

By Senator Thrasher

6-01625-14

2014938__

1 A reviser's bill to be entitled
 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,
 15 393.0661, 393.0673, 393.125, 393.135, 393.18, 394.453,
 16 394.455, 394.457, 394.4574, 394.461, 394.4612,
 17 394.4615, 394.46715, 394.4781, 394.47865, 394.480,
 18 394.492, 394.493, 394.4985, 394.499, 394.656, 394.657,
 19 394.658, 394.66, 394.67, 394.745, 394.75, 394.78,
 20 394.9084, 394.912, 394.913, 394.9135, 394.9151,
 21 394.917, 394.9215, 394.929, 394.930, 394.931,
 22 395.1023, 395.3025, 397.311, 397.333, 397.334,
 23 397.6758, 397.753, 397.754, 397.801, 397.998,
 24 400.0065, 400.0069, 400.021, 400.022, 400.462,
 25 400.464, 400.925, 402.04, 402.06, 402.07, 402.115,
 26 402.12, 402.16, 402.161, 402.164, 402.17, 402.18,
 27 402.181, 402.185, 402.19, 402.20, 402.22, 402.281,
 28 402.302, 402.30501, 402.3115, 402.33, 402.35, 402.40,
 29 402.401, 402.47, 402.49, 402.56, 402.70, 402.73,

6-01625-14

2014938__

30 402.7305, 402.7306, 402.731, 402.80, 402.81, 402.86,
31 402.87, 408.033, 408.20, 408.301, 408.302, 408.809,
32 408.916, 409.016, 409.017, 409.141, 409.146, 409.147,
33 409.153, 409.166, 409.167, 409.1671, 409.16715,
34 409.16745, 409.1675, 409.1676, 409.1679, 409.175,
35 409.1755, 409.221, 409.2355, 409.2572, 409.2577,
36 409.2599, 409.285, 409.403, 409.404, 409.406, 409.407,
37 409.4101, 409.441, 409.813, 409.8135, 409.8177,
38 409.818, 409.821, 409.901, 409.902, 409.90201,
39 409.903, 409.906, 409.9102, 409.91195, 409.912,
40 409.9122, 409.913, 409.919, 409.962, 410.032, 410.602,
41 410.603, 411.223, 411.224, 411.226, 411.227, 413.031,
42 413.208, 413.271, 413.402, 414.0252, 414.175, 414.27,
43 414.32, 414.37, 414.39, 414.391, 414.40, 414.411,
44 414.42, 415.102, 415.107, 415.1071, 419.001, 420.621,
45 420.622, 420.628, 421.10, 427.012, 429.01, 429.075,
46 429.08, 429.19, 429.23, 429.26, 429.31, 429.34,
47 429.41, 429.67, 429.73, 429.75, 430.2053, 430.705,
48 435.02, 445.016, 445.021, 445.028, 445.029, 445.033,
49 445.034, 445.035, 445.048, 445.051, 450.191, 456.0391,
50 464.0205, 466.003, 466.023, 489.503, 490.012, 491.012,
51 509.013, 553.80, 561.19, 561.20, 624.351, 624.91,
52 651.117, 683.331, 718.115, 720.309, 741.01, 741.29,
53 742.107, 743.045, 743.046, 743.0645, 744.1075, 753.01,
54 765.110, 766.101, 775.0837, 775.16, 784.046, 784.074,
55 784.081, 787.06, 796.07, 817.505, 839.13, 877.111,
56 893.11, 893.15, 893.165, 916.105, 916.106, 921.0022,
57 937.021, 938.01, 938.10, 938.23, 943.0311, 943.04353,
58 943.053, 943.06, 943.17296, 944.024, 944.17, 944.706,

6-01625-14

2014938__

59 945.025, 945.10, 945.12, 945.46, 945.47, 945.49,
 60 947.13, 947.146, 948.01, 984.01, 984.03, 984.071,
 61 984.085, 984.086, 984.10, 984.15, 984.19, 984.22,
 62 984.225, 984.226, 985.03, 985.046, 985.047, 985.11,
 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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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:

6-01625-14

2014938__

- 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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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:

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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:

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

667

6-01625-14

2014938__

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

6-01625-14

2014938__

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:

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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~~

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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:

6-01625-14

2014938__

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,

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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),

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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:

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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).
- 2059

6-01625-14

2014938__

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:

6-01625-14

2014938__

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

6-01625-14

2014938__

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.-

6-01625-14

2014938__

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

6-01625-14

2014938__

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,

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.—

6-01625-14

2014938__

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:

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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,

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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.

6-01625-14

2014938__

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~~

6-01625-14

2014938__

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

6-01625-14

2014938__

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;

6-01625-14

2014938__

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:

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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:

6-01625-14

2014938__

- 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

6-01625-14

2014938__

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:

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.—

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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:

6-01625-14

2014938__

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

6-01625-14

2014938__

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~~

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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:

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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:

6-01625-14

2014938__

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:

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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;

6-01625-14

2014938__

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;

6-01625-14

2014938__

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

6-01625-14

2014938__

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:

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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:

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

- 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.

6-01625-14

2014938__

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:

6-01625-14

2014938__

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:

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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~~.

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.—

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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,

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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,

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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~~.

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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;

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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~~,

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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:

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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).

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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,

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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:

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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:

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.—

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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~~

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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:

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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;

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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,

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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:

6-01625-14

2014938__

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

6-01625-14

2014938__

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,

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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;

6-01625-14

2014938__

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.

6-01625-14

2014938__

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:

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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:

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.—

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

- 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

6-01625-14

2014938__

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

6-01625-14

2014938__

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;

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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:

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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:

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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~~.

6-01625-14

2014938__

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,

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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:

6-01625-14

2014938__

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,

6-01625-14

2014938__

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;

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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.

6-01625-14

2014938__

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.—

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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
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.
499.0051 (1)	3rd	Failure to maintain or deliver pedigree papers.
499.0051 (2)	3rd	Failure to authenticate pedigree papers.

9814

9815

9816

9817

	6-01625-14		2014938__
	499.0051(6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
9818	517.07(1)	3rd	Failure to register securities.
9819	517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
9820	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
9821	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
9822	784.075	3rd	Battery on detention or commitment facility staff.
9823	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling

	6-01625-14		2014938__
			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

	6-01625-14		2014938__
9831			limits with criminal intent pending custody proceedings.
	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
9832			
	787.07	3rd	Human smuggling.
9833			
	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
9834			
	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
9835			
	790.115 (2) (c)	3rd	Possessing firearm on school property.
9836			
	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender

	6-01625-14		2014938__
9837			less than 18 years.
	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			

	6-01625-14		2014938__
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.

	6-01625-14		2014938__
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> Family Services .
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

	6-01625-14		2014938__
			estreature or bond jumping).
9856	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
9857	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
9858	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03 (1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
9859	914.14 (2)	3rd	Witnesses accepting bribes.
9860	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
9861	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.

6-01625-14

2014938__

9862

918.12 3rd Tampering with jurors.

9863

934.215 3rd Use of two-way communications device to facilitate commission of 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.—

6-01625-14

2014938__

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).

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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.

6-01625-14

2014938__

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.—

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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,

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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~~.

6-01625-14

2014938__

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

6-01625-14

2014938__

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:

6-01625-14

2014938__

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

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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:

6-01625-14

2014938__

- 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

6-01625-14

2014938__

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

6-01625-14

2014938__

11220
11221
11222
11223
11224
11225
11226
11227
11228
11229
11230
11231
11232
11233
11234
11235
11236
11237
11238
11239
11240
11241
11242
11243
11244
11245
11246
11247
11248

shelter.

Section 361. Subsection (3) of section 985.8025, Florida Statutes, is amended to read:

985.8025 State Council for Interstate Juvenile Offender Supervision.—

(3) Appointees shall be selected from individuals with personal or professional experience in the juvenile justice system and may include a victim’s advocate, employees of the Department of Children and Families ~~Family Services~~, employees of the Department of Law Enforcement who work with missing and exploited children, and a parent who, at the time of appointment, does not have a child involved in the juvenile justice system.

Section 362. Paragraph (m) of subsection (4) of section 1001.42, Florida Statutes, is amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS.— Adopt and provide for the execution of plans for the establishment, organization, and operation of the schools of the district, including, but not limited to, the following:

(m) *Alternative education programs for students in residential care facilities.*—Provide, in accordance with the provisions of s. 1003.58, educational programs according to rules of the State Board of Education to students who reside in residential care facilities operated by the Department of Children and Families ~~Family Services~~.

Section 363. Subsection (7) of section 1002.3305, Florida

6-01625-14

2014938__

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.

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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.-

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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:

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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

6-01625-14

2014938__

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:

6-01625-14

2014938__

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.