appropriate, may  
10265 contract with the Federal Government, other state departments  
10266 and agencies, county and municipal governments and agencies,  
10267 public and private agencies, and private individuals and  
10268 corporations in carrying out the purposes of, and the  
10269 responsibilities established in, this chapter.

10270           (a) If the department contracts with a provider for any  
10271 program for children, all personnel, including owners,  
10272 operators, employees, and volunteers, in the facility must be of  
10273 good moral character. Each contract entered into by either  
10274 department for services delivered on an appointment or  
10275 intermittent basis by a provider that does not have regular  
10276 custodial responsibility for children and each contract with a  
10277 school for before or aftercare services must ensure that the  
10278 owners, operators, and all personnel who have direct contact  
10279 with children are of good moral character. A volunteer who  
10280 assists on an intermittent basis for less than 10 hours per  
10281 month need not be screened if a person who meets the screening  
10282 requirement of this section is always present and has the  
10283 volunteer in his or her line of sight.

10284           (b) The Department of Juvenile Justice and the Department  
10285 of Children and Families ~~Family Services~~ shall require  
10286 employment screening pursuant to chapter 435, using the level 2  
10287 standards set forth in that chapter for personnel in programs  
10288 for children or youths.

10289           (c) The Department of Juvenile Justice or the Department of  
10290 Children and Families ~~Family Services~~ may grant exemptions from  
10291 disqualification from working with children as provided in s.

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10292 435.07.

10293 Section 333. Subsections (6), (7), and (9), paragraphs (b)  
10294 and (c) of subsection (12), and subsections (25), (33), (44),  
10295 and (50) of section 984.03, Florida Statutes, are amended to  
10296 read:

10297 984.03 Definitions.—When used in this chapter, the term:

10298 (6) "Authorized agent" or "designee" of the department  
10299 means a person or agency assigned or designated by the  
10300 Department of Juvenile Justice or the Department of Children and  
10301 Families ~~Family Services~~, as appropriate, to perform duties or  
10302 exercise powers pursuant to this chapter and includes contract  
10303 providers and their employees for purposes of providing services  
10304 to and managing cases of children in need of services and  
10305 families in need of services.

10306 (7) "Caretaker/homemaker" means an authorized agent of the  
10307 Department of Children and Families ~~Family Services~~ who shall  
10308 remain in the child's home with the child until a parent, legal  
10309 guardian, or relative of the child enters the home and is  
10310 capable of assuming and agrees to assume charge of the child.

10311 (9) "Child in need of services" means a child for whom  
10312 there is no pending investigation into an allegation or  
10313 suspicion of abuse, neglect, or abandonment; no pending referral  
10314 alleging the child is delinquent; or no current supervision by  
10315 the Department of Juvenile Justice or the Department of Children  
10316 and Families ~~Family Services~~ for an adjudication of dependency  
10317 or delinquency. The child must also, pursuant to this chapter,  
10318 be found by the court:

10319 (a) To have persistently run away from the child's parents  
10320 or legal custodians despite reasonable efforts of the child, the

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10321 parents or legal custodians, and appropriate agencies to remedy  
10322 the conditions contributing to the behavior. Reasonable efforts  
10323 shall include voluntary participation by the child's parents or  
10324 legal custodians and the child in family mediation, services,  
10325 and treatment offered by the Department of Juvenile Justice or  
10326 the Department of Children and Families ~~Family Services~~;

10327 (b) To be habitually truant from school, while subject to  
10328 compulsory school attendance, despite reasonable efforts to  
10329 remedy the situation pursuant to ss. 1003.26 and 1003.27 and  
10330 through voluntary participation by the child's parents or legal  
10331 custodians and by the child in family mediation, services, and  
10332 treatment offered by the Department of Juvenile Justice or the  
10333 Department of Children and Families ~~Family Services~~; or

10334 (c) To have persistently disobeyed the reasonable and  
10335 lawful demands of the child's parents or legal custodians, and  
10336 to be beyond their control despite efforts by the child's  
10337 parents or legal custodians and appropriate agencies to remedy  
10338 the conditions contributing to the behavior. Reasonable efforts  
10339 may include such things as good faith participation in family or  
10340 individual counseling.

10341 (12) "Child who is found to be dependent" or "dependent  
10342 child" means a child who, pursuant to this chapter, is found by  
10343 the court:

10344 (b) To have been surrendered to the former Department of  
10345 Health and Rehabilitative Services, the Department of Children  
10346 and Families ~~Family Services~~, or a licensed child-placing agency  
10347 for purpose of adoption.

10348 (c) To have been voluntarily placed with a licensed child-  
10349 caring agency, a licensed child-placing agency, an adult

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10350 relative, the former Department of Health and Rehabilitative  
10351 Services, or the Department of Children and Families ~~Family~~  
10352 ~~Services~~, after which placement, under the requirements of this  
10353 chapter, a case plan has expired and the parent or parents have  
10354 failed to substantially comply with the requirements of the  
10355 plan.

10356 (25) "Family in need of services" means a family that has a  
10357 child who is running away; who is persistently disobeying  
10358 reasonable and lawful demands of the parent or legal custodian  
10359 and is beyond the control of the parent or legal custodian; or  
10360 who is habitually truant from school or engaging in other  
10361 serious behaviors that place the child at risk of future abuse,  
10362 neglect, or abandonment or at risk of entering the juvenile  
10363 justice system. The child must be referred to a law enforcement  
10364 agency, the Department of Juvenile Justice, or an agency  
10365 contracted to provide services to children in need of services.  
10366 A family is not eligible to receive services if, at the time of  
10367 the referral, there is an open investigation into an allegation  
10368 of abuse, neglect, or abandonment or if the child is currently  
10369 under supervision by the Department of Juvenile Justice or the  
10370 Department of Children and Families ~~Family Services~~ due to an  
10371 adjudication of dependency or delinquency.

10372 (33) "Licensed child-caring agency" means a person,  
10373 society, association, or agency licensed by the Department of  
10374 Children and Families ~~Family Services~~ to care for, receive, and  
10375 board children.

10376 (44) "Protective supervision" means a legal status in  
10377 child-in-need-of-services cases or family-in-need-of-services  
10378 cases which permits the child to remain in his or her own home

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10379 or other placement under the supervision of an agent of the  
10380 Department of Juvenile Justice or the Department of Children and  
10381 Families ~~Family Services~~, subject to being returned to the court  
10382 during the period of supervision.

10383 (50) "Staff-secure shelter" means a facility in which a  
10384 child is supervised 24 hours a day by staff members who are  
10385 awake while on duty. The facility is for the temporary care and  
10386 assessment of a child who has been found to be dependent, who  
10387 has violated a court order and been found in contempt of court,  
10388 or whom the Department of Children and Families ~~Family Services~~  
10389 is unable to properly assess or place for assistance within the  
10390 continuum of services provided for dependent children.

10391 Section 334. Section 984.071, Florida Statutes, is amended  
10392 to read:

10393 984.071 Information packet.—The Department of Juvenile  
10394 Justice, in collaboration with the Department of Children and  
10395 Families ~~Family Services~~ and the Department of Education, shall  
10396 develop and publish an information packet that explains the  
10397 current process under this chapter for obtaining assistance for  
10398 a child in need of services or a family in need of services and  
10399 the community services and resources available to parents of  
10400 troubled or runaway children. In preparing the information  
10401 packet, the Department of Juvenile Justice shall work with  
10402 school district superintendents, juvenile court judges, county  
10403 sheriffs, and other local law enforcement officials in order to  
10404 ensure that the information packet lists services and resources  
10405 that are currently available within the county in which the  
10406 packet is distributed. Each information packet shall be annually  
10407 updated and shall be available for distribution by January 1,

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10408 1998. The school district shall distribute this information  
10409 packet to parents of truant children and to other parents upon  
10410 request or as deemed appropriate by the school district. In  
10411 addition, the Department of Juvenile Justice shall distribute  
10412 the information packet to state and local law enforcement  
10413 agencies. Any law enforcement officer who has contact with the  
10414 parent of a child who is locked out of the home or who runs away  
10415 from home shall make the information available to the parent.

10416 Section 335. Paragraph (a) of subsection (1) of section  
10417 984.085, Florida Statutes, is amended to read:

10418 984.085 Sheltering unmarried minors; aiding unmarried minor  
10419 runaways; violations.—

10420 (1) (a) A person who is not an authorized agent of the  
10421 Department of Juvenile Justice or the Department of Children and  
10422 Families ~~Family Services~~ may not knowingly shelter an unmarried  
10423 minor for more than 24 hours without the consent of the minor's  
10424 parent or guardian or without notifying a law enforcement  
10425 officer of the minor's name and the fact that the minor is being  
10426 provided shelter.

10427 Section 336. Section 984.086, Florida Statutes, is amended  
10428 to read:

10429 984.086 Children locked out of the home; interagency  
10430 cooperation.—The Department of Juvenile Justice and the  
10431 Department of Children and Families ~~Family Services~~ shall  
10432 encourage interagency cooperation within each circuit and shall  
10433 develop comprehensive agreements between the staff and providers  
10434 for each department in order to coordinate the services provided  
10435 to children who are locked out of the home and the families of  
10436 those children.

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10437 Section 337. Subsection (1) of section 984.10, Florida  
10438 Statutes, is amended to read:

10439 984.10 Intake.—

10440 (1) Intake shall be performed by the department. A report  
10441 or complaint alleging that a child is from a family in need of  
10442 services shall be made to the intake office operating in the  
10443 county in which the child is found or in which the case arose.  
10444 Any person or agency, including, but not limited to, the parent  
10445 or legal custodian, the local school district, a law enforcement  
10446 agency, or the Department of Children and Families ~~Family~~  
10447 ~~Services~~, having knowledge of the facts may make a report or  
10448 complaint.

10449 Section 338. Paragraph (e) of subsection (3) of section  
10450 984.15, Florida Statutes, is amended to read:

10451 984.15 Petition for a child in need of services.—

10452 (3)

10453 (e) The court, on its own motion or the motion of any party  
10454 or the department, shall determine the legal sufficiency of a  
10455 petition filed under this subsection and may dismiss any  
10456 petition that lacks sufficient grounds. In addition, the court  
10457 shall verify that the child is not:

10458 1. The subject of a pending investigation into an  
10459 allegation or suspicion of abuse, neglect, or abandonment;

10460 2. The subject of a pending referral alleging that the  
10461 child is delinquent; or

10462 3. Under the current supervision of the department or the  
10463 Department of Children and Families ~~Family Services~~ for an  
10464 adjudication of delinquency or dependency.

10465 Section 339. Subsection (3) of section 984.19, Florida

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10466 Statutes, is amended to read:

10467       984.19 Medical screening and treatment of child;  
10468 examination of parent, guardian, or person requesting custody.-

10469       (3) A judge may order that a child alleged to be or  
10470 adjudicated a child in need of services be examined by a  
10471 licensed health care professional. The judge may also order such  
10472 child to be evaluated by a psychiatrist or a psychologist, by a  
10473 district school board educational needs assessment team, or, if  
10474 a developmental disability is suspected or alleged, by the  
10475 developmental disability diagnostic and evaluation team of the  
10476 Department of Children and Families ~~Family Services~~. The judge  
10477 may order a family assessment if that assessment was not  
10478 completed at an earlier time. If it is necessary to place a  
10479 child in a residential facility for such evaluation, then the  
10480 criteria and procedure established in s. 394.463(2) or chapter  
10481 393 shall be used, whichever is applicable. The educational  
10482 needs assessment provided by the district school board  
10483 educational needs assessment team shall include, but not be  
10484 limited to, reports of intelligence and achievement tests,  
10485 screening for learning disabilities and other handicaps, and  
10486 screening for the need for alternative education pursuant to s.  
10487 1003.53.

10488       Section 340. Subsection (3) of section 984.22, Florida  
10489 Statutes, is amended to read:

10490       984.22 Powers of disposition.-

10491       (3) When any child is adjudicated by the court to be a  
10492 child in need of services and temporary legal custody of the  
10493 child has been placed with an adult willing to care for the  
10494 child, a licensed child-caring agency, the Department of



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10495 Juvenile Justice, or the Department of Children and Families  
10496 ~~Family Services~~, the court shall order the natural or adoptive  
10497 parents of such child, including the natural father of such  
10498 child born out of wedlock who has acknowledged his paternity in  
10499 writing before the court, or the guardian of such child's estate  
10500 if possessed of assets which under law may be disbursed for the  
10501 care, support, and maintenance of such child, to pay child  
10502 support to the adult relative caring for the child, the licensed  
10503 child-caring agency, the Department of Juvenile Justice, or the  
10504 Department of Children and Families ~~Family Services~~. When such  
10505 order affects the guardianship estate, a certified copy of such  
10506 order shall be delivered to the judge having jurisdiction of  
10507 such guardianship estate. If the court determines that the  
10508 parent is unable to pay support, placement of the child shall  
10509 not be contingent upon issuance of a support order. The  
10510 department may employ a collection agency for the purpose of  
10511 receiving, collecting, and managing the payment of unpaid and  
10512 delinquent fees. The collection agency must be registered and in  
10513 good standing under chapter 559. The department may pay to the  
10514 collection agency a fee from the amount collected under the  
10515 claim or may authorize the agency to deduct the fee from the  
10516 amount collected.

10517 Section 341. Subsections (6), (7), and (8) of section  
10518 984.225, Florida Statutes, are amended to read:

10519 984.225 Powers of disposition; placement in a staff-secure  
10520 shelter.—

10521 (6) The department is deemed to have exhausted the  
10522 reasonable remedies offered under this chapter if, at the end of  
10523 the commitment period, the parent, guardian, or legal custodian

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10524 continues to refuse to allow the child to remain at home or  
10525 creates unreasonable conditions for the child's return. If, at  
10526 the end of the commitment period, the child is not reunited with  
10527 his or her parent, guardian, or custodian due solely to the  
10528 continued refusal of the parent, guardian, or custodian to  
10529 provide food, clothing, shelter, and parental support, the child  
10530 is considered to be threatened with harm as a result of such  
10531 acts or omissions, and the court shall direct that the child be  
10532 handled in every respect as a dependent child. Jurisdiction  
10533 shall be transferred to the Department of Children and Families  
10534 ~~Family Services~~, and the child's care shall be governed under  
10535 the relevant provisions of chapter 39.

10536 (7) The court shall review the child's commitment once  
10537 every 45 days as provided in s. 984.20. The court shall  
10538 determine whether the parent, guardian, or custodian has  
10539 reasonably participated in and financially contributed to the  
10540 child's counseling and treatment program. The court shall also  
10541 determine whether the department's efforts to reunite the family  
10542 have been reasonable. If the court finds an inadequate level of  
10543 support or participation by the parent, guardian, or custodian  
10544 prior to the end of the commitment period, the court shall  
10545 direct that the child be handled in every respect as a dependent  
10546 child. Jurisdiction shall be transferred to the Department of  
10547 Children and Families ~~Family Services~~, and the child's care  
10548 shall be governed under the relevant provisions of chapter 39.

10549 (8) If the child requires residential mental health  
10550 treatment or residential care for a developmental disability,  
10551 the court shall refer the child to the Department of Children  
10552 and Families ~~Family Services~~ for the provision of necessary

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10553 services.

10554 Section 342. Paragraphs (d) and (e) of subsection (5) of  
10555 section 984.226, Florida Statutes, are amended to read:

10556 984.226 Physically secure setting.—

10557 (5)

10558 (d) If the court finds an inadequate level of support or  
10559 participation by the parent, guardian, or custodian before the  
10560 end of the placement, the court shall direct that the child be  
10561 handled as a dependent child, jurisdiction shall be transferred  
10562 to the Department of Children and Families ~~Family Services~~, and  
10563 the child's care shall be governed by chapter 39.

10564 (e) If the child requires residential mental health  
10565 treatment or residential care for a developmental disability,  
10566 the court shall refer the child to the Department of Children  
10567 and Families ~~Family Services~~ for the provision of necessary  
10568 services.

10569 Section 343. Subsections (5), (7), (23), (32), and (51) of  
10570 section 985.03, Florida Statutes, are amended to read:

10571 985.03 Definitions.—As used in this chapter, the term:

10572 (5) "Authorized agent" or "designee" of the department  
10573 means a person or agency assigned or designated by the  
10574 department or the Department of Children and Families ~~Family~~  
10575 ~~Services~~, as appropriate, to perform duties or exercise powers  
10576 under this chapter and includes contract providers and their  
10577 employees for purposes of providing services to and managing  
10578 cases of children in need of services and families in need of  
10579 services.

10580 (7) "Child in need of services" means a child for whom  
10581 there is no pending investigation into an allegation or

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10582 suspicion of abuse, neglect, or abandonment; no pending referral  
10583 alleging the child is delinquent; or no current supervision by  
10584 the department or the Department of Children and Families ~~Family~~  
10585 ~~Services~~ for an adjudication of dependency or delinquency. The  
10586 child must also, under this chapter, be found by the court:

10587 (a) To have persistently run away from the child's parents  
10588 or legal custodians despite reasonable efforts of the child, the  
10589 parents or legal custodians, and appropriate agencies to remedy  
10590 the conditions contributing to the behavior. Reasonable efforts  
10591 shall include voluntary participation by the child's parents or  
10592 legal custodians and the child in family mediation, services,  
10593 and treatment offered by the department or the Department of  
10594 Children and Families ~~Family Services~~;

10595 (b) To be habitually truant from school, while subject to  
10596 compulsory school attendance, despite reasonable efforts to  
10597 remedy the situation under ss. 1003.26 and 1003.27 and through  
10598 voluntary participation by the child's parents or legal  
10599 custodians and by the child in family mediation, services, and  
10600 treatment offered by the Department of Juvenile Justice or the  
10601 Department of Children and Families ~~Family Services~~; or

10602 (c) To have persistently disobeyed the reasonable and  
10603 lawful demands of the child's parents or legal custodians, and  
10604 to be beyond their control despite efforts by the child's  
10605 parents or legal custodians and appropriate agencies to remedy  
10606 the conditions contributing to the behavior. Reasonable efforts  
10607 may include such things as good faith participation in family or  
10608 individual counseling.

10609 (23) "Family in need of services" means a family that has a  
10610 child for whom there is no pending investigation into an

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10611 allegation of abuse, neglect, or abandonment or no current  
10612 supervision by the department or the Department of Children and  
10613 Families ~~Family Services~~ for an adjudication of dependency or  
10614 delinquency. The child must also have been referred to a law  
10615 enforcement agency or the department for:

- 10616 (a) Running away from parents or legal custodians;  
10617 (b) Persistently disobeying reasonable and lawful demands  
10618 of parents or legal custodians, and being beyond their control;  
10619 or  
10620 (c) Habitual truancy from school.

10621 (32) "Licensed child-caring agency" means a person,  
10622 society, association, or agency licensed by the Department of  
10623 Children and Families ~~Family Services~~ to care for, receive, and  
10624 board children.

10625 (51) "Staff-secure shelter" means a facility in which a  
10626 child is supervised 24 hours a day by staff members who are  
10627 awake while on duty. The facility is for the temporary care and  
10628 assessment of a child who has been found to be dependent, who  
10629 has violated a court order and been found in contempt of court,  
10630 or whom the Department of Children and Families ~~Family Services~~  
10631 is unable to properly assess or place for assistance within the  
10632 continuum of services provided for dependent children.

10633 Section 344. Subsection (2) of section 985.046, Florida  
10634 Statutes, is amended to read:

10635 985.046 Statewide information-sharing system; interagency  
10636 workgroup.—

10637 (2) The interagency workgroup shall be coordinated through  
10638 the Department of Education and shall include representatives  
10639 from the state agencies specified in subsection (1), school

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10640 superintendents, school district information system directors,  
10641 principals, teachers, juvenile court judges, police chiefs,  
10642 county sheriffs, clerks of the circuit court, the Department of  
10643 Children and Families ~~Family Services~~, providers of juvenile  
10644 services including a provider from a juvenile substance abuse  
10645 program, and circuit juvenile justice managers.

10646 Section 345. Paragraph (b) of subsection (1) of section  
10647 985.047, Florida Statutes, is amended to read:

10648 985.047 Information systems.—

10649 (1)

10650 (b) The central identification file shall contain, but not  
10651 be limited to, pertinent dependency record information  
10652 maintained by the Department of Children and Families ~~Family~~  
10653 ~~Services~~ and delinquency record information maintained by the  
10654 Department of Juvenile Justice; pertinent school records,  
10655 including information on behavior, attendance, and achievement;  
10656 pertinent information on delinquency and dependency maintained  
10657 by law enforcement agencies and the state attorney; and  
10658 pertinent information on delinquency and dependency maintained  
10659 by those agencies charged with screening, assessment, planning,  
10660 and treatment responsibilities. The information obtained shall  
10661 be used to develop a multiagency information sheet on serious  
10662 habitual juvenile offenders or juveniles who are at risk of  
10663 becoming serious habitual juvenile offenders. The agencies and  
10664 persons specified in this paragraph shall cooperate with the law  
10665 enforcement agency or county in providing needed information and  
10666 in developing the multiagency information sheet to the greatest  
10667 extent possible.

10668 Section 346. Subsection (3) of section 985.11, Florida

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10669 Statutes, is amended to read:

10670 985.11 Fingerprinting and photographing.—

10671 (3) This section does not prohibit the fingerprinting or  
10672 photographing of child traffic violators. All records of such  
10673 traffic violations shall be kept in the full name of the  
10674 violator and shall be open to inspection and publication in the  
10675 same manner as adult traffic violations. This section does not  
10676 apply to the photographing of children by the Department of  
10677 Juvenile Justice or the Department of Children and Families  
10678 ~~Family Services~~.

10679 Section 347. Subsection (1) of section 985.145, Florida  
10680 Statutes, is amended to read:

10681 985.145 Responsibilities of juvenile probation officer  
10682 during intake; screenings and assessments.—

10683 (1) The juvenile probation officer shall serve as the  
10684 primary case manager for the purpose of managing, coordinating,  
10685 and monitoring the services provided to the child. Each program  
10686 administrator within the Department of Children and Families  
10687 ~~Family Services~~ shall cooperate with the primary case manager in  
10688 carrying out the duties and responsibilities described in this  
10689 section. In addition to duties specified in other sections and  
10690 through departmental rules, the assigned juvenile probation  
10691 officer shall be responsible for the following:

10692 (a) *Reviewing probable cause affidavit.*—The juvenile  
10693 probation officer shall make a preliminary determination as to  
10694 whether the report, affidavit, or complaint is complete,  
10695 consulting with the state attorney as may be necessary. A  
10696 report, affidavit, or complaint alleging that a child has  
10697 committed a delinquent act or violation of law shall be made to

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10698 the intake office operating in the county in which the child is  
10699 found or in which the delinquent act or violation of law  
10700 occurred. Any person or agency having knowledge of the facts may  
10701 make such a written report, affidavit, or complaint and shall  
10702 furnish to the intake office facts sufficient to establish the  
10703 jurisdiction of the court and to support a finding by the court  
10704 that the child has committed a delinquent act or violation of  
10705 law.

10706       (b) *Notification concerning apparent insufficiencies in*  
10707 *probable cause affidavit.*—In any case where the juvenile  
10708 probation officer or the state attorney finds that the report,  
10709 affidavit, or complaint is insufficient by the standards for a  
10710 probable cause affidavit, the juvenile probation officer or  
10711 state attorney shall return the report, affidavit, or complaint,  
10712 without delay, to the person or agency originating the report,  
10713 affidavit, or complaint or having knowledge of the facts or to  
10714 the appropriate law enforcement agency having investigative  
10715 jurisdiction of the offense, and shall request, and the person  
10716 or agency shall promptly furnish, additional information in  
10717 order to comply with the standards for a probable cause  
10718 affidavit.

10719       (c) *Screening.*—During the intake process, the juvenile  
10720 probation officer shall screen each child or shall cause each  
10721 child to be screened in order to determine:

10722       1. Appropriateness for release; referral to a diversionary  
10723 program, including, but not limited to, a teen court program;  
10724 referral for community arbitration; or referral to some other  
10725 program or agency for the purpose of nonofficial or nonjudicial  
10726 handling.



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10727           2. The presence of medical, psychiatric, psychological,  
10728 substance abuse, educational, or vocational problems, or other  
10729 conditions that may have caused the child to come to the  
10730 attention of law enforcement or the department. The child shall  
10731 also be screened to determine whether the child poses a danger  
10732 to himself or herself or others in the community. The results of  
10733 this screening shall be made available to the court and to court  
10734 officers. In cases where such conditions are identified and a  
10735 nonjudicial handling of the case is chosen, the juvenile  
10736 probation officer shall attempt to refer the child to a program  
10737 or agency, together with all available and relevant assessment  
10738 information concerning the child's precipitating condition.

10739           (d) *Completing risk assessment instrument.*—The juvenile  
10740 probation officer shall ensure that a risk assessment instrument  
10741 establishing the child's eligibility for detention has been  
10742 accurately completed and that the appropriate recommendation was  
10743 made to the court.

10744           (e) *Rights.*—The juvenile probation officer shall inquire as  
10745 to whether the child understands his or her rights to counsel  
10746 and against self-incrimination.

10747           (f) *Multidisciplinary assessment.*—The juvenile probation  
10748 officer shall coordinate the multidisciplinary assessment when  
10749 required, which includes the classification and placement  
10750 process that determines the child's priority needs, risk  
10751 classification, and treatment plan. When sufficient evidence  
10752 exists to warrant a comprehensive assessment and the child fails  
10753 to voluntarily participate in the assessment efforts, the  
10754 juvenile probation officer shall inform the court of the need  
10755 for the assessment and the refusal of the child to participate

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10756 in such assessment. This assessment, classification, and  
10757 placement process shall develop into the predisposition report.

10758 (g) *Comprehensive assessment.*—The juvenile probation  
10759 officer, pursuant to uniform procedures established by the  
10760 department and upon determining that the report, affidavit, or  
10761 complaint is complete, shall:

10762 1. Perform the preliminary screening and make referrals for  
10763 a comprehensive assessment regarding the child's need for  
10764 substance abuse treatment services, mental health services,  
10765 intellectual disability services, literacy services, or other  
10766 educational or treatment services.

10767 2. If indicated by the preliminary screening, provide for a  
10768 comprehensive assessment of the child and family for substance  
10769 abuse problems, using community-based licensed programs with  
10770 clinical expertise and experience in the assessment of substance  
10771 abuse problems.

10772 3. If indicated by the preliminary screening, provide for a  
10773 comprehensive assessment of the child and family for mental  
10774 health problems, using community-based psychologists,  
10775 psychiatrists, or other licensed mental health professionals who  
10776 have clinical expertise and experience in the assessment of  
10777 mental health problems.

10778 (h) *Referrals for services.*—The juvenile probation officer  
10779 shall make recommendations for services and facilitate the  
10780 delivery of those services to the child, including any mental  
10781 health services, educational services, family counseling  
10782 services, family assistance services, and substance abuse  
10783 services.

10784 (i) *Recommendation concerning a petition.*—Upon determining

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10785 that the report, affidavit, or complaint complies with the  
10786 standards of a probable cause affidavit and that the interests  
10787 of the child and the public will be best served, the juvenile  
10788 probation officer may recommend that a delinquency petition not  
10789 be filed. If such a recommendation is made, the juvenile  
10790 probation officer shall advise in writing the person or agency  
10791 making the report, affidavit, or complaint, the victim, if any,  
10792 and the law enforcement agency having investigative jurisdiction  
10793 over the offense of the recommendation; the reasons therefor;  
10794 and that the person or agency may submit, within 10 days after  
10795 the receipt of such notice, the report, affidavit, or complaint  
10796 to the state attorney for special review. The state attorney,  
10797 upon receiving a request for special review, shall consider the  
10798 facts presented by the report, affidavit, or complaint, and by  
10799 the juvenile probation officer who made the recommendation that  
10800 no petition be filed, before making a final decision as to  
10801 whether a petition or information should or should not be filed.

10802 (j) *Completing intake report.*—Subject to the interagency  
10803 agreement authorized under this paragraph, the juvenile  
10804 probation officer for each case in which a child is alleged to  
10805 have committed a violation of law or delinquent act and is not  
10806 detained shall submit a written report to the state attorney,  
10807 including the original report, complaint, or affidavit, or a  
10808 copy thereof, including a copy of the child's prior juvenile  
10809 record, within 20 days after the date the child is taken into  
10810 custody. In cases in which the child is in detention, the intake  
10811 office report must be submitted within 24 hours after the child  
10812 is placed into detention. The intake office report may include a  
10813 recommendation that a petition or information be filed or that

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10814 no petition or information be filed and may set forth reasons  
10815 for the recommendation. The state attorney and the department  
10816 may, on a district-by-district basis, enter into interagency  
10817 agreements denoting the cases that will require a recommendation  
10818 and those for which a recommendation is unnecessary.

10819 Section 348. Paragraph (c) of subsection (4) of section  
10820 985.155, Florida Statutes, is amended to read:

10821 985.155 Neighborhood restorative justice.—

10822 (4) DEFERRED PROSECUTION PROGRAM; PROCEDURES.—

10823 (c) The board shall require the parent or legal guardian of  
10824 the juvenile who is referred to a Neighborhood Restorative  
10825 Justice Center to appear with the juvenile before the board at  
10826 the time set by the board. In scheduling board meetings, the  
10827 board shall be cognizant of a parent's or legal guardian's other  
10828 obligations. The failure of a parent or legal guardian to appear  
10829 at the scheduled board meeting with his or her child or ward may  
10830 be considered by the juvenile court as an act of child neglect  
10831 as defined by s. 39.01, and the board may refer the matter to  
10832 the Department of Children and Families ~~Family Services~~ for  
10833 investigation under the provisions of chapter 39.

10834 Section 349. Subsection (2) of section 985.18, Florida  
10835 Statutes, is amended to read:

10836 985.18 Medical, psychiatric, psychological, substance  
10837 abuse, and educational examination and treatment.—

10838 (2) If a child has been found to have committed a  
10839 delinquent act, or before such finding with the consent of any  
10840 parent or legal custodian of the child, the court may order the  
10841 child to be treated by a physician. The court may also order the  
10842 child to receive mental health, substance abuse, or intellectual

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10843 disability services from a psychiatrist, psychologist, or other  
10844 appropriate service provider. If it is necessary to place the  
10845 child in a residential facility for such services, the  
10846 procedures and criteria established in chapter 393, chapter 394,  
10847 or chapter 397, as applicable, must be used. After a child has  
10848 been adjudicated delinquent, if an educational needs assessment  
10849 by the district school board or the Department of Children and  
10850 Families ~~Family Services~~ has been conducted, the court shall  
10851 order the report included in the child's court record in lieu of  
10852 a new assessment. For purposes of this section, an educational  
10853 needs assessment includes, but is not limited to, reports of  
10854 intelligence and achievement tests, screening for learning and  
10855 other disabilities, and screening for the need for alternative  
10856 education.

10857 Section 350. Paragraphs (a), (d), (g), and (h) of  
10858 subsection (1), subsections (2) and (4), paragraph (b) of  
10859 subsection (5), and subsection (6) of section 985.19, Florida  
10860 Statutes, are amended to read:

10861 985.19 Incompetency in juvenile delinquency cases.—

10862 (1) If, at any time prior to or during a delinquency case,  
10863 the court has reason to believe that the child named in the  
10864 petition may be incompetent to proceed with the hearing, the  
10865 court on its own motion may, or on the motion of the child's  
10866 attorney or state attorney must, stay all proceedings and order  
10867 an evaluation of the child's mental condition.

10868 (a) Any motion questioning the child's competency to  
10869 proceed must be served upon the child's attorney, the state  
10870 attorney, the attorneys representing the Department of Juvenile  
10871 Justice, and the attorneys representing the Department of

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10872 Children and Families ~~Family Services~~. Thereafter, any motion,  
10873 notice of hearing, order, or other legal pleading relating to  
10874 the child's competency to proceed with the hearing must be  
10875 served upon the child's attorney, the state attorney, the  
10876 attorneys representing the Department of Juvenile Justice, and  
10877 the attorneys representing the Department of Children and  
10878 Families ~~Family Services~~.

10879 (d) For incompetency evaluations related to mental illness,  
10880 the Department of Children and Families ~~Family Services~~ shall  
10881 maintain and annually provide the courts with a list of  
10882 available mental health professionals who have completed a  
10883 training program approved by the Department of Children and  
10884 Families ~~Family Services~~ to perform the evaluations.

10885 (g) Immediately upon the filing of the court order finding  
10886 a child incompetent to proceed, the clerk of the court shall  
10887 notify the Department of Children and Families ~~Family Services~~  
10888 and the Agency for Persons with Disabilities and fax or hand  
10889 deliver to the department and to the agency a referral packet  
10890 that includes, at a minimum, the court order, the charging  
10891 documents, the petition, and the court-appointed evaluator's  
10892 reports.

10893 (h) After placement of the child in the appropriate  
10894 setting, the Department of Children and Families ~~Family Services~~  
10895 in consultation with the Agency for Persons with Disabilities,  
10896 as appropriate, must, within 30 days after placement of the  
10897 child, prepare and submit to the court a treatment or training  
10898 plan for the child's restoration of competency. A copy of the  
10899 plan must be served upon the child's attorney, the state  
10900 attorney, and the attorneys representing the Department of

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10901 Juvenile Justice.

10902 (2) A child who is adjudicated incompetent to proceed, and  
10903 who has committed a delinquent act or violation of law, either  
10904 of which would be a felony if committed by an adult, must be  
10905 committed to the Department of Children and Families ~~Family~~  
10906 ~~Services~~ for treatment or training. A child who has been  
10907 adjudicated incompetent to proceed because of age or immaturity,  
10908 or for any reason other than for mental illness, intellectual  
10909 disability, or autism, must not be committed to the department  
10910 or to the Department of Children and Families ~~Family Services~~  
10911 for restoration-of-competency treatment or training services.  
10912 For purposes of this section, a child who has committed a  
10913 delinquent act or violation of law, either of which would be a  
10914 misdemeanor if committed by an adult, may not be committed to  
10915 the department or to the Department of Children and Families  
10916 ~~Family Services~~ for restoration-of-competency treatment or  
10917 training services.

10918 (4) A child who is determined to have mental illness,  
10919 intellectual disability, or autism, who has been adjudicated  
10920 incompetent to proceed, and who meets the criteria set forth in  
10921 subsection (3), must be committed to the Department of Children  
10922 and Families ~~Family Services~~ and receive treatment or training  
10923 in a secure facility or program that is the least restrictive  
10924 alternative consistent with public safety. Any placement of a  
10925 child to a secure residential program must be separate from  
10926 adult forensic programs. If the child attains competency,  
10927 custody, case management, and supervision of the child shall be  
10928 transferred to the department in order to continue delinquency  
10929 proceedings; however, the court retains authority to order the

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10930 Department of Children and Families ~~Family Services~~ to provide  
10931 continued treatment or training to maintain competency.

10932 (a) A child adjudicated incompetent due to intellectual  
10933 disability or autism may be ordered into a secure program or  
10934 facility designated by the Department of Children and Families  
10935 ~~Family Services~~ for children who have intellectual disabilities  
10936 or autism.

10937 (b) A child adjudicated incompetent due to mental illness  
10938 may be ordered into a secure program or facility designated by  
10939 the Department of Children and Families ~~Family Services~~ for  
10940 children having mental illnesses.

10941 (c) If a child is placed in a secure residential facility,  
10942 the department shall provide transportation to the secure  
10943 residential facility for admission and from the secure  
10944 residential facility upon discharge.

10945 (d) The purpose of the treatment or training is the  
10946 restoration of the child's competency to proceed.

10947 (e) The service provider must file a written report with  
10948 the court pursuant to the applicable Florida Rules of Juvenile  
10949 Procedure within 6 months after the date of commitment, or at  
10950 the end of any period of extended treatment or training, and at  
10951 any time the Department of Children and Families ~~Family~~  
10952 ~~Services~~, through its service provider, determines the child has  
10953 attained competency or no longer meets the criteria for secure  
10954 placement, or at such shorter intervals as ordered by the court.  
10955 A copy of a written report evaluating the child's competency  
10956 must be filed by the provider with the court and with the state  
10957 attorney, the child's attorney, the department, and the  
10958 Department of Children and Families ~~Family Services~~.



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10959 (5)  
10960 (b) Whenever the provider files a report with the court  
10961 informing the court that the child will never become competent  
10962 to proceed, the Department of Children and Families ~~Family~~  
10963 ~~Services~~ will develop a discharge plan for the child prior to  
10964 any hearing determining whether the child will ever become  
10965 competent to proceed and send the plan to the court, the state  
10966 attorney, the child's attorney, and the attorneys representing  
10967 the Department of Juvenile Justice. The provider will continue  
10968 to provide services to the child until the court issues the  
10969 order finding the child will never become competent to proceed.  
10970 (6) (a) If a child is determined to have mental illness,  
10971 intellectual disability, or autism and is found to be  
10972 incompetent to proceed but does not meet the criteria set forth  
10973 in subsection (3), the court shall commit the child to the  
10974 Department of Children and Families ~~Family Services~~ and order  
10975 the Department of Children and Families ~~Family Services~~ to  
10976 provide appropriate treatment and training in the community. The  
10977 purpose of the treatment or training is the restoration of the  
10978 child's competency to proceed.  
10979 (b) All court-ordered treatment or training must be the  
10980 least restrictive alternative that is consistent with public  
10981 safety. Any placement by the Department of Children and Families  
10982 ~~Family Services~~ to a residential program must be separate from  
10983 adult forensic programs.  
10984 (c) If a child is ordered to receive competency restoration  
10985 services, the services shall be provided by the Department of  
10986 Children and Families ~~Family Services~~. The department shall  
10987 continue to provide case management services to the child and

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10988 receive notice of the competency status of the child.

10989 (d) The service provider must file a written report with  
10990 the court pursuant to the applicable Florida Rules of Juvenile  
10991 Procedure, not later than 6 months after the date of commitment,  
10992 at the end of any period of extended treatment or training, and  
10993 at any time the service provider determines the child has  
10994 attained competency or will never attain competency, or at such  
10995 shorter intervals as ordered by the court. A copy of a written  
10996 report evaluating the child's competency must be filed by the  
10997 provider with the court, the state attorney, the child's  
10998 attorney, the Department of Children and Families ~~Family~~  
10999 ~~Services~~, and the department.

11000 Section 351. Paragraph (f) of subsection (6) of section  
11001 985.433, Florida Statutes, is amended to read:

11002 985.433 Disposition hearings in delinquency cases.—When a  
11003 child has been found to have committed a delinquent act, the  
11004 following procedures shall be applicable to the disposition of  
11005 the case:

11006 (6) The first determination to be made by the court is a  
11007 determination of the suitability or nonsuitability for  
11008 adjudication and commitment of the child to the department. This  
11009 determination shall include consideration of the recommendations  
11010 of the department, which may include a predisposition report.  
11011 The predisposition report shall include, whether as part of the  
11012 child's multidisciplinary assessment, classification, and  
11013 placement process components or separately, evaluation of the  
11014 following criteria:

11015 (f) The record and previous criminal history of the child,  
11016 including without limitations:

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11017 1. Previous contacts with the department, the former  
11018 Department of Health and Rehabilitative Services, the Department  
11019 of Children and Families ~~Family Services~~, the Department of  
11020 Corrections, other law enforcement agencies, and courts.

11021 2. Prior periods of probation.

11022 3. Prior adjudications of delinquency.

11023 4. Prior commitments to institutions.

11024

11025 It is the intent of the Legislature that the criteria set forth  
11026 in this subsection are general guidelines to be followed at the  
11027 discretion of the court and not mandatory requirements of  
11028 procedure. It is not the intent of the Legislature to provide  
11029 for the appeal of the disposition made under this section.

11030 Section 352. Subsections (2) and (3) of section 985.461,  
11031 Florida Statutes, are amended to read:

11032 985.461 Transition to adulthood.—

11033 (2) Youth served by the department who are in the custody  
11034 of the Department of Children and Families ~~Family Services~~ and  
11035 who entered juvenile justice placement from a foster care  
11036 placement, if otherwise eligible, may receive independent living  
11037 transition services pursuant to s. 409.1451. Court-ordered  
11038 commitment or probation with the department is not a barrier to  
11039 eligibility for the array of services available to a youth who  
11040 is in the dependency foster care system only.

11041 (3) For a dependent child in the foster care system,  
11042 adjudication for delinquency does not, by itself, disqualify  
11043 such child for eligibility in the Department of Children and  
11044 Families ~~Family Services~~ independent living program.

11045 Section 353. Paragraph (j) of subsection (11) of section

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11046 985.48, Florida Statutes, is amended to read:

11047 985.48 Juvenile sexual offender commitment programs; sexual  
11048 abuse intervention networks.—

11049 (11) Membership of a sexual abuse intervention network  
11050 shall include, but is not limited to, representatives from:

11051 (j) The Department of Children and Families ~~Family~~  
11052 Services.

11053 Section 354. Paragraph (c) of subsection (4) of section  
11054 985.556, Florida Statutes, is amended to read:

11055 985.556 Waiver of juvenile court jurisdiction; hearing.—

11056 (4) WAIVER HEARING.—

11057 (c) The court shall conduct a hearing on all transfer  
11058 request motions for the purpose of determining whether a child  
11059 should be transferred. In making its determination, the court  
11060 shall consider:

11061 1. The seriousness of the alleged offense to the community  
11062 and whether the protection of the community is best served by  
11063 transferring the child for adult sanctions.

11064 2. Whether the alleged offense was committed in an  
11065 aggressive, violent, premeditated, or willful manner.

11066 3. Whether the alleged offense was against persons or  
11067 against property, greater weight being given to offenses against  
11068 persons, especially if personal injury resulted.

11069 4. The probable cause as found in the report, affidavit, or  
11070 complaint.

11071 5. The desirability of trial and disposition of the entire  
11072 offense in one court when the child's associates in the alleged  
11073 crime are adults or children who are to be tried as adults.

11074 6. The sophistication and maturity of the child.

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11075 7. The record and previous history of the child, including:

11076 a. Previous contacts with the department, the Department of  
11077 Corrections, the former Department of Health and Rehabilitative  
11078 Services, the Department of Children and Families ~~Family~~  
11079 ~~Services~~, other law enforcement agencies, and courts;

11080 b. Prior periods of probation;

11081 c. Prior adjudications that the child committed a  
11082 delinquent act or violation of law, greater weight being given  
11083 if the child has previously been found by a court to have  
11084 committed a delinquent act or violation of law involving an  
11085 offense classified as a felony or has twice previously been  
11086 found to have committed a delinquent act or violation of law  
11087 involving an offense classified as a misdemeanor; and

11088 d. Prior commitments to institutions.

11089 8. The prospects for adequate protection of the public and  
11090 the likelihood of reasonable rehabilitation of the child, if the  
11091 child is found to have committed the alleged offense, by the use  
11092 of procedures, services, and facilities currently available to  
11093 the court.

11094 Section 355. Paragraph (b) of subsection (1) of section  
11095 985.565, Florida Statutes, is amended to read:

11096 985.565 Sentencing powers; procedures; alternatives for  
11097 juveniles prosecuted as adults.—

11098 (1) POWERS OF DISPOSITION.—

11099 (b) In determining whether to impose juvenile sanctions  
11100 instead of adult sanctions, the court shall consider the  
11101 following criteria:

11102 1. The seriousness of the offense to the community and  
11103 whether the community would best be protected by juvenile or

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11104 adult sanctions.

11105         2. Whether the offense was committed in an aggressive,  
11106 violent, premeditated, or willful manner.

11107         3. Whether the offense was against persons or against  
11108 property, with greater weight being given to offenses against  
11109 persons, especially if personal injury resulted.

11110         4. The sophistication and maturity of the offender.

11111         5. The record and previous history of the offender,  
11112 including:

11113             a. Previous contacts with the Department of Corrections,  
11114 the Department of Juvenile Justice, the former Department of  
11115 Health and Rehabilitative Services, the Department of Children  
11116 and Families ~~Family Services~~, law enforcement agencies, and the  
11117 courts.

11118             b. Prior periods of probation.

11119             c. Prior adjudications that the offender committed a  
11120 delinquent act or violation of law as a child.

11121             d. Prior commitments to the Department of Juvenile Justice,  
11122 the former Department of Health and Rehabilitative Services, the  
11123 Department of Children and Families ~~Family Services~~, or other  
11124 facilities or institutions.

11125         6. The prospects for adequate protection of the public and  
11126 the likelihood of deterrence and reasonable rehabilitation of  
11127 the offender if assigned to services and facilities of the  
11128 Department of Juvenile Justice.

11129         7. Whether the Department of Juvenile Justice has  
11130 appropriate programs, facilities, and services immediately  
11131 available.

11132         8. Whether adult sanctions would provide more appropriate

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11133 punishment and deterrence to further violations of law than the  
11134 imposition of juvenile sanctions.

11135 Section 356. Subsection (4) of section 985.601, Florida  
11136 Statutes, is amended to read:

11137 985.601 Administering the juvenile justice continuum.—

11138 (4) The department shall maintain continuing cooperation  
11139 with the Department of Education, the Department of Children and  
11140 Families ~~Family Services~~, the Department of Economic  
11141 Opportunity, and the Department of Corrections for the purpose  
11142 of participating in agreements with respect to dropout  
11143 prevention and the reduction of suspensions, expulsions, and  
11144 truancy; increased access to and participation in GED,  
11145 vocational, and alternative education programs; and employment  
11146 training and placement assistance. The cooperative agreements  
11147 between the departments shall include an interdepartmental plan  
11148 to cooperate in accomplishing the reduction of inappropriate  
11149 transfers of children into the adult criminal justice and  
11150 correctional systems.

11151 Section 357. Subsection (1) of section 985.61, Florida  
11152 Statutes, is amended to read:

11153 985.61 Early delinquency intervention program; criteria.—

11154 (1) The Department of Juvenile Justice shall, contingent  
11155 upon specific appropriation and with the cooperation of local  
11156 law enforcement agencies, the judiciary, district school board  
11157 personnel, the office of the state attorney, the office of the  
11158 public defender, the Department of Children and Families ~~Family~~  
11159 ~~Services~~, and community service agencies that work with  
11160 children, establish an early delinquency intervention program,  
11161 the components of which shall include, but not be limited to:

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- 11162 (a) Case management services.
- 11163 (b) Treatment modalities, including substance abuse  
11164 treatment services, mental health services, and services for  
11165 intellectual disabilities.
- 11166 (c) Prevocational education and career education services.
- 11167 (d) Diagnostic evaluation services.
- 11168 (e) Educational services.
- 11169 (f) Self-sufficiency planning.
- 11170 (g) Independent living skills.
- 11171 (h) Parenting skills.
- 11172 (i) Recreational and leisure time activities.
- 11173 (j) Program evaluation.
- 11174 (k) Medical screening.
- 11175 Section 358. Section 985.614, Florida Statutes, is amended  
11176 to read:
- 11177 985.614 Children locked out of the home; interagency  
11178 cooperation.—The department and the Department of Children and  
11179 Families ~~Family Services~~ shall encourage interagency cooperation  
11180 within each circuit and shall develop comprehensive agreements  
11181 between the staff and providers for each department in order to  
11182 coordinate the services provided to children who are locked out  
11183 of the home and the families of those children.
- 11184 Section 359. Section 985.64, Florida Statutes, is amended  
11185 to read:
- 11186 985.64 Rulemaking.—
- 11187 (1) The department shall adopt rules pursuant to ss.  
11188 120.536(1) and 120.54 to implement the provisions of this  
11189 chapter. Such rules may not conflict with the Florida Rules of  
11190 Juvenile Procedure. All rules and policies must conform to



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11191 accepted standards of care and treatment.

11192 (2) The department shall adopt rules to ensure the  
11193 effective provision of health services to youth in facilities or  
11194 programs operated or contracted by the department. The rules  
11195 shall address the delivery of the following:

11196 (a) Ordinary medical care.

11197 (b) Mental health services.

11198 (c) Substance abuse treatment services.

11199 (d) Services to youth with developmental disabilities.

11200

11201 The department shall coordinate its rulemaking with the  
11202 Department of Children and Families ~~Family Services~~ and the  
11203 Agency for Persons with Disabilities to ensure that the rules  
11204 adopted under this section do not encroach upon the substantive  
11205 jurisdiction of those agencies. The department shall include the  
11206 above-mentioned entities in the rulemaking process, as  
11207 appropriate. This subsection does not supersede the provisions  
11208 governing consent to treatment and services found in ss. 39.407,  
11209 743.0645, and 985.18, or otherwise provided by law.

11210 Section 360. Paragraph (a) of subsection (1) of section  
11211 985.731, Florida Statutes, is amended to read:

11212 985.731 Sheltering unmarried minors; aiding unmarried minor  
11213 runaways; violations.—

11214 (1) (a) A person who is not an authorized agent of the  
11215 department or the Department of Children and Families ~~Family~~  
11216 ~~Services~~ may not knowingly shelter an unmarried minor for more  
11217 than 24 hours without the consent of the minor's parent or  
11218 guardian or without notifying a law enforcement officer of the  
11219 minor's name and the fact that the minor is being provided

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11220 shelter.

11221 Section 361. Subsection (3) of section 985.8025, Florida  
11222 Statutes, is amended to read:

11223 985.8025 State Council for Interstate Juvenile Offender  
11224 Supervision.—

11225 (3) Appointees shall be selected from individuals with  
11226 personal or professional experience in the juvenile justice  
11227 system and may include a victim's advocate, employees of the  
11228 Department of Children and Families ~~Family Services~~, employees  
11229 of the Department of Law Enforcement who work with missing and  
11230 exploited children, and a parent who, at the time of  
11231 appointment, does not have a child involved in the juvenile  
11232 justice system.

11233 Section 362. Paragraph (m) of subsection (4) of section  
11234 1001.42, Florida Statutes, is amended to read:

11235 1001.42 Powers and duties of district school board.—The  
11236 district school board, acting as a board, shall exercise all  
11237 powers and perform all duties listed below:

11238 (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS.—  
11239 Adopt and provide for the execution of plans for the  
11240 establishment, organization, and operation of the schools of the  
11241 district, including, but not limited to, the following:

11242 (m) *Alternative education programs for students in*  
11243 *residential care facilities.*—Provide, in accordance with the  
11244 provisions of s. 1003.58, educational programs according to  
11245 rules of the State Board of Education to students who reside in  
11246 residential care facilities operated by the Department of  
11247 Children and Families ~~Family Services~~.

11248 Section 363. Subsection (7) of section 1002.3305, Florida

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11249 Statutes, is amended to read:

11250       1002.3305 College-Preparatory Boarding Academy Pilot  
11251 Program for at-risk students.—

11252       (7) FUNDING.—The college-preparatory boarding academy must  
11253 be a public school and part of the state's program of education.  
11254 The program may receive state and federal funding from  
11255 noneducation sources, and such funds may be transferred between  
11256 state agencies to provide for the operations of the program. The  
11257 State Board of Education shall coordinate, streamline, and  
11258 simplify any requirements to eliminate duplicate, redundant, or  
11259 conflicting requirements and oversight by various governmental  
11260 programs or agencies. Funding for the operation of the boarding  
11261 academy is contingent on the development of a plan by the  
11262 Department of Education, the Department of Juvenile Justice, and  
11263 the Department of Children and Families ~~Family Services~~ which  
11264 details how educational and noneducational funds that would  
11265 otherwise be committed to the students in the school and their  
11266 families can be repurposed to provide for the operation of the  
11267 school and related services. Such plans must be based on federal  
11268 and state funding streams for children and families meeting the  
11269 eligibility criteria for eligible students as specified in  
11270 paragraph (2) (b) and include recommendations for modifications  
11271 to the criteria for eligible students which further the  
11272 program's goals or improve the feasibility of using existing  
11273 funding sources. The plan shall be submitted, together with  
11274 relevant budget requests, through the legislative budget request  
11275 process under s. 216.023 or through requests for budget  
11276 amendments to the Legislative Budget Commission in accordance  
11277 with s. 216.181.

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11278 Section 364. Paragraph (c) of subsection (2) of section  
11279 1002.395, Florida Statutes, is amended to read:

11280 1002.395 Florida Tax Credit Scholarship Program.—

11281 (2) DEFINITIONS.—As used in this section, the term:

11282 (c) "Direct certification list" means the certified list of  
11283 children who qualify for the food assistance program, the  
11284 Temporary Assistance to Needy Families Program, or the Food  
11285 Distribution Program on Indian Reservations provided to the  
11286 Department of Education by the Department of Children and  
11287 Families ~~Family Services~~.

11288 Section 365. Subsection (3) of section 1002.57, Florida  
11289 Statutes, is amended to read:

11290 1002.57 Prekindergarten director credential.—

11291 (3) The prekindergarten director credential must meet or  
11292 exceed the requirements of the Department of Children and  
11293 Families ~~Family Services~~ for the child care facility director  
11294 credential under s. 402.305(2)(f), and successful completion of  
11295 the prekindergarten director credential satisfies these  
11296 requirements for the child care facility director credential.

11297 Section 366. Subsection (4) of section 1003.27, Florida  
11298 Statutes, is amended to read:

11299 1003.27 Court procedure and penalties.—The court procedure  
11300 and penalties for the enforcement of the provisions of this  
11301 part, relating to compulsory school attendance, shall be as  
11302 follows:

11303 (4) COOPERATIVE AGREEMENTS.—The circuit manager of the  
11304 Department of Juvenile Justice or the circuit manager's  
11305 designee, the district administrator of the Department of  
11306 Children and Families ~~Family Services~~ or the district

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11307 administrator's designee, and the district school superintendent  
11308 or the superintendent's designee must develop a cooperative  
11309 interagency agreement that:

11310 (a) Clearly defines each department's role, responsibility,  
11311 and function in working with habitual truants and their  
11312 families.

11313 (b) Identifies and implements measures to resolve and  
11314 reduce truant behavior.

11315 (c) Addresses issues of streamlining service delivery, the  
11316 appropriateness of legal intervention, case management, the role  
11317 and responsibility of the case staffing committee, student and  
11318 parental intervention and involvement, and community action  
11319 plans.

11320 (d) Delineates timeframes for implementation and identifies  
11321 a mechanism for reporting results by the circuit juvenile  
11322 justice manager or the circuit manager's designee and the  
11323 district school superintendent or the superintendent's designee  
11324 to the Department of Juvenile Justice and the Department of  
11325 Education and other governmental entities as needed.

11326 (e) Designates which agency is responsible for each of the  
11327 intervention steps in this section, to yield more effective and  
11328 efficient intervention services.

11329 Section 367. Subsection (1) of section 1003.49, Florida  
11330 Statutes, is amended to read:

11331 1003.49 Graduation and promotion requirements for publicly  
11332 operated schools.—

11333 (1) Each state or local public agency, including the  
11334 Department of Children and Families ~~Family Services~~, the  
11335 Department of Corrections, the boards of trustees of

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11336 universities and Florida College System institutions, and the  
11337 Board of Trustees of the Florida School for the Deaf and the  
11338 Blind, which agency is authorized to operate educational  
11339 programs for students at any level of grades kindergarten  
11340 through 12 shall be subject to all applicable requirements of  
11341 ss. 1003.428, 1003.429, 1008.23, and 1008.25. Within the content  
11342 of these cited statutes each such state or local public agency  
11343 or entity shall be considered a "district school board."

11344 Section 368. Subsection (1) of section 1003.51, Florida  
11345 Statutes, is amended to read:

11346 1003.51 Other public educational services.—

11347 (1) The general control of other public educational  
11348 services shall be vested in the State Board of Education except  
11349 as provided herein. The State Board of Education shall, at the  
11350 request of the Department of Children and Families ~~Family~~  
11351 ~~Services~~ and the Department of Juvenile Justice, advise as to  
11352 standards and requirements relating to education to be met in  
11353 all state schools or institutions under their control which  
11354 provide educational programs. The Department of Education shall  
11355 provide supervisory services for the educational programs of all  
11356 such schools or institutions. The direct control of any of these  
11357 services provided as part of the district program of education  
11358 shall rest with the district school board. These services shall  
11359 be supported out of state, district, federal, or other lawful  
11360 funds, depending on the requirements of the services being  
11361 supported.

11362 Section 369. Paragraph (a) of subsection (3) of section  
11363 1003.57, Florida Statutes, is amended to read:

11364 1003.57 Exceptional students instruction.—

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11365 (3) (a) For purposes of this subsection and subsection (4),  
11366 the term:

11367 1. "Agency" means the Department of Children and Families  
11368 ~~Family Services~~ or its contracted lead agency, the Agency for  
11369 Persons with Disabilities, and the Agency for Health Care  
11370 Administration.

11371 2. "Exceptional student" means an exceptional student, as  
11372 defined in s. 1003.01, who has a disability.

11373 3. "Receiving school district" means the district in which  
11374 a private residential care facility is located.

11375 4. "Placement" means the funding or arrangement of funding  
11376 by an agency for all or a part of the cost for an exceptional  
11377 student to reside in a private residential care facility and the  
11378 placement crosses school district lines.

11379  
11380 The requirements of paragraphs (c) and (d) do not apply to  
11381 written agreements among school districts which specify each  
11382 school district's responsibility for providing and paying for  
11383 educational services to an exceptional student in a residential  
11384 care facility. However, each agreement must require a school  
11385 district to review the student's IEP within 10 business days  
11386 after receiving the notification required under paragraph (b).

11387 Section 370. Section 1003.58, Florida Statutes, is amended  
11388 to read:

11389 1003.58 Students in residential care facilities.—Each  
11390 district school board shall provide educational programs  
11391 according to rules of the State Board of Education to students  
11392 who reside in residential care facilities operated by the  
11393 Department of Children and Families ~~Family Services~~ or the

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11394 Agency for Persons with Disabilities.

11395 (1) The district school board shall not be charged any  
11396 rent, maintenance, utilities, or overhead on such facilities.  
11397 Maintenance, repairs, and remodeling of existing facilities  
11398 shall be provided by the Department of Children and Families  
11399 ~~Family Services~~ or the Agency for Persons with Disabilities, as  
11400 appropriate.

11401 (2) If additional facilities are required, the district  
11402 school board and the Department of Children and Families ~~Family~~  
11403 ~~Services~~ or the Agency for Persons with Disabilities, as  
11404 appropriate, shall agree on the appropriate site based on the  
11405 instructional needs of the students. When the most appropriate  
11406 site for instruction is on district school board property, a  
11407 special capital outlay request shall be made by the commissioner  
11408 in accordance with s. 1013.60. When the most appropriate site is  
11409 on state property, state capital outlay funds shall be requested  
11410 by the department or agency in accordance with chapter 216. Any  
11411 instructional facility to be built on state property shall have  
11412 educational specifications jointly developed by the school  
11413 district and the department or agency and approved by the  
11414 Department of Education. The size of space and occupant design  
11415 capacity criteria as provided by state board rules shall be used  
11416 for remodeling or new construction whether facilities are  
11417 provided on state property or district school board property.  
11418 The planning of such additional facilities shall incorporate  
11419 current state deinstitutionalization goals and plans.

11420 (3) The district school board shall have full and complete  
11421 authority in the matter of the assignment and placement of such  
11422 students in educational programs. The parent of an exceptional



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11423 student shall have the same due process rights as are provided  
11424 under s. 1003.57(1)(c).

11425 (4) The district school board shall have a written  
11426 agreement with the Department of Children and Families ~~Family~~  
11427 ~~Services~~ and the Agency for Persons with Disabilities outlining  
11428 the respective duties and responsibilities of each party.

11429  
11430 Notwithstanding the provisions herein, the educational program  
11431 at the Marianna Sunland Center in Jackson County shall be  
11432 operated by the Department of Education, either directly or  
11433 through grants or contractual agreements with other public or  
11434 duly accredited educational agencies approved by the Department  
11435 of Education.

11436 Section 371. Subsection (2) of section 1004.44, Florida  
11437 Statutes, is amended to read:

11438 1004.44 Louis de la Parte Florida Mental Health Institute.-  
11439 There is established the Louis de la Parte Florida Mental Health  
11440 Institute within the University of South Florida.

11441 (2) The Department of Children and Families ~~Family Services~~  
11442 is authorized to designate the Louis de la Parte Florida Mental  
11443 Health Institute a treatment facility for the purpose of  
11444 accepting voluntary and involuntary clients in accordance with  
11445 institute programs. Clients to be admitted are exempted from  
11446 prior screening by a community mental health center.

11447 Section 372. Section 1004.61, Florida Statutes, is amended  
11448 to read:

11449 1004.61 Partnerships to develop child protection workers.-  
11450 The Department of Children and Families ~~Family Services~~ is  
11451 directed to form partnerships with the schools of social work of

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11452 the state universities in order to encourage the development of  
11453 graduates trained to work in child protection. The department  
11454 shall give hiring preferences for child protection jobs to  
11455 graduates who have earned bachelor's and master's degrees from  
11456 these programs with a concentration in child protection. The  
11457 partnership between the Department of Children and Families  
11458 ~~Family Services~~ and the schools of social work shall include,  
11459 but not be limited to, modifying existing graduate and  
11460 undergraduate social work curricula, providing field placements  
11461 for students into child protection internships in the  
11462 department, and collaborating in the design and delivery of  
11463 advanced levels of social work practice.

11464 Section 373. Paragraph (c) of subsection (3) of section  
11465 1004.93, Florida Statutes, is amended to read:

11466 1004.93 Adult general education.—

11467 (3)

11468 (c) To the extent funds are available, the Department of  
11469 Children and Families ~~Family Services~~ shall provide for day care  
11470 and transportation services to clients who enroll in adult basic  
11471 education programs.

11472 Section 374. Subsection (1) of section 1006.03, Florida  
11473 Statutes, is amended to read:

11474 1006.03 Diagnostic and learning resource centers.—

11475 (1) The department shall maintain regional diagnostic and  
11476 learning resource centers for exceptional students, to assist in  
11477 the provision of medical, physiological, psychological, and  
11478 educational testing and other services designed to evaluate and  
11479 diagnose exceptionalities, to make referrals for necessary  
11480 instruction and services, and to facilitate the provision of

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11481 instruction and services to exceptional students. The department  
11482 shall cooperate with the Department of Children and Families  
11483 ~~Family Services~~ in identifying service needs and areas.

11484 Section 375. Subsection (3) of section 1006.061, Florida  
11485 Statutes, is amended to read:

11486 1006.061 Child abuse, abandonment, and neglect policy.—Each  
11487 district school board, charter school, and private school that  
11488 accepts scholarship students under s. 1002.39 or s. 1002.395  
11489 shall:

11490 (3) Require the principal of the charter school or private  
11491 school, or the district school superintendent, or the  
11492 superintendent's designee, at the request of the Department of  
11493 Children and Families ~~Family Services~~, to act as a liaison to  
11494 the Department of Children and Families ~~Family Services~~ and the  
11495 child protection team, as defined in s. 39.01, when in a case of  
11496 suspected child abuse, abandonment, or neglect or an unlawful  
11497 sexual offense involving a child the case is referred to such a  
11498 team; except that this does not relieve or restrict the  
11499 Department of Children and Families ~~Family Services~~ from  
11500 discharging its duty and responsibility under the law to  
11501 investigate and report every suspected or actual case of child  
11502 abuse, abandonment, or neglect or unlawful sexual offense  
11503 involving a child.

11504  
11505 The Department of Education shall develop, and publish on the  
11506 department's Internet website, sample notices suitable for  
11507 posting in accordance with subsections (1) and (2).

11508 Section 376. Subsection (3) of section 1008.39, Florida  
11509 Statutes, is amended to read:

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11510 1008.39 Florida Education and Training Placement  
11511 Information Program.—

11512 (3) The Florida Education and Training Placement  
11513 Information Program must not make public any information that  
11514 could identify an individual or the individual's employer. The  
11515 Department of Education must ensure that the purpose of  
11516 obtaining placement information is to evaluate and improve  
11517 public programs or to conduct research for the purpose of  
11518 improving services to the individuals whose social security  
11519 numbers are used to identify their placement. If an agreement  
11520 assures that this purpose will be served and that privacy will  
11521 be protected, the Department of Education shall have access to  
11522 the reemployment assistance wage reports maintained by the  
11523 Department of Economic Opportunity, the files of the Department  
11524 of Children and Families ~~Family Services~~ that contain  
11525 information about the distribution of public assistance, the  
11526 files of the Department of Corrections that contain records of  
11527 incarcerations, and the files of the Department of Business and  
11528 Professional Regulation that contain the results of licensure  
11529 examination.

11530 Section 377. Paragraphs (c) and (d) of subsection (1) of  
11531 section 1009.25, Florida Statutes, are amended to read:

11532 1009.25 Fee exemptions.—

11533 (1) The following students are exempt from the payment of  
11534 tuition and fees, including lab fees, at a school district that  
11535 provides workforce education programs, Florida College System  
11536 institution, or state university:

11537 (c) A student who is or was at the time he or she reached  
11538 18 years of age in the custody of the Department of Children and

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11539 Families ~~Family Services~~ or who, after spending at least 6  
11540 months in the custody of the department after reaching 16 years  
11541 of age, was placed in a guardianship by the court. Such  
11542 exemption includes fees associated with enrollment in applied  
11543 academics for adult education instruction. The exemption remains  
11544 valid until the student reaches 28 years of age.

11545 (d) A student who is or was at the time he or she reached  
11546 18 years of age in the custody of a relative under s. 39.5085 or  
11547 who was adopted from the Department of Children and Families  
11548 ~~Family Services~~ after May 5, 1997. Such exemption includes fees  
11549 associated with enrollment in applied academics for adult  
11550 education instruction. The exemption remains valid until the  
11551 student reaches 28 years of age.

11552 Section 378. Subsection (1) of section 1010.57, Florida  
11553 Statutes, is amended to read:

11554 1010.57 Bonds payable from motor vehicle license tax funds;  
11555 instruction units computed.—

11556 (1) For the purpose of administering the provisions of s.  
11557 9(d), Art. XII of the State Constitution as amended in 1972, the  
11558 number of current instruction units in districts shall be  
11559 computed annually by the Department of Education by multiplying  
11560 the number of full-time equivalent students in programs under s.  
11561 1011.62(1)(c) in each district by the cost factors established  
11562 in the General Appropriations Act and dividing by 23, except  
11563 that all basic program cost factors shall be one, and the  
11564 special program cost factors for hospital- and homebound I and  
11565 for community service shall be zero. Full-time equivalent  
11566 membership for students residing in Department of Children and  
11567 Families ~~Family Services~~ residential care facilities or

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11568 identified as Department of Juvenile Justice students shall not  
11569 be included in this computation. Any portion of the fund not  
11570 expended during any fiscal year may be carried forward in  
11571 ensuing budgets and shall be temporarily invested as prescribed  
11572 by law or rules of the State Board of Education.

11573 Section 379. Paragraph (d) of subsection (1) of section  
11574 1011.62, Florida Statutes, is amended to read:

11575 1011.62 Funds for operation of schools.—If the annual  
11576 allocation from the Florida Education Finance Program to each  
11577 district for operation of schools is not determined in the  
11578 annual appropriations act or the substantive bill implementing  
11579 the annual appropriations act, it shall be determined as  
11580 follows:

11581 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
11582 OPERATION.—The following procedure shall be followed in  
11583 determining the annual allocation to each district for  
11584 operation:

11585 (d) *Annual allocation calculation.*—

11586 1. The Department of Education is authorized and directed  
11587 to review all district programs and enrollment projections and  
11588 calculate a maximum total weighted full-time equivalent student  
11589 enrollment for each district for the K-12 FEFP.

11590 2. Maximum enrollments calculated by the department shall  
11591 be derived from enrollment estimates used by the Legislature to  
11592 calculate the FEFP. If two or more districts enter into an  
11593 agreement under the provisions of s. 1001.42(4)(d), after the  
11594 final enrollment estimate is agreed upon, the amount of FTE  
11595 specified in the agreement, not to exceed the estimate for the  
11596 specific program as identified in paragraph (c), may be

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11597 transferred from the participating districts to the district  
11598 providing the program.

11599 3. As part of its calculation of each district's maximum  
11600 total weighted full-time equivalent student enrollment, the  
11601 department shall establish separate enrollment ceilings for each  
11602 of two program groups. Group 1 shall be composed of basic  
11603 programs for grades K-3, grades 4-8, and grades 9-12. Group 2  
11604 shall be composed of students in exceptional student education  
11605 programs support levels IV and V, English for Speakers of Other  
11606 Languages programs, and all career programs in grades 9-12.

11607 a. For any calculation of the FEFP, the enrollment ceiling  
11608 for group 1 shall be calculated by multiplying the actual  
11609 enrollment for each program in the program group by its  
11610 appropriate program weight.

11611 b. The weighted enrollment ceiling for group 2 programs  
11612 shall be calculated by multiplying the enrollment for each  
11613 program by the appropriate program weight as provided in the  
11614 General Appropriations Act. The weighted enrollment ceiling for  
11615 program group 2 shall be the sum of the weighted enrollment  
11616 ceilings for each program in the program group, plus the  
11617 increase in weighted full-time equivalent student membership  
11618 from the prior year for clients of the Department of Children  
11619 and Families ~~Family Services~~ and the Department of Juvenile  
11620 Justice.

11621 c. If, for any calculation of the FEFP, the weighted  
11622 enrollment for program group 2, derived by multiplying actual  
11623 enrollments by appropriate program weights, exceeds the  
11624 enrollment ceiling for that group, the following procedure shall  
11625 be followed to reduce the weighted enrollment for that group to

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11626 equal the enrollment ceiling:

11627 (I) The weighted enrollment ceiling for each program in the  
11628 program group shall be subtracted from the weighted enrollment  
11629 for that program derived from actual enrollments.

11630 (II) If the difference calculated under sub-sub-  
11631 subparagraph (I) is greater than zero for any program, a  
11632 reduction proportion shall be computed for the program by  
11633 dividing the absolute value of the difference by the total  
11634 amount by which the weighted enrollment for the program group  
11635 exceeds the weighted enrollment ceiling for the program group.

11636 (III) The reduction proportion calculated under sub-sub-  
11637 subparagraph (II) shall be multiplied by the total amount of the  
11638 program group's enrollment over the ceiling as calculated under  
11639 sub-sub-subparagraph (I).

11640 (IV) The prorated reduction amount calculated under sub-  
11641 sub-subparagraph (III) shall be subtracted from the program's  
11642 weighted enrollment to produce a revised program weighted  
11643 enrollment.

11644 (V) The prorated reduction amount calculated under sub-sub-  
11645 subparagraph (III) shall be divided by the appropriate program  
11646 weight, and the result shall be added to the revised program  
11647 weighted enrollment computed in sub-sub-subparagraph (IV).

11648 Section 380. Subsection (1) of section 1012.32, Florida  
11649 Statutes, is amended to read:

11650 1012.32 Qualifications of personnel.—

11651 (1) To be eligible for appointment in any position in any  
11652 district school system, a person must be of good moral  
11653 character; must have attained the age of 18 years, if he or she  
11654 is to be employed in an instructional capacity; must not be



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11655 ineligible for such employment under s. 1012.315; and must, when  
11656 required by law, hold a certificate or license issued under  
11657 rules of the State Board of Education or the Department of  
11658 Children and Families ~~Family Services~~, except when employed  
11659 pursuant to s. 1012.55 or under the emergency provisions of s.  
11660 1012.24. Previous residence in this state shall not be required  
11661 in any school of the state as a prerequisite for any person  
11662 holding a valid Florida certificate or license to serve in an  
11663 instructional capacity.

11664 Section 381. Section 1012.62, Florida Statutes, is amended  
11665 to read:

11666 1012.62 Transfer of sick leave and annual leave.—In  
11667 implementing the provisions of ss. 402.22(1)(d) and  
11668 1001.42(4)(m), educational personnel in Department of Children  
11669 and Families ~~Family Services~~ residential care facilities who are  
11670 employed by a district school board may request, and the  
11671 district school board shall accept, a lump-sum transfer of  
11672 accumulated sick leave for such personnel to the maximum allowed  
11673 by policies of the district school board, notwithstanding the  
11674 provisions of s. 110.122. Educational personnel in Department of  
11675 Children and Families ~~Family Services~~ residential care  
11676 facilities who are employed by a district school board under the  
11677 provisions of s. 402.22(1)(d) may request, and the district  
11678 school board shall accept, a lump-sum transfer of accumulated  
11679 annual leave for each person employed by the district school  
11680 board in a position in the district eligible to accrue vacation  
11681 leave under policies of the district school board.

11682 Section 382. Subsection (12) of section 1012.98, Florida  
11683 Statutes, is amended to read:

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11684 1012.98 School Community Professional Development Act.—  
11685 (12) The department shall require teachers in grades 1-12  
11686 to participate in continuing education training provided by the  
11687 Department of Children and Families ~~Family Services~~ on  
11688 identifying and reporting child abuse and neglect.  
11689 Reviser's note.—Amended to conform references within the Florida  
11690 Statutes to the redesignation of the Department of Children  
11691 and Family Services as the Department of Children and  
11692 Families by s. 2, ch. 2012-84, Laws of Florida.  
11693 Section 383. This act shall take effect on the 60th day  
11694 after adjournment sine die of the session of the Legislature in  
11695 which enacted.