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Proposed Committee Substitute by the Committee on Children,  
Families, and Elder Affairs

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



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28 provision relating to dispute resolution; amending s.  
29 394.9135, F.S.; requiring the transfer of certain  
30 sexually violent offenders to the custody of the  
31 United States Immigration and Customs Enforcement;  
32 requiring that the department put into place a  
33 memorandum of understanding for retaining custody of  
34 such an offender under certain circumstances; amending  
35 s. 402.313, F.S.; revising licensure requirements for  
36 family day care homes; amending s. 402.315, F.S.;  
37 requiring the county, rather than the department, to  
38 bear the costs of licensing family day care homes,  
39 under certain circumstances; amending s. 420.621,  
40 F.S.; revising the definition of the term "district"  
41 to conform to changes made by the act; amending s.  
42 420.622, F.S.; deleting a requirement for the Governor  
43 to appoint the executive director of the State Office  
44 of Homelessness; conforming a provision; amending ss.  
45 39.01, 39.0121, 39.301, 39.302, 39.303, 39.806,  
46 39.828, 381.0072, 394.493, 394.4985, 394.67, 394.73,  
47 394.74, 394.75, 394.76, 394.82, 394.9084, 397.821,  
48 402.49, 409.152, 409.1671, 409.1755, 410.0245,  
49 410.603, 410.604, 411.224, 414.24, 415.1113, 420.623,  
50 420.625, 429.35, and 1002.67, F.S.; revising  
51 provisions to conform to changes made by the act;  
52 correcting cross-references; repealing ss. 39.311,  
53 39.312, 39.313, 39.314, 39.315, 39.316, 39.317, and  
54 39.318, F.S., relating to the Family Builders Program;  
55 repealing s. 394.9083, F.S., relating to the  
56 Behavioral Health Services Integration Workgroup;



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

73

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

75

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

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

80       20.19 Department of Children and Families.—There is created  
81       a Department of Children and Families.

82       (1) SECRETARY OF CHILDREN AND FAMILIES.—

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



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86 the pleasure of the Governor.

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

90 (c) The secretary shall appoint a deputy secretary who  
91 shall act in the absence of the secretary. The deputy secretary  
92 is directly responsible to the secretary, performs such duties  
93 as are assigned by the secretary, and serves at the pleasure of  
94 the secretary.

95 (d) The secretary shall appoint an Assistant Secretary for  
96 Substance Abuse and Mental Health and may establish assistant  
97 secretary positions as necessary to administer the requirements  
98 of this section. All persons appointed to such positions shall  
99 serve at the pleasure of the secretary. The department shall  
100 integrate substance abuse and mental health programs into the  
101 overall structure and priorities of the department.

102 (2) SERVICES PROVIDED.-

103 (a) The department shall establish the following program  
104 offices, each of which shall be headed by a program director who  
105 shall be appointed by and serve at the pleasure of the  
106 secretary:

- 107 1. Adult protection.
- 108 2. Child care licensure.
- 109 3. Domestic violence.
- 110 4. Economic self-sufficiency.
- 111 5. Family safety.
- 112 6. Mental health.
- 113 7. Refugee services.
- 114 8. Substance abuse.



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115 9. Homelessness.

116 (b) The secretary may appoint additional directors as  
117 necessary for the effective management of the program services  
118 provided by the department.

119 (3) OPERATING UNITS.—

120 (a) The department shall plan and administer its program  
121 services through operating units called "circuits" that conform  
122 to the geographic boundaries of the judicial circuits  
123 established in s. 26.021. The department may also establish one  
124 or more regions consisting of one or more circuits. A region  
125 shall provide administrative, management, and infrastructure  
126 support to the circuits operating within the region. The region  
127 shall consolidate support functions to provide the most  
128 efficient use of resources to support the circuits operating  
129 within the region.

130 (b) The secretary may appoint a circuit administrator for  
131 each circuit and a region director for each region who shall  
132 serve at the pleasure of the secretary and shall perform such  
133 duties as are assigned by the secretary.

134 (4) COMMUNITY ALLIANCES AND PARTNERSHIPS; ADVISORY GROUPS.—

135 The department may, or at the request of a county government  
136 shall, establish in each circuit one or more community alliances  
137 or community partnerships. The purpose of a community alliance  
138 or community partnership is to provide a focal point for  
139 community participation and the governance of community-based  
140 services. The membership of a community alliance or community  
141 partnership shall represent the diversity of a community and  
142 consist of stakeholders, community leaders, client  
143 representatives, and entities that fund human services. The



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144 secretary may also establish advisory groups at the state level  
145 as necessary to ensure and enhance communication and provide  
146 liaison with stakeholders, community leaders, and client  
147 representatives.

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

150 1. Participating in joint planning for the effective use of  
151 resources in the community, including resources appropriated to  
152 the department, and any funds that local funding sources choose  
153 to provide.

154 2. Performing a needs assessment and establishing community  
155 priorities for service delivery.

156 3. Determining community outcome goals to supplement state-  
157 required outcomes.

158 4. Serving as a catalyst for community resource  
159 development.

160 5. Providing for community education and advocacy on issues  
161 related to service delivery.

162 6. Promoting prevention and early intervention services.

163 (b) If one or more community alliances or community  
164 partnerships are established in a circuit, the department shall  
165 ensure, to the greatest extent possible, that the formation of  
166 each alliance or partnership builds on the strengths of the  
167 existing community human services infrastructure.

168 (c) Members of community alliances, community partnerships,  
169 and advisory groups shall serve without compensation, but are  
170 entitled to reimbursement for per diem and travel expenses in  
171 accordance with s. 112.061. The department may also authorize  
172 payment for preapproved child care expenses or lost wages for



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173 members who are consumers of services provided by the  
174 department.

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

178 (e) Actions taken by community alliances, community  
179 partnerships, and advisory groups must be consistent with  
180 department policy and state and federal laws, rules, and  
181 regulations.

182 (f) Each member of a community alliance, community  
183 partnership, or advisory group must submit annually to the  
184 inspector general of the department a disclosure statement of  
185 any interest in services provided by the department. Any member  
186 who has an interest in a matter under consideration by the  
187 community alliance, community partnership, or advisory group  
188 must abstain from voting on that matter.

189 (g) All meetings of community alliances, community  
190 partnerships, and advisory groups are open to the public  
191 pursuant to s. 286.011 and are subject to the public-records  
192 provisions of s. 119.07(1).

193 (5) CONSULTATION WITH COUNTIES ON MANDATED PROGRAMS.—It is  
194 the intent of the Legislature that when county governments are  
195 required by law to participate in the funding of programs  
196 serviced by the department, the department shall consult with  
197 designated representatives of county governments in developing  
198 policies and service delivery plans for those programs.

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

201 20.04 Structure of executive branch.—The executive branch



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202 of state government is structured as follows:

203 (4) Within the Department of Children and ~~Families~~ Family  
204 ~~Services~~ there are organizational units called "program  
205 offices," headed by program directors, and operating units  
206 called "circuits," headed by circuit administrators. In  
207 addition, there may be "regions," headed by region directors.

208 (7)

209 (b) Within the limitations of this subsection, the head of  
210 the department may recommend the establishment of additional  
211 divisions, bureaus, sections, and subsections of the department  
212 to promote efficient and effective operation of the department.  
213 However, additional divisions, or offices in ~~the Department of~~  
214 ~~Children and Family Services,~~ the Department of Corrections, and  
215 the Department of Transportation, may be established only by  
216 specific statutory enactment. New bureaus, sections, and  
217 subsections of departments may be initiated by a department and  
218 established as recommended by the Department of Management  
219 Services and approved by the Executive Office of the Governor,  
220 or may be established by specific statutory enactment.

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

223 20.43 Department of Health.—There is created a Department  
224 of Health.

225 (5) The department shall plan and administer its public  
226 health programs through its county health departments and may,  
227 for administrative purposes and efficient service delivery,  
228 establish up to 15 service areas to carry out such duties as may  
229 be prescribed by the State Surgeon General. ~~The boundaries of~~  
230 ~~the service areas shall be the same as, or combinations of, the~~



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231 ~~service districts of the Department of Children and Family~~  
232 ~~Services established in s. 20.19 and, to the extent practicable,~~  
233 ~~shall take into consideration the boundaries of the jobs and~~  
234 ~~education regional boards.~~

235 Section 4. Subsections (18) through (76) of section 39.01,  
236 Florida Statutes, are renumbered as subsections (19) through  
237 (75), respectively, subsection (10) is amended, present  
238 subsection (26) is repealed, and present subsection (27) of that  
239 section is renumbered as subsection (18) and amended, to read:

240 39.01 Definitions.—When used in this chapter, unless the  
241 context otherwise requires:

242 (10) "Caregiver" means the parent, legal custodian,  
243 permanent guardian, adult household member, or other person  
244 responsible for a child's welfare as defined in subsection (46)  
245 ~~(47)~~.

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

248 (18) ~~(27)~~ "Circuit District administrator" means the chief  
249 operating officer of each circuit ~~service district~~ of the  
250 department as defined in s. 20.19 ~~(5)~~ and, where appropriate,  
251 ~~includes any district administrator whose service district falls~~  
252 ~~within the boundaries of a judicial circuit.~~

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

255 39.0121 Specific rulemaking authority.—Pursuant to the  
256 requirements of s. 120.536, the department is specifically  
257 authorized to adopt, amend, and repeal administrative rules  
258 which implement or interpret law or policy, or describe the  
259 procedure and practice requirements necessary to implement this



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260 chapter, including, but not limited to, the following:

261 (10) The ~~Family Builders Program,~~ the Intensive Crisis  
262 Counseling Program, and any other early intervention programs  
263 and kinship care assistance programs.

264 Section 6. Paragraph (a) of subsection (15) of section  
265 39.301, Florida Statutes, is amended to read:

266 39.301 Initiation of protective investigations.-

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

269 1. Medical or other health care; or

270 2. Homemaker care, day care, protective supervision, or  
271 other services to stabilize the home environment, including  
272 intensive family preservation services through ~~the Family~~

273 ~~Builders Program~~ or the Intensive Crisis Counseling Program, ~~or~~  
274 ~~both,~~

275  
276 such services shall first be offered for voluntary acceptance  
277 unless there are high-risk factors that may impact the ability  
278 of the parents or legal custodians to exercise judgment. Such  
279 factors may include the parents' or legal custodians' young age  
280 or history of substance abuse or domestic violence.

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

283 39.302 Protective investigations of institutional child  
284 abuse, abandonment, or neglect.-

285 (1) The department shall conduct a child protective  
286 investigation of each report of institutional child abuse,  
287 abandonment, or neglect. Upon receipt of a report that alleges  
288 that an employee or agent of the department, or any other entity



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289 or person covered by s. 39.01 (32) ~~(33)~~ or (46) ~~(47)~~, acting in an  
290 official capacity, has committed an act of child abuse,  
291 abandonment, or neglect, the department shall initiate a child  
292 protective investigation within the timeframe established under  
293 s. 39.201(5) and orally notify the appropriate state attorney,  
294 law enforcement agency, and licensing agency, which shall  
295 immediately conduct a joint investigation, unless independent  
296 investigations are more feasible. When conducting investigations  
297 onsite or having face-to-face interviews with the child,  
298 investigation visits shall be unannounced unless it is  
299 determined by the department or its agent that unannounced  
300 visits threaten the safety of the child. If a facility is exempt  
301 from licensing, the department shall inform the owner or  
302 operator of the facility of the report. Each agency conducting a  
303 joint investigation is entitled to full access to the  
304 information gathered by the department in the course of the  
305 investigation. A protective investigation must include an onsite  
306 visit of the child's place of residence. The department shall  
307 make a full written report to the state attorney within 3  
308 working days after making the oral report. A criminal  
309 investigation shall be coordinated, whenever possible, with the  
310 child protective investigation of the department. Any interested  
311 person who has information regarding the offenses described in  
312 this subsection may forward a statement to the state attorney as  
313 to whether prosecution is warranted and appropriate. Within 15  
314 days after the completion of the investigation, the state  
315 attorney shall report the findings to the department and shall  
316 include in the report a determination of whether or not  
317 prosecution is justified and appropriate in view of the



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318 circumstances of the specific case.

319 Section 8. Section 39.303, Florida Statutes, is amended to  
320 read:

321 39.303 Child protection teams; services; eligible cases.—

322 The Children's Medical Services Program in the Department of  
323 Health shall develop, maintain, and coordinate the services of  
324 one or more multidisciplinary child protection teams in each of  
325 the circuits ~~service districts~~ of the Department of Children and  
326 Families ~~Family Services~~. Such teams may be composed of  
327 appropriate representatives of school districts and appropriate  
328 health, mental health, social service, legal service, and law  
329 enforcement agencies. The Legislature finds that optimal  
330 coordination of child protection teams and sexual abuse  
331 treatment programs requires collaboration between the Department  
332 of Health and the Department of Children and Families ~~Family~~  
333 ~~Services~~. The two departments shall maintain an interagency  
334 agreement that establishes protocols for oversight and  
335 operations of child protection teams and sexual abuse treatment  
336 programs. The State Surgeon General and the Deputy Secretary for  
337 Children's Medical Services, in consultation with the Secretary  
338 of Children and Families ~~Family Services~~, shall maintain the  
339 responsibility for the screening, employment, and, if necessary,  
340 the termination of child protection team medical directors, at  
341 headquarters and in the circuits ~~15 districts~~. Child protection  
342 team medical directors shall be responsible for oversight of the  
343 teams in the circuits ~~districts~~.

344 (1) The Department of Health shall utilize and convene the  
345 teams to supplement the assessment and protective supervision  
346 activities of the family safety and preservation program of the



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347 Department of Children and Families ~~Family Services~~. Nothing in  
348 this section shall be construed to remove or reduce the duty and  
349 responsibility of any person to report pursuant to this chapter  
350 all suspected or actual cases of child abuse, abandonment, or  
351 neglect or sexual abuse of a child. The role of the teams shall  
352 be to support activities of the program and to provide services  
353 deemed by the teams to be necessary and appropriate to abused,  
354 abandoned, and neglected children upon referral. The specialized  
355 diagnostic assessment, evaluation, coordination, consultation,  
356 and other supportive services that a child protection team shall  
357 be capable of providing include, but are not limited to, the  
358 following:

359 (a) Medical diagnosis and evaluation services, including  
360 provision or interpretation of X rays and laboratory tests, and  
361 related services, as needed, and documentation of findings  
362 relative thereto.

363 (b) Telephone consultation services in emergencies and in  
364 other situations.

365 (c) Medical evaluation related to abuse, abandonment, or  
366 neglect, as defined by policy or rule of the Department of  
367 Health.

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

373 (e) Expert medical, psychological, and related professional  
374 testimony in court cases.

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



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376 whose cases have been referred to the team. A child protection  
377 team may provide consultation with respect to a child who is  
378 alleged or is shown to be abused, abandoned, or neglected, which  
379 consultation shall be provided at the request of a  
380 representative of the family safety and preservation program or  
381 at the request of any other professional involved with a child  
382 or the child's parent or parents, legal custodian or custodians,  
383 or other caregivers. In every such child protection team case  
384 staffing, consultation, or staff activity involving a child, a  
385 family safety and preservation program representative shall  
386 attend and participate.

387 (g) Case service coordination and assistance, including the  
388 location of services available from other public and private  
389 agencies in the community.

390 (h) Such training services for program and other employees  
391 of the Department of Children and Families ~~Family Services~~,  
392 employees of the Department of Health, and other medical  
393 professionals as is deemed appropriate to enable them to develop  
394 and maintain their professional skills and abilities in handling  
395 child abuse, abandonment, and neglect cases.

396 (i) Educational and community awareness campaigns on child  
397 abuse, abandonment, and neglect in an effort to enable citizens  
398 more successfully to prevent, identify, and treat child abuse,  
399 abandonment, and neglect in the community.

400 (j) Child protection team assessments that include, as  
401 appropriate, medical evaluations, medical consultations, family  
402 psychosocial interviews, specialized clinical interviews, or  
403 forensic interviews.

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405 All medical personnel participating on a child protection team  
406 must successfully complete the required child protection team  
407 training curriculum as set forth in protocols determined by the  
408 Deputy Secretary for Children's Medical Services and the  
409 Statewide Medical Director for Child Protection.

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

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

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

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

419 (d) Any sexually transmitted disease in a prepubescent  
420 child.

421 (e) Reported malnutrition of a child and failure of a child  
422 to thrive.

423 (f) Reported medical neglect of a child.

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

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

431 (3) All abuse and neglect cases transmitted for  
432 investigation to a circuit ~~district~~ by the hotline must be  
433 simultaneously transmitted to the Department of Health child



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434 protection team for review. For the purpose of determining  
435 whether face-to-face medical evaluation by a child protection  
436 team is necessary, all cases transmitted to the child protection  
437 team which meet the criteria in subsection (2) must be timely  
438 reviewed by:

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

442 (b) A physician licensed under chapter 458 or chapter 459  
443 who holds board certification in a specialty other than  
444 pediatrics, who may complete the review only when working under  
445 the direction of a physician licensed under chapter 458 or  
446 chapter 459 who holds board certification in pediatrics and is a  
447 member of a child protection team;

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

451 (d) A physician assistant licensed under chapter 458 or  
452 chapter 459, who may complete the review only when working under  
453 the supervision of a physician licensed under chapter 458 or  
454 chapter 459 who holds board certification in pediatrics and is a  
455 member of a child protection team; or

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

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



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463 (a) The child was examined for the alleged abuse or neglect  
464 by a physician who is not a member of the child protection team,  
465 and a consultation between the child protection team board-  
466 certified pediatrician, advanced registered nurse practitioner,  
467 physician assistant working under the supervision of a child  
468 protection team board-certified pediatrician, or registered  
469 nurse working under the direct supervision of a child protection  
470 team board-certified pediatrician, and the examining physician  
471 concludes that a further medical evaluation is unnecessary;

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

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

479  
480 Notwithstanding paragraphs (a), (b), and (c), a child protection  
481 team pediatrician, as authorized in subsection (3), may  
482 determine that a face-to-face medical evaluation is necessary.

483 (5) In all instances in which a child protection team is  
484 providing certain services to abused, abandoned, or neglected  
485 children, other offices and units of the Department of Health,  
486 and offices and units of the Department of Children and Families  
487 ~~Family Services~~, shall avoid duplicating the provision of those  
488 services.

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



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492 program shall collaborate to ensure referrals and responses to  
493 child abuse, abandonment, and neglect reports are appropriate.  
494 Each quality assurance program shall include a review of records  
495 in which there are no findings of abuse, abandonment, or  
496 neglect, and the findings of these reviews shall be included in  
497 each department's quality assurance reports.

498 Section 9. Paragraph (k) of subsection (1) of section  
499 39.806, Florida Statutes, is amended to read:

500 39.806 Grounds for termination of parental rights.—

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

503 (k) A test administered at birth that indicated that the  
504 child's blood, urine, or meconium contained any amount of  
505 alcohol or a controlled substance or metabolites of such  
506 substances, the presence of which was not the result of medical  
507 treatment administered to the mother or the newborn infant, and  
508 the biological mother of the child is the biological mother of  
509 at least one other child who was adjudicated dependent after a  
510 finding of harm to the child's health or welfare due to exposure  
511 to a controlled substance or alcohol as defined in s.

512 39.01(31)~~(32)~~(g), after which the biological mother had the  
513 opportunity to participate in substance abuse treatment.

514 Section 10. Paragraph (a) of subsection (1) of section  
515 39.828, Florida Statutes, is amended to read:

516 39.828 Grounds for appointment of a guardian advocate.—

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



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- 521 (a) The child named in the petition is or was a drug  
522 dependent newborn as described in s. 39.01 ~~(31)~~ ~~(32)~~ (g);
- 523 (b) The parent or parents of the child have voluntarily  
524 relinquished temporary custody of the child to a relative or  
525 other responsible adult;
- 526 (c) The person named in the petition to be appointed the  
527 guardian advocate is capable of carrying out the duties as  
528 provided in s. 39.829; and
- 529 (d) A petition to adjudicate the child dependent under this  
530 chapter has not been filed.

531 Section 11. Paragraph (a) of subsection (3) of section  
532 381.0072, Florida Statutes, is amended to read:

533 381.0072 Food service protection.—It shall be the duty of  
534 the Department of Health to adopt and enforce sanitation rules  
535 consistent with law to ensure the protection of the public from  
536 food-borne illness. These rules shall provide the standards and  
537 requirements for the storage, preparation, serving, or display  
538 of food in food service establishments as defined in this  
539 section and which are not permitted or licensed under chapter  
540 500 or chapter 509.

541 (3) LICENSES REQUIRED.—

542 (a) *Licenses; annual renewals.*—Each food service  
543 establishment regulated under this section shall obtain a  
544 license from the department annually. Food service establishment  
545 licenses shall expire annually and are not transferable from one  
546 place or individual to another. However, those facilities  
547 licensed by the department's Office of Licensure and  
548 Certification, the Child Care Licensure ~~Services~~ Program Office,  
549 or the Agency for Persons with Disabilities are exempt from this



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550 subsection. It shall be a misdemeanor of the second degree,  
551 punishable as provided in s. 381.0061, s. 775.082, or s.  
552 775.083, for such an establishment to operate without this  
553 license. The department may refuse a license, or a renewal  
554 thereof, to any establishment that is not constructed or  
555 maintained in accordance with law and with the rules of the  
556 department. Annual application for renewal is not required.

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

559 394.47865 South Florida State Hospital; privatization.—

560 (3) ~~(a)~~ Current South Florida State Hospital employees who  
561 are affected by the privatization shall be given first  
562 preference for continued employment by the contractor. The  
563 department shall make reasonable efforts to find suitable job  
564 placements for employees who wish to remain within the state  
565 Career Service System.

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

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

572 394.493 Target populations for child and adolescent mental  
573 health services funded through the department.—

574 (2) Each mental health provider under contract with the  
575 department to provide mental health services to the target  
576 population shall collect fees from the parent or legal guardian  
577 of the child or adolescent receiving services. The fees shall be  
578 based on a sliding fee scale for families whose net family



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579 income is at or above 150 percent of the Federal Poverty Income  
580 Guidelines. The department shall adopt, by rule, a sliding fee  
581 scale for statewide implementation. Fees collected from families  
582 shall be retained in the circuit ~~service district~~ and used for  
583 expanding child and adolescent mental health treatment services.

584 Section 14. Section 394.4985, Florida Statutes, is amended  
585 to read:

586 394.4985 Circuitwide ~~Districtwide~~ information and referral  
587 network; implementation.—

588 (1) Each circuit ~~service district~~ of the Department of  
589 Children and Families ~~Family Services~~ shall develop a detailed  
590 implementation plan for a circuitwide ~~districtwide~~ comprehensive  
591 child and adolescent mental health information and referral  
592 network to be operational by July 1, 1999. The plan must include  
593 an operating budget that demonstrates cost efficiencies and  
594 identifies funding sources for the circuit ~~district~~ information  
595 and referral network. The plan must be submitted by the  
596 department to the Legislature by October 1, 1998. The circuit  
597 ~~district~~ shall use existing circuit ~~district~~ information and  
598 referral providers if, in the development of the plan, it is  
599 concluded that these providers would deliver information and  
600 referral services in a more efficient and effective manner when  
601 compared to other alternatives. The circuit ~~district~~ information  
602 and referral network must include:

603 (a) A resource file that contains information about the  
604 child and adolescent mental health services as described in s.  
605 394.495, including, but not limited to:

- 606 1. Type of program;  
607 2. Hours of service;



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- 608           3. Ages of persons served;  
609           4. Program description;  
610           5. Eligibility requirements; and  
611           6. Fees.

612           (b) Information about private providers and professionals  
613 in the community which serve children and adolescents with an  
614 emotional disturbance.

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

- 618           1. Number of calls by type of service requested;  
619           2. Ages of the children and adolescents for whom services  
620 are requested; and  
621           3. Type of referral made by the network.

622           (d) The ability to share client information with the  
623 appropriate community agencies.

624           (e) The submission of an annual report to the department,  
625 the Agency for Health Care Administration, and appropriate local  
626 government entities, which contains information about the  
627 sources and frequency of requests for information, types and  
628 frequency of services requested, and types and frequency of  
629 referrals made.

630           (2) In planning the information and referral network, the  
631 circuit district shall consider the establishment of a 24-hour  
632 toll-free telephone number, staffed at all times, for parents  
633 and other persons to call for information that concerns child  
634 and adolescent mental health services and a community public  
635 service campaign to inform the public about information and  
636 referral services.



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

639 394.655 The Substance Abuse and Mental Health Corporation;  
640 powers and duties; composition; evaluation and reporting  
641 requirements.-

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

644 Section 16. Subsections (2) through (6) of section 394.67,  
645 Florida Statutes, are renumbered as subsections (4) and (8),  
646 respectively, and present subsections (7) and (8) are renumbered  
647 as subsections (2) and (3), respectively, and amended to read:

648 394.67 Definitions.-As used in this part, the term:

649 ~~(2)-(7)~~ "Circuit District administrator" means the person  
650 appointed by the Secretary of Children and Families ~~Family~~  
651 ~~Services~~ for the purpose of administering a department circuit  
652 ~~service-district~~ as set forth in s. 20.19.

653 ~~(3)-(8)~~ "Circuit District plan" or "plan" means the combined  
654 circuit district ~~district~~ substance abuse and mental health plan approved  
655 by the circuit district ~~district~~ administrator and governing bodies in  
656 accordance with this part.

657 Section 17. Section 394.73, Florida Statutes, is amended to  
658 read:

659 394.73 Joint alcohol, drug abuse, and mental health service  
660 programs in two or more counties.-

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

665 (2) In order to carry out the intent of this part and to



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666 provide alcohol, drug abuse, and mental health services in  
667 accordance with the circuit ~~district~~ plan, the counties within a  
668 circuit ~~service-district~~ may enter into agreements with each  
669 other for the establishment of joint service programs. The  
670 agreements may provide for the joint provision or operation of  
671 services and facilities or for the provision or operation of  
672 services and facilities by one participating county under  
673 contract with other participating counties.

674 (3) When a circuit ~~service-district~~ comprises two or more  
675 counties or portions thereof, it is the obligation of the  
676 planning council to submit to the governing bodies, prior to the  
677 budget submission date of each governing body, an estimate of  
678 the proportionate share of costs of alcohol, drug abuse, and  
679 mental health services proposed to be borne by each such  
680 governing body.

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

686 Section 18. Paragraph (a) of subsection (3) of section  
687 394.74, Florida Statutes, is amended to read:

688 394.74 Contracts for provision of local substance abuse and  
689 mental health programs.—

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

691 (a) A provision that, within the limits of available  
692 resources, substance abuse and mental health crisis services, as  
693 defined in s. 394.67(5)(3), shall be available to any individual  
694 residing or employed within the service area, regardless of



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695 ability to pay for such services, current or past health  
696 condition, or any other factor;

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

699 394.75 State and circuit ~~district~~ substance abuse and  
700 mental health plans.—

701 (10) The circuit ~~district~~ administrator shall ensure that  
702 the circuit ~~district~~ plan:

703 (a) Conforms to the priorities in the state plan, the  
704 requirements of this part, and the standards adopted under this  
705 part;

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

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

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

713 394.76 Financing of circuit ~~district~~ programs and  
714 services.—If the local match funding level is not provided in  
715 the General Appropriations Act or the substantive bill  
716 implementing the General Appropriations Act, such funding level  
717 shall be provided as follows:

718 (2) If in any fiscal year the approved state appropriation  
719 is insufficient to finance the programs and services specified  
720 by this part, the department shall have the authority to  
721 determine the amount of state funds available to each circuit  
722 ~~service-district~~ for such purposes in accordance with the  
723 priorities in both the state and circuit ~~district~~ plans. The



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724 ~~circuit district~~ administrator shall consult with the planning  
725 council to ensure that the summary operating budget conforms to  
726 the approved plan.

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

729 394.78 Operation and administration; personnel standards;  
730 procedures for audit and monitoring of service providers;  
731 ~~resolution of disputes.~~

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

736 Section 22. Subsections (3) and (4) of section 394.82,  
737 Florida Statutes, are amended to read:

738 394.82 Funding of expanded services.—

739 (3) Each fiscal year, any funding increases for crisis  
740 services or community mental health services that are included  
741 in the General Appropriations Act shall be appropriated in a  
742 lump-sum category as defined in s. 216.011(1)(aa). In accordance  
743 with s. 216.181(6)(a), the Executive Office of the Governor  
744 shall require the Department of Children and ~~Families~~ Family  
745 ~~Services~~ to submit a spending plan for the use of funds  
746 appropriated for this purpose. The spending plan must include a  
747 schedule for phasing in the new community mental health services  
748 in each circuit ~~service district~~ of the department and must  
749 describe how the new services will be integrated and coordinated  
750 with all current community-based health and human services.

751 (4) By January 1, 2004, the crisis services defined in s.  
752 394.67 (5) ~~(3)~~ shall be implemented, as appropriate, in the



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753 state's public community mental health system to serve children  
754 and adults who are experiencing an acute mental or emotional  
755 crisis, as defined in s. 394.67(17). By January 1, 2006, the  
756 mental health services defined in s. 394.67(15) shall be  
757 implemented, as appropriate, in the state's public community  
758 mental health system to serve adults and older adults who have a  
759 severe and persistent mental illness and to serve children who  
760 have a serious emotional disturbance or mental illness, as  
761 defined in s. 394.492(6).

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

764 394.9084 Florida Self-Directed Care program.—

765 (1) The Department of Children and Families ~~Family~~  
766 ~~Services~~, in cooperation with the Agency for Health Care  
767 Administration, may provide a client-directed and choice-based  
768 Florida Self-Directed Care program in all department circuits  
769 ~~service districts~~, in addition to the pilot projects established  
770 in district 4 and district 8, to provide mental health treatment  
771 and support services to adults who have a serious mental  
772 illness. The department may also develop and implement a client-  
773 directed and choice-based pilot project in one circuit ~~district~~  
774 to provide mental health treatment and support services for  
775 children with a serious emotional disturbance who live at home.  
776 If established, any staff who work with children must be  
777 screened under s. 435.04. The department shall implement a  
778 payment mechanism in which each client controls the money that  
779 is available for that client's mental health treatment and  
780 support services. The department shall establish interagency  
781 cooperative agreements and work with the agency, the Division of



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782 Vocational Rehabilitation, and the Social Security  
783 Administration to implement and administer the Florida Self-  
784 Directed Care program.

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

787 397.821 Juvenile substance abuse impairment prevention and  
788 early intervention councils.-

789 (1) Each judicial circuit as set forth in s. 26.021 may  
790 establish a juvenile substance abuse impairment prevention and  
791 early intervention council composed of at least 12 members,  
792 including representatives from law enforcement, the department,  
793 school districts, state attorney and public defender offices,  
794 the circuit court, the religious community, substance abuse  
795 impairment professionals, child advocates from the community,  
796 business leaders, parents, and high school students. However,  
797 those circuits which already have in operation a council of  
798 similar composition may designate the existing body as the  
799 juvenile substance abuse impairment prevention and early  
800 intervention council for the purposes of this section. Each  
801 council shall establish bylaws providing for the length of term  
802 of its members, but the term may not exceed 4 years. The circuit  
803 ~~substate entity~~ administrator, as defined in s. 20.19, and the  
804 chief judge of the circuit court shall each appoint six members  
805 of the council. The circuit ~~substate entity~~ administrator shall  
806 appoint a representative from the department, a school district  
807 representative, a substance abuse impairment treatment  
808 professional, a child advocate, a parent, and a high school  
809 student. The chief judge of the circuit court shall appoint a  
810 business leader and representatives from the state attorney's



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811 office, the public defender's office, the religious community,  
812 the circuit court, and law enforcement agencies.

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

815 394.9135 Immediate releases from total confinement;  
816 transfer of person ~~to department~~; time limitations on  
817 assessment, notification, and filing petition to hold in  
818 custody; filing petition after release.-

819 (1) If the anticipated release from total confinement of a  
820 person who has been convicted of a sexually violent offense  
821 becomes immediate for any reason, the agency with jurisdiction  
822 shall upon immediate release from total confinement transfer  
823 that person:

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

826 (b) To the custody of the Department of Children and  
827 Families ~~Family Services~~ to be held in an appropriate secure  
828 facility.

829  
830 The department shall put into place a memorandum of  
831 understanding with United States Immigration and Customs  
832 Enforcement to ensure that if Immigration and Customs  
833 Enforcement is unable to deport the person for any reason, the  
834 person shall be immediately transferred back to the custody of  
835 the department for civil commitment and further proceedings  
836 under this section.

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

839 402.313 Family day care homes.-



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840 (1) Family day care homes shall be licensed under this act  
841 if they are presently being licensed under an existing county  
842 licensing ordinance, if they are participating in the subsidized  
843 child care program, or if the board of county commissioners  
844 passes a resolution that family day care homes be licensed. If  
845 no county authority exists for the licensing of a family day  
846 care home and the county passes a resolution requiring  
847 licensure, the department shall have the authority to license  
848 family day care homes under contract with the county ~~for the~~  
849 ~~purchase of service system in the subsidized child care program.~~

850 (a) If not subject to license, family day care homes shall  
851 register annually with the department, providing the following  
852 information:

- 853 1. The name and address of the home.
- 854 2. The name of the operator.
- 855 3. The number of children served.
- 856 4. Proof of a written plan to provide at least one other  
857 competent adult to be available to substitute for the operator  
858 in an emergency. This plan shall include the name, address, and  
859 telephone number of the designated substitute.
- 860 5. Proof of screening and background checks.
- 861 6. Proof of successful completion of the 30-hour training  
862 course, as evidenced by passage of a competency examination,  
863 which shall include:
  - 864 a. State and local rules and regulations that govern child  
865 care.
  - 866 b. Health, safety, and nutrition.
  - 867 c. Identifying and reporting child abuse and neglect.
  - 868 d. Child development, including typical and atypical



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869 language development; and cognitive, motor, social, and self-  
870 help skills development.

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

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

878 7. Proof that immunization records are kept current.

879 8. Proof of completion of the required continuing education  
880 units or clock hours.

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

884 (c) The department may provide technical assistance to  
885 counties and family day care home providers to enable counties  
886 and family day care providers to achieve compliance with family  
887 day care homes standards.

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

890 402.315 Funding; license fees.—

891 (2) The county ~~department~~ shall bear the costs of the  
892 licensing of family day care homes when contracting with the  
893 department pursuant to s. 402.313(1) ~~child care facilities when~~  
894 ~~contracted to do so by a county or when directly responsible for~~  
895 ~~licensing in a county which fails to meet or exceed state~~  
896 ~~minimum standards.~~

897 Section 28. Subsection (2) of section 402.49, Florida



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898 Statutes, is amended to read:

899 402.49 Mediation process established.-

900 (2) (a) The department shall appoint at least one mediation  
901 panel in each of the department's circuits ~~service districts~~.  
902 Each panel shall have at least three and not more than five  
903 members and shall include a representative from the department,  
904 a representative of an agency that provides similar services to  
905 those provided by the agency that is a party to the dispute, and  
906 additional members who are mutually acceptable to the department  
907 and the agency that is a party to the dispute. Such additional  
908 members may include laypersons who are involved in advocacy  
909 organizations, members of boards of directors of agencies  
910 similar to the agency that is a party to the dispute, members of  
911 families of department clients, members of department planning  
912 councils in the area of services that are the subject of the  
913 dispute, and interested and informed members of the local  
914 community.

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

918 Section 29. Subsection (3) of section 409.152, Florida  
919 Statutes, is amended to read:

920 409.152 Service integration and family preservation.-

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

926 (a) Goals and objectives for integrating services for



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927 families and avoiding barriers to service integration,  
928 procedures for centralized intake and assessment, a  
929 comprehensive service plan for each family, and an evaluation  
930 method of program outcome.

931 (b) Recommendations for proposed changes to fiscal and  
932 substantive policies, regulations, and laws at local, circuit  
933 ~~district~~, and state delivery levels, including budget and  
934 personnel policies; purchasing flexibility and workforce  
935 incentives; discretionary resources; and incentives to reduce  
936 dependency on government programs and services.

937 (c) Strategies for creating partnerships with the  
938 community, clients, and consumers of services which establish,  
939 maintain, and preserve family units.

940 Section 30. Subsection (8) of section 409.1671, Florida  
941 Statutes, is amended to read:

942 409.1671 Foster care and related services; outsourcing.—

943 (8) Notwithstanding the provisions of s. 215.425, all  
944 documented federal funds earned for the current fiscal year by  
945 the department and community-based agencies which exceed the  
946 amount appropriated by the Legislature shall be distributed to  
947 all entities that contributed to the excess earnings based on a  
948 schedule and methodology developed by the department and  
949 approved by the Executive Office of the Governor. Distribution  
950 shall be pro rata based on total earnings and shall be made only  
951 to those entities that contributed to excess earnings. Excess  
952 earnings of community-based agencies shall be used only in the  
953 circuit ~~service district~~ in which they were earned. Additional  
954 state funds appropriated by the Legislature for community-based  
955 agencies or made available pursuant to the budgetary amendment



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956 process described in s. 216.177 shall be transferred to the  
957 community-based agencies. The department shall amend a  
958 community-based agency's contract to permit expenditure of the  
959 funds.

960 Section 31. Paragraph (a) of subsection (4) of section  
961 409.1755, Florida Statutes, is amended to read:

962 409.1755 One Church, One Child of Florida Corporation Act;  
963 creation; duties.—

964 (4) BOARD OF DIRECTORS.—

965 (a) The One Church, One Child of Florida Corporation shall  
966 operate subject to the supervision and approval of a board of  
967 directors consisting of 23 members, with two directors  
968 representing each circuit ~~service district~~ of the Department of  
969 Children and Families ~~Family Services~~ and one director who shall  
970 be an at-large member.

971 Section 32. Paragraph (a) of subsection (1) and subsection  
972 (2) of section 410.0245, Florida Statutes, are amended to read:

973 410.0245 Study of service needs; report; multiyear plan.—

974 (1) (a) The Adult Protection ~~Services~~ Program Office of the  
975 Department of Children and Families ~~Family Services~~ shall  
976 contract for a study of the service needs of the 18-to-59-year-  
977 old disabled adult population served or waiting to be served by  
978 the community care for disabled adults program. The Division of  
979 Vocational Rehabilitation of the Department of Education and  
980 other appropriate state agencies shall provide information to  
981 the Department of Children and Families ~~Family Services~~ when  
982 requested for the purposes of this study.

983 (2) Based on the findings of the study, the Adult  
984 Protection ~~Services~~ Program of the Department of Children and



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985 Families ~~Family Services~~ shall develop a multiyear plan which  
986 shall provide for the needs of disabled adults in this state and  
987 shall provide strategies for statewide coordination of all  
988 services for disabled adults. The multiyear plan shall include  
989 an inventory of existing services and an analysis of costs  
990 associated with existing and projected services. The multiyear  
991 plan shall be presented to the Governor, the President of the  
992 Senate, and the Speaker of the House of Representatives every 3  
993 years on or before March 1, beginning in 1992. On or before  
994 March 1 of each intervening year, the department shall submit an  
995 analysis of the status of the implementation of each element of  
996 the multiyear plan, any continued unmet need, and the  
997 relationship between that need and the department's budget  
998 request for that year.

999 Section 33. Subsections (1) and (2) of section 410.603,  
1000 Florida Statutes, are renumbered as subsections (2) and (3),  
1001 respectively, and present subsection (3) of that section is  
1002 renumbered as subsection (1) and amended to read:

1003 410.603 Definitions relating to Community Care for Disabled  
1004 Adults Act.—As used in ss. 410.601-410.606:

1005 ~~(1)-(3)~~ "Circuit District" means a specified geographic  
1006 service area that conforms to the judicial circuits established  
1007 in s. 26.021, as defined in s. 20.19, in which the programs of  
1008 the department are administered and services are delivered.

1009 Section 34. Subsection (2) of section 410.604, Florida  
1010 Statutes, is amended to read:

1011 410.604 Community care for disabled adults program; powers  
1012 and duties of the department.—

1013 (2) Any person who meets the definition of a disabled adult



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1014 pursuant to s. 410.603(3)(2) is eligible to receive the services  
1015 of the community care for disabled adults program. However, the  
1016 community care for disabled adults program shall operate within  
1017 the funds appropriated by the Legislature. Priority shall be  
1018 given to disabled adults who are not eligible for comparable  
1019 services in programs of or funded by the department or the  
1020 Division of Vocational Rehabilitation of the Department of  
1021 Education; who are determined to be at risk of  
1022 institutionalization; and whose income is at or below the  
1023 existing institutional care program eligibility standard.

1024 Section 35. Section 411.224, Florida Statutes, is amended  
1025 to read:

1026 411.224 Family support planning process.—The Legislature  
1027 establishes a family support planning process to be used by the  
1028 Department of Children and Families ~~Family Services~~ as the  
1029 service planning process for targeted individuals, children, and  
1030 families under its purview.

1031 (1) The Department of Education shall take all appropriate  
1032 and necessary steps to encourage and facilitate the  
1033 implementation of the family support planning process for  
1034 individuals, children, and families within its purview.

1035 (2) To the extent possible within existing resources, the  
1036 following populations must be included in the family support  
1037 planning process:

1038 (a) Children from birth to age 5 who are served by the  
1039 clinic and programs of the Division of Children's Medical  
1040 Services of the Department of Health.

1041 (b) Children participating in the developmental evaluation  
1042 and intervention program of the Division of Children's Medical



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1043 Services of the Department of Health.

1044 (c) Children from age 3 through age 5 who are served by the  
1045 Agency for Persons with Disabilities.

1046 (d) Children from birth through age 5 who are served by the  
1047 Mental Health Program Office of the Department of Children and  
1048 Families ~~Family Services~~.

1049 (e) Participants who are served by the Children's Early  
1050 Investment Program established in s. 411.232.

1051 (f) Healthy Start participants in need of ongoing service  
1052 coordination.

1053 (g) Children from birth through age 5 who are served by the  
1054 voluntary family services, protective supervision, foster care,  
1055 or adoption and related services programs of the Child Care  
1056 Licensure ~~Services~~ Program Office of the Department of Children  
1057 and Families ~~Family Services~~, and who are eligible for ongoing  
1058 services from one or more other programs or agencies that  
1059 participate in family support planning; however, children served  
1060 by the voluntary family services program, where the planned  
1061 length of intervention is 30 days or less, are excluded from  
1062 this population.

1063 (3) When individuals included in the target population are  
1064 served by Head Start, local education agencies, or other  
1065 prevention and early intervention programs, providers must be  
1066 notified and efforts made to facilitate the concerned agency's  
1067 participation in family support planning.

1068 (4) Local education agencies are encouraged to use a family  
1069 support planning process for children from birth through 5 years  
1070 of age who are served by the prekindergarten program for  
1071 children with disabilities, in lieu of the Individual Education



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1072 Plan.

1073 (5) There must be only a single-family support plan to  
1074 address the problems of the various family members unless the  
1075 family requests that an individual family support plan be  
1076 developed for different members of that family. The family  
1077 support plan must replace individual habilitation plans for  
1078 children from 3 through 5 years old who are served by the Agency  
1079 for Persons with Disabilities.

1080 (6) The family support plan at a minimum must include the  
1081 following information:

1082 (a) The family's statement of family concerns, priorities,  
1083 and resources.

1084 (b) Information related to the health, educational,  
1085 economic and social needs, and overall development of the  
1086 individual and the family.

1087 (c) The outcomes that the plan is intended to achieve.

1088 (d) Identification of the resources and services to achieve  
1089 each outcome projected in the plan. These resources and services  
1090 are to be provided based on availability and funding.

1091 (7) A family support plan meeting must be held with the  
1092 family to initially develop the family support plan and annually  
1093 thereafter to update the plan as necessary. The family includes  
1094 anyone who has an integral role in the life of the individual or  
1095 child as identified by the individual or family. The family  
1096 support plan must be reviewed periodically during the year, at  
1097 least at 6-month intervals, to modify and update the plan as  
1098 needed. Such periodic reviews do not require a family support  
1099 plan team meeting but may be accomplished through other means  
1100 such as a case file review and telephone conference with the



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1101 family.

1102 (8) The initial family support plan must be developed  
1103 within a 90-day period. If exceptional circumstances make it  
1104 impossible to complete the evaluation activities and to hold the  
1105 initial family support plan team meeting within a reasonable  
1106 time period, these circumstances must be documented, and the  
1107 individual or family must be notified of the reason for the  
1108 delay. With the agreement of the family and the provider,  
1109 services for which either the individual or the family is  
1110 eligible may be initiated before the completion of the  
1111 evaluation activities and the family support plan.

1112 (9) The Department of Children and Families ~~Family~~  
1113 ~~Services~~, the Department of Health, and the Department of  
1114 Education, to the extent that funds are available, must offer  
1115 technical assistance to communities to facilitate the  
1116 implementation of the family support plan.

1117 (10) The Department of Children and Families ~~Family~~  
1118 ~~Services~~, the Department of Health, and the Department of  
1119 Education shall adopt rules necessary to implement this act.

1120 Section 36. Section 414.24, Florida Statutes, is amended to  
1121 read:

1122 414.24 Integrated welfare reform and child welfare  
1123 services.—The department shall develop integrated service  
1124 delivery strategies to better meet the needs of families subject  
1125 to work activity requirements who are involved in the child  
1126 welfare system or are at high risk of involvement in the child  
1127 welfare system. To the extent that resources are available, the  
1128 department and the Department of Labor and Employment Security  
1129 shall provide funds to one or more circuits ~~service districts~~ to



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1130 promote development of integrated, nonduplicative case  
1131 management within the department, the Department of Labor and  
1132 Employment Security, other participating government agencies,  
1133 and community partners. Alternative delivery systems shall be  
1134 encouraged which include well-defined, pertinent outcome  
1135 measures. Other factors to be considered shall include  
1136 innovation regarding training, enhancement of existing  
1137 resources, and increased private sector and business sector  
1138 participation.

1139 Section 37. Subsection (8) of section 415.1113, Florida  
1140 Statutes, is amended to read:

1141 415.1113 Administrative fines for false report of abuse,  
1142 neglect, or exploitation of a vulnerable adult.-

1143 (8) All amounts collected under this section must be  
1144 deposited into the Operations and Maintenance Trust Fund within  
1145 the Adult Protection Services Program of the department.

1146 Section 38. Subsections (1) through (3) of section 420.621,  
1147 Florida Statutes, are renumbered as subsections (2) through (4),  
1148 respectively, and present subsection (4) of that section is  
1149 renumbered as subsection (1) and amended to read:

1150 420.621 Definitions.-As used in ss. 420.621-420.628, the  
1151 term:

1152 (1)(4) "Circuit District" means a specified geographic  
1153 service area that conforms to the judicial circuits established  
1154 in s. 26.021 ~~service district of the department, as set forth in~~  
1155 ~~s. 20.19.~~

1156 Section 39. Subsection (1) of section 420.622, Florida  
1157 Statutes, is amended to read:

1158 420.622 State Office on Homelessness; Council on



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1159 Homelessness.—

1160 (1) The State Office on Homelessness is created within the  
1161 Department of Children and Families ~~Family Services~~ to provide  
1162 interagency, council, and other related coordination on issues  
1163 relating to homelessness. ~~An executive director of the office~~  
1164 ~~shall be appointed by the Governor.~~

1165 Section 40. Subsection (4) of section 420.623, Florida  
1166 Statutes, is amended to read:

1167 420.623 Local coalitions for the homeless.—

1168 (4) ANNUAL REPORTS.—The department shall submit to the  
1169 Governor, the Speaker of the House of Representatives, and the  
1170 President of the Senate, by June 30, an annual report consisting  
1171 of a compilation of data collected by local coalitions, progress  
1172 made in the development and implementation of local homeless  
1173 assistance continuums of care plans in each circuit ~~district~~,  
1174 local spending plans, programs and resources available at the  
1175 local level, and recommendations for programs and funding.

1176 Section 41. Subsections (4) through (8) of section 420.625,  
1177 Florida Statutes, are amended to read:

1178 420.625 Grant-in-aid program.—

1179 (4) APPLICATION PROCEDURE.—Local agencies shall submit an  
1180 application for grant-in-aid funds to the circuit ~~district~~  
1181 administrator for review. During the first year of  
1182 implementation, circuit ~~district~~ administrators shall begin to  
1183 accept applications for circuit ~~district~~ funds no later than  
1184 October 1, 1988, and by August 1 of each year thereafter for  
1185 which funding for this section is provided. Circuit ~~District~~  
1186 funds shall be made available to local agencies no more than 30  
1187 days after the deadline date for applications for each funding



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- 1188 cycle.
- 1189 (5) SPENDING PLANS.—The department shall develop guidelines  
1190 for the development of spending plans and for the evaluation and  
1191 approval by circuit ~~district~~ administrators of spending plans,  
1192 based upon such factors as:
- 1193 (a) The demonstrated level of need for the program.
- 1194 (b) The demonstrated ability of the local agency or  
1195 agencies seeking assistance to deliver the services and to  
1196 assure that identified needs will be met.
- 1197 (c) The ability of the local agency or agencies seeking  
1198 assistance to deliver a wide range of services as enumerated in  
1199 subsection (3).
- 1200 (d) The adequacy and reasonableness of proposed budgets and  
1201 planned expenditures, and the demonstrated capacity of the local  
1202 agency or agencies to administer the funds sought.
- 1203 (e) A statement from the local coalition for the homeless  
1204 as to the steps to be taken to assure coordination and  
1205 integration of services in the circuit ~~district~~ to avoid  
1206 unnecessary duplication and costs.
- 1207 (f) Assurances by the local coalition for the homeless that  
1208 alternative funding strategies for meeting needs through the  
1209 reallocation of existing resources, utilization of volunteers,  
1210 and local government or private agency funding have been  
1211 explored.
- 1212 (g) The existence of an evaluation component designed to  
1213 measure program outcomes and determine the overall effectiveness  
1214 of the local programs for the homeless for which funding is  
1215 sought.
- 1216 (6) ALLOCATION OF GRANT FUNDS TO CIRCUITS ~~DISTRICTS~~.—State



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1217 grant-in-aid funds for local initiatives for the homeless shall  
1218 be allocated by the department to, and administered by,  
1219 department circuits ~~districts~~. Allocations shall be based upon  
1220 sufficient documentation of:

1221 (a) The magnitude of the problem of homelessness in the  
1222 circuit ~~district~~, and the demonstrated level of unmet need for  
1223 services in the circuit ~~district~~ for those who are homeless or  
1224 are about to become homeless.

1225 (b) A strong local commitment to seriously address the  
1226 problem of homelessness as evidenced by coordinated programs  
1227 involving preventive, emergency, and transitional services and  
1228 by the existence of active local organizations committed to  
1229 serving those who have become, or are about to become, homeless.

1230 (c) Agreement by local government and private agencies  
1231 currently serving the homeless not to reduce current  
1232 expenditures for services presently provided to those who are  
1233 homeless or are about to become homeless if grant assistance is  
1234 provided pursuant to this section.

1235 (d) Geographic distribution of circuit ~~district~~ programs to  
1236 ensure that such programs serve both rural and urban areas, as  
1237 needed.

1238 (7) DISTRIBUTION TO LOCAL AGENCIES.—Circuit ~~District~~ funds  
1239 so allocated shall be available for distribution by the circuit  
1240 ~~district~~ administrator to local agencies to fund programs such  
1241 as those set forth in subsection (3), based upon the  
1242 recommendations of the local coalitions in accordance with  
1243 spending plans developed by the coalitions and approved by the  
1244 circuit ~~district~~ administrator. Not more than 10 percent of the  
1245 total state funds awarded under a spending plan may be used by



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1246 the local coalition for staffing and administration.

1247 (8) LOCAL MATCHING FUNDS.—Entities contracting to provide  
1248 services through financial assistance obtained under this  
1249 section shall provide a minimum of 25 percent of the funding  
1250 necessary for the support of project operations. In-kind  
1251 contributions, whether materials, commodities, transportation,  
1252 office space, other types of facilities, or personal services,  
1253 and contributions of money or services from homeless persons may  
1254 be evaluated and counted as part or all of this required local  
1255 funding, in the discretion of the circuit ~~district~~  
1256 administrator.

1257 Section 42. Subsection (2) of section 429.35, Florida  
1258 Statutes, is amended to read:

1259 429.35 Maintenance of records; reports.—

1260 (2) Within 60 days after the date of the biennial  
1261 inspection visit required under s. 408.811 or within 30 days  
1262 after the date of any interim visit, the agency shall forward  
1263 the results of the inspection to the local ombudsman council in  
1264 whose planning and service area, as defined in part II of  
1265 chapter 400, the facility is located; to at least one public  
1266 library or, in the absence of a public library, the county seat  
1267 in the county in which the inspected assisted living facility is  
1268 located; and, when appropriate, to the circuit ~~district~~ Adult  
1269 Protection Services and Mental Health Program Offices.

1270 Section 43. Paragraph (d) of subsection (3) of section  
1271 1002.67, Florida Statutes, is amended to read:

1272 1002.67 Performance standards; curricula and  
1273 accountability.—

1274 (3)



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1275 (d) Each early learning coalition, the Agency for Workforce  
1276 Innovation, and the department shall coordinate with the Child  
1277 Care Licensure Services Program Office of the Department of  
1278 Children and Families ~~Family Services~~ to minimize interagency  
1279 duplication of activities for monitoring private prekindergarten  
1280 providers for compliance with requirements of the Voluntary  
1281 Prekindergarten Education Program under this part, the school  
1282 readiness programs under s. 411.01, and the licensing of  
1283 providers under ss. 402.301-402.319.

1284 Section 44. Sections 39.311, 39.312, 39.313, 39.314,  
1285 39.315, 39.316, 39.317, 39.318, 394.9083, and 402.35, Florida  
1286 Statutes, are repealed.

1287 Section 45. The Division of Statutory Revision of the Joint  
1288 Legislative Management Committee is directed to prepare a  
1289 reviser's bill for introduction at a subsequent session of the  
1290 Legislature to change the term "Department of Children and  
1291 Family Services" to "Department of Children and Families," the  
1292 term "Secretary of Children and Family Services" to "Secretary  
1293 of Children and Families," and the term "district administrator"  
1294 to "circuit administrator," as that term relates to the  
1295 responsibilities of the Department of Children and Families,  
1296 wherever that term appears in the Florida Statutes.

1297 Section 46. The Agency for Persons with Disabilities is  
1298 directed to prepare a plan that will enable it to perform all of  
1299 its own administrative and operational functions separate from  
1300 the Department of Children and Family Services by July 1, 2015.  
1301 The plan must identify resource requirements and a timeframe for  
1302 completing the transfer of responsibilities from the Department  
1303 of Children and Family Services, including submittal of a



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1304 detailed justification for each position the agency estimates it  
1305 would need to become administratively self-sufficient; an  
1306 analysis of each function to determine if the Department of  
1307 Children and Family Services could provide the service more  
1308 efficiently on a reimbursed cost basis through an interagency  
1309 agreement; and an estimate of the costs and benefits to be  
1310 derived through the separation. The Department of Children and  
1311 Family Services is directed to cooperate with the agency in  
1312 preparing the plan. The plan shall be presented to the Speaker  
1313 of the House of Representatives, the President of the Senate,  
1314 and the appropriate substantive committees by January 15, 2011.

1315 Section 47. The Department of Children and Families,  
1316 through its Office of General Counsel and in consultation with  
1317 its contracted legal services providers and lead agency  
1318 administrators, shall define the types of legal services  
1319 associated with dependency proceedings. These legal services  
1320 include, but are not limited to, service of process, court  
1321 reporter and transcription services, expert witnesses, and legal  
1322 publication. The department shall delineate the specific costs  
1323 each lead agency will pay for those defined legal services, and  
1324 by contract amendment, modify lead agency funding amounts to  
1325 shift funding and responsibility for those costs to the  
1326 department through its Office of General Counsel.

1327 Section 48. The Department of Children and Families is  
1328 directed to establish a procedure to assist undocumented aliens  
1329 forensically committed in mental health institutions as  
1330 incompetent to proceed to return to their country of origin. The  
1331 procedure should include guidelines to identify appropriate  
1332 candidates and a process to facilitate their voluntary



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1333 repatriation.

1334       Section 49. The Department of Children and Families is  
1335 directed to institute a program, modeled on the Department of  
1336 Corrections' Institutional Hearing Program, to improve  
1337 coordination with United States Immigration and Customs  
1338 Enforcement to identify undocumented aliens in mental health  
1339 institutions for whom removal may be appropriate. The program  
1340 should allow undocumented aliens of any commitment status in  
1341 state mental health treatment facilities to be identified and  
1342 the removal process initiated early in their commitment.

1343       Section 50. This act shall take effect July 1, 2010.